

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0063 – Pier Property Rezoning DISTRICT: 10

ZONING FROM: CS-1, LA

TO: CR

ADDRESS: 1703 River Hills Road

SITE AREA: 0.096 acres (4181.76 sq. ft.)

PROPERTY OWNER:

Tires Made Easy, Inc (Andrew S. Price)

AGENT:

Husch Blackwell, LLP, (Nikelle Meade)

CASE MANAGER Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial recreation (CR) district zoning.

For a summary of the basis of Staff's recommendation, see case manager comments below.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

August 18, 2020:

CITY COUNCIL ACTION:

Planning to schedule for September 17, 2020

ORDINANCE NUMBER:

ISSUES

There is no new development proposed for the subject property. The requested CR zoning is required to repair the existing marina. There is a Travis County water district with a water intake nearby. Through their legal counsel, they expressed their concern about the proximity of the marina.

CASE MANAGER COMMENTS:

The subject property is addressed as 1703 River Hills Road. Currently there are no occupied structures or operating businesses on the 4.465 acre property.

The subject riverside and woodland property is surveyed as 4.465 acres (approximately 194,495 square feet) with approximately 212 feet of Lake Austin frontage. The requested rezoning tract is for the footprint of the existing marina (about 4,181 square feet). The marina was built to serve a restaurant that operated on the property but closed prior to 2006. The existing commercial-liquor sales (CS-1) zoning permits the bar/restaurant use as a primary land use and the Land Development Code allows a marina as an accessory use to a restaurant. Since the restaurant is not in operation, the marina becomes the primary use. The applicant stated that there are 20 boat slips and that they intend to reconstruct them in the same location. The requested commercial recreation (CR) zoning district allows a commercial marina as a primary use.

An Austin Code Enforcement Official inspected the marina and determined that the boat slips may be unsafe and require repairs. The applicants responded to the enforcement notice and applied for permits to make the required repairs. The permits were denied because the marina does not have the correct zoning. The applicants indicate that they plan to remove all dangerous structures and make repairs when they can get permits to do so.

BASIS OF RECOMMENDATION:

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

CR – Commercial Recreation district is intended to provide for the commercial services and recreational needs of tourists and visitors to major recreational areas such as Lake Travis or Lake Austin.

The zoning is sought by the applicant in order to repair an existing commercial marina on Lake Austin. CR zoning is the only zoning district where a marina is a permitted use by right. The marina was previously allowed as an accessory use to the restaurant that is no longer operational.

Permits to repair the marina were not issued because the use is not permitted in the CS-1 zoning district. The proposed repairs were in response to a code enforcement violation. Permitting and repairs can proceed if the zoning is granted. By repairing the existing 20 slips, the owner is preserving an amenity of the property while removing potential hazards identified by code enforcement.

- 2. Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The subject property is zoned commercial-liquor sales (CS-1) and for many years prior to 2006 a restaurant and entertainment business operated there. The unique feature was that the Pier restaurant was accessible primarily by water. The property has more than 200 feet of frontage on Lake Austin and repairing the commercial marina preserves some potential commercial opportunities for the property. The proposed rezoning is only for the footprint of the marina, 4,181 square feet.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-1	Vacant restaurant, marina
North	LA	Large lot residences
South	LA	WCID Water Treatment Plant
East	LA, P	Colorado River, Emma Long Park
West	LA, Austin ETJ	Undeveloped woodland

NEIGHBORHOOD PLANNING AREA: Not applicable

TIA: No development is proposed.

WATERSHED: Lake Austin – Water Supply Rural Watershed. Impervious Cover permitted for commercial use is 20% of net site area

OVERLAYS: Lake Austin

SCHOOLS: Eanes ISD

Barton Creek Elementary School West Ridge Middle School Westlake High School

NEIGHBORHOOD ORGANIZATIONS

Austin Lost and Found Pets	River Hills Neighborhood Assn.
Bike Austin	SELTexas
City of Rollingwood	Save Our Springs Alliance
Friends of Austin Neighborhoods	Sierra Club, Austin Regional Group
Neighborhood Empowerment Foundation	TNR BCP - Travis County Natural Resources

AREA CASE HISTORIES:

There are no recent cases in the vicinity. The area west of River Hills Road is in the Austin 2-mile ETJ and east of Lake Austin is Emma Long Metro Park. To the north and south are large LA zoned properties with Colorado River frontage.

LEGAL DESCRIPTION:

BEING 0.096 OF AN ACRE SITUATED IN THE ISAAC PERKINS SURVEY, ABSTRACT No. 626, TRAVIS COUNTY, TEXAS, OUT OF A CALLED 4.465 ACRE TRACT CONVEYED TO TIRES MADE EASY, INC., AND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2008021052, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.).

RELATED CASES:

Ordinance No. 84-0193-Q – September 13, 1984, property rezoned from “A” – Residence and “Interim LA” 1st Height & Area to “C-2” 1st Height & Area.

C14-83-003.189 – **Restrictive Covenant** for a 4.476 acre tract of land recorded in 1984 requires requests for expansion or changes of the existing land use to be accompanied by a site plan and receive of the Land Use Commission and City Council.

C814-06-0202 – Pier Partners – Proposed PUD zoning for expanded restaurant, dry dock. Withdrawn by applicant on February 13, 2008.

OTHER STAFF COMMENTS:

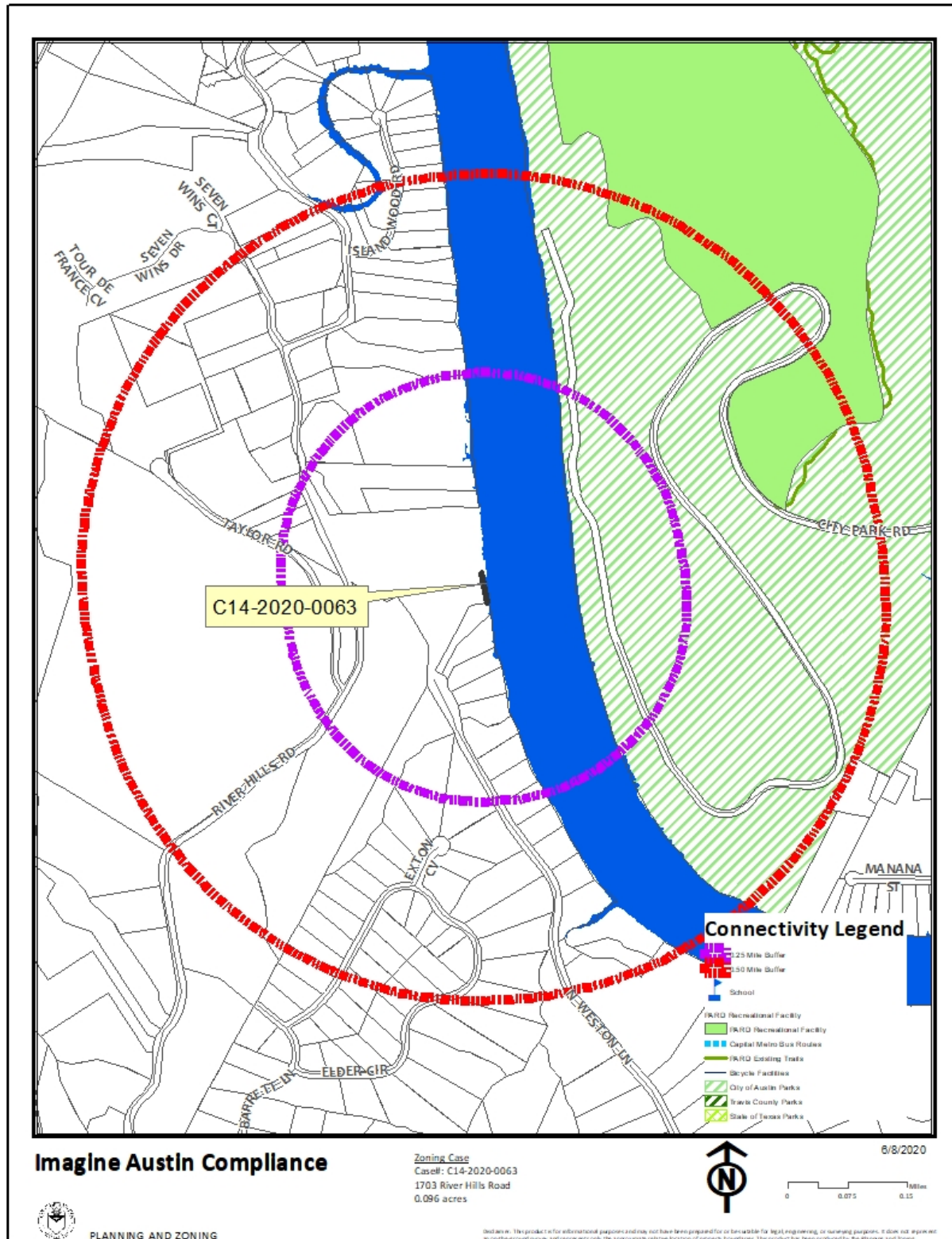
Comprehensive Planning

This zoning case is located at the west side of the Colorado River on a property that is 0.096 acres in size and the existing use is a marina/pier. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes large single family lots with house to the north, south and west; and to the east is the Colorado River. The proposal is to rezone the existing marina/pier.

Connectivity: The area within and around the subject property has no public sidewalks, bike lanes, urban trails, or public transit options within or near the site. The mobility and connectivity options in the area are below average.

Imagine Austin

The property is not located along an Activity Corridor or Center. The comparative scale of the existing marina/pier along a river falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Lake Austin Watershed of the Colorado River Basin, which is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.
2. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain.

3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Water Quality Transition Zone / Critical Water Quality Zone exist within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Site Plan

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

- SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP4. The site is subject to compatibility standards. Along the *north, south, and west* property lines, the following standards apply:
No structure may be built within 25 feet of the property line.
No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
No parking or driveways are allowed within 25 feet of the property line.
A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- SP5. Other development regulations for the CR zoning district are the following:
- Maximum Height: 40 Ft.
 - Maximum FAR: 0.25 : 1

Transportation

No new development or use proposed. No comments at this time.

Austin Water Utility

AW1. No comments. Site is served by private water system and on-site sewage facility

EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

B-03

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P

SPC91-0331C LA

SPC91-0331C

P

83-003.189RC

CS-1

SP-03-0046C

SP96-0380DS

N WESTON LN

ZONING

ZONING CASE#: C14-2020-0063



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 200'

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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Created: 6/5/2020

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D28

C14-2020-0063

CS-1

D27

LA

NWESTON LN

RIVERHILLS RD

TAYLOR RD

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Pier Property Rezoning

ZONING CASE#: C14-2020-0063
LOCATION: 1703 River Hills Rd.
SUBJECT AREA: 0.096 ACRES
GRID: D27
MANAGER: MARK GRAHAM



1" = 200'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

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