

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2018-0135 – West Harbor Marina LLC

DISTRICT: 10

ZONING FROM: LA and SF-3

TO: SF-5-CO

ADDRESS: 2503 Westlake Drive

SITE AREA: 1.7977 acres

OWNER: West Harbour, LLC

APPLICANT: Permit Partners, LLC  
(Jennifer Hanlen)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

**Staff recommends urban family residence (SF-5) district zoning.** *For a summary of the basis of staff's recommendation, see page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**March 5, 2019**                      **Scheduled for Zoning and Platting Commission**

February 19, 2019              Approved postponement request by applicant to March 5, 2019. [N. Barrera-Ramirez, J. Duncan – 2<sup>nd</sup>], Vote 9 – 0. Commissioner Breithaupt was off the dais.

CITY COUNCIL ACTION:

March 28, 2019                      Scheduled for City Council

ORDINANCE NUMBER:

ISSUES:

The subject property consists of two lots which back up to Lake Austin. The land portion is zoned SF-3, and the lake portion is zoned LA. For several decades, the property has been the site of two multifamily buildings and one small efficiency unit, for a total of eight units. The apartments predate many Austin zoning ordinances, and are considered as existing non-complying uses in the SF-3 category. On the lake side there is a marina with a total of 26 boat slips facing onto a small inlet.

The current owner would like to redevelop the property and has concept plan for seven multifamily units. This zoning case covers the property with the exception of the marina. The owner is in the process of subdividing the marina from the rest of the property. The area requested for rezoning follows proposed subdivision lines rather than existing zoning lines (See Exhibit C, proposed subdivision). There is a submitted site plan for the redevelopment of the marina (SP-2018-0221C).

The original request was for SF-5. After discussing the case with the neighbors, the applicant revised the original request to SF-5-CO, with a conditional overlay limiting the property to seven units (See Exhibit E, Revised Applicant Letter).

CASE MANAGER COMMENTS:

The subject property is approximately 1.75 acres, and is located on the lake-facing side of Westlake Drive. The property abuts Lake Austin to the east, approximately 0.75 miles north of Tom Miller Dam. The property is relatively flat, and according to flood plain maps, there is flood plain and Critical Water Quality Zone on the eastern portion of the property adjacent to the lake. There are a total of eight apartment units on the property, which were built in the 1950s or 1960s.

Immediately to the north of the subject property is a tract zoned SF-3 with two residential cabin units, which are rented on an annual basis. Further north, and also zoned SF-3 is the Westlake Beach marina and recreational facility. To the south is a tract zoned MF-3, which is the site of the Orleans Harbor multifamily development, also situated on its own inlet with boat slips. West of the subject property, across Westlake Drive are numerous tracts zoned LA, with single family homes.

BASIS OF RECOMMENDATION:

Staff recommends urban family residence (SF-5) district zoning.

Staff finds no substantial objection to the proposed conditional overlay which would limit the property to seven residential units. However, given the site constraints and regulations of the SF-5 district, it would be very difficult to design a project that included even one additional unit, beyond the seven proposed. Therefore, the proposed CO would have little to no effect

on the proposed development or the buildability of the site, and is therefore not part of the staff recommendation.

For the base zoning, the first basis of the recommendation is that the proposed zoning should be consistent with the purpose statement of the district sought. The SF-5 statement refers the construction of various residential housing types, while maintaining single family neighborhood characteristics. The statement appears consistent with the applicant's proposal to build seven units, and with the context of the neighborhood.

The second basis is that zoning should allow for reasonable use of the property. The existing multifamily development has been on the property for decades and is considered existing non-complying in the SF-3 category. A rezoning to SF-5 would codify the existing land use by allowing for the additional units.

The third basis is that zoning changes should promote compatibility with adjacent and nearby uses. In the immediate area, there is already a mix of densities and uses including single family and multifamily, sometimes with marinas. In the interest of orderly zoning, SF-5 in this location would create a transition between the MF-3 tract to the south and the SF-3 tract to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3 and LA	Multifamily, Marina
North	SF-3, LA	Two Family, Marina
South	MF-3	Multifamily, Marina
East	LA	Lake Austin
West	Westlake Dr, then LA	Westlake Dr, then Single Family

NEIGHBORHOOD PLANNING AREA: None

TIA: Not required

WATERSHED: Lake Austin

OVERLAYS: Lake Austin

SCHOOLS: Bridge Point Elementary, Hill Country Middle School, West Lake High School

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Preservation Austin
Austin Neighborhoods Council	Save Barton Creek Assn
Bike Austin	Save Our Springs Alliance
Central West Austin Neighborhood Plan	Seltexas
City Of Rollingwood	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	The Island on Westlake Owners Association
Lake Austin Collective	TNR BCP - Travis County Natural Resources
Neighborhood Empowerment Foundation	West Austin Neighborhood Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<b>C14-83-003.5</b>	<b>Lake Austin Area Study</b>	<b>NA</b>	<b>09-13-84 – Apvd LA, SF-3, and other categories</b>

RELATED CASES:

Starting in 1983 and completed in 1984, the Lake Austin Area study rezoned parts of the area LA, and left out others, such as the subject property (See Exhibit D, Lake Austin Area Study).

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Westlake Drive	45 feet	22 feet	Minor arterial	No	Yes, shared lane	No

OTHER STAFF COMMENTS:Austin Fire Department

FYI – A Reviewer from the Austin Fire Department must review and approve construction plans during the building permit review process.

Comprehensive Planning

This zoning case is located at the west side of the Colorado River/Lake Austin and the east side of Westlake Drive on a property that is approximately 1.795 acres in size and contains two multifamily buildings. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a marina and single family houses to the north; to the south is a condo project and a marina; to the west are single family houses, and the east is the Colorado River/Lake Austin. The proposal is to demolish the three existing single family houses on the subject property and build a condo project with a marina.

Connectivity: The area within and around the subject property has no public sidewalks, bike trails, urban trails, or public transits options within or near the site. The Walkscore for this site 3/100, Car Dependent, meaning almost all errands require a car. Mobility options beyond a car are nonexistent.

Imagine Austin

The property is not located along an Activity Corridor or Center. The comparatively scale of this residential project compared to other residential uses, including a condo/marina projects to the south, falls below the scope of Imagine Austin; consequently, the plan is neutral on the proposed rezoning. However, due to the site's location in an environmentally sensitive area, there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. It is hoped in the near future that mobility improvements could be undertaken along road contiguous to the river by installing public sidewalks or a trail to foster a more pedestrian friendly environment to residents and visitors alike.

Environmental

The site is 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.

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.

According to floodplain maps there is a floodplain and a Critical Water Quality Zone within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Several trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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

Site plans will be required for any new development other than single-family or duplex residential.

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.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

FYI – The site is within the Lake Austin Overlay Zone. The land use, building placement and design restrictions of that zone will continue to apply.

### Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]

Westlake Drive is identified as a minor arterial within the AMATP. The adopted plan does not currently require additional right-of-way. However, additional right-of-way maybe required at the time of subdivision and/or site plan after further review.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Westlake Drive. Per Mike Schofield, Bicycle Program, Austin Transportation Department right-of-way dedication and bicycle facility construction is not required at this time. Please review the Bicycle Master Plan for more information. LDC 25-6-55 and LDC 25-6-101.

FYI – sidewalks shall be constructed according to City of Austin standards along Westlake Drive at the time of the site development application.

FYI – the existing driveways along Westlake Drive may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

### Austin Water Utility




FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Proposed Subdivision
- D. Lake Austin Area Study, excerpt
- E. Revised Applicant Request Letter





 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

ZONING CASE#: C14-2018-0135

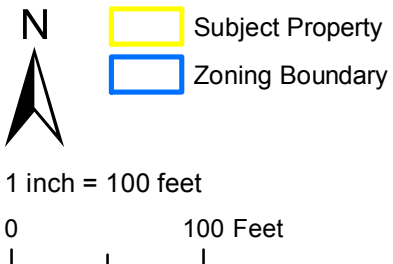
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The logo of the City of Austin, featuring a circular seal with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom. The center of the seal depicts a shield with a red and white design, topped by a blue eagle with spread wings.





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## ZONING & VICINITY

Zoning Case: C14-2018-0135  
 Address: 2503 Westlake Dr  
 Subject Area: 1.7977 Acres  
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**EXHIBIT B**



# REPLAT OF PORTIONS OF LOTS 35 AND 36 OF LAKE SHORE ADDITION

JULY, 2018  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

40 0 40  
SCALE: 1"=40'

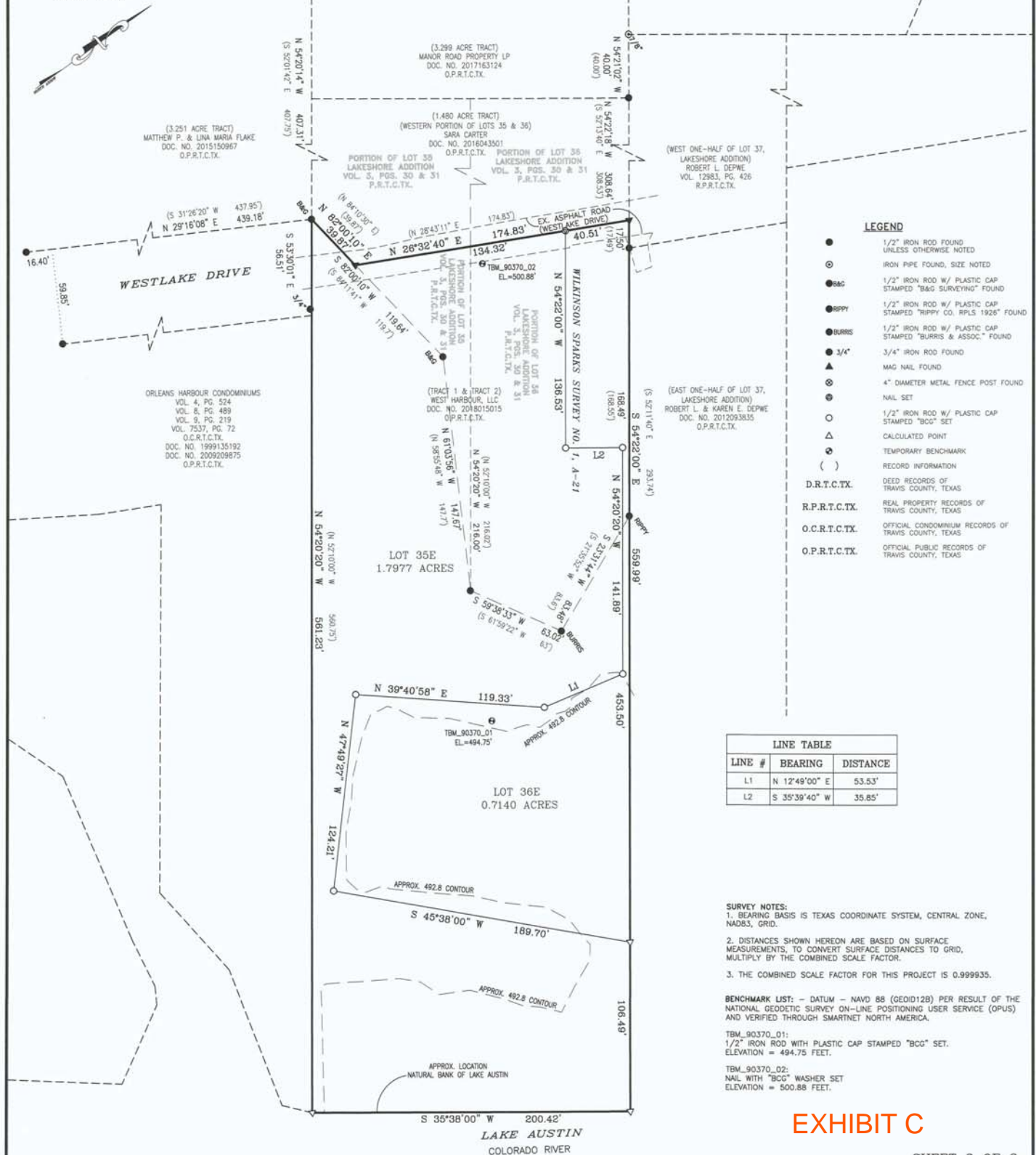


EXHIBIT C

SHEET 3 OF 3

REPLAT OF  
PORTIONS OF LOTS 35 AND 36  
OF LAKE SHORE ADDITION  
TRAVIS COUNTY, TEXAS

PLAN 1212

FILE: P:\090370-2505 WESTLAKE DR\090370-01-001\Survey\Working\Plot\90370\_2503 Westlake Drive\_Final Plot.dwg

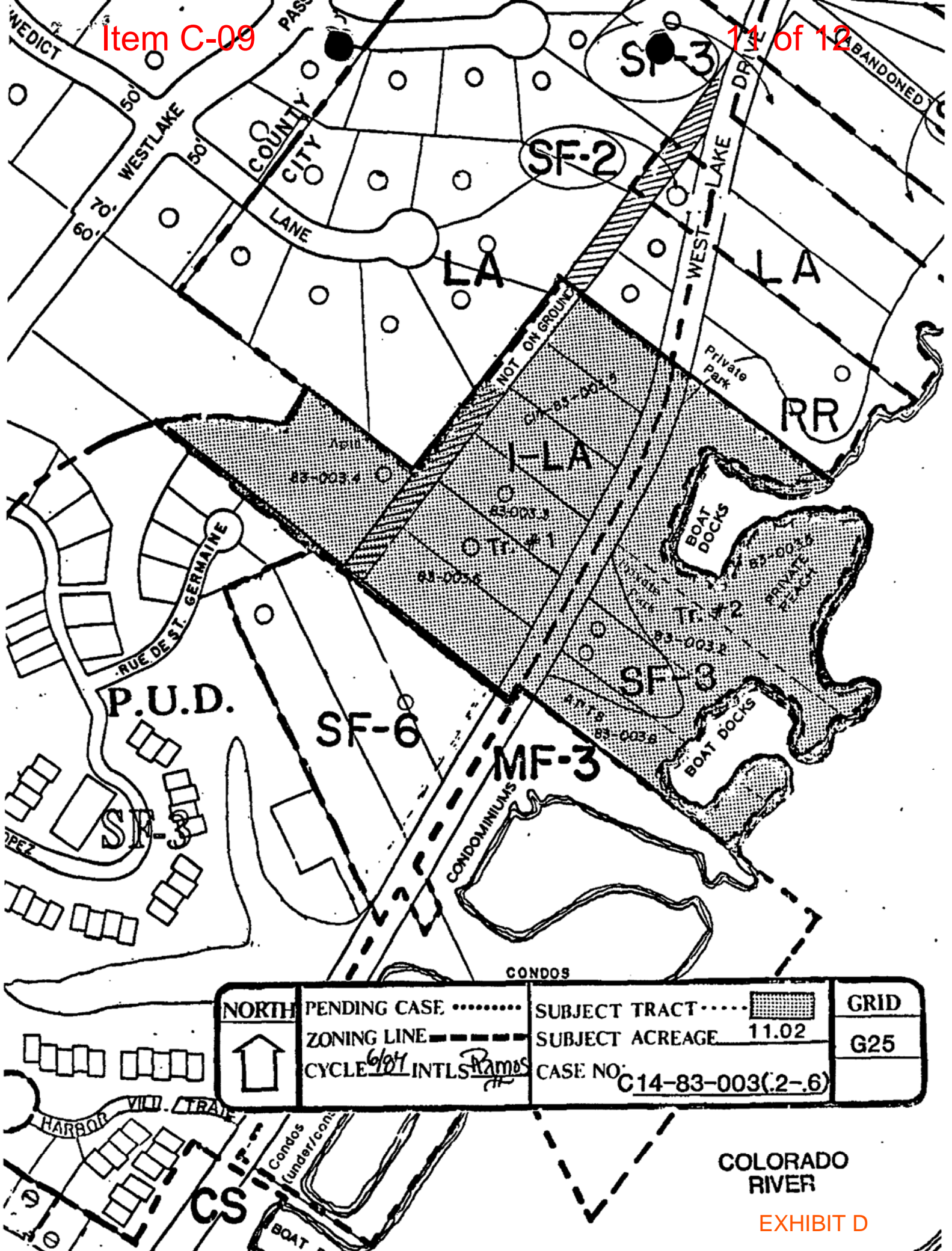
DATE: 07-17-18 DRAWN BY: DZ CREW: MK, BE  
SCALE: 1"=40' CHECKED BY: JS FB #: 414  
JOB #: 90370-01-001 DRAWING #: FINAL PLAT PLAN #: 1212



**Bowman**  
CONSULTING

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TBPE Firm No. F-14309 | TBPLS Firm No. 101206-00

NO. REVISION BY DATE  
PLOT DATE: Aug 17, 2018 - 1:41pm

CASE NO. \_\_\_\_\_



<p>NORTH</p> 	<p>PENDING CASE .....</p> <p>ZONING LINE - - - - -</p> <p>CYCLE <u>6/01</u> INTLS <u>Ramos</u></p>	<p>SUBJECT TRACT ..... </p> <p>SUBJECT ACREAGE <u>11.02</u></p> <p>CASE NO. <u>C14-83-003(2-6)</u></p>	<p>GRID</p> <p>G25</p>
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COLORADO RIVER

*From the office of:*

PERMIT PARTNERS, LLC  
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Austin, Texas 78704  
David C. Cancialosi  
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February 26, 2019

City of Austin c/o Scott Grantham  
City of Austin  
One Texas Center  
505 Barton Springs  
Austin, Texas 78704

**RE: Conditional Overlay of seven (7) units at 2503 Westlake Dr.**

Scott,

Per our email earlier today and consistent with our discussion with Mr. Lance Hughes regarding the rezoning from SF3 to SF5 at 2503 Westlake Drive re: zoning case C14-2018-0135 we are proposing a CO to allow a maximum of seven (7) units at this site. This is in line with the existing legal non-conforming, non-complying seven (7) residential units which have been in use for several decades.

The local neighborhood representative is Mr. Lance Hughes and he is on board with this CO language.

This case is scheduled for the March 5<sup>th</sup> ZAP agenda. We look forward to your staff report ahead of time.

Thank you and please feel free to contact me should you have any questions.

Sincerely,



David C. Cancialosi, Agent for Owner