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

**CASE NUMBER:** SPC-2011-0223AT      **PC DATE:** July 10, 2012

**PROJECT NAME:** The Vortex

**ADDRESS:** 2307 Manor Rd., 2301 Manor Rd., and 2309 Manor Rd.

**NEIGHBORHOOD PLAN:** Upper Boggy Creek

**APPLICANT:** Brooks Albert Company  
James A Cullum, Jr. (210) 736-5109  
120 Anastacia  
San Antonio, TX 78212

**AGENT:** Vortex Repertory Company  
Bonnie Cullum (512) 478-5282  
2307 Manor Rd.  
Austin, TX 78722

**CASE MANAGER:** Donna Galati      Phone: 974-2733  
[Donna.Galati@austintexas.gov](mailto:Donna.Galati@austintexas.gov)

**PROPOSED DEVELOPMENT:**

The applicant is requesting a conditional use permit for a cocktail lounge serving an existing theater in CS-1-MU-V-CO-NP zoning, a conditional use permit for off-site parking in CS-MU-CO-NP and CS-CO-NP, and is also requesting a variance for cocktail lounge parking within 200 feet of single-family property. Parking is existing on-site and proposed off-site. The off-site parking is located on adjacent tracts on Manor Rd. and Chestnut Ave., approximately 80 feet from single-family homes on the opposite side of the street.

**EXISTING ZONING:**

Cocktail Lounge Conditional Use

The property of the existing theater with proposed cocktail lounge service is zoned CS-1-MU-V-CO-NP and is in the Upper Boggy Creek Neighborhood Plan. A cocktail lounge is a conditional use in CS-1 base zoning district.

The conditional overlay in the zoning ordinance prohibits drive-in service as accessory use, limits building height to 40 feet, and prohibits the following uses: Agricultural sales and services, Adult oriented businesses, automotive rentals, Automotive repair services, Automotive washing (of any type) Automotive sales, Building maintenance services, Maintenance and service facilities, Monument retail sales, Pawn shop services, Service station, Vehicle storage, Campground, Commercial blood plasma center, Commercial off-street parking, Construction sales and services, Convenience storage, Drop-off recycling collection facilities, Employee recreation, Equipment repair services, Equipment sales, Kennels, and Limited warehousing and distribution.

Off-Site Parking Conditional Use Permit

The proposed off-site parking is located in two locations. The first location is located at 2309 Manor, in front of a retail business. This location is zoned CS-MU-CO-NP. The second is located at 2301 Manor,

on the West side of a Laundromat along Chestnut Ave, and zoned CS-CO-NP. Off-site accessory parking is a Conditional Use (by conditional overlay) on both of these tracts (Zoning Case No. C14-02-0057)

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Off-Site Parking Compatibility Variance

The proposed off-site parking at 2301 Manor is 80 feet from SF-3-NP (Single-Family use) property across Chestnut Ave. The on-site parking for The Vortex Theater is 190 feet from SF-3-NP zoning to the South, across E 22<sup>nd</sup> St. Land Development Code 25-5-146(B) requires that as a condition of approval for a conditional use site plan, a parking area for a cocktail lounge must be 200 feet away from property used or zoned SF-6 or more restrictive, unless the Land Use Commission grants a variance from this requirement at the time of site plan approval.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the parking variance and Conditional Use Permits with the condition that remaining staff comments are cleared pursuant to LDC 25-5-148. Remaining staff comments include such items as administrative information on the cover sheet and the legal review and recordation of the off-site parking agreements.

**AREA:** 1.02 acres

**WATERSHED:** Boggy Creek (urban)

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

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

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

**CAPITOL VIEW:** Robert Mueller Airport Capital View Corridor (no construction proposed in view corridor)

**PROJECT INFORMATION**

1.02 acre site area (2,183 sq. ft. cocktail lounge)

**EXIST. ZONING:** CS-1-MU-V-CO-NP (Theater/cocktail lounge), CS-MU-CO-NP (off-site parking location), CS-CO-NP (off-site parking location)

**ALLOWED F.A.R.:** 2:1

**EXISTING F.A.R.:** 0.07:1

**MAX. BLDG. COVERAGE:** 95%

**EXISTING BLDG. CVRG:** 7.26%

**MAX. IMPERVIOUS CVRG.:** 95%

**EXISTING IMPERVIOUS CVRG:** 67.49%

**REQUIRED PARKING:** 17

**PROVIDED PARKING:** 28 total

15 on-site, 13 off-site

**Proposed Access:** Manor Rd., Chestnut Ave., Maple Ave.

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:**

The existing theater is zoned CS-1-MU-V-CO-NP, and requested the zoning change from CS to CS-1 base zoning in 2004 in order to have bar service in the theater lobby. A cocktail lounge is a conditional use in CS-1 base zoning district. Staff recommends approval of the Conditional Use Permit for a cocktail lounge use to accompany the existing theater.

Off-site parking is necessary to obtain the minimum required parking, but provides for parking beyond the minimum required. The proposed off-site parking locations are existing parking spaces, therefore staff recommends approval of the conditional use and the compatibility setback variance.

The site plan is within a Capital View Corridor (Robert Mueller Airport). No construction of any buildings is proposed, and the existing buildings are under the view corridor.

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**Transportation:** Only two spaces of the required parking are located in the off-site parking locations. The additional 13 spaces are also located in the off-site parking locations.

The off-site parking requires a variance for parking within 200 feet of single-family use (Land Development Code 25-5-146-B). The purpose of this requirement is to discourage late-night pedestrian activity and noise adjacent to residential areas. The off-site parking is located at 2301 and 2309 Manor, approximately 80 feet from three single-family homes on the opposite side of Chestnut. The existing on-site parking lot is shielded from the single-family use by the building and a wooden fence. The off-site parking on Chestnut is located on a major thoroughfare, is existing, and there are commercial buildings located between these parking spaces and the residential property.

**Environmental:** This site is located in the Boggy Creek Watershed and subject to Urban Watershed regulations. All Environmental comments are cleared.

### **SURROUNDING CONDITIONS:**

#### **Zoning/ Land Use**

**North:** Manor Road, then CS-MU-V-NP (Auto repair)

**East:** Maple Ave., then MF-3-NP (Apartments)

**South:** E 22<sup>nd</sup> St., then SF-3-NP (Single Family)

**West:** Chestnut Ave., then SF-3-NP (Single Family)

### **NEIGHBORHOOD ORGNIZATIONS:**

Anberly Airport Association

Austin Heritage tree Foundation

Austin Independent School District

Austin Monorail Project

Austin Neighborhoods Council

Austin Parks Foundation

Blacklands Neighborhood Assn.

Cherrywood Neighborhood Assn.

Concordia Neighborhood Association

Del Valle Community Coalition

Home Builders Association of Greater Austin

Homeless Neighborhood Assn.

League of Bicycling Voters

PODER

Sierra Club, Austin Regional Group

Super Duper Neighborhood Objectors and Appealers Organization

The Real Estate Council of Austin, Inc

United East Austin Coalition

Upper Boggy Creek Neighborhood Planning Team

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### **CONDITIONAL USE PERMIT**

**D. 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.

### **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 administrative regulations and requirements of the Land Development Code.

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

Staff Response: The proposed cocktail lounge use is a conditional use in CS-1 zoning district. The cocktail lounge use is to permit the serving of alcohol for the existing theater. The parking spaces are existing parking spaces.

**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 will comply with all requirements of the Land Development Code. No construction is proposed for these uses.

**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. Approximately half the spaces are provided adjacent to The Vortex.

**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 applicable requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of

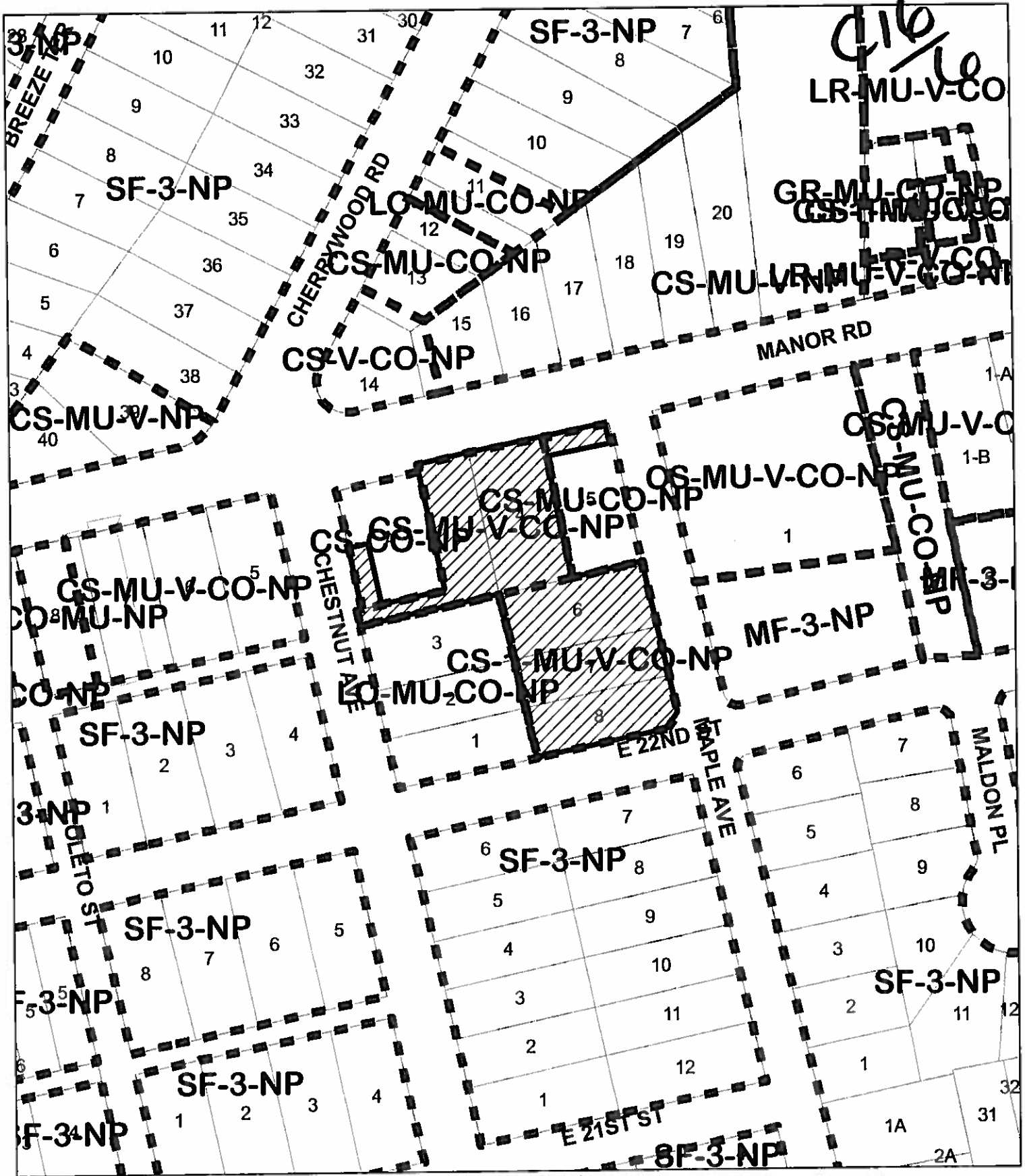
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persons and property.

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;**  
A cocktail lounge will have no more impact on adjoining properties than other permitted uses in the CS-1 zoning which could operate with similar or later hours than the proposed cocktail lounge. The off-site parking will have no more impact on adjoining properties than other permitted uses because the parking spaces are existing, and already used for the use.
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.



 **SUBJECT TRACT**  
 **ZONING BOUNDARY**

0 62.5 125 250 Feet

**SITE PLAN**  
**CASE#:** SPC-2011-0223AT  
**ADDRESS:** 2307 Manor Rd  
**CASE NAME:** The Vortex  
**MANAGER:** Donna Galati

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.

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



**OPERATOR:** Donna Galati



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**The VORTEX**  
**2307 Manor Road**  
**Austin, TX 78722**  
Upper Boggy Creek  
512.478.5282 wk.  
512.970.3100 c.

**Site Plan Application:**  
**SUMMARY LETTER**

The VORTEX is located at 2307 Manor Road and has been operating as a live-performance, community theatre and a huge contributor to the local Austin art's scene since 1994. In 2003, The VORTEX began working with the city in order to be rezoned for the sale of alcohol (#C14-04-0169) and in 2005, the theatre moved in an antique bar and acquired a beer and wine license.

Upon renewing and updating the current VORTEX beer and wine license to a mixed beverage license, nearly 7 years later, the city has just discovered that through a series of miscommunications and misdirection after the site's successful rezoning, The VORTEX has not yet acquired the necessary Conditional Use Permit it needs to continue business as it has already for these many years.

Submitted in this Site Plan Application package are, to our knowledge, all of the required engineered plans with space use, off-site shared parking agreements, tax papers, location maps and other additional documents requested by our business in order to become officially permitted for our current and long-running use.

To summarize our situation, we are simply trying to work with the city to update our paperwork and permits and do not intend to build, add or change our business site in anyway.

Thank you in advance for your review and assistance in helping to make official one of Austin's most rooted and artistic institutions; The VORTEX.

Sincerely,

Bonnie Cullum & Emily Fleming-Nash

*Owner & Manager*

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VORTEX Repertory Company  
2307 Manor Road  
Austin, Texas 78722  
(512) 478-5282  
vortex@vortexrep.org

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June 6, 2012

Ms. Donna Galati, Case Manager  
City of Austin - Planning & Development Review Department  
505 Barton Springs Rd.  
Austin, TX 78704

Re: The Vortex, 2307 Manor Rd.  
Variance Request – SPC-2011-0223AT

Dear Ms. Galati,

We request a variance to the Land Development Code §25-5-146 (B) requiring a 200 foot separation between parking for a cocktail lounge and single family residences.

The parking for the theater has existed in its current configuration since 1994 when the theater first opened. With this site plan, the parking is being striped to add two accessible spaces as shown on the site plan. New parking is not being added.

Although the property directly west of the theater is zoned LO-MU, it is used for single family residences. This includes 2201, 2203 and 2205 Chestnut Ave. The rear of these lots abuts the theater property. The theater building blocks the parking from the view of the residences at 2201 and 2203. Please see attached photos.

The rear of this property at 2205 Chestnut Ave. is adjacent to the 2 accessible parking spaces for the Vortex theater. The back yard of this residence is currently separated from the accessible parking by an 8-foot tall privacy fence owned and maintained by the residential property owner. This property also borders on a commercial alley and dry cleaners (Home Steam Cleaners).

For these reasons, we respectfully request a variance to the 200 foot separation distance be granted.

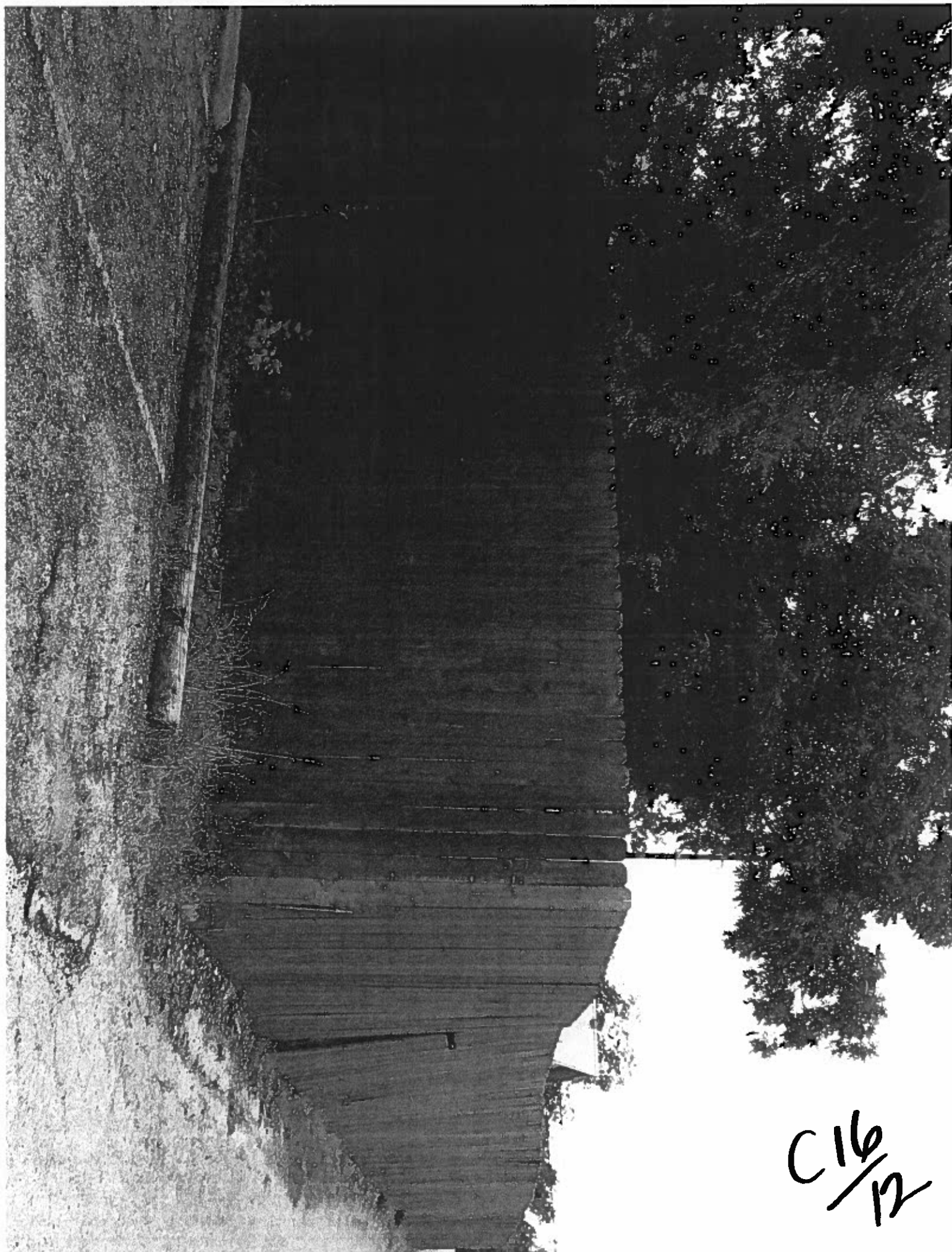
Sincerely,

Bonnie Cullum, Producing Artistic Director  
The VORTEX



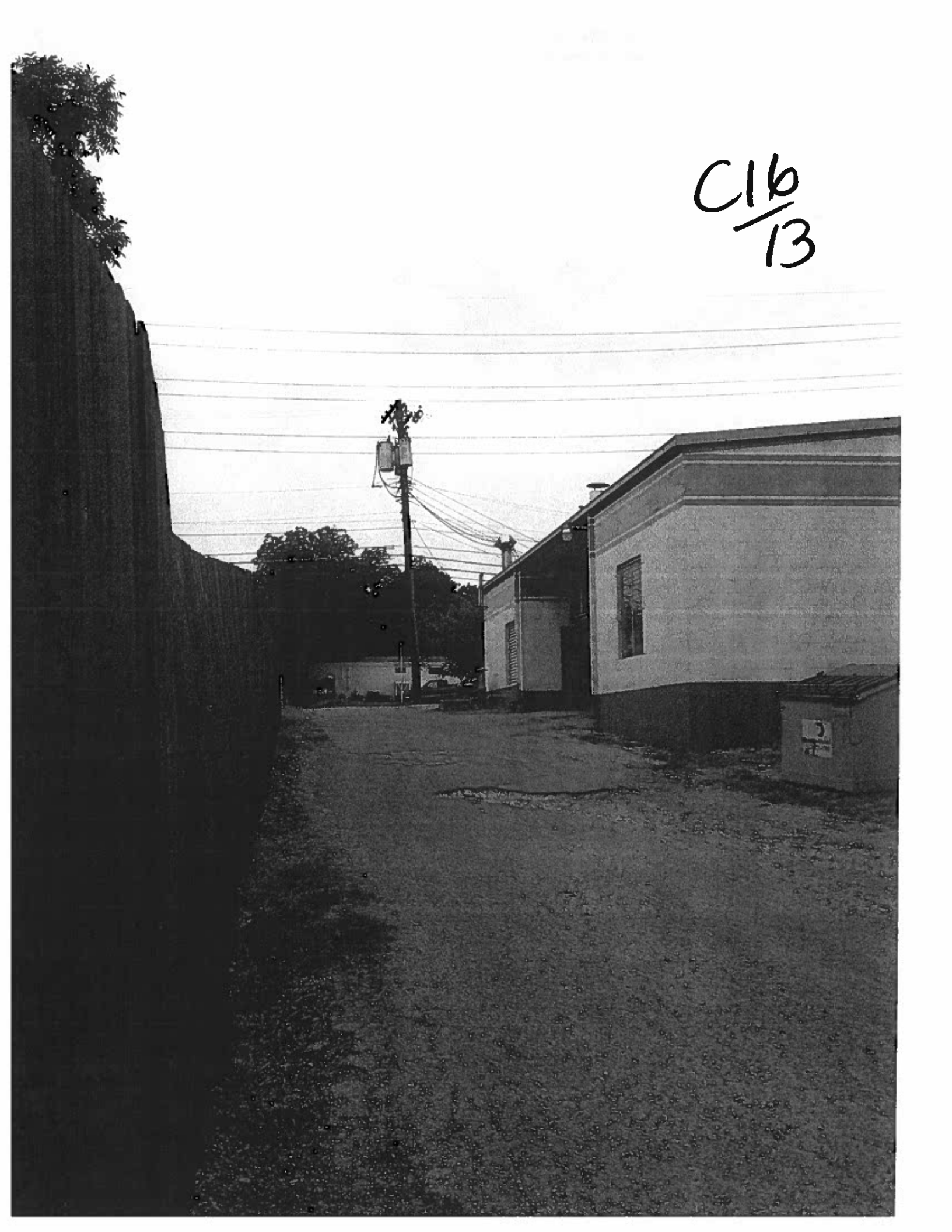




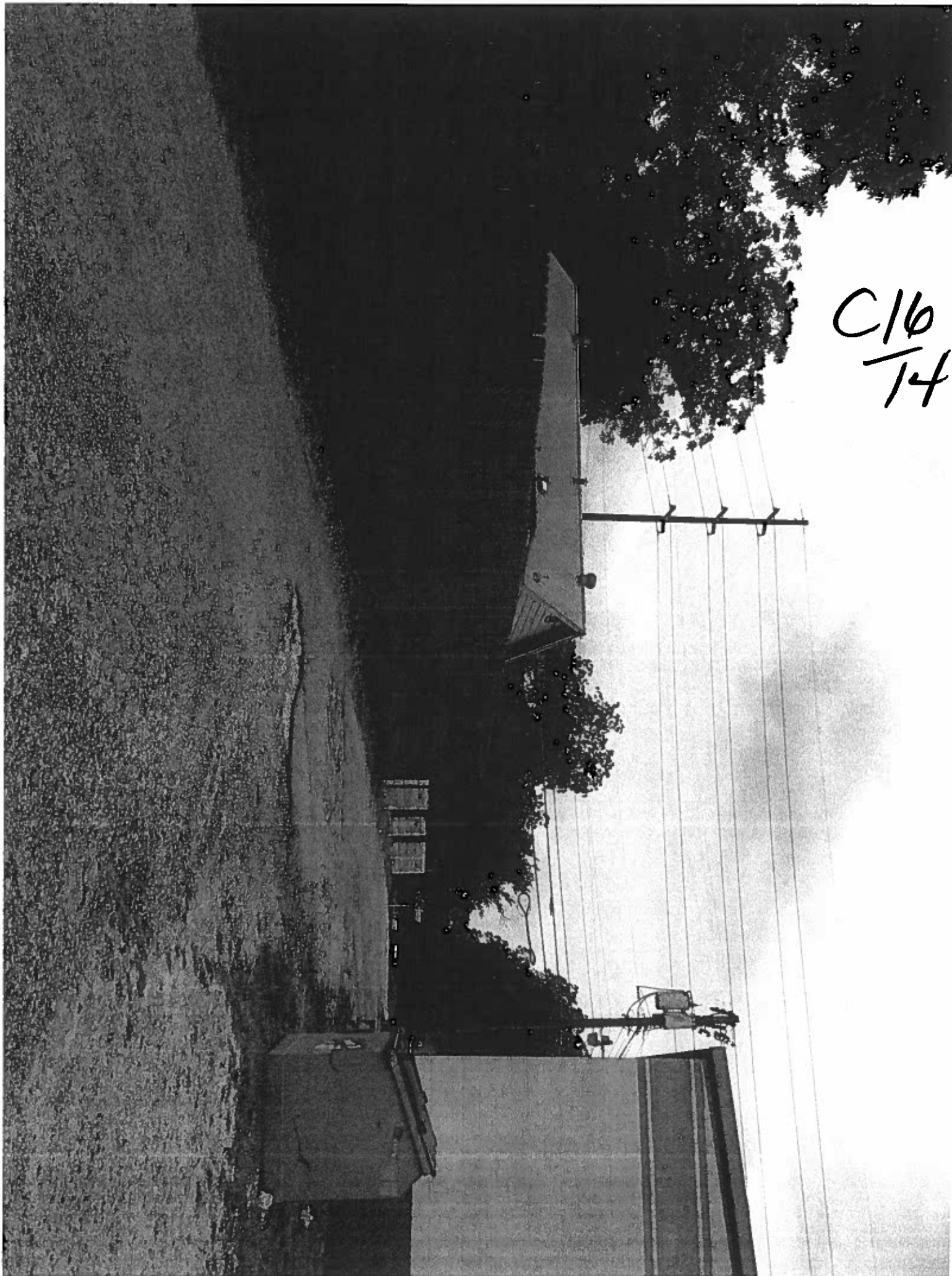


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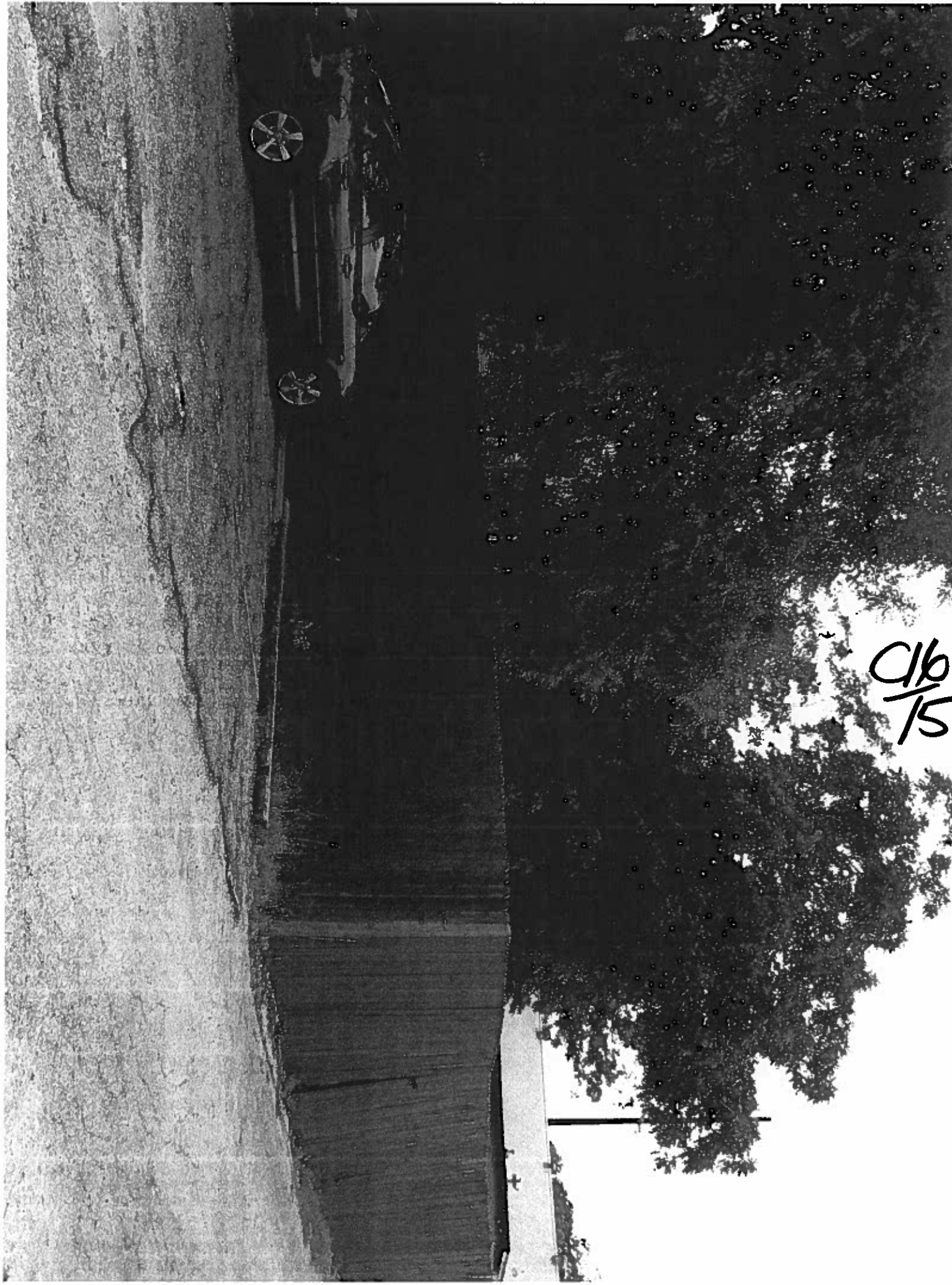
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