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MEMORANDUM

TO: Zoning and Platting Commission Members

FROM: Michael Simmons-Smith, Land Use Review
Planning and Development Review Department

DATE: May 30, 2012

SUBJECT: SPC -2011 -0346DS, Orleans Harbour Postponement

Staff requested a postponement of this case from the Zoning and Platting Commission meeting on May 1, 2012 to the meeting on June 5, 2012. The applicant has now requested a postponement from the June 5 Zoning and Platting Commission meeting until the July 3, 2012 meeting.

The members of the homeowners association involved in this case are in agreement with this postponement request.

Please contact me at 974-1225 if you require any additional information.

**ZONING & PLATTING COMMISSION
CONDITIONAL USE SITE PLAN REVIEW SHEET**

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CASE NUMBER: SPC-2011-0346D

COMMISSION DATE: June 5, 2012

The applicant requests a postponement until the July 3, 2012 meeting, and the homeowners' association is in agreement

Postponed by staff at the May 1, 2012 meeting until the June 5, 2012 meeting.

PROJECT NAME: Orleans Harbour

ADDRESS: 2419-B Westlake Drive

LEGAL DESCRIPTION: Lots 33 & 34, Lakeshore Addition, Vol. 3, Page 30

WATERSHED: Lake Austin (Water Supply Rural)

AREA: 960 sq. ft. (limits of construction)

EXISTING ZONING: MF-3

APPLICANT: Orleans Harbor Homeowners Association
Atten: Kevin P. Hegarty
2455 Westlake Drive
Austin, Texas 78746
Phone: (512) 471-9977

AGENT: Aupperle Company
2219 Westlake Drive, Suite 110
Austin, Texas 78746
Phone: (512) 329-8241

OWNER: Granite Properties
808 West 10th Street
Austin, Texas 78701
Phone: (512) 469-0925

EXISTING AND PROPOSED USE: Orleans Harbour is an existing thirty-three unit residential condominium development located on an approximately 3.3-acre site on Lake Austin. This land use will remain, and the applicant proposes to create a private marina by constructing five (5) 2 ft. x 30 ft. boat docks along the lake frontage.

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SURROUNDING CONDITIONS:**Zoning/ Land Use**

North: LA (residential)
East: Lake Austin
South: Lake Austin
West: SF-6 (residential) and PUD

NEIGHBORHOOD ORGANIZATION:

Lake Austin Collective
Austin Parks Foundation
Homeless Neighborhood Association
Austin Neighborhood Council
Home Builders Association of Greater Austin
City of Rollingwood
League of Bicycling Voters
Save Our Springs Alliance
Sierra Club, Austin Regional Group
Island at Westlake Owners Association
The Real Estate Council of Austin, Inc.
Super Duper Neighborhood Objectors and Appealers Organization
Austin Monorail Project
Austin Heritage Tree Foundation
SEL Texas

SUMMARY COMMENTS ON SITE PLAN:**Land Use**

The Orleans Harbour residential condominium development was permitted in 1974 by Special Permit (CP14-73-059), which also allowed a boat stall to be constructed within the interior harbor, and boat tie-ups along the remainder of the water frontage. The boat stall was not built, but City staff has identified over 100 watercraft mooring devices along the water perimeter.

The applicant currently proposes to construct five (5) boat docks along the Lake Austin shoreline of the development. However, this proposal will effectively extend the existing shoreline of Orleans Harbour, create a marina configuration and increase the number of mooring spaces available. In previous cases, such marinas have been defined as Community Recreation (Private) land uses, which are conditional in MF-3 zoning districts.

A Community Recreation (Private) use is the provision of an indoor or outdoor recreation facility for the exclusive use by residents or guests of a residential development, PUD, church, private educational facility, club, lodge or non-profit organization (LDC Section 25-2-6).

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Therefore, staff recommends that the Zoning & Platting Commission consider approval of Community Recreation (Private) as a conditional use for this site.

Recommended Condition of Approval

The applicant contends that the proposed docks are necessary from a safety perspective as a result of increased wave activity caused by watercraft traffic on Lake Austin, and boats parked perpendicular to the wave action will be impacted less than those moored parallel to the waves. Staff questioned why the Orleans Harbour residents did not consider mooring their watercraft only within the interior harbor, where wave action would be minimized, but the applicant has noted to staff that the residents prefer the additional flexibility of mooring boats along the lake frontage as well as within the harbor.

Staff is concerned that with the proposed addition of the five 2 ft. x 30 ft. boat docks the condominium residents will gain 310 linear feet of additional shoreline frontage if the site plan is approved. This represents a substantial increase from the existing permitted footprint of the development based upon the 1974 Special Permit, which allowed boat tie-ups along the water frontage.

Therefore, staff recommends as a condition of approval that the additional lake frontage gained by construction of the boat docks be matched with the equivalent length of shoreline improvements and wave abatement methods as per current ECM 1.13.0 specifications. Orleans Harbour currently has flat vertical bulkheads along its water frontage which exacerbates negative wave action. By providing wave abatement methods for 310 linear feet along the Lake Austin shoreline, the wave energy and turbulence created by watercraft traffic would be mitigated, and waterfront safety would be enhanced.

SUMMARY STAFF RECOMMENDATION FOR CONDITIONAL USE SITE

PLAN: Staff recommends approval of Community Recreation (Private) with the conditions (shoreline and wave abatement improvements) as described above.

CASE MANAGER: Michael Simmons-Smith

PHONE: 974-1225

E-MAIL: michael.simmons-smith@austintexas.gov

The City of Austin Land Development Code, Section 25-5-146 (CONDITIONS OF APPROVAL) states:

§ 25-5-146 CONDITIONS OF APPROVAL.

- (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:

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- 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.

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code 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:

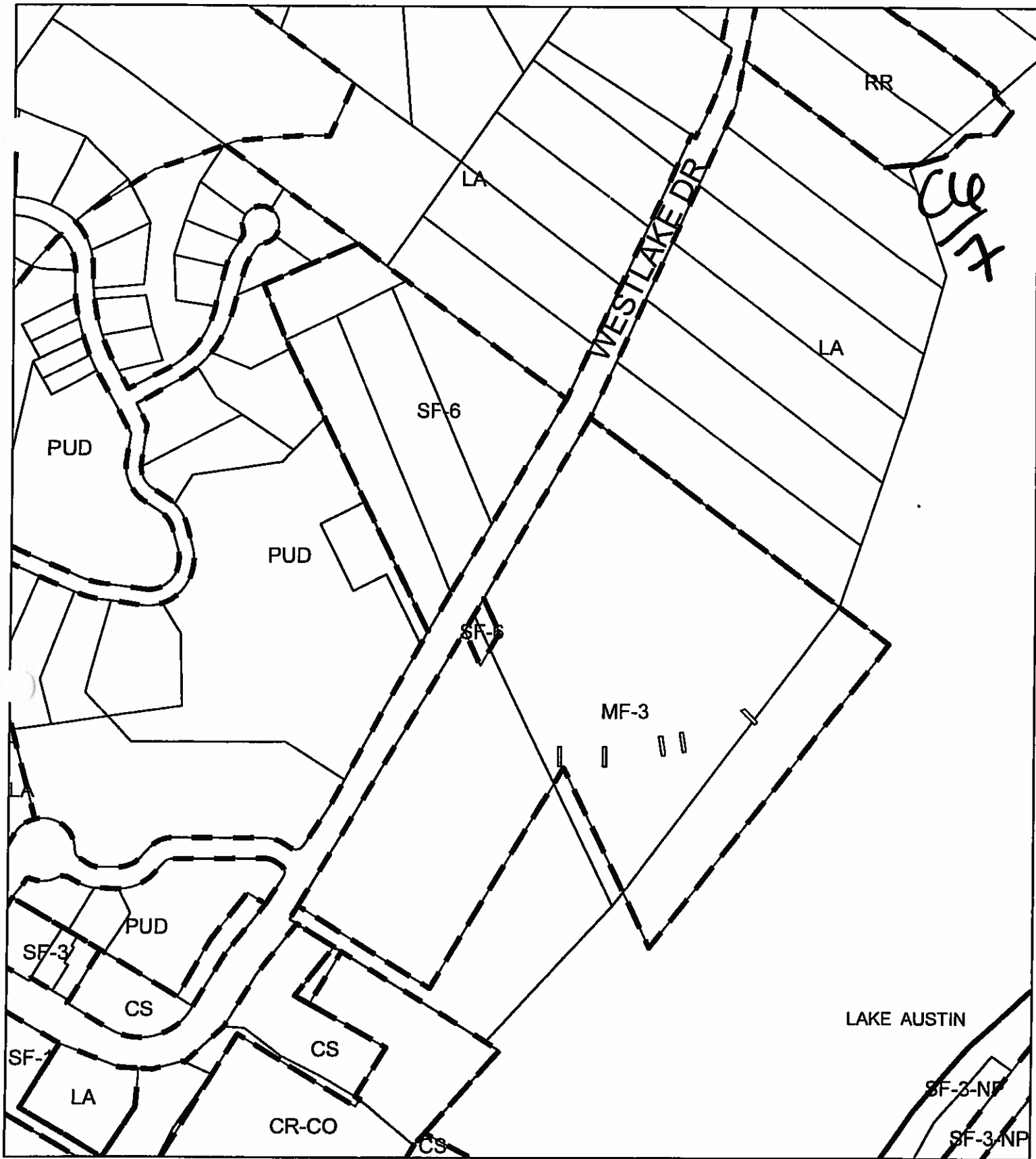
1. Comply with the requirements of this title. Staff response: This application complies with the requirements of this title.
2. Comply with the objectives and purposes of the zoning district; Staff response: This application complies with the objectives and purposes of the zoning district.
3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site; Staff response: This application is compatible with the abutting sites in all of these cases.
4. Provide adequate and convenient off-street parking and loading facilities; Staff response: This application will provide the required parking for this use.
5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects; Staff response: The proposed project does not contribute to any of these adverse effects.

C. A Conditional Use Site Plan May Not:

1. More adversely affect an adjoining site than would a permitted use; Staff response: The site plan will conform to 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.
2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; Staff response: The site plan is not anticipated to be detrimental to safety or convenience. The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

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3. Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs; Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control. 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.





0 40 80 160 Feet



CONDITIONAL USE SITE PLAN

CASE#:	SPC-2011-0346D
LOCATION:	2419 WESTLAKE BLVD.
GRID:	G25
CASE MANAGER:	MICHAEL SIMMONS-SMITH

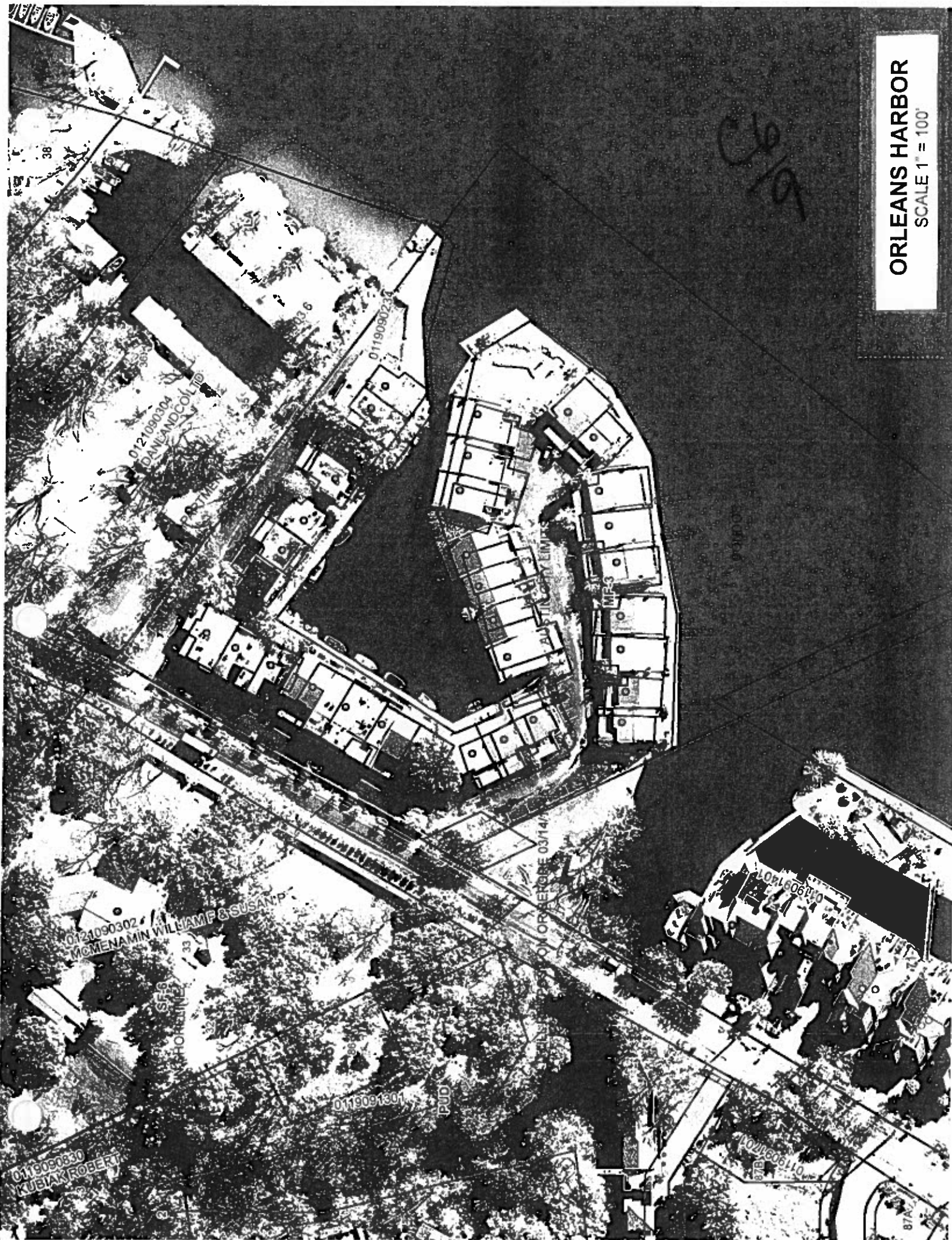
-  SUBJECT TRACT
-  ZONING BOUNDARY

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



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SCALE 1" = 100'



CP14-73-058 Mrs. Emelie Yerger--Contd.

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within ten days following the decision of the Planning Commission.

CP14-73-059 Orleans Harbour, Inc.: 33-Unit Condominium Project
West Lake Drive

STAFF REPORT:

This application has been filed as required under Section 45-19, Sub-section (a), Paragraph (1), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. This is an application for a special permit to allow the construction of a 33-unit condominium project on 3.3 acres of land on West Lake Drive zoned "B" Residence, First Height and Area. The density proposed is 10 units per acre on the total area which is comprised of approximately 50% land area and 50% water area. The project is located between West Lake Drive and Lake Austin, and is designed so that all of the units have access to Lake Austin. Each unit is two stories in height with a two-car garage attached. A boat stall is proposed on the interior of the project with provision for boat tie-up along the remainder of the water frontage. The staff recommends approval of this application subject to compliance with departmental requirements.

CITIZEN COMMUNICATION

WRITTEN COMMENT

None

PERSONS APPEARING

Steve Harris: 2905 Townes Lane	FOR
Carl E. Wooten: P. O. Box 5426	FOR
Wroe Owens: 1206 Perry Brooks Bldg.	FOR
Lloyd Cates: #106 Greenwood Tower	FOR
C. N. Avery, Jr.: 330 Perry Brooks Bldg.	AGAINST
H. T. McBrayer: P. O. Box 115	AGAINST

COMMITTEE ACTION:

Members reviewed the information presented and were in agreement that this request should be approved, subject to departmental requirements, but deleting Traffic and Transportation requirement #1--Floor plain of dwellings be above 100-year flood plain.

AYE: Messrs. Hetherly, Betts and Nash. Mmes. Himmelblau and Mather

COMMISSION ACTION:

Members reviewed the information presented and were in agreement with the Committee action.