

CPA

**PLANNING COMMISISON SITE PLAN**  
**CONDITIONAL USE PERMIT REVIEW SHEET**

**CASE NUMBER:** SPC-2014-0415W

**PC DATE:** March 24, 2015

**PROJECT NAME:** Uncle Billy's Brewery & Smokehouse

**ADDRESS OF APPLICATION:** 1530 Barton Springs Road

**APPLICANT:** Consort, Inc. (Enrique Serna). (512) 469-0500

**OWNER:** UBBS, LLC (Rick Engel). (529) 705-5386

**AREA:** 8,380 sq. ft. (includes restaurant and patio area)

**WATERSHED:** Lady Bird Lake (Urban)

**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance (Urban)

**C.I.P. STATUS:** N/A

**T.I.A.:** N/A

**CAPITOL VIEW:** N/A

**PROPOSED DEVELOPMENT:** The applicant is requesting a conditional use permit for a Texas Alcoholic Beverage Commission (TABC) late hours permit for an existing 8,380 sq. ft. square foot restaurant, patio and bar along the "Restaurant Row" section of Barton Springs Road.

**EXISTING ZONING:** The site is located at the intersection of Kinney Avenue and Barton Springs Road, and is zoned CS.

**WATERFRONT OVERLAY:** This site is located within the Butler Shores Subdistrict of the Waterfront Overlay, and a portion of the site is within the 35-foot primary setback located along the north right-of-way of Barton Springs Road.

**DEPARTMENT COMMENTS:** As per LDC Section 25-2-808 (*Restaurants and Cocktail Lounges*), a restaurant use that requires a late-hours permit from the TABC is a conditional use if the compatibility standards of Article 10 of the Land Development Code apply. SF-5 or more restrictive zoning districts are within 540 feet to the south of the Uncle Billy's site.

**PREVIOUS ACTION(S):** The property upon which Uncle Billy's Brewery & Smokehouse is located was approved in May 2008 as Barton Place Condominiums (SP-2007-0603C), which included construction of the restaurant along with a 270-unit condominium building. The parking for Uncle Billy's Brewery & Smokehouse is within the parking structure of the condominium building.

As required per Section 25-2-715 (*Review and Recommendation of the Waterfront Planning Advisory Board*), a public hearing for the Uncle Billy's conditional use permit was held by the Waterfront Board on January 12, 2015. The motion to approve failed by a 2-3-2 vote; since a minimum of four votes is required for validity, the Uncle Billy's case comes before the Planning

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09/2

Commission without a recommendation.

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit. This project is in compliance with all Land Development Code requirements.

**CASE MANAGER:** Michael Simmons-Smith Telephone: (512) 974-1225  
michael.simmons-smith@austintexas.gov

**SUMMARY COMMENTS ON SITE PLAN:**

- **Land Use:** This use is allowed under this zoning and all requirements and provisions of the Land Development Code have been met.
- **Environmental:** There were no Environmental review comments.
- **Transportation:** This application is only for a compatibility waiver for a late-hours permit and no construction is proposed. The site complies with transportation requirements.

**SURROUNDING CONDITIONS:**

**Zoning/ Land Use**

- North:** Barton Place Condominiums (MF-6-CO)
- East:** Pecan Grove RV Park (CS)
- South:** Barton Springs Road
- West:** Restaurant – Austin Java (CS)

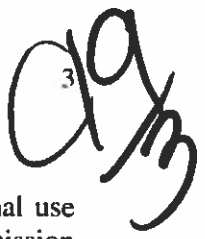
**CONDITIONAL USE PERMIT**

**Section 25-5-145.** A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

**§ 25-5-146 CONDITIONS OF APPROVAL.**

(A) To make a determination required for approval under Section 25-5-145 (Evaluation of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

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**CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA**

**A.** The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section. A conditional use site plan must:

**B.**

**1. Comply with the requirements of this title;**

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

**2. Comply with the objectives and purposes of the zoning district;**

Staff Response: The proposed use is allowed under zoning district and is required to get a conditional use due to the fact that it is within 540 ft. of SF-5 or more restrictive.

**3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**

Staff Response: Yes.

**4. Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: The site plan complies with off-street parking and loading facility requirements.

**5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will comply with all requirements of the Land Development Code including compatibility standards, and reasonably protects the health, safety, and welfare of persons and property.

**6. For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is not in the East Austin Overlay.

**C. In addition, a conditional use site plan may not:**

**7. More adversely affect an adjoining site than would a permitted use;**

Staff Response: No

**8. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

**9. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.









Case# SP-2014-0415W

09/14

I meet the requirements for and request to be an interested party to the Uncle Billy's Brewhouse and Smokehouse Late Hours Permit Request:

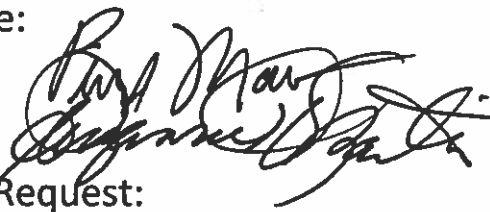

Name: BRENT AND SUZANNE MARTIN

Address: 1529 BARTON SPRING RD #18

City and Zipcode: AUSTIN TX 78704

Contact Number: 512 695 7530

Signature and Date:

 11-10-14  
 11-10-14

Issue with Permit Request:

NOISE IN OUR NEIGHBORHOOD

**INTERESTED PARTY INFORMATION**

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: [http://www.amlegal.com/austin\\_tx/](http://www.amlegal.com/austin_tx/).

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2014-0415W  
Contact: Michael Simmons-Smith, 512-974-1225 or  
Elsa Garza, 512-974-2308

I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

ROBERT BALLARD 512-208-0684  
Name (please print) Telephone number

P.O. Box 62

Address(es) affected by this application (Street, City, ZIP Code)

AUSTIN TX 78755

Mailing address (Street, City, ZIP Code)

Robert Ballard

Signature

11/14/14

Date

Comments: DO PROBLEM SO LONG AS  
I stay outside. Not too  
young - not too old

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Michael Simmons-Smith

P. O. Box 1088

Austin TX 78767-1088



1529 Barton Springs Road  
#19  
Austin, TX 78704

November 11, 2014

City of Austin Planning Department  
505 Barton Springs Road, 4<sup>th</sup> Floor  
Austin, TX, 78704

Attention: Mr. Michael Simmons-Smith, Case Manager  
Ms. Elsa Garza, Planner

Dear Mr. Simmons-Smith and Ms. Garza:

**Re: Case Number SP-2014-0415W – Uncle Billy’s Brewery and Smokehouse  
Late Hours Permit – variation on an existing regulation**

I am writing to strongly object to the City of Austin giving Uncle Billy’s Brewery and Smokehouse a late hours permit for its location at 1530 Barton Springs Road.

I live with my husband Peter across the street at 1529 Barton Springs Road in the Lost Canyon development of town houses. We are great music fans and wanted to live downtown in close proximity to the places we like to go dance. We are perfectly happy to hear live music from Auditorium Shores or Zilker Park floating up to Barton Springs Road and consider it part of what living in Austin means. But our happiness does not extend to the noise of Uncle Billy’s establishment at the best of times, and a late hours permit to 2 am is simply unacceptable for the following reasons:

- Uncle Billy’s outdoor music, whether live or canned, is extremely loud and already shows that the owners have no respect for their residential neighbors
- the noise from the music and conversations is as clear as a bell on our terrace; we might as well be having a beer in the joint with the other patrons, it’s so pervasive
- We will pay the City of Austin over \$20,000 in taxes in January of 2015 for the right to enjoy our home, which will be severely compromised if this plan variation is granted and Uncle Billy’s can stay open until 2 am.

If we had wanted to live on a street filled with noisy late-night bars, we would have moved to Sixth Street instead of the corner of Barton Springs and Kinney, where our due diligence at time of house purchase two years ago showed only restaurants as a permitted use. Approval of this application to extend Uncle Billy’s hours to 2 am changes the character of our lovely neighborhood for no good reason. Please do not do it.

Sincerely,

Jane Nicholson, Homeowner

Case# SP-2014-0415W

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I meet the requirements for and request to be an interested party to the Uncle Billy's Brewhouse and Smokehouse Late Hours Permit Request:

Name: Jane Nicholson

Address: 1529 Barton Springs Road, #19

City and Zipcode: Austin, TX 78704

Contact Number: (512) 436-8179

Signature and Date: Jane Nicholson, NOV 11, 2014

Issue with Permit Request:

I do not want this variance to the existing Uncle Billy's open hours to be approved. I object to it, as noted in my attached letter.

Jane Nicholson

C19  
~~11~~

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Case Number: SP-2014-0415W

Contact: Michael Simmons-Smith, 512-974-1225 or  
Elsa Garza, 512-974-2308

I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Melissat David Shocketx 512.9220805  
Name (please print) Telephone number

1529 Barton Springs Rd #26  
Address(es) affected by this application (Street, City, ZIP Code)

Austin TX 78704  
Mailing address (Street, City, ZIP Code)

Ms Shocel 11/10/14  
Signature Date

Comments: The noise level from the Uncle Billy's restaurant travels up Kinney & is very loud. It is tolerable during the day & early evening (before 10pm) but would be very disturbing at night. We have lived in this location for

Mail comment forms to: 10 Years before the City of Austin open air restaurant as Planning and Development Review Department Attn: Michael Simmons-Smith added

P. O. Box 1088  
Austin, TX 78767-1088

12/19

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Case Number: SP-2014-0415W  
Contact: Michael Simmons-Smith, 512-974-1225 or  
Elsa Garza, 512-974-2308

I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

DAVID E. WAGG 512-468-4944  
Name (please print) Telephone number

1600 VIRGINIA AVE, AUSTIN, 78704  
Address(es) affected by this application (Street, City, ZIP Code)

SOME  
Mailing address (Street, City, ZIP Code)

[Signature] 11-17-14  
Signature Date

Comments: The Elbow neighborhood of the  
ENA Executive Committee have an  
agreement in place for hours of  
operation. Please respect the hours  
to those presently in effect. NO =  
on extended hours. - See letter  
attached from a fellow concerned  
neighbor at Fort Canyon.

Mail comment forms to:  
City of Austin  
Planning and Development Review Department  
Attn: Michael Simmons-Smith  
P. O. Box 1088  
Austin TX 78767-1088

[Signature]



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Case Number: SP-2014-0415W

Contact: Michael Simmons-Smith, 512-974-1225 or  
Elsa Garza, 512-974-2308

I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Laura McDonald 5129062905  
Name (please print) Telephone number

1529 Barton Springs #25 Austin TX 78704  
Address(es) affected by this application (Street, City, ZIP Code)

same

Mailing address (Street, City, ZIP Code)

Laura McDonald

Signature

11-14-14

Date

Comments: I object to Lucke Billy's request to extend their hours. I believe the noise is too loud from the music and from the patrons walking past my complex, even now. Later hours will make it worse. Please do not allow. Thank you.

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Michael Simmons-Smith

P. O. Box 1088

Austin TX 78767-1088

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Case Number: SP-2014-0415W

Contact: Michael Simmons-Smith, 512-974-1225 or  
Elsa Garza, 512-974-2308

I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Name (please print) Cindy Reeves Telephone number 512-422-6959

1529 Barton Springs Rd # 13  
Address(es) affected by this application (Street, City, ZIP Code)

Austin TX 78704  
Mailing address (Street, City, ZIP Code)

Wally Reeves 11-11-14  
Signature Date

Comments: I request denial! The late  
night noise & drunk patrons bother  
us since we are directly across  
the street

Mail comment forms to:

City of Austin

Planning and Development Review Department

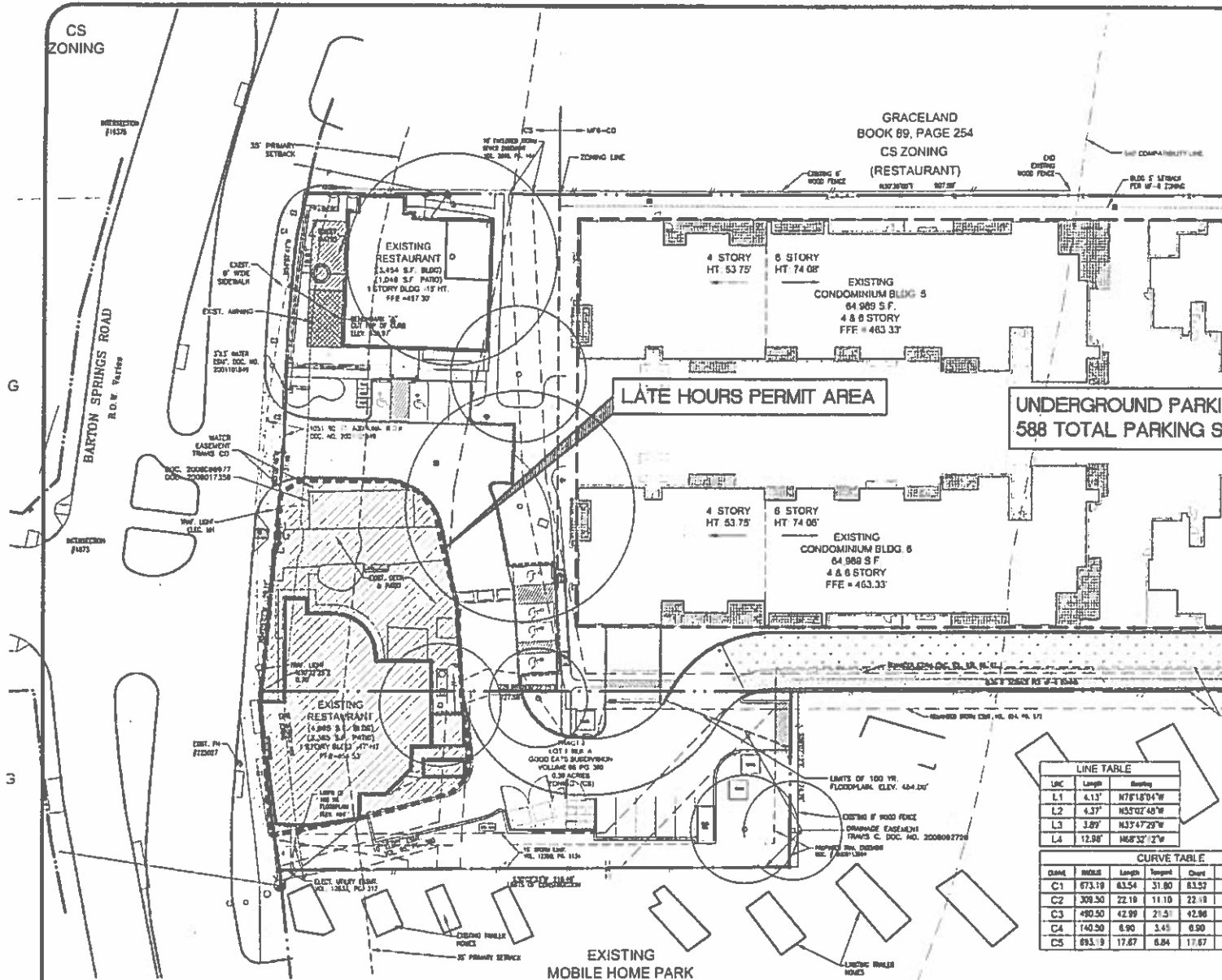
Attn: Michael Simmons-Smith

P. O. Box 1088

Austin TX 78767-1088

CS ZONING

GRACELAND  
BOOK 89, PAGE 254  
CS ZONING  
(RESTAURANT)



UNDERGROUND PARKING  
588 TOTAL PARKING SF

LATE HOURS PERMIT AREA

LINE TABLE		
LINE	Length	Bearing
L1	4.13'	N78°18'04"W
L2	4.37'	N55°02'48"W
L3	1.87'	N37°17'29"W
L4	12.98'	N68°32'27"W

CURVE TABLE				
CHAIN	ARC LENGTH	Curve Length	Tangent	Chord
C1	673.19	63.54	31.80	63.57
C2	309.50	22.19	11.10	22.18
C3	490.50	42.99	21.51	42.98
C4	140.50	6.90	3.45	6.90
C5	693.19	17.67	8.84	17.67

**SITE PLAN NOTES**

1. THIS SITE PLAN IS FOR THE COMPATIBILITY STANDARDS WAIVER ONLY AND IS NOT INTENDED FOR CONSTRUCTION. REFERENCE SP-2007-0603C (BARTON PLACE CONDOMINIUMS) FOR THE SITE DEVELOPMENT PERMIT PLANS.
2. ALL REQUIREMENTS FOR SP-2007-0603C (BARTON PLACE CONDOMINIUMS) REMAIN IN EFFECT.
3. NO CONSTRUCTION IS PROPOSED WITH THIS SITE PLAN.

**PARKING TABLE (CS AND MF-6 ZONING)**

USE	REQUIRED		PROVIDED			TOTAL
	100%	50%	STANDARD	COMPACT	HANDICAP	
PROPOSED CONDOMINIUM RESIDUAL						
(74 - 1 RES. @ 1.5 SP. / UNIT)	111	89				
(158 - 2 RES. @ 2 SP. / UNIT)	312	250				
(140 - 3 RES. @ 2.5 SP. / UNIT)	100	80				
EXISTING RESTAURANT & STORAGE			497	75	16	588
RESTAURANT (1,800 S.F. @ 1 SP. / 75 S.F.)	60	48				
RESTAURANT (1,432 S.F. @ 1 SP. / 75 S.F.)	113	90				
SUBTOTAL	686	557				
TOTAL		557	497	75	16	588
BICYCLE (558 @ 5%)		28		28		28

\*PARKING REDUCTION PER LDC SEC. 25-6-478

**SITE DATA FOR CS ZONING AREA**

TOTAL	
TOTAL SITE AREA	41,748 S.F. 0.95 AC.
TOTAL AREA WITHIN L.D.C.	23 AC.
TOTAL F.A.R.	32.1
BUILDING COVERAGE	6,998 S.F.
TOTAL GROSS S.F.	13,430 S.F.
EXISTING USE	REST./STORAGE
STORIES	1
HEAD-IT	15', 17'
FIRE SPRINKLER PROTECTED	NO
FINISHED FLOOR	457.30, 454.53
FOUNDATION TYPE	CONC. SLAB
ZONING	CS
TOTAL IMPERVIOUS COVER	34,783 S.F.
PERCENT OF TOTAL SITE IMPERVIOUS COVER	83.27 %

**ATTENTION**

THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE EXISTENCE OR LOCATION OF ANY SURFACE OR SUBSURFACE STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL AGENCIES AND/OR OWNERS TO VERIFY THIS INFORMATION. CONTRACTOR SHALL CONTACT THE TEXAS EXCAVATION SAFETY SYSTEM (TXESS) AT (800/344-8377) AT LEAST TWO FULL WORKING DAYS BEFORE COMMENCING ANY SUBSURFACE WORK OR ANY OTHER WORK THAT WOULD AFFECT UTILITIES.

ALL CONSTRUCTION MATERIALS AND TECHNIQUES SHALL CONFORM TO CURRENT CITY OF AUSTIN STANDARD SPECIFICATIONS.

ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN REVIEWING THESE PLANS, THE CITY OF AUSTIN MUST RELY UPON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER.

FILE: J:\WORK\1483-003\WAIVER PLAN SET\02-SP.DWG - PLOTTED ON: 01/05/15 3:18PM - BY: JOEL