

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

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CASE NUMBER: SPC-2011-0346D

COMMISSION DATE: July 3, 2012

PROJECT NAME: Orleans Harbour

Note: The case was originally scheduled for public hearing on May 1, and was postponed by staff to the June 5 Zoning & Platting Commission meeting. Prior to the June 5 public hearing, the applicant requested a postponement to the July 3 meeting.

ADDRESS: 2419 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 land use, 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 the MF-3 zoning district.

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

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25-2-6).

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 has contended 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 has also learned that the applicant intends to install mechanical boat lifts within the interior harbor, but these were not indicated on the site plan submittal

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 water 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 for boat tie-ups along the water frontage available at that time.

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 (*Design Guidelines for Shoreline Modification, Stabilization and Access*) 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.

Please refer to the attached Figure 1.13-12, "Rock Riprap Wave Attenuation Alternative for Vertical Bulkheads" from the Environmental Criteria Manual for an example of a shoreline modification/wave abatement method.

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

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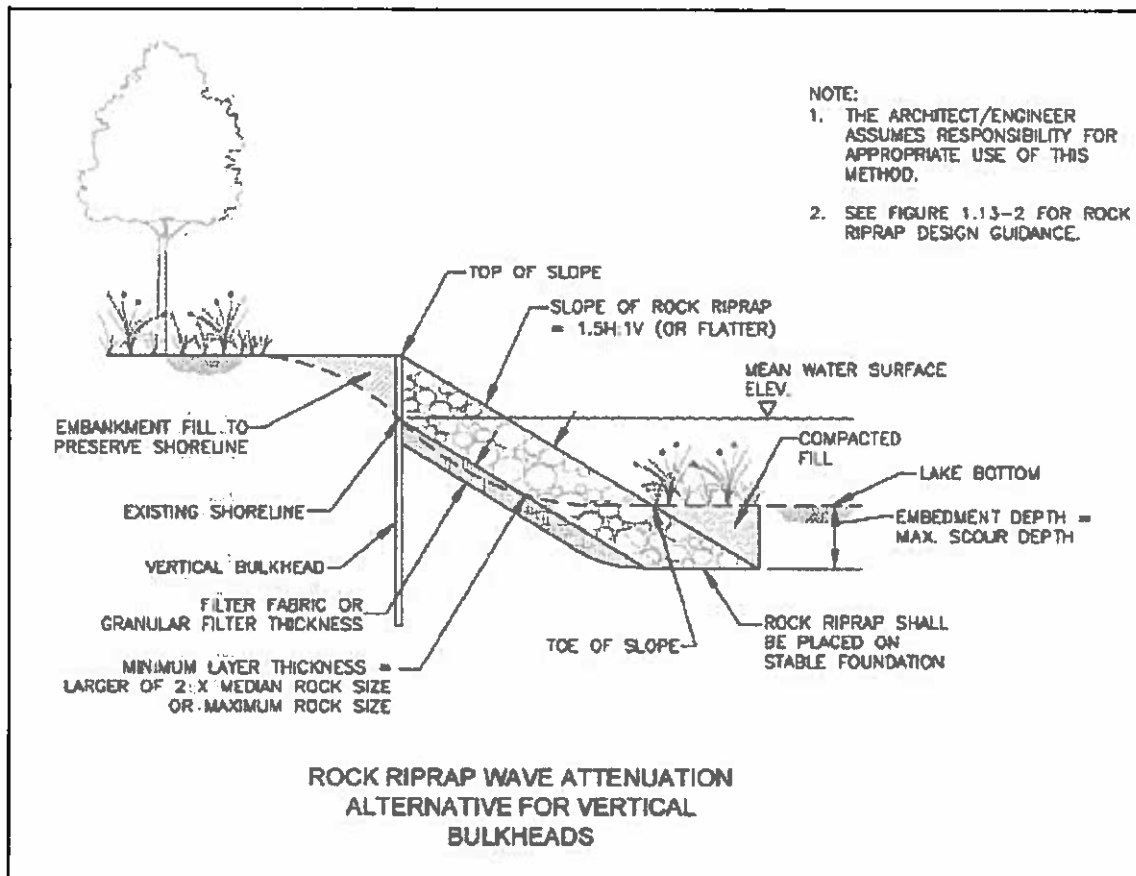


Figure 1.13-12 Rock Riprap Wave Attenuation Alternative For Vertical Bulkheads

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:

- 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

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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 or vehicular and pedestrian circulation.
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.

Simmons-Smith, Michael

From: Loayza, Katherine [REDACTED]
Sent: Monday, June 25, 2012 3:00 PM
To: Simmons-Smith, Michael
Cc: neal@bensoninvestments.com; Nias, Jim
Subject: Orleans Harbour Site Plan SPC-2011-0346DS

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Importance: High

Michael,

Based upon the information you have provided us, it is our understanding that Ms. Witt has requested a second postponement of the Planning and Zoning Commission public hearing on the Orleans Harbour conditional use permit for a private marina to July 17, 2012.

On behalf of the Orleans Harbour owners that we represent, we see no reason to further delay the public hearing regarding this site plan application which is scheduled for July 3, 2012.

Thank you,

Katherine Loayza
Land Use Consultant
Jackson Walker L.L.P.
100 Congress Avenue Suite 1100
Austin, TX 78701
O: (512) 236-2259
F: (512) 691-4412
kloayza@jw.com
www.jw.com



PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2011-0346D

Contact: Michael Simmons-Smith, 512-974-1225

Cindy Castillas, 512-974-3437

Public Hearing: Zoning and Planning Commission, May 1, 2012

David Mantor

Your Name (please print)

☒ I am in favor
☐ I object

2451 Westlake Drive (Orleans Harbor)

Your address(es) affected by this application

D-27 4/25/12

Signature

Daytime Telephone: 713.656.9180

Date

Comments: We support the Orleans Harbor application to construct 5 finger docks perpendicular to the lakeside frontage of the property. Permitting owners to park boats on the lakeside will allow all owners to keep boats as originally intended by the City's 1974 special use permit. The ability to do so will greatly increase safety within Orleans Harbor both in terms of boat security and recreational boaters getting on and off boats.

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: SPC-2011-0346D

Contact: Michael Simmons-Smith, 512-974-1225

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, May 1, 2012

Edward Clark

Your Name (please print)

☒ I am in favor
☐ I object

2447 Westlake Dr. Austin, TX

Your address(es) affected by this application

Edward Clark

Signature

4/24/2012

Date

Daytime Telephone: 972-897-2527

Comments: I want to allow the board to safely do what the Council has already permitted, which is to park boats in the harbor and on the lakefront.

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: SPC-2011-0346D

Contact: Michael Simmons-Smith, 512-974-1225

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Planning Commission, May 1, 2012

KEVIN P. HEGARTY

Your Name (please print)

2455 Westlake Drive, Austin, TX 78746

Your address(es) affected by this application



Signature

Daytime Telephone: 512 468 1404

4/23/2012

Date

☒ I am in favor
☐ I object

Comments:

I support the proposal to allow the installation of 5 finger docks lakeside. It will allow the safe use of the development's bulkhead safely by the 9 lakeside homeowners.

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: SPC-2011-0346D

Contact: Michael Simmons-Smith, 512-974-1225

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, May 1, 2012

W.M. Howard, Jr.

Your Name (please print)

Orleans Harbour Condos

2431 Westlake Dr.

Your address(es) affected by this application

William M. Howard, Jr.

Signature

Date

Daytime Telephone: (512) 327-1443

Comments: Opposed for heat lights at Orleans Harbour Condos.

(1) To put into date is unsafe -

an accident waiting to happen.

(2) Put a home owner in a

very unsafe position.

(3) Could prevent us from being

able to maintain our own

substance.

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

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Simmons-Smith, Michael

From: Brown, Jeb
Sent: Tuesday, April 24, 2012 2:10 PM
To: Simmons-Smith, Michael
Subject: RE: Orleans Harbour

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12

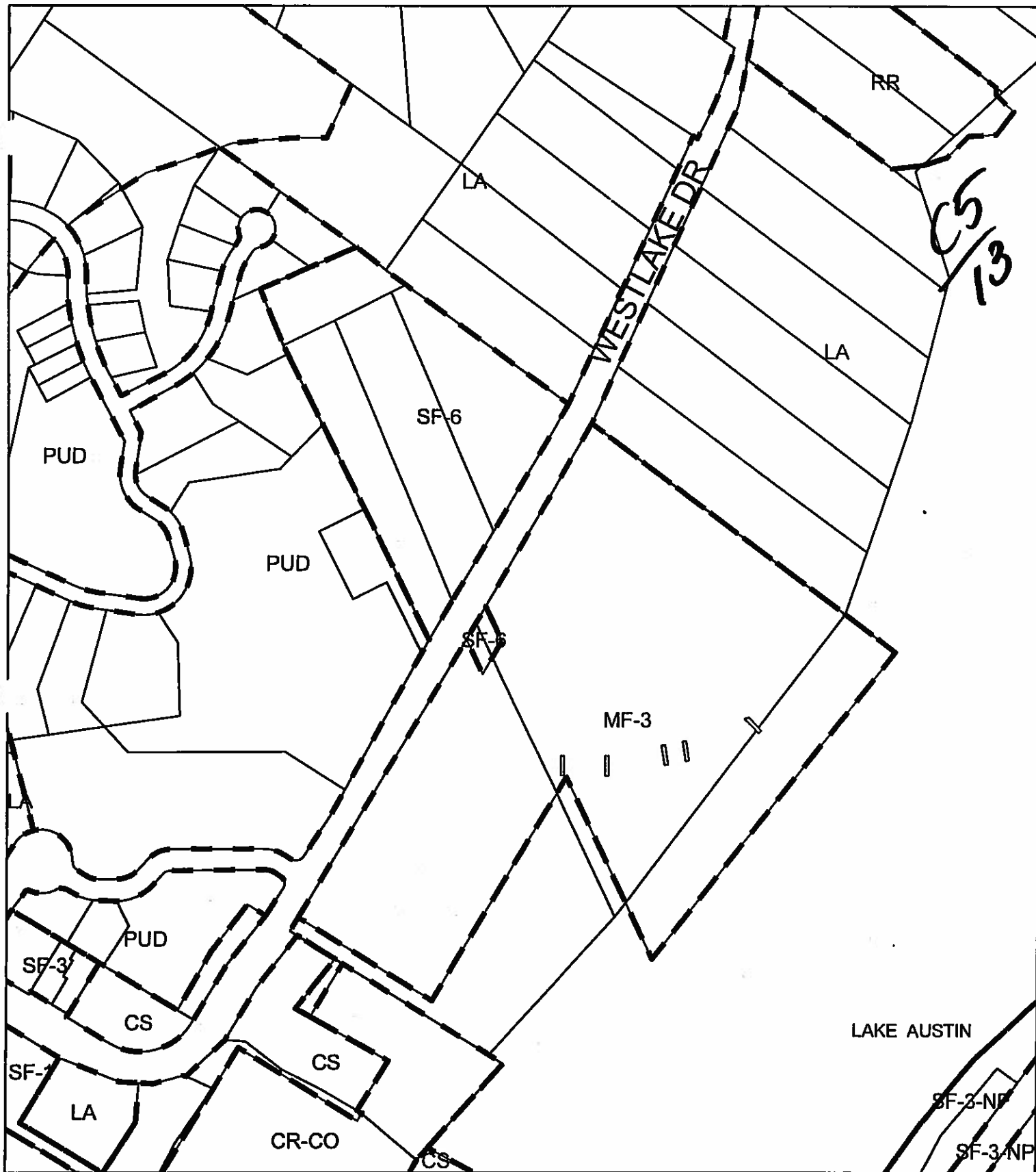
After reviewing the overall site plan for the proposed addition of the boat docks to the condominium community, there were several overall site concerns that seem to be present from both the developer and reviewer perspective. The first concern is that the site plan has been final for many years. Therefore, the docks that are proposed are new construction, as the development had an existing agreement about the frontage that was developed for boat tie up and use. The developer states that the docks are necessary due to increased wave activity on the lake from wake boats, ect. While this is not a proven theory, it is recognized that on-site conditions prohibit the safe use of a horizontal parking of the condo owner's boats along the section of lake the 5(ea), 30 ft docks are proposed to be built. The developer states that the docks should be perpendicular to the frontage so that the boats may be tied up in a fashion that will allow safe entry and exit of boat operators/occupants. The concern from a reviewer side is twofold: 1) the condo residents are essentially gaining the 300LF of frontage from the proposed new docks (which are an increase of the existing, allowable, permitted footprint of the development) and 2) The way the proposed docks are spaced, it is likely that additional docks could be built in the future as an on-site correction vs. a site plan review. The conditions that would allow this to be a win-win are: the LF of frontage gained by the docks (300LF), should be traded out for shoreline reclamation in the same area per the ECM. This would provide some mitigative efforts to expend the wave energy that the boat traffic is creating and serve as a model for future shoreline efforts on the lake, as this location is in a highly visible spot. It also continues the current precedent for future applications - that in order to reconfigure an older, developed site plan, older development must be brought into current code configuration where possible.

*Jeb Brown
Environmental Review Specialist Senior
City of Austin
512-974-2709*

From: Simmons-Smith, Michael
Sent: Tuesday, April 24, 2012 11:23 AM
To: Brown, Jeb
Cc: Courtney, Lynda
Subject: Orleans Harbour

Jeb, as we discussed yesterday, could you provide a paragraph detailing our justification for including shoreline modification as a condition of recommendation for the proposed Orleans Harbour boat landings? I'm going to include it in the ZAP backup - thanks!

ms-s



0 40 80 160 Feet



CONDITIONAL USE SITE PLAN



SUBJECT TRACT



ZONING BOUNDARY

CASE#:

LOCATION:

GRID:

CASE MANAGER:

SPC-2011-0346D

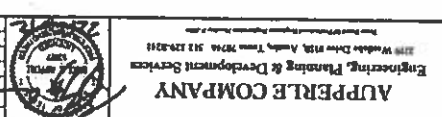
2419 WESTLAKE BLVD.

G25

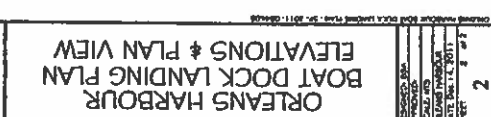
MICHAEL SIMMONS-SMITH



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.

[illegible]

AUPPERLE COMPANY
Engineering, Planning & Development Services
1100 Westlake Center Drive, Suite 700, Tempe, Arizona 85281
Phone: 602/966-8888 Fax: 602/966-8889



6/14