

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

CASE NUMBER: SPC-2011-0131A

PC DATE: January 24, 2012

PROJECT NAME: Third Base Sports Bar

ADDRESS: 1717 W. 6th St., Bldg. 2, Suite 210R

NEIGHBORHOOD PLAN: Old West Austin

APPLICANT: Michael Tashnick - (512) 657-2740

AREA: 6080 sq. ft. restaurant and bar, with a 795 sq. ft. outside patio

WATERSHED: Johnson Creek/Town Lake (Urban)

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit (Late Hours Permit) for a 6,875 square foot restaurant and bar. No construction is requested with this application.

EXISTING ZONING: Third Base Sports Bar is an existing restaurant and bar, located in the first floor of a parking garage structure along with other uses. The site was zoned PUD-NP by Ordinance No. 20060727-122 on July 26, 2006.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit. The site plan complies with all requirements of the Land Development Code.

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

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The existing restaurant and bar was originally granted a Late Hours Permit on December 6, 2006. As follows were the conditions of that approval, which were placed on the cover sheet of the approved conditional use site plan (SPC-06-0030A):

SPECIAL CONDITIONS: *By agreement among the property owners, Third Base Holdings and the Old West Austin Neighborhood Association:*

Outside Activities

1. *Third Base intends to use as part of the restaurant outdoor area along the north side of the leased property, referred to as the "patio area": Third Base shall not provide for the use and operation of televisions or the amplification of any sound in the patio area.*

Subject to future modification by agreement, wait staff service to the patio shall terminate at 10 p.m.

- 2. Third Base shall encourage and direct smokers to use the parking garage and the open area off the ground floor of the parking garage between the parking garage and the Hartland Plaza Building.*
- 3. Except with written 14-day prior notice to the neighborhood to allow for consultation, Third Base shall not establish or otherwise undertake outdoor events such as tailgate parties or other special events.*
- 4. Third Base shall not provide for additional signage and lighting above the standard for Hartland Plaza.*

Parking and Traffic

- 1. Third Base shall encourage through advertising and signage in the restaurant that customers park in the parking garage. This signage shall discourage customer parking in the neighborhood streets (e.g. Patterson, Augusta, Francis and Theresa). If permitted by the City, Third base shall post signs on these neighborhood streets which prohibit customer parking.*
- 2. With the approval of the property owner, Third base shall provide additional signage or physical barriers at the west end of the parking garage to encourage and enforce one-way traffic flow toward 5th Street.*

Landscaping

- 1. With the approval of the property owner, Third Base will plant and maintain evergreen vegetation (e.g. Arizona Cypress or equivalent) along the northern portion of the property to provide a noise and visual barrier for the neighborhood.*

Sidewalk

- 1. With the approval of the property owner, Third Base and/or the owner shall redesign and construct modifications to the existing pedestrian sidewalk on the West 6th Street side of the Hartland Plaza building to provide for improved pedestrian access from the crosswalk at the intersection of Campbell and West 6th Street to the retail space in the parking garage.*

Late Hours Permit

- 1. Neighborhood agrees to remove any objection to the application of Third Base for a Late Hours Permit to serve alcohol after midnight. Subject to the conditions of the agreement, the Neighborhood will notify the Planning Commission and the staff of the City of Austin that the Neighborhood no longer objects to the Late Hours Permit.*

Future Revisions of Agreement

- 1. Third Base and the Neighborhood understand that the limitations on outside activities and hours of service in the patio area may be modified in the future base on demonstration that the outside activities are not adversely impacting the Neighborhood. After a reasonable period of time to demonstrate the potential impact of the restaurant, Third base may propose to the Neighborhood adjustments to the limitations on outside activities and hours of operations (which approval of such adjustments shall not be unreasonably withheld).*

The applicant chose to withdraw the permit on November 8, 2007, which nullified the above conditions of approval. The current site plan application was submitted for review on May 3, 2011, and was granted a 180-day extension on October 7, 2011.

The distance from the restaurant/bar to the nearest single-family residence is approximately 271 feet.

Environmental: This site is located in the Johnson Creek/Town Lake watersheds and subject to Urban Watershed regulations. All Environmental comments are cleared.

Transportation: Access to the restaurant and bar is from West 6th Street, and all parking spaces are located on site. The required parking for all uses within this development is 588 spaces, and 637 spaces are provided. All Transportation comments are cleared.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North:	LO-NP (Office)
East:	PUD-NP (Office)
South:	West Fifth St., then PUD-NP
West:	PUD-NP (Office), then West Sixth St.

CASE HISTORIES

C814-82-006.01 (83) - Planned Unit Development site plan
SPC-06-0030A – Conditional Use Permit (Late Hours; withdrawn 11/8/07)

NEIGHBORHOOD ORGANIZATIONS:

Austin Parks Foundation
Homeless Neighborhood Association
Old West Austin Neighborhood Association
Old West Austin Neighborhood Planning Area
Austin Neighborhoods Council
Home Builders Association of Greater Austin
Central West Austin Neighborhood Planning Area
Save Barton Creek Association
League of Bicycling Voters
Austin Independent School District
Sierra Club Austin Regional Group
The Real Estate Council of Austin, Inc.
Super Duper Neighborhood Objectors and Appeals Organization
West End Austin Alliance
Austin Monorail Project
Austin Heritage Tree Foundation
SEL Texas

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
W. 6 th Street	Varies	4 @ 48'	Collector	Not Available

CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

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 (EVALUATION OF CONDITIONAL USE SITE PLAN) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section”.

B. A conditional site plan must:

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 existing restaurant and bar use is a permitted use in the PUD-NP zoning district.

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: The site plan complies with all requirements of the Land Development Code.

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

Staff Response: The site plan complies with off-street parking requirements. All of the required parking spaces are located onsite.

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, 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: Not applicable - 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;

If operated within reasonable guidelines, the restaurant and bar should have no more impact on adjoining properties than other permitted uses in the PUD-NP zoning which could operate

with similar or later hours than the restaurant and bar.

- 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.

- D. 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.**

In addition, Section 25-5-146 (CONDITIONS OF APPROVAL) states:

§ 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.



Subject Tract



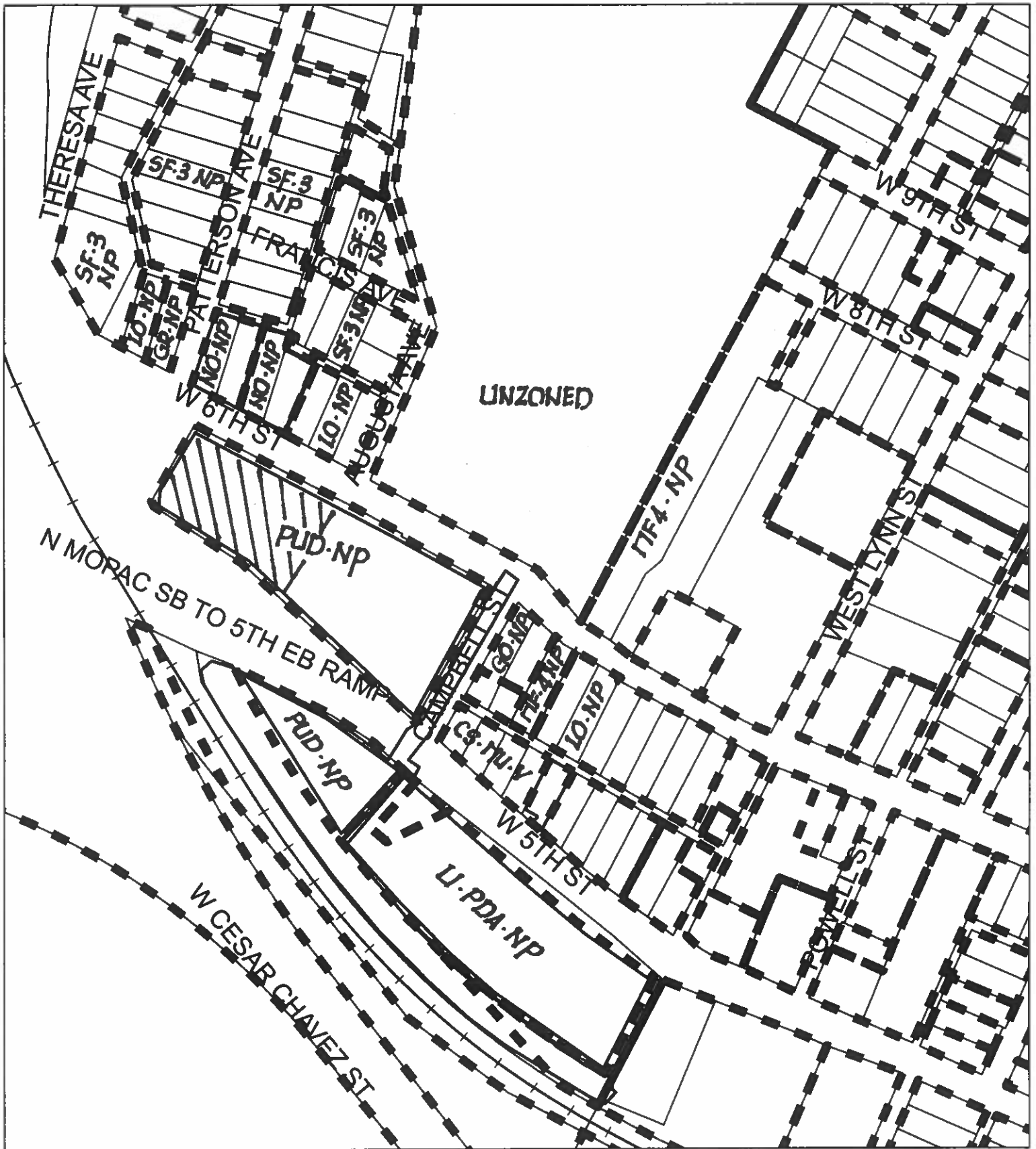
Base Map

THIRD BASE

CASE# SPC-2011-0131A
 ADDRESS: 1717 W 6TH ST
 MANAGER MICHAEL SIMMONS-SMITH



OPERATOR: R CERVANTES

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



CONDITIONAL USE SITE PLAN



-  SUBJECT TRACT
-  ZONING BOUNDARY

ZONING CASE#: SPC-2011-0131A
 LOCATION: 1717 W. 6th ST.
 GRID: H23
 CASE MANAGER: MICHAEL SIMMONS-SMITH



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.

12 January 2012

Mr. Michael Simmons-Smith
City of Austin/Planning and Development Review—4th floor
P.O. Box 1088
Austin, TX 78767-8810

SPC-2011-0131A

Dear Mr. Michael Simmons-Smith:

Old West Austin is an old and revered section of the city which contains historic homes and offers a comfortable residential life close to the center of the city. It is a friendly neighborhood. Third Base is a new establishment calling itself a restaurant but it behaves more like a sports bar with multiple wide screen tvs, outside tables, amplified music, and late night, and loud, eating experiences. The loud and irritating cheers during the 2 Jan 2012 football game between LSC and Alabama is just a recent example of disruptive noise flooding the homes of Old West Austin. There have been many times in the near past when the explosive cheering of patrons as fans has defined Third Base primarily not as a restaurant but as a sports bar. Even without late night hours, Third Base is now one of the top 20 DWI bars. Granting this establishment late night hours will alter the very nature of Old West Austin by extending the bar scene west past Lamar.

In addition, Third Base does not live up to the agreements it makes with the neighborhood. Operating within the regulations of the current permits is not Third Base's intention, and the intrusion of noise, drunken behavior on the streets, and spillover parking into the neighborhood state more clearly its intentions. My wife and I as residents firmly reject granting Third Base a late hours permit.

Sincerely,



Robert J and Anne R Bertholf
606 Patterson Avenue
Austin, TX 78703

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2011-0131A

Contact: Michael Simmons-Smith, (512) 974-1225

Elsa Garza, (512) 974-2308

Public Hearing: Planning Commission, Jan 24, 2012

Robert + Anne Bertholf
Your Name (please print)

☐ I am in favor
☒ I object

606 Patterson Ave - 78703

Your address(es) affected by this application

Anne R Bertholf 1-12-12
Signature Date

Daytime Telephone: 512 474 2606

Comments: We are opposed to
late hour's permit for
third Base. (see enclosed
letter.)

If you use this form to comment, it may be returned to:

City of Austin
Planning and Development Review - 4th floor
Michael Simmons-Smith
P. O. Box 1088
Austin, TX 78767-8810

Third Base Austin Downtown
Sales by Item Summary
July 2010 through June 2011

Jul '10 - Jun 11				
	Qty	Amount	% of Sales	Avg Price
Parts				
Sales				
Beer	366.00	599,843.90	26.97%	1,638.92
Food	365.00	1,193,050.36	53.65%	2,172.74
Liquor	365.00	345,141.40	15.52%	945.59
Merchandise	365.00	9,076.76	0.41%	24.87
Non-Alcoholic	364.00	37,846.55	1.7%	103.97
Tobacco	365.00	9,318.84	0.42%	25.53
Wine & Champagne	365.00	29,647.25	1.33%	81.23
Total Sales		2,223,925.06	100.0%	
Total Parts		2,223,925.06	100.0%	
TOTAL		2,223,925.06	100.0%	

ALCOHOLIC BEVERAGES - 43.82%
PREPARED FOOD - 53.65%

WORLD'S LARGEST MONTHS EARLY-HOURS MEETING
LATER MEETING CHAIRMAN
ADDRESS: 2711 W. 4TH STREET BUILDING 2, AUSTIN, TX 78701
CONTACT: BILL MOORE (512) 499-8587

THIRTEEN HOURS OF ORGANISATION
(EASTERN) MONDAY-MEETING & SUNDAY 11AM-12AM, SATURDAY 11AM-1AM
(PACIFIC) MONDAY-MEETING & SUNDAY 11AM-12AM, SATURDAY 11AM-1AM

1. THE SITE OF INTEREST IS WITHIN THE JOHNSON CREEK WATERSHED AND IS CLASSIFIED RURAL.
 2. DISTURBED BY A SCOUR FROM THE COMBINED EFFECTS WATERWAYS THIS SITE IS NOT LOCATED OVER THE EXPOSURE UNIFORM RECORDING ZONE.
- COLORADO PLANT NOTES**
- THE LOCATION FOR THIS PROJECT IS LOCATED WITHIN THE PEARL RIVER BASIN, COLORADO. THE PEARL RIVER BASIN, NO. 46, SECTION 08, TOWNSHIP 34 N., RANGE 70E, JUNE 14, 1993.
- DEVELOPMENTAL NOTES**
- BUILDING ON THE PREVIOUSLY LANDROD STRIPPER, THIS SITE IS CONSIDERED TO BE AN IDEAL LOCATION FOR A FUTURE DEVELOPMENT. THE SITE SHOWS MINOR DEFORMATION DUE TO ITS CLOSE PROXIMITY TO

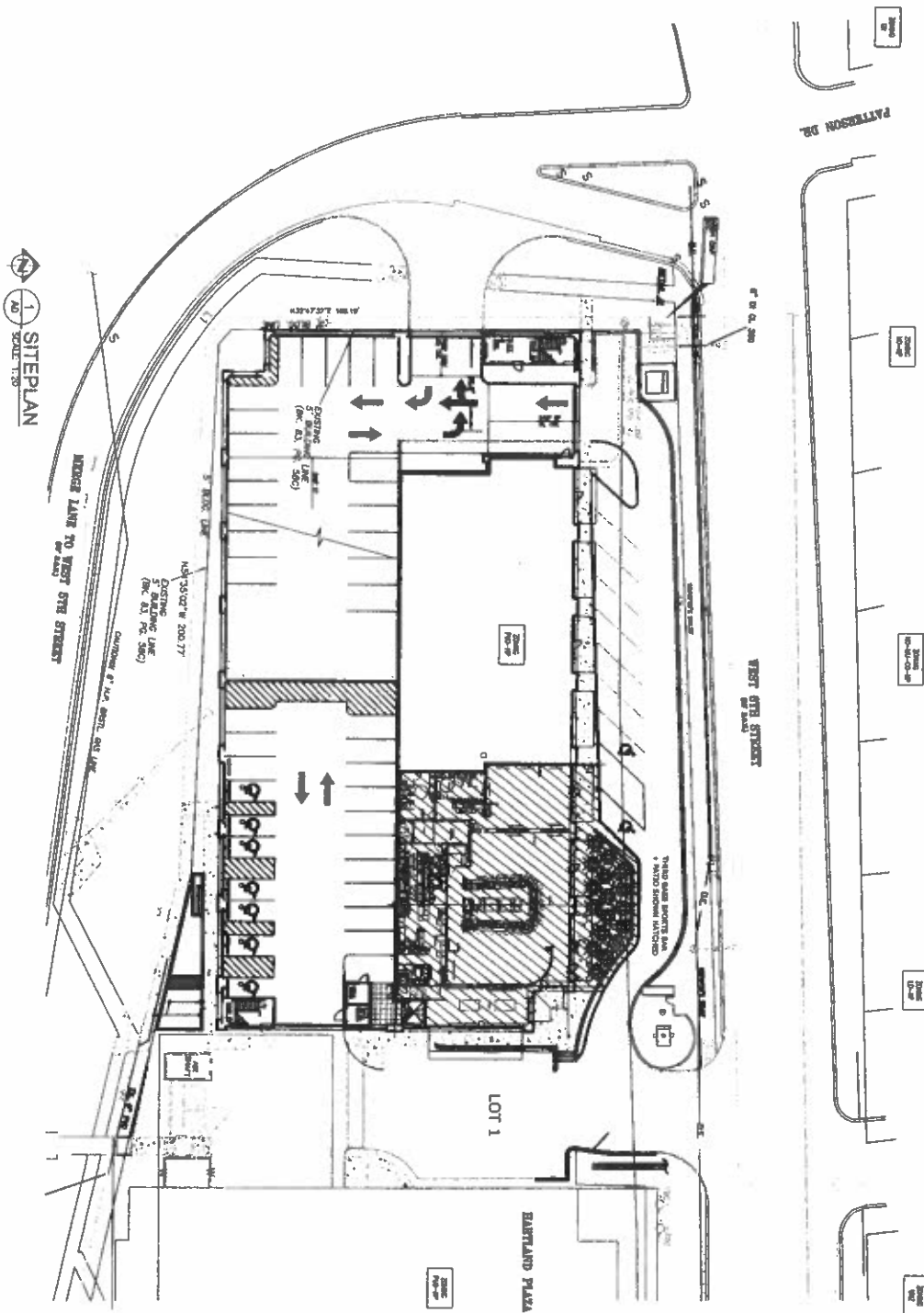
2. **STANDARDIZATION OF THE ASSAY**—The assay was standardized by comparing the results obtained with the standard and the unknown samples. The standard samples were prepared by adding a known amount of the standard solution to the reaction mixture. The unknown samples were prepared by adding a known amount of the unknown solution to the reaction mixture. The results were compared by using the standard curve.

LAW OFFICES OF ROBERT J. W. AND STREET			
APPROXIMATE			
DATE	NO. OF	REASON FOR	INVESTIGATION
1962	1	1	1
1963	1	1	1
1964	1	1	1
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2066	1	1	1

LONG AUSTIN CONCRETE 3122 W. 80 STREET
PHYSICAL IMPROVEMENTS, INC., BRANCH, WILSONVILLE, OREGON, 97150-1281

[illegible]

1717 W. 6TH STREET BUILDING 2



Adapted by:
 Joe Drexler, Planning & Development Release Department (Drex)

Development Permit 1 (Dobx)

	<h2 style="margin: 0;">DREW RANDALL DESIGNS</h2>		<h2 style="margin: 0;">THIRDBASE</h2> <p style="margin: 0;">S&B & GRILL</p> <p style="margin: 0; font-size: small;">LUNCH & DINNER B&B, MON-FRI, 11-11 S&B, SAT-SUN, 11-11 S&B, MON-SAT, 11-11</p>
	<h2 style="margin: 0;">THIRDBASE</h2> <p style="margin: 0;">S&B & GRILL</p> <p style="margin: 0; font-size: small;">LUNCH & DINNER B&B, MON-FRI, 11-11 S&B, SAT-SUN, 11-11 S&B, MON-SAT, 11-11</p>		

PROJECT INFORMATION

OWNER:
THIRD BASE SPORTS BAR-LATE HOURS PERMIT
LAKE AUSTIN COMMONS
ADDRESS: 1717 W. 6TH STREET BUILDING 2, AUSTIN, TX 78701
CONTACT: BILL HOGAN (512) 470-8547

THIRDBASE HOURS OF OPERATION
(EXISTING) MONDAY-FRIDAY & SUNDAY 11AM-12AM, SATURDAY 11AM-2AM
(PROPOSED) MONDAY-SUNDAY 11AM-2AM

WATERSHED STATUS:

1. THIS PROJECT IS WITHIN THE JOHNSON CREEK WATERSHED AND IS CLASSIFIED URBAN.
2. THIS PROJECT IS EXEMPT FROM THE COMPREHENSIVE WATERSHED ORDINANCE BY SPECIAL PERMIT 85-01-1729
3. THIS SITE IS NOT LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE.

FLOOD PLAIN NOTE:

NO PORTION OF THIS PROJECT IS LOCATED WITHIN THE FEMA 100 YR. FLOODPLAIN. (REFERENCE FEMA MAP PANEL NO. 48453C0205 E, EFFECTIVE JUNE 16, 1993.)

DETENTION NOTE:

BASED ON THE PREVIOUSLY APPROVED SITEPLAN, THIS SITE IS EXEMPT FROM STORMWATER DETENTION DUE TO ITS CLOSE PROXIMITY TO TOWN LAKE

GENERAL NOTES:

1. THE DISTURBED AREA WITHIN EACH PHASE OF THIS PROJECT HAS BEEN REVEGETATED AND ALL PERMANENT EROSION/SEDIMENTATION CONTROLS WERE COMPLETED PRIOR TO OCCUPANCY PERMITS FOR THAT PHASE.
2. ALL DETENTION BASINS, AND APPURTANCES WHICH RECEIVE STORMWATER RUNOFF FROM COMMERCIAL DEVELOPMENT SHALL BE MAINTAINED BY THE RECORD OWNER IN ACCORDANCE WITH THE MAINTENANCE STANDARDS IN THE DRAINAGE AND ENVIRONMENTAL CRITERIA MANUAL.

LEGAL DESCRIPTION:

LOT 1, LAKE AUSTIN COMMONS, BOOK 83, PAGE 53C, RECORDED JANUARY 12, 1983

*NOTE: SIGNAGE WILL BE PROVIDED AS REQUIRED INDICATING DATE AND HOURS OF OPERATION OF THE PROPOSED USE AND USES FROM WHICH PARKING SPACES ARE BEING LEASED.

*NOTE: EACH COMPACT PARKING SPACE WILL BE IDENTIFIED WITH A SIGN STATING "SMALL CARS ONLY" AND SIGNS POSTED ON SITE DIRECTING MOTORIST TO SUCH SPACES

PARKING CALCULATIONS @ THE END OF PHASE 3 OF DEVELOPMENT

LAKE AUSTIN COMMONS 1717 W. 6TH STREET

EXISTING BUILDINGS:	USE	SQ. FT.	PARKING RATE	MIN. CALC.
ADMINISTRATIVE/BUSINESS OFFICES, FINANCIAL SALES, MEDICAL OFFICE, FURNITURE SALES		170,304	1:125 S.F.	600
BUILDING IN GARAGE (13,764 S.F.)				
THIRD BASE (5000+796 PNTS)		6870	2:75 S.F.	92
MEDICAL OFFICE		2830	1:375 S.F.	10
RETAIL-SERVICE		3575	1:275 S.F.	14
TOTAL SPACES REQUIRED: LAKE AUSTIN COMMONS				706
TOTAL SPACES REQUIRED: LAKE AUSTIN COMMONS LESS 20%				565
PARKING PROVIDED: REGULAR - 620 SPACES				
HANDICAP - 17 SPACES				
TOTAL=637 SPACES				

PARKING CALCULATIONS @ THE END OF PHASE 4 OF DEVELOPMENT

LAKE AUSTIN COMMONS 1717 W. 6TH STREET

PARKING PROVIDED-REGULAR-1111 SPACES, HANDICAP-25 SPACES, COMPACT-85, TOTAL=1221 SPACES

ZONING CLASSIFICATION

ADDRESS	ZONING
1717 W. 6TH STREET	PUD-MP

PROJECT ZONING MAPS

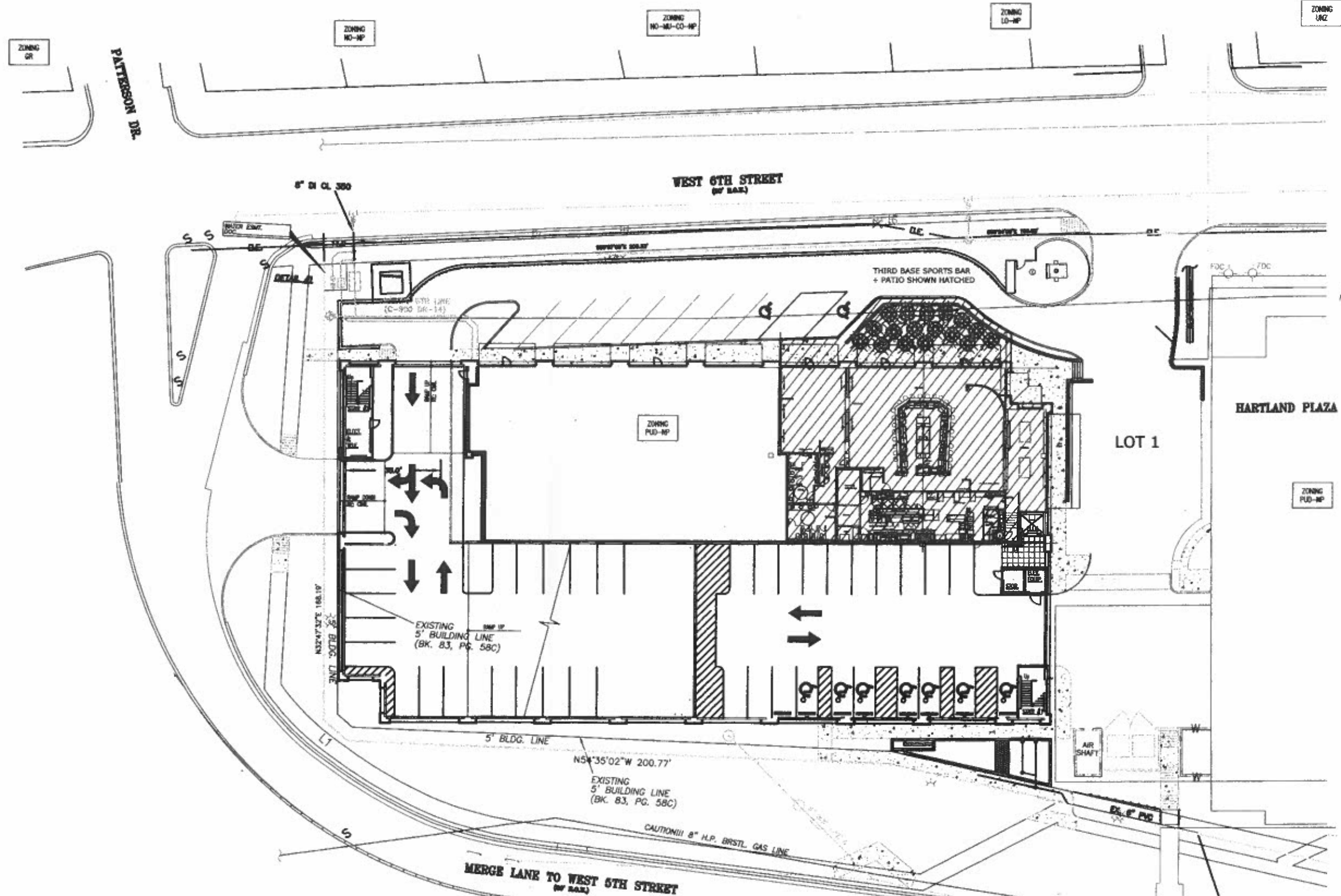
*NOTE:
THE DISTANCE FROM THE THIRDBASE SPORTS BAR TO THE NEAREST SINGLE FAMILY HOME= 271.37 FEET



THIRD BASE SPORTS BAR-LATE HOURS PERMIT

LAKE AUSTIN COMMONS

1717 W. 6TH STREET BUILDING 2



1 SITEPLAN
A0 SCALE: 1:20

Approved by:

For Director, Planning & Development Review Department (Date)

Development Permit # (Date)