

## SECOND / THIRD READINGS SUMMARY SHEET

CASE: C14-2019-0151– The Colorfield

DISTRICT: 9

ADDRESS: 1006 Baylor Street

PROPERTY OWNER: Colorfield, LLC Bryan Cumby)

CASE MANAGER: Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov))

REQUEST:

**APPROVE Second and Third Readings**

**From multifamily residence high density – conditional overlay – neighborhood plan (MF-5-CO-NP)**

**To multifamily residence – highest density – conditional overlay – neighborhood plan (MF-6-CO-NP)**

PREVIOUS CITY COUNCIL ACTION:

**March 26, 2020: Scheduled for 2<sup>nd</sup> / 3<sup>rd</sup> Readings**

**February 20, 2020: APPROVED MF-6-CO-NP DISTRICT ZONING ON FIRST READING. VOTE: 10-0, COUNCIL MEMBER CASAR-OFF DAIS.**

ORDINANCE NUMBER:

ISSUES:

At their February 20, 2020 meeting, Council directed staff to meet between First and Second Readings to determine if there is a feasible solution to providing pedestrian connectivity on city ROW between Baylor Street and Blanco Street. The existing ROW is between 10<sup>th</sup> and 11<sup>th</sup> Streets and provides alley access to properties near Blanco. If a feasible alternative does exist, Council requests that staff provide a recommendation for an appropriate cost-share with the applicant. Austin Transportation Department took the lead and is drafting a memo to discuss their analysis of the connectivity options near the Colorfield development.

The applicant accepted the 60-foot height limit recommended by staff. Staff noted that the 25-foot setback from the north property line requested by Planning Commission duplicates a requirement of the Land Development Code Compatibility Standards that would keep the new building back 25 feet from the north property line. Also, the applicant noted that the Planning Commission request to keep the area unfenced interferes with the owner's ability to secure their property. A Planning Commission proposed pedestrian path in the area reserved for compatibility conflicts with the purpose of the compatibility standard.

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2019-0151– The Colorfield**DISTRICT:** 9**ZONING FROM:** MF-5-CO-NP**TO:** MF-6-NP**ADDRESS:** 1006 Baylor Street**SITE AREA:** 0.6733 acres (29,330 sq. ft.)**PROPERTY OWNER:**

Colorfield, LLC (Bryan Cumby)

**AGENT:**

Alice Glasco Consulting (Alice Glasco)

**CASE MANAGER:** Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov))**STAFF RECOMMENDATION:**

The Staff recommendation is to grant multifamily residence highest density - conditional overlay– neighborhood plan (MF-6-CO-NP) combining district zoning. The recommended conditional overlay would limit building height to 60 feet. For a summary of the basis of staff's recommendation, see case manager comments on page 2..

**PLANNING COMMISSION ACTION / RECOMMENDATION:**

*January 28, 2020: APPROVED MF-6-CO-NP DISTRICT ZONING AS STAFF RECOMMENDED WITH ADDITIONAL CONDITIONS OF 1) 25 FOOT BUILDING SETBACK ALONG NORTH PROPERTY LINE, EXCEPT FOR UTILITY WORK AND RETAINING WALL; 2) UNFENCED POTENTIAL FUTURE BIKE/ PEDESTRIAN ACCESS.*

*[C. KENNY, A. AZHAR-2<sup>ND</sup>](7-3) R. SCHNEIDER; T. SHAW; J. THOMPSON-NAY. C. HEMPEL OFF THE DAIS, C. LLANES- PULIDO, P. SEEGER-ABSENT*

**CITY COUNCIL ACTION:**

*March 26, 2020:*

*FEBRUARY 20, 2020: APPROVED MF-6-CO-NP DISTRICT ZONING WITH THE CONDITIONAL OVERLAY LIMITING BUILDING HEIGHT TO 60 FEET ON FIRST READING. [K. TOVO, L. POOL-2<sup>ND</sup>](10-0) G. CASAR OFF DAIS. NOTE: PUBLIC HEARING REMAINS OPEN.*

**ORDINANCE NUMBER:****ISSUES**

At their February 20, 2020 meeting, Council directed staff to meet between First and Second Readings to determine if there is a feasible solution to providing pedestrian connectivity on city ROW between Baylor Street and Blanco Street. The existing ROW is between 10<sup>th</sup> and 11<sup>th</sup> Streets and provides alley access to properties near Blanco. If a feasible alternative does exist, Council requests that staff provide a recommendation for an appropriate cost-share with the applicant. Meetings were held. Bryan Golden in Austin Traffic Engineering is preparing a response.

Neighbors are concerned about compatibility of the new buildings with existing residences and also height that could block the views of downtown or of the historic landmark Castle building from Lamar Street. Applicant is aware of neighborhood concerns and is designing the buildings to reduce impacts on nearby properties.

**CASE MANAGER COMMENTS:**

The site is approximately two-thirds of an acre (29,330 sq. ft.). The moderately steep sloped site fronts on Baylor Street and has foundations from a previous development. This lot is accessible from North Lamar Blvd. via West 11<sup>th</sup> Street.

The subject land was rezoned in 2007 (C14-2007-0201) to multi-family residential high density (MF-5) with conditions. The conditions applied to the subject property and to the adjacent property to the west which were in common ownership for that rezoning. Conditions:

1) The traffic impact of the uses on the two properties were not to exceed 2000 trips per day, 2) the total number of dwelling units on the 2 properties was not to exceed 28, and 3) the density (for both lots) was not to exceed 33.5 dwelling units per acre.

The site is locally well known as (part of) the Graffiti Park and is the former site of Hope outdoor gallery which relocated to southeast Austin in 2019. The other lot of the Graffiti Park is also seeking rezoning to the MF-6 zone district. The applicant proposes to build residential condominiums on the subject lot. The Floor to Area Ratio (FAR) available in the MF-5 zone district is 1:1 and the FAR in the proposed MF-6 is 1.5:1. Height in the existing MF-5 zone is limited to 60 feet and in the proposed MF-6 height is limited to 90 feet.

The subject site is near the Downtown Austin Regional Center where highest intensity uses are anticipated and the Lamar Activity Corridor which supports connectivity. The subject site is within the Old West Austin Neighborhood Area (OWNA) which does not have a Future Land Use Map (FLUM). Nevertheless the proposal is to rezone from a lower to a higher intensity residential zoning. Ordinarily this would entail building more dwelling units and more height. In this case, the applicant is proposing only ten dwelling units and is planning to limit the height to three stories over parking rather than using the 90 foot height limits of the proposed MF-6 zone district. The resulting building is lower than characteristic of MF-6 but with the requested 1.5:1 FAR limit, the units will be larger than permitted in the existing MF-5 zone district. The result is lower buildings that help preserve the view of the Castle historic landmark and compatibility with existing residential uses near the site. While the neighborhood plan does not support any increased intensity of zoning within OWNA boundaries, there is support for housing variety which the current proposal provides.

Although the applicant has shared some information about proposed building massing and expressed their intentions of meeting compatibility standards, those issues are Site Plan review issues. Staff supports limiting height to 60 feet or compatibility standards whichever standard is more restrictive to provide some reassurance to the neighborhood. Based on the subject site's proximity to the Downtown Austin Activity Center and the North Lamar Commercial and Transportation Corridor, this proposal is consistent with encouraging infill residential development in compact and connected locations with employment, retail, community services, parks and recreation options served by transit.

**BASIS OF RECOMMENDATION:**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Multifamily residence- highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

The site is centrally located near downtown Austin and within a block of the transportation and commercial facilities of North Lamar Boulevard.

2. *Zoning should allow for reasonable use of the property.*

Applicant is proposing a total of 10 residential units for the subject site. The proposed buildings would be 2 and 3 stories over parking to maintain views of downtown from the properties west of the subject site and compatibility with single family dwellings north of the subject site. MF-6 provides more FAR and allows more impervious cover which may offset the need for building height in this case.

3. *Zoning should be consistent with approved and existing residential densities.*

The existing MF-5 zone district permits up to 54 units per acre. On the subject, two-thirds of an acre site that would be up to 36 dwelling units. Applicant proposes building up to 10 units.

**EXISTING ZONING AND LAND USES:**

	Zoning	Land Uses
Site	MF-5-CO-NP	Fenced, former outdoor gallery
North	GO-NP	Single & multifamily residential, office
South	MF-4-HD-NP, SF-3-HD-NP,	Multifamily residential
East	CS-MU-V-CO-NP	Retail, personal services, restaurant and office
West	LO-MU-H-CO-HD-NP, MF-4-HD-NP, SF-3-HD-MP	Vacant (foundations), Historic building (The Castle), office, residential and single family residential in historic district.

**NEIGHBORHOOD PLANNING AREA:** Old West Austin

**TIA:** Not Required

**WATERSHED:** Shoal Creek – Urban

**CAPITOL VIEW CORRIDOR:** Not applicable

**HILL COUNTRY ROADWAY:** Not applicable

**SCHOOLS:**

Mathews Elementary

O. Henry Middle

Austin H.S.

**NEIGHBORHOOD ORGANIZATIONS**

Austin Independent School District  
 Austin Neighborhoods Council  
 Friends of Austin Neighborhoods  
 Neighborhood Empowerment Foundation  
 SEL Texas  
 Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group  
 Homeless Neighborhood Association

Old West Austin Neighborhood Assn.  
 Old West Austin Neighborhood Plan Contact Team  
 Preservation Austin  
 Austin Lost and Found Pets  
 Bike Austin

**AREA CASE HISTORIES:**

Number	Request	Commission	City Council
C14-02-0112 300 ½ Lamar Blvd	Old West Austin Neighborhood Plan Combining District. Add NP combining district to each base zoning district within the property for approximately 416 acres of land in Austin. Lists of special uses and conditional units by Tract.	To Grant	(09/26/2002) Apvd.
C14-2007-0201 1008 Baylor Street	From MF-4 – NP to MF-5-NP Baylor Condos and The Castle on West 11 <sup>th</sup> Street.	To Grant	(12/13/2007) Apvd.
C14-2019-0152 1109 West 11 <sup>th</sup> Street	Tract 1: From MF-5-CO-NP to MF-6 NP for residential condos. Tract 2: from SF-3-H-NP and LO-H-NP to LO-MU-H-CO-NP (for The Castle).	Scheduled 01/28/20	Scheduled 02/20/20
C14H-2010-0006	Castle Hill Historic District Formerly Blanco Street Historic	To Grant	(09/30/2010) Apvd.
C14H-77-026	TMI (Texas Military Institute) Castle. Correct a legal description by deleting lots 7 and 8 and substituting lots 6 and 7 for the referenced case.	To Grant	(06/03/1980) Apvd.

**RELATED CASES:**

C14-2007-0201 rezoned from MF-4-NP to MF-5-CO-NP on December 13, 2007.

**OTHER STAFF COMMENTS:****Comprehensive Planning:**

The subject tract for this zoning case is located 450 feet west of Downtown Austin, which is a **Regional Center** and 350 feet west of the North Lamar Boulevard, which is an **Activity Corridor**. The 0.67 acres property is located within the boundaries of the ***Old West Austin Neighborhood Plan*** area on the former site of ‘graffiti park.’

Surrounding land uses includes an office and single family housing to the north; to the south is single family housing; to the east are retail, office and commercial uses; and to the west is an office building and single family housing. The request is to upzone the property to construct a ten unit condominium project.

**Connectivity:** Baylor Street has public sidewalks located intermittently along its length. Public transit is located approximately 500 feet from the subject property on North Lamar Boulevard. The connectivity options in this area, which is located next to Downtown Austin, is above average.

**OLD WEST AUSTIN PLAN:**

The Old West Austin Neighborhood Plan (OWANP) does not have a Future Land Use Map. However, an excerpt from the vision of this plan states, “Maintaining diversity will mean finding ways to promote construction of moderately-priced housing. To this end, the Neighborhood Planning Team recommends allowing compatible infill development within the neighborhood (new garage apartments and second units, and the use of existing small lots) p. 11.

Below is text and policies excerpted from the OWANP, which references housing issues in the planning area.

**Obj 2.2** – Protect current pattern of single family uses in neighborhood.  
(pg. 27)

**Action 6:** If requested by the property owner, allow voluntary zoning rollback on multifamily zoning (on land that currently has single-family uses), by providing a no-cost zoning rollback. The neighborhood has approximately 340 parcels in single-family use with multifamily zoning. This zoning presents a threat to continued single family uses.

**Goal 3** – Maintain Social and Economic Diversity of Residents (p 28)

**Obj. 3.1** - Provide Additional Moderately-Priced Housing

**Smart Housing:** The neighborhood plan supports SMART Housing (Safe, Mixed-income, Accessible, Reasonably-priced, and Transit-oriented), to increase and maintain diversity in Old West Austin. Rather than simply attracting high-end residential development, the neighborhood would also like to attract housing for a variety of income levels, including police officers, fire fighters, teachers, and nurses. (pg. 29) **Rezoning Proposals:** This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophecy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents.

Any proposed rezoning should be consistent with the land use and zoning proposals of this plan. The boundaries of the districts described below are illustrated in the map "Old West Austin Neighborhood Plan – Neighborhood Districts." (pg. 30)

**Residential Core** (See the attached Neighborhood District Map, which identifies the Residential Core as the area bounded by Enfield, Newfield, the rear lot line of the first lot on the north side of 6th Street, the rear lot line of the first lot on the west side of Lamar from W. 6th to the alley between 9th and 10th, then continuing on Baylor from the alley between 9th and 10th, to 12th, from the rear lot line of the first lot on the west side of Lamar from 12th to Parkway, from the rear lot line of the first lot on the west side of Parkway from Lamar to Baylor, along Lamar (facing Pease Park) from Parkway to 15th Street (excluding the first 3 southern-most lots of this section), and finally along 15th Street to Enfield) 1201 and 1203 Baylor Street are excluded from the Residential Core. No zoning changes to a more permissive zoning Old West Austin Neighborhood Plan (31 June 2000) category should be permitted, with the exception of 1008 Baylor Street and 1111 W. 11th Street due to consideration of conditions that insure compatibility with a residential character of the core. Preservation of existing older residential structures is strongly encouraged. (pgs. 30 – 31)

*Text: Some parts of the neighborhood cannot tolerate additional cut-through traffic. Baylor Street is heavily impacted by the commercial development at 6th and Lamar. The neighborhood planning team is concerned that commercial traffic on the neighborhood's eastern edge is creating an untenable situation for residents. OWANA and the City of Austin will work with residences and business to find an optimal solution to the transportation needs of both parties. We must protect the perimeters of our neighborhood. (pg. 33)*

While it is not known whether these condominium units will be moderately priced, there is a need for a mix of residential uses in the planning area and therefore this residential project appears to partially support OWANP policies.

**IMAGINE AUSTIN:**

The subject property is located just outside the boundaries of Downtown Austin, a **Regional Center** and close to the **North Lamar Activity Corridor** as identified on the Imagine Austin's Growth Concept Map. Like many Imagine Austin Centers, this center is represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process. The Imagine Austin Comprehensive Plan identifies North Lamar Boulevard as an

Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites.

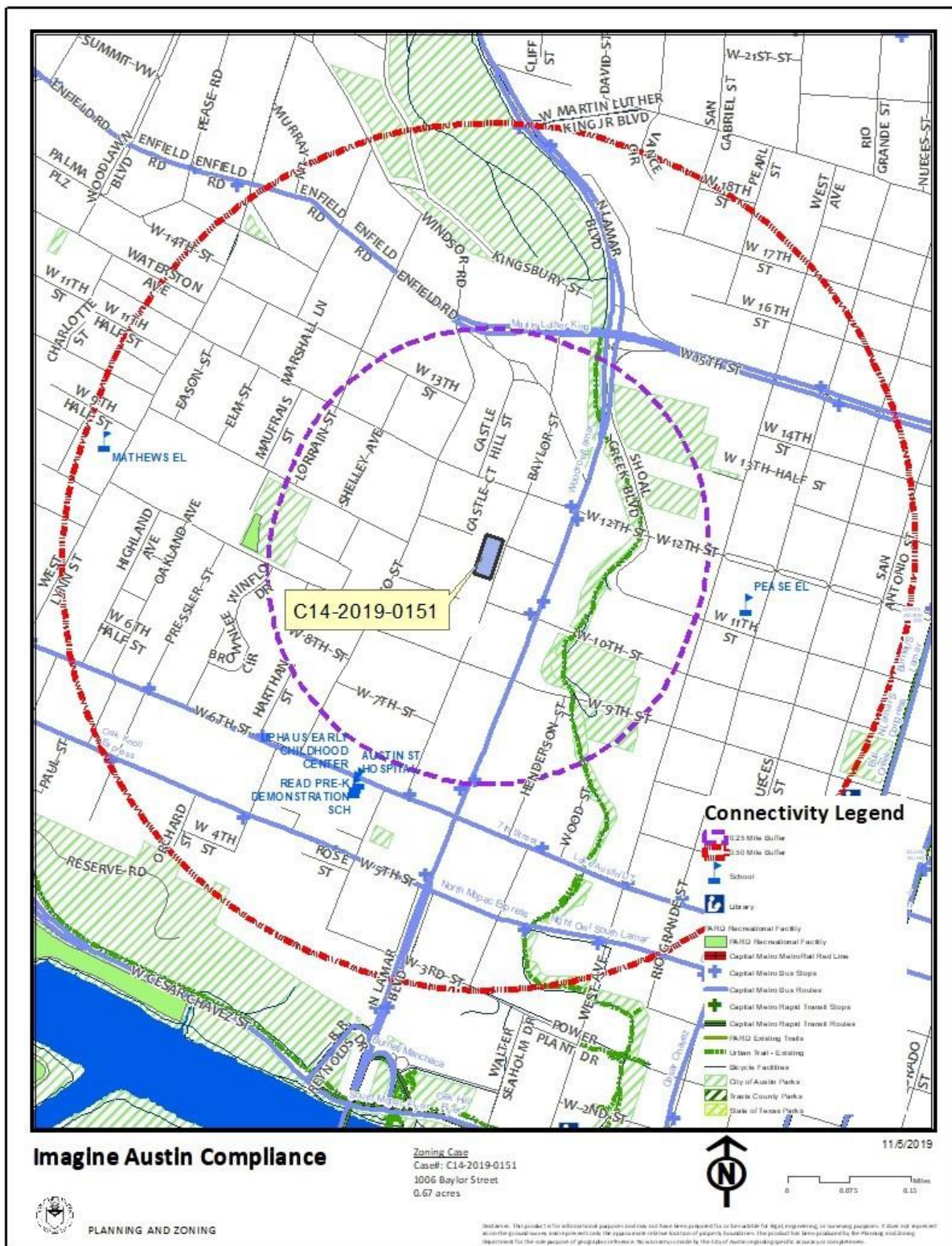
The following Imagine Austin policies are also applicable to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

**ANALYSIS AND CONCLUSION**

The Imagine Austin Growth Concept Map identifies this area as being adjacent to an Activity Corridor and a Regional Centers, which supports residential uses and infill redevelopment. Based on the subject tract's location next to Downtown Austin, connectivity strengths and the infill and housing policies above, the proposed zoning change request supports Imagine Austin.





**Environmental**

4. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
5. Zoning district impervious cover limits apply in the Urban Watershed classification. Maximum impervious cover in MF-6 zoning is 80%.
6. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.>
7. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
8. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
9. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

**Site Plan**

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.
- SP5. FYI: The subject property is included in an approved site plan (SP-2007-0719C) and subdivision case (C8-2012-0145.0A).
- SP6. FYI: The subject property is located within a Nationally Registered Historic District.

### COMPATIBILITY STANDARDS

- SP7. The site is subject to compatibility standards due to [proximity of SF-3-H-HD-NP (and other iterations of SF-3) to the north, west, and south. The following standards apply:
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line to the north, west, and south.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line to the north, west, and south.
  - For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
  - For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
  - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

### DEMOLITION AND HISTORIC RESOURCES

- SP8. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### RESIDENTIAL DESIGN STANDARDS OVERLAY

- SP9. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility

### Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. The adjacent street characteristics are as follows:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Baylor St.	60'	30'	Level 1 (local)	No	No	No
11 <sup>th</sup> St.	60'	30'	Level 1 (local)	No	No	No

**Austin Water Utility:**

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**INDEX OF EXHIBITS TO FOLLOW:**

Exhibit A: Zoning Map

Exhibit B: Aerial Map



 ZONING BOUNDARY

# EXHIBIT A

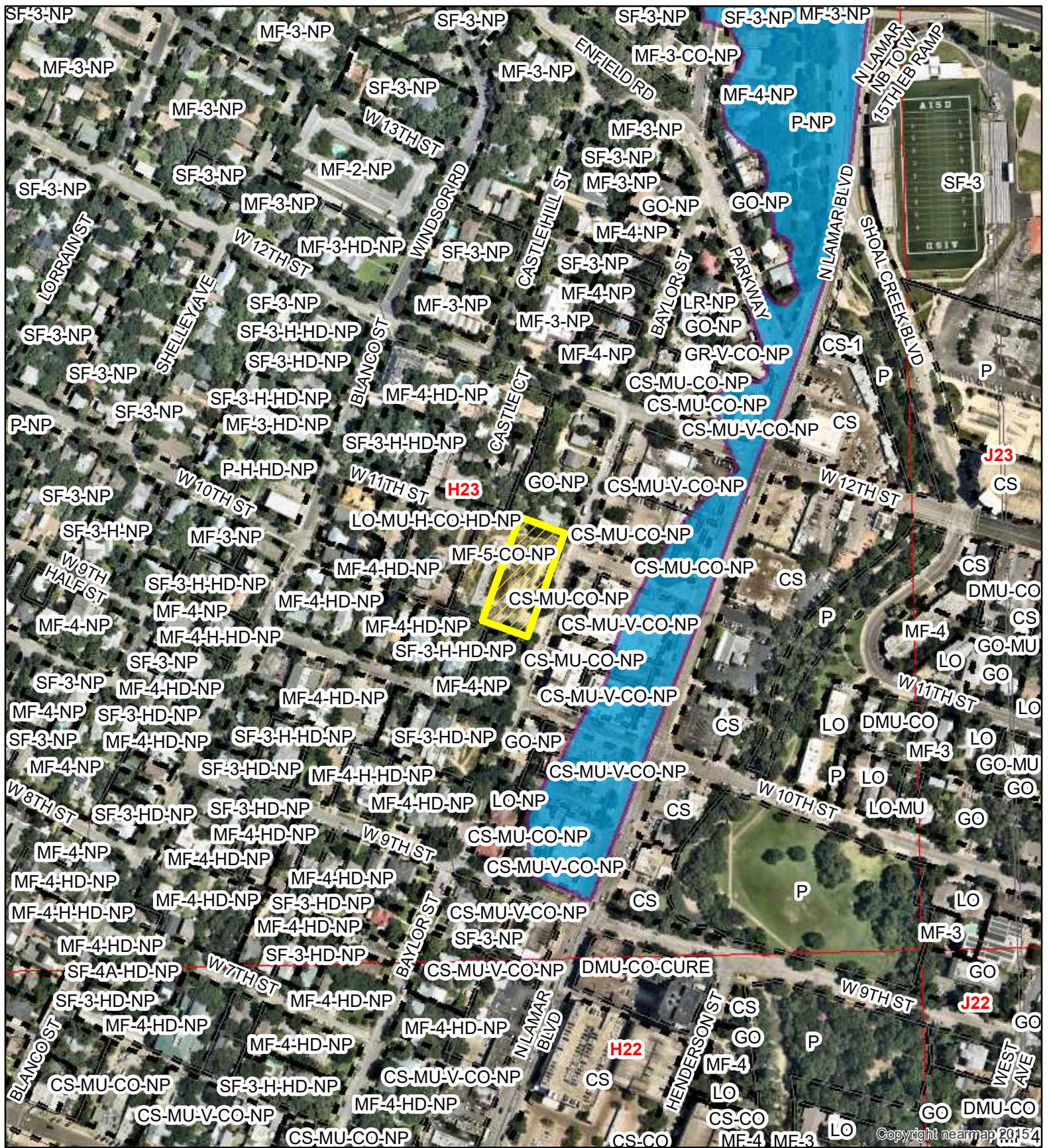
The logo of the City of Austin, featuring a shield with a red top section containing a white star and a blue bottom section containing a white torch. The shield is set against a circular background with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom.





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**Created: 11/4/2019**

$$1'' = 400'$$





-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

1" = 300'

**THE COLORFIELD EXHIBIT B**

ZONING CASE#: C14-2019-0151  
 LOCATION: 1006 BAYLOR ST.  
 SUBJECT AREA: .67 ACRES  
 GRID: H23  
 MANAGER: MARK GRAHAM



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