CWS Capital Partners, LLC is appealing the Planning Commission's decision to deny requested Waterfront Overlay variances under 25-2-713(B) of the City Code.

The proposed development consists of 325 multi-family residential units, gallery, parking garage, water quality pond, hike and bike trail and other associated improvements. This project is a certified SMART Housing project. The applicant is requesting approval of a site plan and variances from the requirements of the South Shore Central Sub-district of the Waterfront Overlay. City staff recommended denial of requested Waterfront Overlay variances and disapproval of the site plan. On October 9, 2007, the Planning Commission denied the variances.

The requested variances were as follows:

1. Variance to Section 25-2-742 (C)(1): to reduce the secondary setback line of 50-feet from the primary setback line parallel to Town Lake shoreline to 0 feet.
2. Variance to Section 25-2-742 (C)(2): to reduce the secondary setback line of 130 feet from the primary setback of East Bouldin Creek to 0 feet.
3. Variance to Section 25-2-721 (B)(1): to construct an emergency access driveway and a sidewalk in the primary setback. The section prohibits parking areas and structures within the primary setback.

The appeal is only applicable to the requested variances from the Waterfront Overlay. If the appeal is granted, the site plan will then have to address all other code requirements andwill then be reviewed by the Planning Commission for its approval or denial.