

**ZONING AND PLATTING COMMISSISON SITE PLAN
CONDITIONAL USE PERMIT
REVIEW SHEET**

CASE NUMBER: SPC-2010-0092D **ZONING AND PLATTING COMMISSION**
HEARING DATE: December 7, 2010

PROJECT NAME: 3112 Edgewater Drive

ADDRESS: 3112 Edgewater Drive

APPLICANT: Lake Hills Community Association, Inc. (Joe Gimenez)
P.O. Box 92649
Austin, TX 78709
Phone #: 288-2376

AGENT: Aupperle Company (Bruce S. Aupperle, P.E.)
2219 Westlake Dr., Suite 110
Austin, TX 78746
Phone # 329-8241

CASE MANAGER: Cesar Zavala Phone: 974-3404
cesar.zavala@ci.austin.tx.us

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit to construct a fishing deck and beach area with related shoreline improvements.

The site is zoned LA, Lake Austin and SF-2, single family residence; the proposed fishing deck and associated improvements are in SF-2 zoning and LA zoning districts with Community Recreation (Private) use, which requires approval by the Zoning and Platting Commission. The existing Lake Hills Community Association Park consisting of a clubhouse, pool area, basketball court, volleyball court, playground, boat docks and swim platform.

WAIVER REQUEST:

The applicant is requesting a waiver to allow an intense recreational use within 50 feet or less from a lot with SF-5 or more restrictive zoning district. [LDC 25-2-1067(F)(1)]

The fishing deck is located 50 feet from the east compatibility setback. The applicant proposes to locate the fishing deck 38 feet from the east property line with SF-3. The existing boat docks located on the west side of the property are within 10 feet from the neighboring LA zoning. Compatibility is triggered by the neighboring SF-3 zoned property to the east of the site, and the LA zoned property to the west of the site. Both east and west properties of this site contain single family residences.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for the fishing deck and associated improvements in SF-2 and LA zoning and the setback waiver.

The fishing deck is within SF-2 zoning and the beach and other improvements are within LA zoning. The north and west portions of the site are zoned LA with the southeast portion of the site zoned SF-2. The site is neighbored on the west by LA zoning, SF-3 zoning to the east, and LA and SF-2 to the south of the site. The proposed fishing deck and related improvements are within the existing Lake Hills Community Association Park and only serves the neighborhood. The proposed fishing deck and related improvements has been reviewed by the Parks Board and approved.

Staff recommends the waiver because the proposed fishing deck will be 38 feet from the adjoining east property line and the neighboring residential structure is approximately 40 feet from the adjoining property line. The neighboring property owner to the east of this site acknowledges the proposed improvements. The exiting 7 slip boat dock located on the west portion of the site will be modified to a 6 slip boat dock by removing the dockage closest to the neighboring LA zoned property and providing a 10 foot setback.

The site plan complies with all requirements of the Land Development Code. All other compatibility standards are met.

PARKS BOARD ACTION:

The proposed fishing deck, beach area, and associated improvements were approved by the Parks Board on October 26, 2010.

PROJECT INFORMATION

SITE AREA	124,581.10 sq. ft.	2.86 acres
EXISTING ZONING	LA and SF-2	
WATERSHED	Lake Austin (Barton Springs Zone)	
WATERSHED ORDINANCE	N/A	
TRAFFIC IMPACT ANALYSIS	N/A	
CAPITOL VIEW CORRIDOR	N/A	
PROPOSED ACCESS	Edgewater Dr.	
	Existing	Proposed
SITE IMPERVIOUS COVER	22% / 14, 492 sq. ft	0
PARKING	60	0

SUMMARY COMMENTS ON SITE PLAN:

The proposed fishing deck and associated improvements are within the existing Lake Hills Community Park and propose no changes to the existing impervious cover. The existing Lake Hills Community Park consisting of a clubhouse, pool area, basketball court, volleyball court, playground, boat docks and swim platform. The existing clubhouse, sport courts, playground and swimming pool are more than 50 feet from existing single-family residences. The pool and associated deck area were approved on June 14, 1992 by the Planning Commission.

COMPATIBILITY

The SF-3 zoned property to the east of the site is currently bounded by a chainlink fence and bushes that serve as screening. The property owner to the east of the proposed fishing deck acknowledges the proposed improvement and will be working with the applicant to provide fencing to match existing fences. The LA zoned property to the west of the current boat slips is bounded by a wooden fence that serves as screening, and removal of the closest boat slip to the west property line has been approved by the Parks Board. Removal of the boat slip meets L.D.C. 25-2-1176(D)(1) Boat Dock Regulations for a structure to be constructed 10 feet from the side property line.

All other compatibility setbacks and standards are met.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	LA, SF-2	Community Recreation (Private)
<i>North</i>	LA	Lake Austin
<i>South</i>	LA, SF-2	Single Family residence
<i>East</i>	SF-3	Single Family residence
<i>West</i>	LA	Single Family residence

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Edgewater Dr.	30 ft	20 ft	Local

NEIGHBORHOOD ORGNIZATIONS:

- Austin Monorail Project
- Austin Parks Foundation
- City of Rollingwood
- Court Yard Homeowners Assocaition
- Edgewater Association
- Glenlake Neighborhood Association
- Home Builders Association of Greater Austin
- Homeless Neighborhood Organization
- Lake Austin Collective
- League of Bicycling Voters
- Long Canyon Homeowners Association
- Save Our Springs Alliance
- Sierra Club Regional Group
- Steiner Ranch Community Association
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.

CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (EVALUATION OF CONDITIONAL USE SITE PLAN) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A conditional use site plan must:

1. Comply with the requirements of this title;

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

2. Comply with the objectives and purposes of the zoning district;

Staff Response: This application is related to the existing use and complies with the objectives and purposes of the zoning district. The proposed fishing deck and associated improvements are compatible with existing facilities in the Lake Hills Community Association Park.

3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

Staff Response: The site plan will comply with all requirements of the zoning districts. In addition, the existing site complies with building setback, height, and compatibility screening requirements for compatibility standards. The existing clubhouse, sport courts, playground and swimming pool are more than 50 feet from existing single-family residences.

4. Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: The site currently contains parking.

5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.

Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property.

C. In addition, a conditional use site plan may not:

6. More adversely affect an adjoining site than would a permitted use;

The site plan will conform with all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.

7. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

Staff Response: The Lake Hills Community Association Park only serves the neighborhood and should not inconvenience vehicular or pedestrian circulation.

8. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.

Staff Response: No signage or lighting is proposed that would affect adjacent properties or

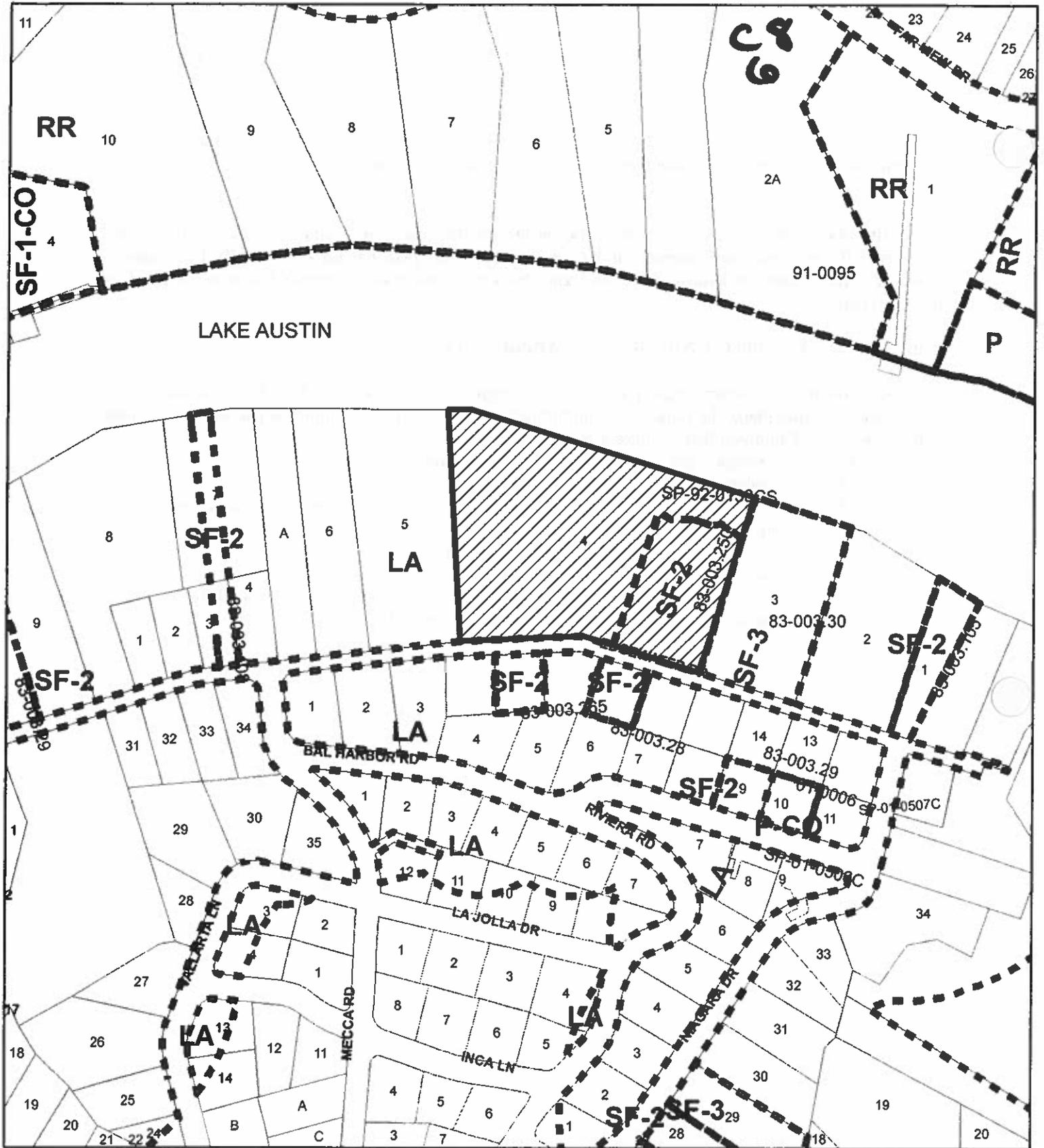
traffic control. All signs will comply with the Land Development Code. Compatibility notes are required on the plans to regulate lighting to shield the adjacent property from adverse effects.

D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.



-  SUBJECT TRACT
-  ZONING BOUNDARY

OPERATOR: C. ZAVALA

CASE#: SPC-2010-0092D
 ADDRESS: 3112 EDGEWATER
 PROJECT: 3112 EDGEWATER
 GRID: C29
 MANAGER: CESAR ZAVALA



This map has been produced by site plan review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



MAPSCO GRID C29

VICINITY MAP

NTS

CS
78

C8
10

CITY OF AUSTIN – WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT
SITE PLAN APPLICATION – MASTER COMMENT REPORT

CASE NUMBER: SP-2010-0092D
CASE MANAGER: Cesar Zavala PHONE #: 974-3404

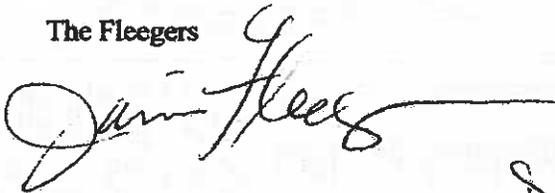
PROJECT NAME: 3106 Edgewater
LOCATION: 3112 EDGEWATER DR BLDG - DOCK

To whom it may concern:

The Lake Hills Community Association is our neighbor on Edgewater Drive. We have a warm relationship with them and recently we mutually agreed to purchase an iron fence between our properties. The LHCA suggested and offered bids for cedar wood fencing between our properties, but at our request, we asked that the fence be constructed of wrought iron so that it would match the fencing surrounding the rest of our property. We did not feel that a wood fence would be aesthetically pleasing to us.

This letter then is to verify that we do not require blocking of any view of their or our property. We understand that normally a wooden fence or some other style would be used to preclude viewing of each others property. Again, we requested the wrought iron fence which we continued across the front of our property. The result is a nice looking and contiguous fence across both properties. If you need any other information feel free to contact us.

The Fleegers



Address - 3118 Edgewater Dr

Phone number

6-8-10

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INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: http://www.amllegal.com/austin_tx/.

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2010-0092D
Contact: Cesar Zavala, (512) 974-3404 or
Elsa Garza, (512) 974-2308

I am in favor I object
 I meet the requirements for and request to be an interested party

Name (please print) Javier Fleeger

3118 Edgewater Dr Austin, TX 78733
Address(es) affected by this application (Street, City, ZIP Code)

3118 Edgewater Dr Austin, TX 78733
Mailing address (Street, City, ZIP Code)

[Signature] 4/20/10
Signature Date

Comments: _____

Mail comment forms to:
City of Austin
Planning and Development Review Department
Attn: Cesar Zavala
P. O. Box 1088
Austin, TX 78767-1088

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- I am in favor I object
 I meet the requirements for and request to be an interested party

CHERYL LYNN WAHLGREN
Name (please print) _____ Telephone _____

3102 NIAGARA AUSTIN 78733
Address(es) affected by this application (Street, City, ZIP Code)

7 LONE OAK AUSTIN 78745
Mailing address (Street, City, ZIP Code)

CLW
Signature _____ Date 4-19-10

Comments: I AM IN FAVOR OF
THE IMPROVEMENTS TO LHCA PARK!
THE EXISTING BREAKWATER IS DETERIOR-
ATING AND UNSIGHTLY.

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Planning and Development Review Department
Attn: Cesar Zavala
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: SP-2010-0092D
Contact: Cesar Zavala, (512) 974-3404 or
Elsa Garza, (512) 974-2308

I am in favor I object
 I meet the requirements for and request to be an interested party

Name (please print) Ellen Catherine

Address(es) affected by this application (Street, City, ZIP Code) 9900 Bal Harbor Rd.

Mailing address (Street, City, ZIP Code) Same

Signature Ellen Catherine Date 4/20/10

Comments: _____

Mail comment forms to:
City of Austin
Planning and Development Review Department
Attn: Cesar Zavala
P. O. Box 1088
Austin, TX 78767-1088