

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

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CASE NUMBER: SPC-2011-0346D

COMMISSION DATE: September 4, 2012

PROJECT NAME: Orleans Harbour

ADDRESS: 2401 - 2465 Westlake Drive

LEGAL DESCRIPTION: Lots 33 & 34, Lakeshore Addition, Vol. 3, Page 30 & Orleans Harbour Subdivision, Vol. 68, Page 13

WATERSHED: Lake Austin (Water Supply Rural)

AREA: 12,100 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. The applicant proposes to create a private marina by constructing eight (8) 2 ft. x 30 ft. boat docks along the lake frontage, installing twenty-six hydraulic boat lifts around the perimeter of the interior harbor, and installing seven hydraulic boat lifts adjacent to each of the proposed boat docks on the main body of Lake Austin.

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2**SURROUNDING CONDITIONS:****Zoning/ Land Use**

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

SUMMARY COMMENTS ON SITE PLAN APPLICATION:

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 provided for boat tie-ups along the remainder of the water frontage.

The applicant now proposes to construct eight (8) clustered boat docks along the Lake Austin shoreline of the development, and install thirty-three boat lifts, emphasizing a marina land use. In similar cases, such marinas have been defined as Community Recreation (Private) land uses, which are conditional in the MF-3 zoning district.

According to Section 25-2-6 of the Land Development Code, 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.

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

In regard to the proposed addition of the eight boat docks, the applicant contends that the docks are necessary from a safety perspective as a result of increased wave activity caused by watercraft traffic on Lake Austin. Boats parked perpendicular to the wave action, as the proposed docks would allow, will be impacted less than those moored parallel to the waves. Orleans Harbour currently has smooth vertical bulkheads along its water frontage. Vertical bulkheads reflect incoming wave energy resulting in exacerbation of turbidity and hazardous wave action on the lake. Wave return can be minimized by retrofitting such vertical bulkheads with wave abating slopes which can enhance waterfront safety. Hardening the toe of a vertical bulkhead can reduce suspension of nearby sediment, and thereby reducing turbidity caused by wave reflection.

Therefore, at staff's request, the applicant has agreed to install a rip-rap "toe" along the portion of the bulkhead where the eight new boat docks will be located. According to Environmental staff, this addition may be somewhat effective in reducing suspended sediments (turbidity) at the toe caused by wave reflection of the vertical bulkhead. Details of the proposed rip-rap "toe" structure and dock are included with this backup information.

Also, please note that since the public hearing on August 21, the applicant has provided a

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deed indicating that the land inundated by Lake Austin adjacent to the subject site is also owned by Orleans Harbour. A plan depicting the boundary of Orleans Harbour property has been included with this backup, and this new information may assist in answering ownership concerns regarding the property over which the proposed docks will be constructed.

SUMMARY STAFF RECOMMENDATION FOR CONDITIONAL USE SITE

PLAN: Staff recommends approval of Community Recreation (Private) conditional use.

CASE MANAGER: Michael Simmons-Smith

PHONE: 974-1225

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

NEIGHBORHOOD ORGANIZATIONS:

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

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;

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- 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.

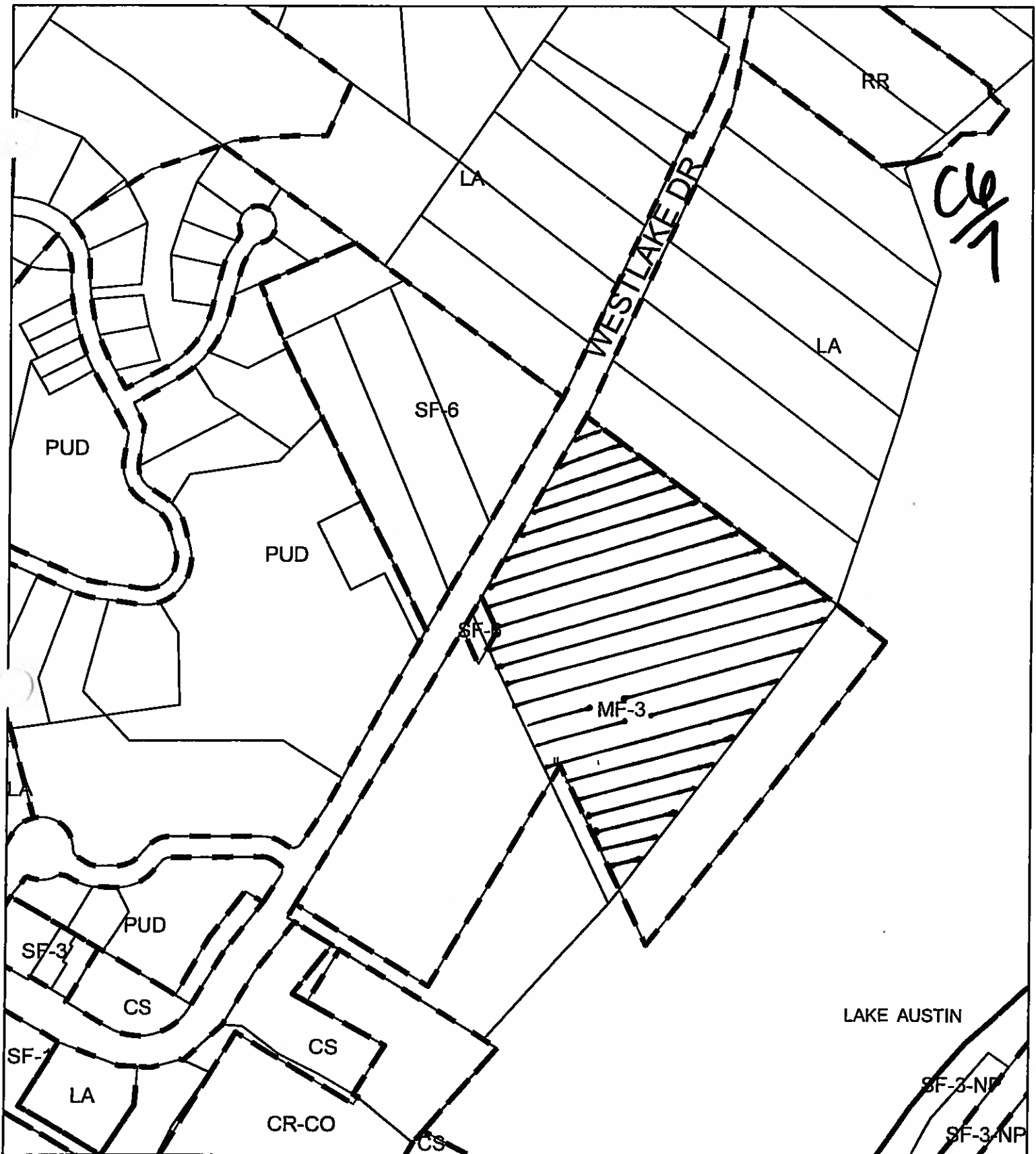
C. A Conditional Use Site Plan May Not:

1. More adversely affect an adjoining site than would a permitted use; Staff response: The site plan will substantially conform to 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.
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 adversely affect adjacent properties.

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

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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



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