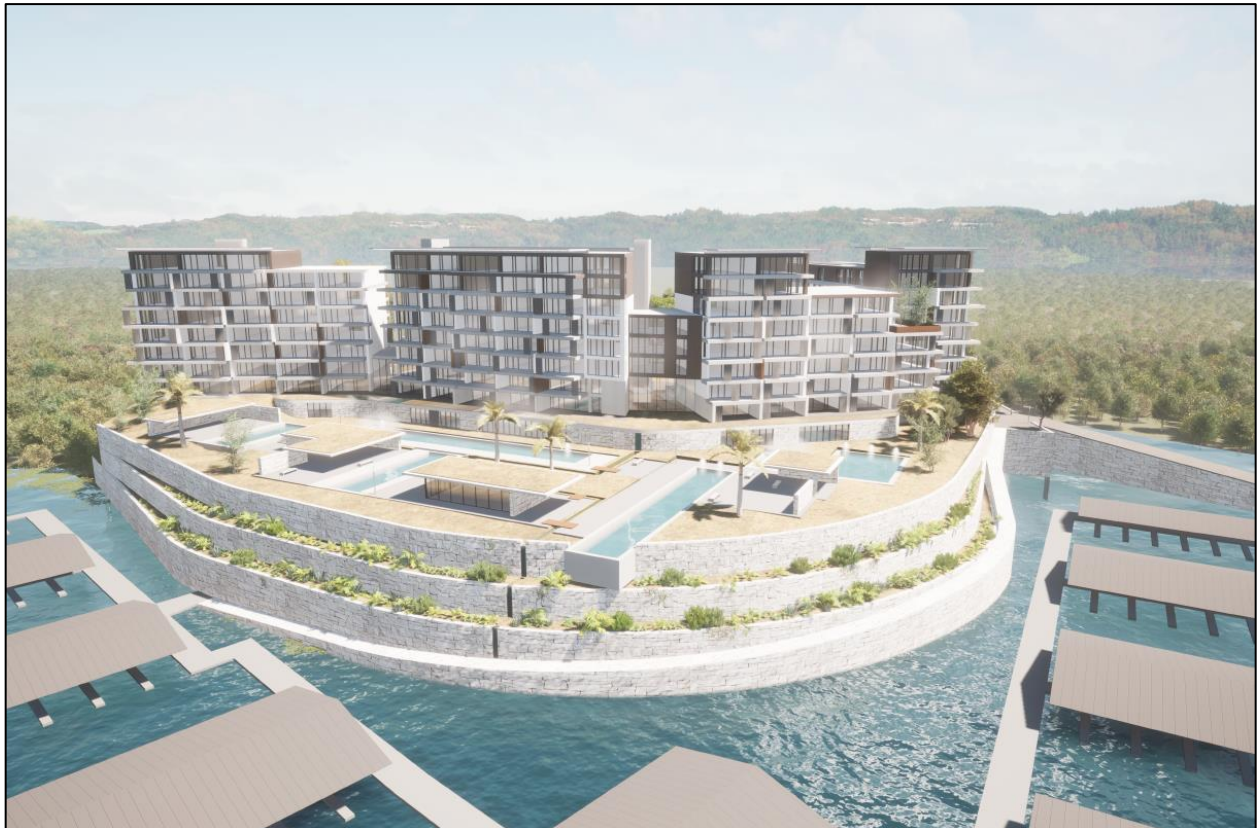


The Creek at Hurst Harbor

Planned Unit Development (PUD) District

Land Use, Design, and Development Regulations

City of Lakeway, Texas



Submitted August 9, 2023

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I. Purpose and Intent

The purpose of this Planned Unit Development (PUD) district is to permit the development of a luxury, residential community of condominium units and associated amenities on the shore of Lake Travis at the current site of the Hurst Harbor Marina. The proposed development will incorporate and maintain certain aspects of the existing marina facility, while enhancing the lakefront and boating-oriented lifestyle of Lakeway, Texas.

The intent of the PUD District ordinance is to establish site specific land use and development regulations to allow for implementation of a long-range plan for the development of a multi-story condominium project and associated residential amenities in conjunction with a marina, boat docks, and other non-residential improvements. The adoption of a PUD District provides additional control over the land use, design, aesthetics, and community integration above and beyond the protections offered by conventional zoning, site development, and design requirements.

This PUD aims to provide for mixed uses that integrate the lake-oriented recreation and living in response to market opportunities, while encouraging innovative design alternatives and superior development criteria. The PUD is intended to allow for regulations that best address site-specific opportunities to implement solutions that promote the highest and best use of the site.

To date, use of the subject property has focused on marina-oriented activities. Today, the area is no longer viewed as primarily a retirement community or weekend destination. As the population growth of the Central Texas region has exploded, the Lakeway community has transitioned from a vacation and retirement community to a full-service city of over 20,000 residents.

The PUD will facilitate improvements that will modernize the existing marina and make the marina uses more compatible with residential uses. The proposed site improvements include the replacement of the large dry stack facility with additional floating boat docks. The existing dry stack boat storage building that is currently located on the site and highly visible from the lake and Lakeway City Park will be razed and replaced with a much more aesthetically pleasing condominium project.

The continued growth of the Central Texas region has highlighted the need for additional housing units and housing style alternatives. The proposed development provides a unique opportunity to incorporate new residential uses within the established marina site to create a mixed-use project that blends many of the attributes that draw residents to the community in the first place to enjoy a relaxing lake lifestyle and the opportunity to live and work where you play.

II. Project Location

The Creek at Hurst Harbor is located near the western terminus of Clara Van Drive with lakeshore frontage along the Hurst Creek branch of Lake Travis. The subject property totals approximately 26.934 acres comprised of multiple parcels including the existing marina

property, a 5.05-acre tract leased from the LCRA, an easement estate tract, and Lots 10, 10-A, and 12 of the Bar-S Ranch Subdivision, No. 2. In conjunction with the proposed development, a re-subdivision of the subject property to create a new three-lot subdivision that includes the creation of a new lot containing the contiguous tracts currently used by the marina operations and proposed for the mixed-use condominium and marina project as well as the two lots separated from the primary lot by Clara Van Street.

The subject property was annexed into the City of Lakeway in March 2006. An initial zoning of District M (Marina) was established for much of the property, while the three northern tracts were assigned a residential zoning of District R-6 (Single-Family Residential – Rural). The site is surrounded by Lake Travis on the west and north and Travis County Lakeway ETJ properties.

Subject Property – The Creek at Hurst Harbor PUD



III. Background

The Hurst Harbor Marina has operated at this site since 1975. During that time, the property has evolved to include certain marina related uses and discontinue others in response to changing site and market conditions. Currently, the site operates primarily as a marina with a boat ramp, approximately 1,350 square foot marina office, approximately 225 wet boat slips, a large dry stack building housing 235 dry slips, a marina repair facility, public restrooms for patrons, and boat trailer parking.

Previously marina operations included additional commercial uses such as an onsite restaurant, a retail store, and fuel sales. With the PUD, similar retail and personal service uses may be incorporated as accessory uses to the residential component of the mixed-use development. Ultimately, the goal is to improve the functionality and aesthetics of the site through the integration of site amenities, landscaping, and architectural features. In addition, the development plan will accommodate the existing dry slips on the water as wet docks, allowing for the four-story dry slip metal structure to be removed from the site.

IV. Comprehensive Plan Implementation

With the adoption of the City of Lakeway 2020 Comprehensive Plan, citizens, stakeholders, and decision-makers have established goals and recommendations that reflect the community's vision for the future. These goals are intended to help guide planning decisions for the next 20 years. The Creek at Hurst Harbor PUD provides an opportunity for the implementation and realization of several of the goals stated in the Comprehensive Plan. This PUD proposal meets and or exceeds the intent of the City of Lakeway 2020 Comprehensive Plan per the following:

Goal 1. ***Sustain a Distinct Community Identity*** for Lakeway that sets us apart, while being a leader in western Travis County. The Creek at Hurst Harbor will offer residents and marina members high-end, lake-oriented amenities representative of the community's philosophy of honoring an active lifestyle and respecting the natural beauty of the environment.

Goal 2. ***Preserve and Enhance our Environment*** through diligent and responsible stewardship initiatives. The proposed development will incorporate a retaining wall to provide shoreline stability, and dredging of the LCRA lease area will increase functionality of the cove during low water periods, reducing the need to relocate docks to other areas of the lake and keeping those areas open to the greater community.

Goal 3. ***Ensure Wise Land Use*** by ensuring that the few remaining undeveloped tracts of land and land prime for redevelopment are zoned and platted in a manner consistent with the desired character of the City. The proposed PUD recognizes the subject property as a prime opportunity for redevelopment that requires a specially tailored zoning district to achieve the proposed mixed-use project and ensure that development occurs in a comprehensive manner that is sensitive to the environmental constraints and community needs.

Goal 6. **Cultivate a Broad Set of Community Recreational and Cultural Programs** appealing to citizens of all ages and interests, thus providing the finer things in life for our community and preserving our local heritage. The Creek at Hurst Harbor offers an alternative to single-family residential and apartment communities. The condominium community appeals to owners that desire less property maintenance and a greater variety of shared amenities.

Goal 7. **Build and Renew Community Facilities and Parks** commensurate with 40% population growth and public interest. In addition to the onsite recreational amenities proposed, the PUD proposes to assist the City of Lakeway in achieving certain goals stated in the Lakeway City Park Plan. The specifics of this partnership with the City of Lakeway are in discussion but still to be determined.

V. PUD Superiority

The Creek at Hurst Harbor PUD provides an efficient way of outlining the short-term and long-term vision for the property. Adoption of the PUD recognizes the complexity of the project and the long-range planning horizon required for implementation of the plan. The PUD departs from the strict conformance with the requirements of the standard zoning code and building ordinance when a superior benefit to the community is recognized.

The PUD is demonstrated to exceed the following thresholds for superiority:

1. Benefits the City of Lakeway and acts in the public interest.
2. Is consistent with this section and the goals of the comprehensive plan of the City of Lakeway.
3. Identifies its departure from the city's standard zoning and development ordinances.
4. Is clearly superior to the development in a standard zoning district.
5. Makes adequate provision for service, traffic, open space, and recreation.
6. Addresses the relationship and compatibility with adjacent properties.
7. Represents a desirable development as regards physical development, tax base, and economic benefit.

The Creek at Hurst Harbor PUD allows for the creation of a mixed-use development that incorporates residential uses in a manner that is compatible with the existing marina use, resulting in a development scenario that is mutually beneficial to both uses. The PUD proposes additional screening of the existing marina operations and future residential amenities from the street view and adjacent single-family residential neighbors. The lakeshore stability and dredging components of the project will improve navigability and reduce the need for low-water relocation of docks, which benefits the entire lake community.

Developments in a PUD district are allowed and expected to have a mixture of uses and other specialty facilities that are compatible in both character and function. The Creek at Hurst Harbor PUD district provides an orderly transition between two conventional zoning categories of Marina district and R-5 district, allows for a single site to accommodate a mix of uses that is desirable and in the best interest of the community, and encourages the creative development

of land, provides for a well-planned comprehensive development, and provides for variety in the development pattern of the City.

VI. Definitions and Interpretations

For instances in which the PUD and/or Concept Plan is silent on a matter, the Code of Ordinances applies unless governed by rules and regulations of another governing jurisdiction such as the Federal Emergency Management Agency, Army Corp of Engineers, Lower Colorado River Authority, or Travis County.

VII. Conceptual Plan

The Concept Plan for the Creek at Hurst Harbor is incorporated to the PUD to provide a supporting visual representation of the project intent, objectives, regulations, and requirements. Development within the PUD District must generally comply with the Concept Plan, as it is recognized that deviations from the conceptual plans and renderings are expected as construction plans for project implementation are refined. If it is determined by the Director of Building & Development Services that a conflict exists between the text and the Concept Plan, the text shall prevail.

Conceptually, the proposed improvements will utilize the existing docks that are undergoing a multi-million-dollar renovation. Ultimately, the existing 235 dry dock slips contained within the large, multistory, blue metal building will be relocated as additional wet slips upon completion of the proposed dredging of the Hurst Creek basin. The City of Lakeway will recommend to the LCRA that a permit for these floating slips be approved so that 235 boat owners will not be displaced. New development at the site will include a multi-story condominium building at the waterfront, a subterranean parking garage and surface parking to serve the parking demand of the residents, marina members, and visitors. A retaining wall will stabilize the shore, and the dredge material will provide additional fill material to create an area for site amenities such as swimming pools, decks, landscaping, and uninhabited structures. A sloping walkway will be incorporated into the retaining wall for strolling and to provide access to the lake water and docks. The condominium units are anticipated to be primarily owner-occupied units.

The PUD also includes two additional lots that exist across the street from the mixed-use lot proposed for the condominium and marina uses. In the short term, the function of the outparcel lots will continue as presently used. The lot currently identified as Lot 10, Bar-S Ranch Subdivision No. 2 is being used as the septic drain field for the marina, and the lot currently identified as Lot 12, Bar-S Ranch Subdivision No. 2 is being used for overflow parking of boat trailers in accordance with the deed restrictions. As the development plans are implemented, the current use of these properties may no longer be necessary, and use of the lots may evolve into accessory uses such as marine repair, maintenance facilities, and/or additional parking that will be utilized in a way that complements the mixed-use project and is consistent with the PUD regulations.

Architectural renderings of the conceptual site plan, building elevations, and entry feature are included in the **“Exhibits”** attachment.

VIII. Subdivision Plat

A Preliminary Plan is not required, and development consistent with this PUD is exempt from the requirements of Section 28.02.002. The subject property consists of tracts and platted lots that have existed in the current configuration prior to annexation. The site has access to a public street, and the land use has remained relatively consistent for decades.

Application for a Final Plat or Short Form Final Plat is required to incorporate all the property into one subdivision to be governed by the PUD. The PUD zoning will be applicable to the entirety of the proposed plat. The subdivision is anticipated to include three separate lots.

IX. Site Development Permit

Site Development Permits shall be administratively reviewed and approved by the City of Lakeway and other overlapping reviewing jurisdictions as applicable. The site plan must be in general conformance with the approved Concept Plan. In the event the Director deems the proposed site plan does not substantially conform to the Concept Plan, an amendment to the Concept Plan may be simultaneously submitted and reviewed concurrently with the Site Development Permit.

X. Environmental and Impervious Cover Regulations

- A. Cut and Fill: The PUD is not subject to the cut and fill limitations specified in Section 28.09.013 of the Code of Ordinances. Excess cut and fill are necessary within the area of the proposed lake seawall. A maximum cut depth of 50 feet and a maximum fill depth of 45 feet is permitted.
- B. Dredging: All dredging activities will be approved by the US Army Corp of Engineers (USACE), LCRA, City of Lakeway, or any other jurisdictions with regulatory authority.
- C. Lakeshore Retaining Wall: The retaining wall shall be constructed as generally depicted on the elevation exhibits. The retaining wall shall be approved by the USACE.
- D. Flood Plain: The ground elevations will be modified using dredged and cut material. The modified floodplain limits will be submitted to and approved by the Federal Emergency Management Agency (FEMA) and the USACE.
- E. Habitat Assessment: An assessment of potential threatened or endangered species habitat was conducted at the site. The findings indicate that no potentially suitable habitat for any federally listed threatened or endangered species exists on the site. Please refer to "**Habitat Assessment Report**" attachment for additional details.
- F. Archeological Resources Survey: An archeological resources survey of the site was conducted. A finding of no historical properties affected was issued. Please refer to the "**Archeological Survey Report**" attachment for additional details.

XI. Land Use and Development Standards

Development shall conform to the District R-5 (Condominium) requirements and standards described within Section 30.03.005 of the Code of Ordinances as amended, except:

- A. The development shall substantially conform to the Conceptual Plan and Building Elevations depicted in “**Exhibits**” attachment.
- B. No commercial activities will be conducted between the hours of midnight and 6:00 AM.
- C. Marina accessory uses are permitted throughout the site.
- D. Purpose. This district is intended to recognize the unique opportunity offered by integrating a marina with a residential community oriented towards Lake Travis to embrace and enhance the boating, scenic vistas, and recreational opportunities of the site.
- E. Permitted uses.

Condominium Use

- (1) Condominiums, not to exceed ten (10) dwelling units per acre. Residential density shall be calculated using the overall acreage of the PUD not lot area. If not otherwise specified, residential uses shall satisfy the development requirements of the District R-5 (Condominium) zoning as the base zoning district.
- (2) Accessory structures (excluding floating structures) shall be architecturally consistent with the majority of the exterior finishes of the primary residential structure(s) excluding windows and doors. Accessory uses and structures incidental to the foregoing including:

Electric vehicle charging stations

Equipment storage

Gated guard stand

Irrigation well

Marina operations and management office

Marine repair and maintenance operations

Maintenance buildings

Resident services office

Sales and management administrative office

Sea wall

Security office

Solar panels

- Subterranean parking garage
- (3) Home occupation uses
- (4) Recreational facilities including:
 - Common recreational amenities
 - Dog park
 - Health/exercise club
 - Jogging trails
 - Meeting rooms
 - Outdoor music
 - Picnic and gathering spaces
 - Playscapes
 - Rock climbing wall
 - Swimming pools
 - Tennis courts, pickleball courts, and other sports courts
 - Walking paths
- (5) Retail sales and personal services including:
 - Beauty salon and barbershop
 - Cocktail lounge
 - Coffee or beverage shop
 - Outdoor music
 - Restaurant
 - Retail sales and personal services
- (6) Short-term rental of condominium units of less than one week is prohibited, and rules and regulations shall be reflected and enforced within the covenants, conditions, and restrictions of the homeowner's association.

Marina Use

- (1) Wet and/or dry storage and docking of seaworthy watercraft, including ramps and hoists for boats.
- (2) Boat ramp, docks, wharves, piers, floats, or any other similar structures that is erected, installed, placed, or maintained along a shoreline for the purpose of providing a stationary landing for the anchoring, mooring, housing, or storing of watercrafts.

- (3) Launch club – Membership club that Lakeway residents can join and pay an annual fee for the purpose of launching watercraft (registered with Texas Parks and Wildlife to a valid Lakeway address) on an appointment basis.
- (4) Accessory structures (excluding floating structures) shall be architecturally consistent with the majority of the exterior finishes of the primary structure(s) excluding windows and doors. Accessory uses and structures related to marine activities, businesses, and services including:
 - Administrative office and customer service center
 - Amenity memberships
 - Boat concierge services
 - Electric vehicle charging stations, automobile
 - Electric vehicle charging stations, marine
 - Fuel sales
 - Marine repair and maintenance shop
 - Marine storage
 - Sea wall
 - Solar panels
 - Subterranean parking garage
 - Water recreational equipment sales and rental
- (5) Retail and service businesses including:
 - Alcohol sales
 - Boutique
 - Full-service restaurant
 - Outdoor music venue (temporary) Quiet hours are established and enforced from 10 PM to 10 AM daily, midnight to 10 AM weekends and holidays.
 - Retail sales

F. Minimum building setbacks.

Front	20 feet
Street Side(s)	20 feet (accessory structures 10 feet)
Side(s)	10 feet
Adjacent Residential	Buildings with a height of 35 feet or greater shall have a minimum setback of 50 feet from adjacent

residential dwelling units in existence at the PUD Ordinance adoption date.

Rear (Lakefront) 10 feet (0 feet)

- G. Minimum floor area for residential. The average dwelling unit area shall be 1,750 square feet of conditioned space. The minimum floor area of any single unit shall be 1,200 square feet.
- H. Maximum height. The maximum height is defined as the highest point calculated from the highest existing adjacent grade, except for chimneys, attic ventilators, plumbing vent stacks, and elevator penthouse for roof access.

Condominium uses	90 feet (or 8 stories)
Marina uses	35 feet (not including flag poles)
Accessory structures	35 feet

XII. Landscaping, Screening, and Fencing

- A. Landscaping will be integrated into site as an amenity to residents and marina patrons, to enhance the aesthetic beauty of the site, and assist in the control of erosion and sedimentation.
- B. A perimeter fence is permitted to encroach street setbacks to screen boats, trailers, cars, and improvements from view from neighbors and the roadway provided that site visibility triangles are maintained.
- C. Yard fences up to ten (10) feet in height are permitted.
- D. Eco-Wall©, as approved by the City Building Commission variance on December 8, 2022, is an approved fence material for this site.
- E. Motorized gated entries.

XIII. Traffic Analysis

A “TIA Determination Worksheet” has been completed and submitted with this application in accordance with Section 28.09.002(a). The vehicle count is less than the threshold of 2,000 which requires a complete traffic impact analysis. The development is located at the end of Clara Van. A narrative and analysis of the vehicular capacity Clara Van is provided in the “**Traffic Analysis Report**” attachment.

Based on the information, the proposed improvements for The Creek at Hurst Harbor will not overload the traffic infrastructure nor the immediate neighborhoods. Clara Van is appropriately sized to accommodate the existing and proposed amount of traffic and the development and will not pose an adverse impact on the surrounding properties.

XIV. Access and Parking

- A. Gated community. The project is located at the terminus of a local street without opportunity for connectivity to the greater community’s transportation network.

Access to the property may be controlled by a perimeter fence, motorized gates, guard arm, and/or guard stand.

- B. Dead-end street. In lieu of a dead-end cul-de-sac and street stubs for future extensions, a paved turnaround adequate for fire apparatus and semi-truck maneuverability shall be provided and accessible within the subject property.
- C. Sidewalks. Sidewalks adjacent to perimeter streets classified as local streets or higher shall not be required. Internal pedestrian circulation shall be provided per the site plan.
- D. Nonresidential and multifamily driveways. Access requires deviations from the standard City requirements for driveways in public right-of-way given the unique lakefront location street connectivity is not applicable, and gated access to the site is permitted. The primary site access shall be from Clara Van Drive. Secondary access points may be satisfied from a public or private road.
- E. Parking. The project incorporates a subterranean parking structure and surface parking spaces to satisfy the parking requirements of the marina, condominium, and supporting uses. A preliminary parking summary table is provided with the “**Exhibits**” attachment.
 - (1) Required parking spaces may be designated for a particular occupant, employee, visitor, patron, or use.
 - (2) Required parking may be covered or uncovered so long as the minimum parking ratio per use is provided.

XV. Utilities

- A. Water – Domestic water service will be provided with WCID No. 17 with a water main extension of the existing transmission lines within the existing right-of-way.
- B. Wastewater – Sanitary sewer service will be coordinated by WCID No. 17 and serviced by an on-site lift station routed through existing right-of-way and City of Lakeway property to the Lakeway MUD treatment plant. Reference **Sheet 5** of the “**PUD Plan**” attachment.
- C. Irrigation Well – An on-site irrigation well will provide irrigation water as shown on **Sheet 5** of the “**PUD Plan**” attachment.
- D. Electric – Electrical service will be provided by Austin Energy.

XVI. Parkland and Recreation

Parkland dedication and fee requirements may be satisfied through in-kind improvements to the Lakeway City Park shoreline, fee in-lieu, or a combination of in-kind and fee in-lieu.

XVII. PUD Expiration

The development proposal envisioned with this PUD is multifaceted and long-range in nature, involving multiple jurisdictions and review agencies. Construction is proposed to occur over a

multi-year implementation schedule. The PUD expires five years from PUD approval unless a site development plan has been issued. If an intervening entity is responsible for the site development permit delay, the City Manager may grant a 2-year extension to the PUD expiration date.