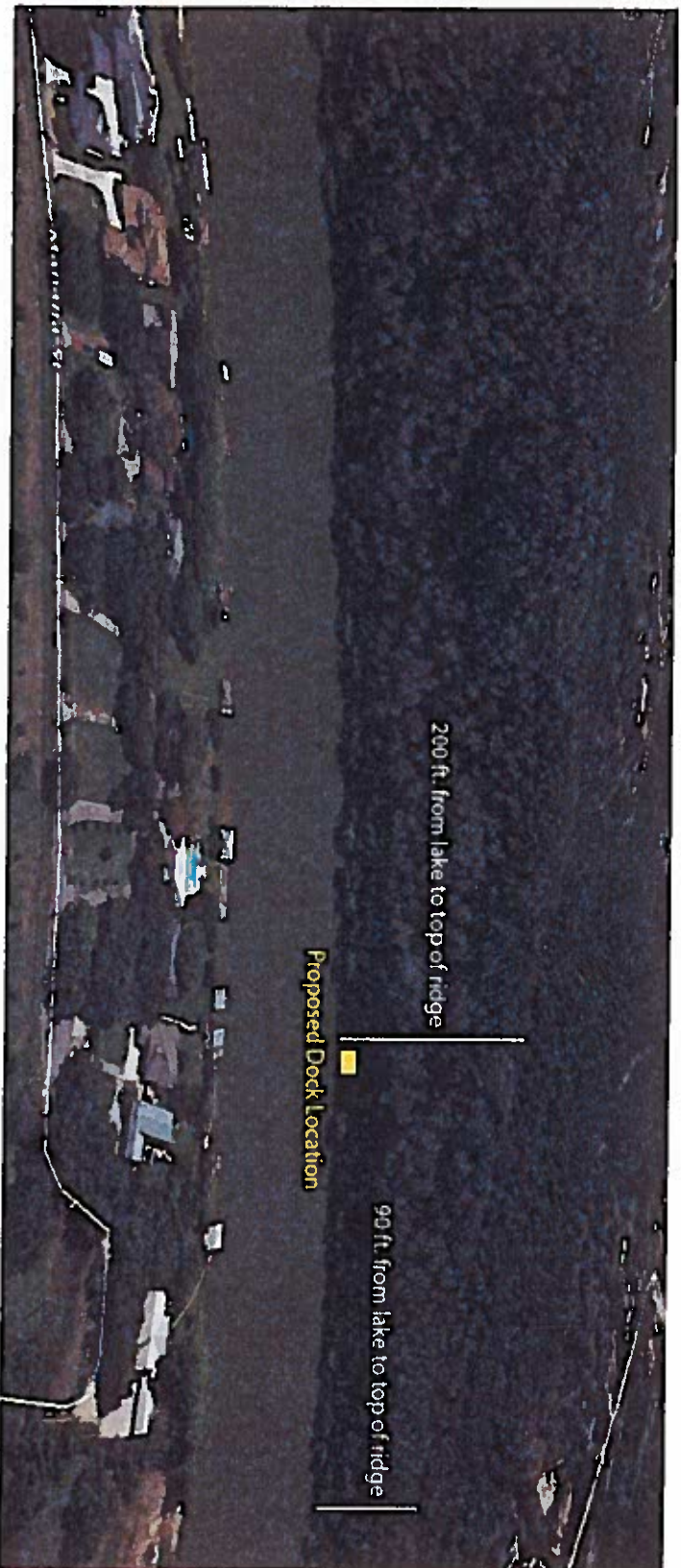


Case # SP-2013-0133D

5 Humboldt Lane - Dock Location Concerns





C-3/2

Requesting Disapproval Based on RC

- Ideally, the dock and trail would be denied based on the very clear 1979 restrictive covenant that prevents development on the bluff. The RC was required by the city in order to develop Rob Roy. Others have taken up this cause.
- However, if the Commission decides to allow the dock and trail, the location of the dock is a major concern.



Concerns

- The proposed dock location is located below a very steep bluff that rises 200ft to the ridge line.
- The applicant may first build the dock and then find it too difficult to construct a trail and then request a variance or an administrative variance to build a tram citing inability to access the dock.
- If a tram is granted, Pandora's Box is opened for many more trams along Rob Roy and other bluffs on Lake Austin.



Conflicting Statements Regarding Proposed Location

- In an email from the applicant's attorney dated Jan, 23, 2014, which is part of your backup, Mr. Braun wrote "In the final analysis, **the City staff recommended the current location** as the preferred location for a variety of environmental and safety reasons."
- In an email from Liz Johnston dated Feb 4, 2014, Ms. Johnston wrote "I spoke with the engineer of record about this issue and he indicated that the current proposed location was the original location that the owner wanted for the dock years ago. At one point they moved the dock to the far west edge of the property, but they ultimately decided to move it back to the first location. **This was not at the request of the City review staff,** but they indicated that the impact to trees would be better in this location (I have not verified if this is true or not)"
- City staff has indicated they will speak to the dock location if asked by the Commission

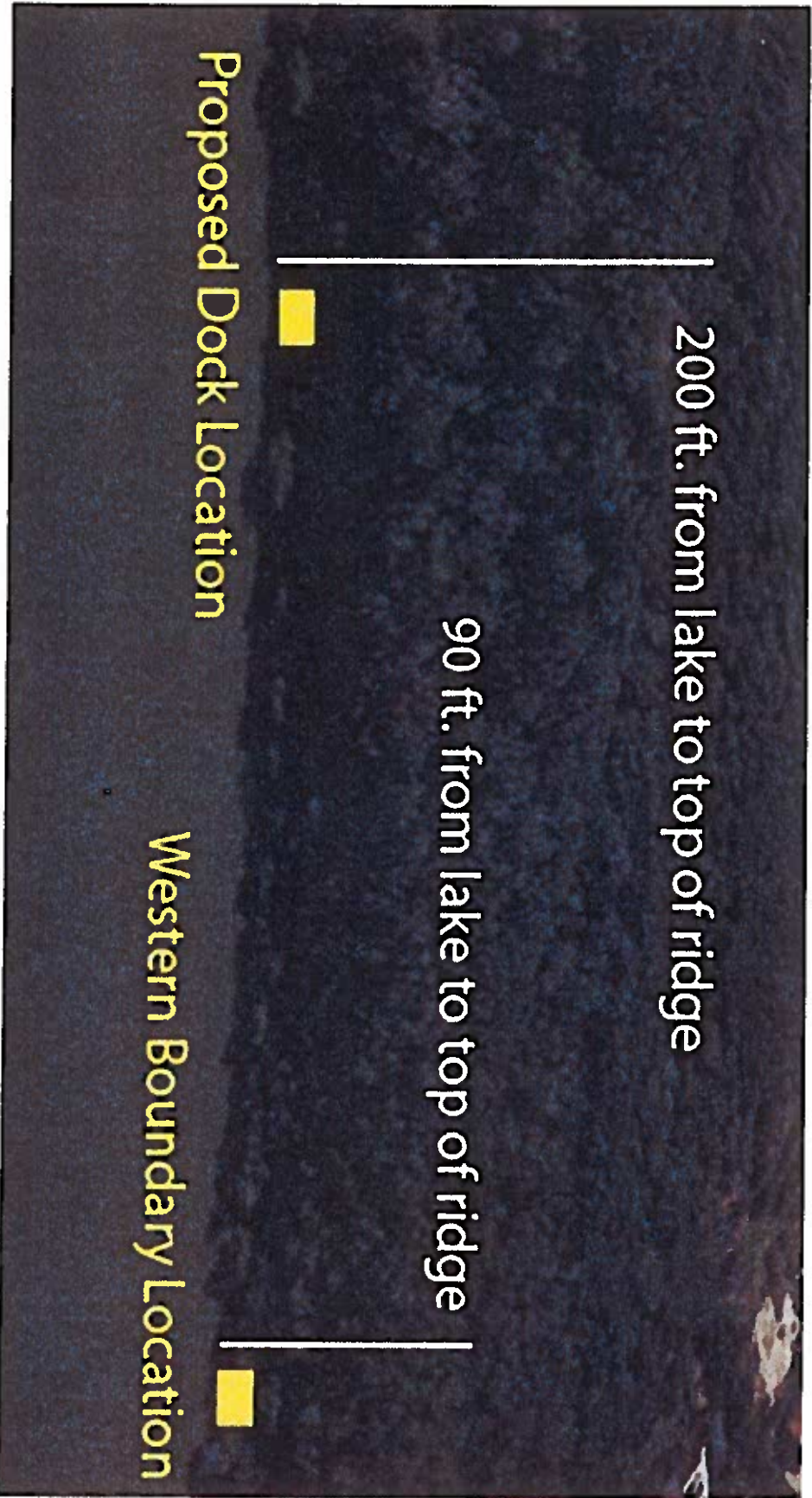


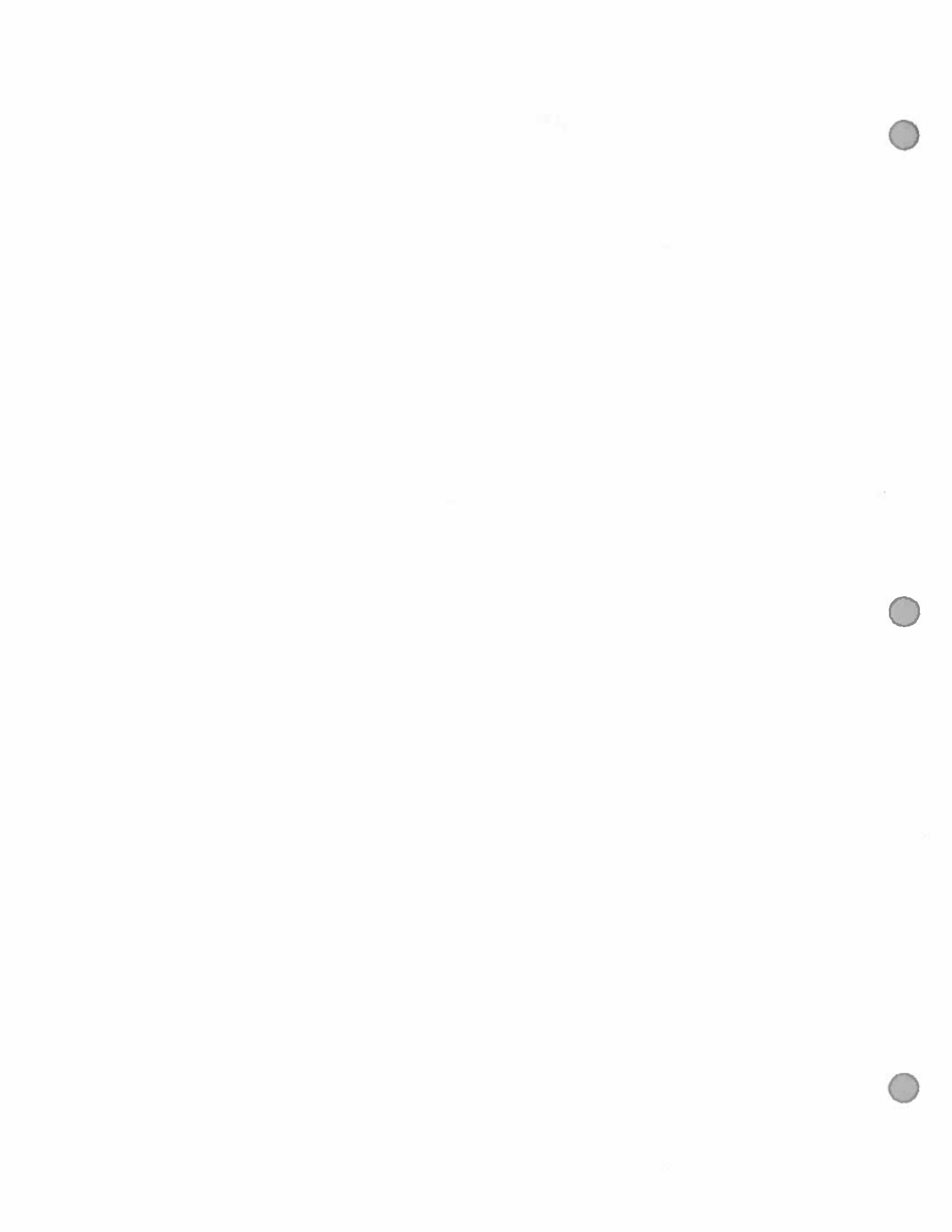
Requests

1. Require the applicant to move the dock to the Western-most edge of the property near the Weston Lane dock that is outside of the Roy Roy Subdivision.
 - The ridge line there is only 90 feet above the water.
 - The need for a tram is greatly reduced so the proliferating tram concern is alleviated.
 - Takes advantage of the unique aspects of this property preventing others from using this case as precedent.
2. Require the applicant to fully construct the trail **BEFORE** building the dock.
 - If the trail is unable to be built, no dock would be built
 - A request for a tram would never occur, so the proliferating tram concern is alleviated.



Close-Up of Western Portion





C-3/17

Simmons-Smith, Michael

From: Maurice & Peggy Davis <emdpond@davises.net>
Sent: Tuesday, February 25, 2014 7:53 AM
To: Simmons-Smith, Michael
Subject: email from Lake Austin Police concerning proposed 5 Humboldt Lane boat dock

Importance: High

Case Manager Michael Simmons-Smith, SP-2013-0133D 5 Humboldt Lane Boat Dock

Please see email below from the Lake Austin Police concerning safety issues at this proposed dock location.

Also LCRA has announced that because of the drought, they may have to lower Lake Austin up to four or more feet.

If Lake Austin is lowered it will force boat traffic toward the 5 Humboldt shoreline which borders the lower body of the Colorado River and is 30 feet deep at this point.

From: "O'Donnell, John" <John.O'Donnell@austintexas.gov>
Subject: **Waterborne Safety Concerns Along Lake Austin Near Emma Long Park (City Park)**
Date: September 14, 2013 at 7:03:45 PM CDT
To: "emdpond@davises.net" <emdpond@davises.net>
Cc: "Candoli, Louis" <Louis.Candoli@austintexas.gov>

Greetings Maurice and Peggy Davis,

I would like to first start off by saying thank you for contacting the Austin Police Department Lake Patrol Unit with all of your concerns that you have that pertain to the safety of everyone using Lake Austin. After our discussion on the phone, I understand that your residence is just down the lake around a bend from Emma Long Park on the north side of the lake. You have addressed that a property owner across the lake from you was interested in building a large boat dock that has the dimensions of sixty-five feet long and thirty feet wide that protrudes out into the water from the shoreline. I understand you feel this is dangerous and have many safety concerns related to this large boat dock if it was built.

I clearly cannot have an opinion about if I am for or against this dock being built, but I can point out and provide safety concerns. A list of my safety concerns are listed as follows:

1. First and foremost, this is one of the narrowest parts of the lake. Building a boat dock that protrudes thirty feet out into the lake from the shoreline would make it that much more compact for boat traffic.

2. Due to this particular stretch of lake in front of your residence is just around the bend from the boat launch ramp at Emma Long Park, places a large amount of boat



C:3/8

traffic in this area. Also in this area are recreational kayakers, canoers, and stand-up paddle boarders.

3. Knowing there is a blind curve going from Emma Long Park towards your residence and the number of boats that travel at a high rate of speed around this blind curve, could potentially increase the number of boat crashes and near misses with boats if this large boat dock is constructed.

4. In the past five years in this particular area of the lake, there has been seven reported boat accidents. Constructing this boat dock and extending it thirty feet out into the water from the shoreline, would make this traveled portion of the lake even narrower and funnel all boating traffic towards the middle of the lake causing more congestion. Watercraft that are towing persons on water skis, tubers, wakeboards, and swimmers could be placed in danger due to boat traffic traveling so close to them.

Again these are just safety concerns that I could potentially see as being hazardous/dangerous and do not have any opinion for or against this boat dock being constructed. I ultimately want to ensure that everyone using this waterway in Austin is safe.

I appreciate your time and attention to this matter. Let me know if you have any further questions.

Thanks,

Officer John O'Donnell Jr. #5947
Austin Police Department
Lake Patrol Unit
Office: 512-329-8841
Pager: 512-802-6062
John.O'Donnell@austintexas.gov



C-3/9

Simmons-Smith, Michael

From: Maurice & Peggy Davis <emdprd@davises.net>
Sent: Monday, February 24, 2014 3:19 PM
To: Simmons-Smith, Michael
Subject: Request to Deny SP-2013-0133D, 5 Humboldt Trail/Dock Variance

Case Manager Michael Simmons Smith:

Following are are my sincere thoughts that this bluff was protected by 1979 Restrictive Covenant so the public - not the property owner -- could enjoy the natural beauty and wildlife at this location.

Request to Deny - SP-2013-0133D: Variance within a Rimrock/Critical Environmental Feature (CEF) for a Boat Dock and Trail for 5 Humboldt Lane

Ten years ago I was a member of the LCRA Lake Austin Panel where I learned the right to enjoy the beauty, wildlife and recreational benefits of Lake Austin was for the public, not the property owners along the Lake Austin shoreline.

I oppose bypassing the 1979 Restrictive Covenant (RC) in favor of Chapter 245 because I believe the RC forbids construction below the 675 contour line so the public, which includes all of the citizens of Austin and their visitors, can enjoy the natural beauty and wildlife at this location.

Since I am lucky enough to live across the lake from this protected wildlife habitat, I have "eyes of the bluff" and the public's daily enjoyment of this unblemished environmental treasure in the middle of a dense urban development.

Emma Long Park is only a few hundred feet upstream and across the lake from the bluff. The public has very easy access by boat to see the large birds including Egrets, Hawks, and Great Blue Herons - not your ordinary backyard songbirds.

I see families in boats, canoes, kayaks, and rubber rafts slowly drifting by the 1800 foot shoreline of this 80 degree sheer bluff. It is like a "drive-through safari park" except the public is coasting by in boats instead of cars.

Several tour boats operate on Lake Austin and I frequently see them stop so the passengers can enjoy the beauty of this stunning bluff and the birds.

The bluff has extra protection because there is no home on the property, and it is located within a gated community. There is never a human footprint on this almost vertical bluff and is therefore a safe haven for the multitude of birds which includes the federally endangered Golden-Cheeked Warbler.

Please deny this variance because if approved, I fear the applicant will immediately apply for a variance (or an administrative variance) for a tram which would set a precedent for docks and trams along the rest of the Rob Roy Bluff



plus the remaining few high bluffs along Lake Austin. You are our last hope to preserve this bluff for the public.

Peggy Davis
1503 Manana Street
Austin, TX 78730
512.795-8799



Partial View of 1800 foot shoreline of bluff



Fall Color



Great Blue Heron



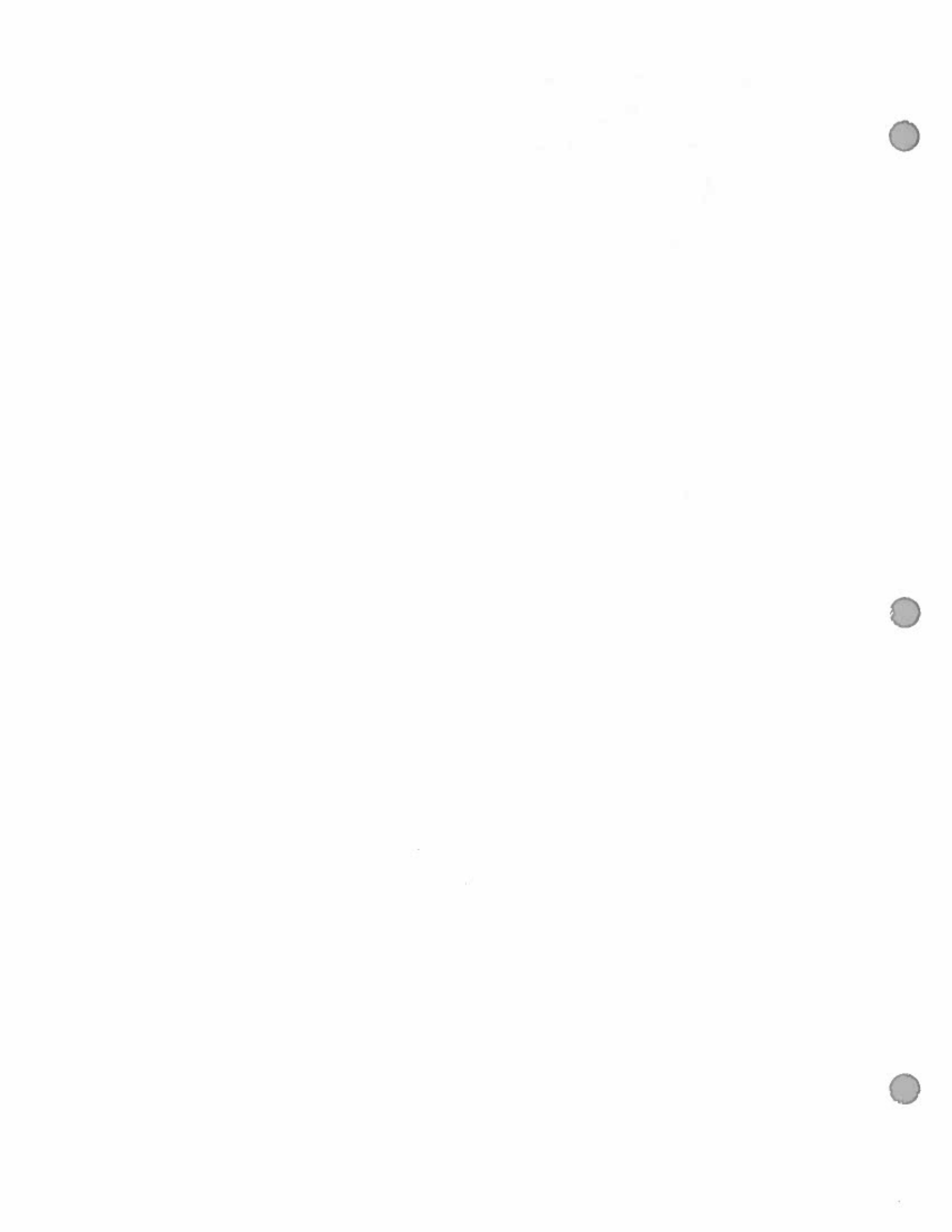
C.3/11



Snowy Egrets



Red-Shouldered Hawk



C7



MEMORANDUM

TO: Planning Commissioners

FROM: Lee Heckman, AICP
Planning and Development Review Department

DATE: February 25, 2014

SUBJECT: C14-2012-0067(RCT) – Agenda Item 7
La Estancia del Rio Restrictive Covenant Termination

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