

PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET



CASE NUMBER: SPC-2015-0140A PC DATE: September 8, 2015

PROJECT NAME: Infinite Monkey Theorem Winery

ADDRESS OF APPLICATION: 121 Pickle Rd

APPLICANT: 3423 Holdings, LLC (Peter Barlin) (512) 413-5896
507 Calles Street
Austin, TX 78702

AGENT: Moya Khabele (512) 947-8772
810 E 13th St
Austin, TX 78702

AREA: 2.3 acre site; 2,000 sq ft footprint

COUNCIL DISTRICT: 3
WATERSHED: East Bouldin Creek (Urban)
WATERSHED ORDINANCE: Comprehensive Watershed Ordinance
T.I.A.: N/A
CAPTOL VIEW: N/A

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit to allow a wine tasting room (on-site consumption) on this site (a conditional use per 25-2-865). The proposed wine tasting room is 2,000 square feet. No additional construction to the site is proposed with this site plan.

EXISTING ZONING: This lot is zoned LI-CO-NP and CS-CO-NP; however the location of the proposed wine tasting area is zoned LI-CO-NP. The use is conditional per Ordinance No. 20140417-082 Part 1 (B) The sale of beer or ale produced onsite for onsite consumption: (2) is a conditional use, if the brewery is less than 540 feet from any single family residential use.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit for the proposed wine tasting room. This site plan complies with all Land Development Code requirements.

CASE MANAGER: Rosemary Avila Phone: 512-974-2784
rosemary.avila@austintexas.gov

PROJECT INFORMATION: 2.3 acres
EXIST. ZONING: LI-CO-NP
ALLOWED F.A.R.: 1:1
MAX. BLDG. COVERAGE: 75%
MAX. IMPERVIOUS CVRG.: 80%
REQUIRED PARKING: 73
PROPOSED ACCESS: Pickle Road

EXISTING F.A.R.: 0.33:1
EXISTING BLDG. CVRG: 33%
EXISTING IMPERVIOUS CVRG: 74%
PROVIDED PARKING: 101



SUMMARY COMMENTS ON SITE PLAN:

Land Use: On-site consumption is a conditional use per the Brew-Pub Ordinance (as stated in the Existing Zoning information). The winery is located in an existing building that is located within the LI-CO-NP portion of the lot.

Per Ordinance No. 20140417-082 Part 1 (E) During the Conditional Use Permitting Process the Council of Planning Commission may increase the square footage allowed under Subsection B(3), which limits the area to 33% or 5,000 sq ft whichever is less. The applicant proposes a 2,000 sq ft tasting room, which is 20 sq ft more than the allowed 33%. Staff recommends approval of the conditional use permit request.

Environmental: There were no Environmental review comments. No construction is proposed with this Land Use application.

Transportation: All Transportation comments have been cleared. Access to the site will be from Pickle Road.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North: Pickle Rd then P-NP, Open Space (Common Area)
East: CS-V-CO-NP, Commercial
South: SF-3-NP, single family
West: W/L0-NP, single family

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Independent School District
Austin Neighborhoods Council
Dawson Neighborhood Association
Dawson Neighborhood Contact Team
Friends of Emma Barrientos MACC
Greater SRCC Neighborhood Planning Team
Preservation Austin
SEL Texas
Sierra Club, Austin Regional Group
South Central Coalition
South River City Citizens Association
The Real Estate Council of Austin, Inc.
Zoning Committee of South River City Citizens

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CIT/MS

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 EVALUATION CRITERIA

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 request is 20 sq ft over the allowed amount; however Planning Commission can allow an increase in square footage. This site plan complies with all other regulations and requirements of the Land Development Code.

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

Staff Response: The proposed on-site consumption is a conditional use within the L1 base zoning district, per the Brew-Pub Ordinance.

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: Adequate parking and loading facilities are provided on-site.

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: The proposed project is not in the East Austin Overlay.

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CMT/IV

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.

25-5-146 - CONDITIONS OF APPROVAL.

CIT

(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 and 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.

(B)

As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or a restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

(1)

the lounge or restaurant is located within an enclosed shopping center; or

(2)

the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.



CMH

The Infinite Monkey Theorem
121 Pickle Road, Suite 121
Austin, TX 78704

2 September 2015

City of Austin - Planning Commission
301 W. 2nd Street
Austin, TX 78701

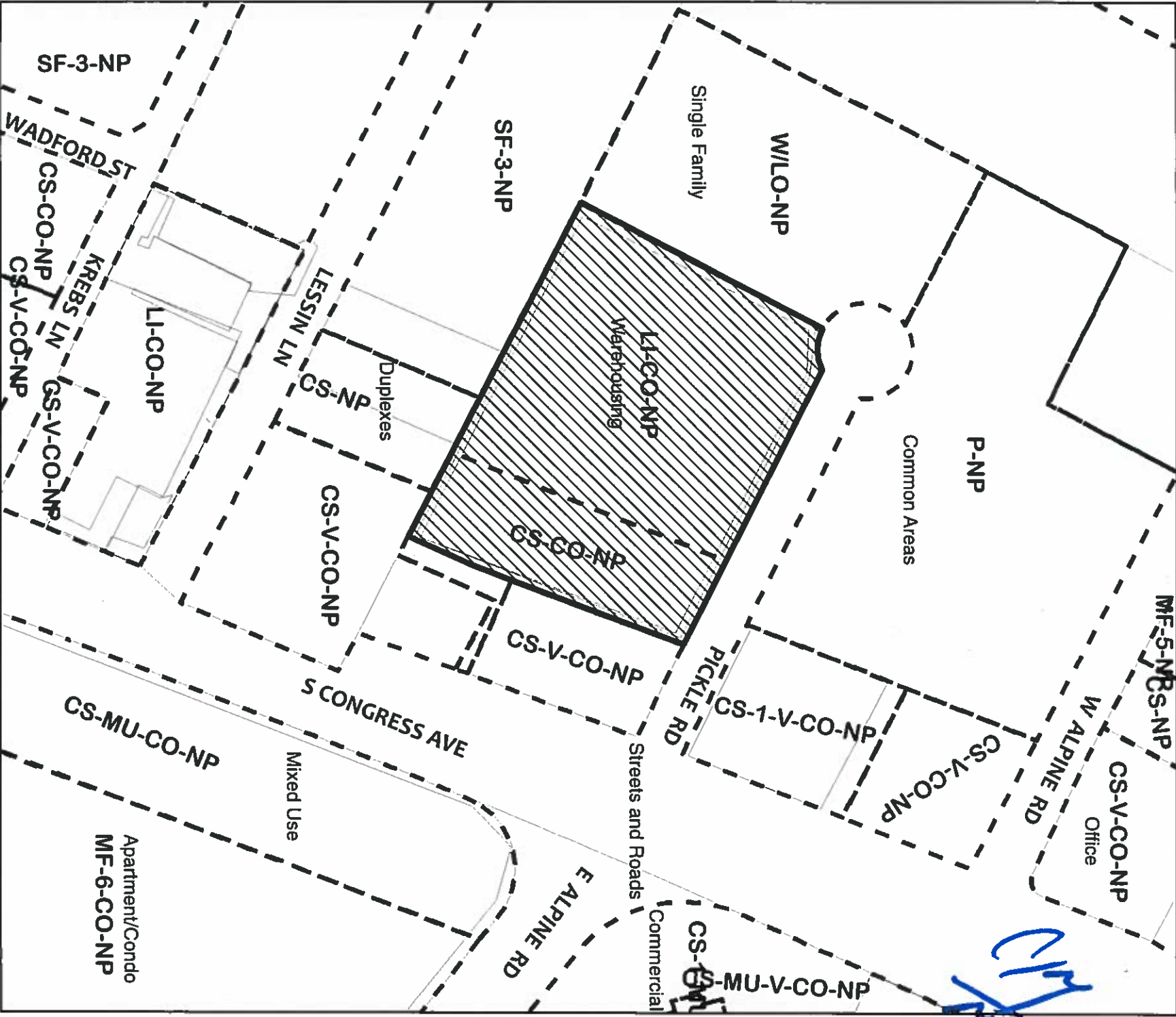
To whom it may concern:

The Infinite Monkey Theorem winery (IMT) at 121 Pickle Road, Suite 110 requests a Conditional Use Permit in order to transform 2,000 ft² of its 6,000 ft² winery space into a tasting room, per brewery ordinance 20140417-082. This ordinance allows for one-third of a production facility to be used as a tasting room for on-site consumption.

We respectfully request a positive recommendation from the Commission as we seek to become a neighborhood business producing local wines for our friends and neighbors to enjoy in our space.

Best Regards,



Aaron and Meredith Berman
The Infinite Monkey Theorem
Aaron@theinfinitemonkeytheorem.com
Meredith@theinfinitemonkeytheorem.com



Handwritten signature in blue ink.

Conditional Use Permit - Site Plan
 CASE#: SPC-2015-0140A

ADDRESS: 121 Pickle Rd
 CASE NAME: Infinite Monkey Theorem Winery
 MANAGER: Rosemary Avila

 SUBJECT TRACT
 ZONING BOUNDARY
 0 60 120 240 Feet

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 the accuracy or completeness.



OPERATOR: R. Avila

Avila, Rosemary

From: DNA-DNPCT Communications <dnadnpctcommunications@yahoo.com>
Sent: Tuesday, September 01, 2015 6:32 PM
To: Avila, Rosemary
Subject: Case no. SPC-2015-0140A. 121 Pickle Road

Dear Ms Avila,

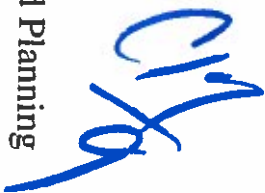
This is to inform you that this application was discussed at the Dawson Neighborhood Planning Contact Team meeting on August 10th 2015.

After hearing from the owners and questions, a members vote was conducted and carried unanimously in support the conditional use permit for the wine tasting room at Infinite Monkey Theorem Winery.

This vote was made separately and without reference to any other issues and permits applied for at the same address. These issues will be addressed in a forthcoming communication to city staff and officials.

Sincerely,
DNPCT Board

Chad Cospier
Donna Knapp
Julie Woods (Secretary)
Marty Harris (Vice Chair)
Peter Davis (Chair)
Sostones Palomo



To Whom It May Concern:

C170

My name is Chase Clark and I live in the Dawson neighborhood with my wife Lillie and our daughter Emma. I wanted to take a moment to talk about the Infinite Monkey Theorem Winery and how excited we would be to have it open in our neighborhood.

My wife and I are native Austinites and we have happily watched this city grow, relishing the daily changes. We have seen the Dawson neighborhood go from a more frightening area in town to one of the most sought after places to live in the real estate market. Our disappointment with this community is the lack of establishments within walking distance for our neighborhood to enjoy, particularly establishments that serve adult beverages and would provide a regular hang out spot; a place to kick back and relax. As a neighborhood, we use services like the highly popular app Next Door, which allows us to create a more tight knit community. There are few places, if any, where we could gather together on a regular basis and meet more of our neighbors, in person. When whispers of the IMTW started circulating around our block, my neighbors and I all rallied in excitement. It seems unanimous amongst our community that we would all like to see South Congress continue to improve, replacing low-end markets and dilapidated centers with thriving neighborhood establishments, mirroring those that exist north of South Congress and Oltorf.

It is past time to bring in establishments like The Infinite Monkey Theorem Winery. We are a young, excited and growing community, who is ready to support this wonderful, creative endeavor.

Thank you for your time,


Chase Clark

406 Cherry Hill Drive
Austin, Texas 78704

Dana Raykovich

109 Cherry Hill Dr. • Austin, TX 78704
Phone: 512-659-7909 • E-Mail: dannaray@me.com

September 1, 2015

To whom it may concern:



I am writing to show my support for Infinite Monkey Theorem Winery proposed to open in the Dawson Creek neighborhood on Pickle Road. I believe IMTW's location will greatly benefit our community in many ways. It will provide a safe and comfortable place for neighbors to gather over a delicious glass of wine and unwind after a tough day, talk about our crazy toddlers and relax.

There are many families that live within walking/biking distance that are really looking forward to having a neighborhood hangout spot to call home that we can walk to and build community. We have a cul-de-sac full of families that have been waiting on IMTW to open for a while now and we're just around the corner.

I've had the good fortune to meet its founders and feel confident expressing my full support for their promotion and their chosen location on Pickle Road. Please help me support them in any way you can.

Warmest regards,

Dana Raykovich
512.659.5909

Dear City of Austin,

I am writing this letter to tell you how thrilled we are to welcome The Infinite Monkey Theorum Winery to our neighborhood. We moved to the Dawson area about two years ago and live right around the corner from the new Winery. We hope that the winery will draw a customer base that will uplift the neighborhood image and bring a true sense of community to neighbors who now have very few places to meet and safely enjoy a glass of wine.



Sincerely,



Carson and Anna Coots
405 Cherry Hill Drive
Austin, TX 78704

To Whom it may concern at the City of Austin Planning Commission,

I am writing in regards to a new winery that is going in on Pickle Rd off South Congress, Infinite Monkey Theorem Winery. I feel that it will be a great asset to the neighborhood to have a place where you can enjoy a great glass of wine at a winery in Downtown Austin. I believe it will bring a different level of class to the neighborhood. The additional foot traffic will help deter the ever-growing homeless population and vandalism that happens in our neighborhood. Additionally, I am looking forward to being able to walk there.

It is nice to be able to buy just one glass of wine and not have to buy an entire bottle. I think it will be an asset for them as well to be able to sell by the glass and not have to just give samples on tours.

Looking forward to their business opening!

Sara Stinsmuehlen
512.914.0278
206 Pickle Rd.
Austin, TX 78704

September 1, 2015

RE: The Infinite Monkey Theorem Winery, CUP hearing

My name is Lindsey Prince and I have lived in Austin for over 40 years. My wife and I have lived on Pickle Road for the last seven years.

I first met Aaron and Meredith Berman when their Tiny House project was completed and they were preparing to move into the Pickle Road area. I was immediately struck by their friendly nature and sincere concern about their project moving in to the neighborhood.

Having lived on Pickle Road since 2008 and experienced the need for diligence in keeping the area a safe and inviting destination, I was (and am) encouraged that new retail establishments will be beneficial to the neighborhood and community. When I learned that the warehouse area immediately across from our residence was being considered for development, I was encouraged about the prospects of a more peaceful and congenial atmosphere in the area.

Previous tenants of the commercial space at 121 Pickle Road included an automotive body shop and several mechanic shops. The noise and pollution generated by these businesses was often disconcerting if not outright detrimental to the residents on Pickle Road and Lessin Lane. These businesses also employed and attracted employees and customers that often times made us feel unsafe.

Upon learning that The Infinite Monkey Theorem Winery was one of the proposed businesses for the new development, I investigated their history and explored their website in an attempt to get an idea of what they were all about. I was pleasantly surprised to find that their business in Denver, Colorado was more than a wine bar.

I found that they are very involved with the community in Denver and frequently schedule events that were beneficial to the local area. They seem to strive for a broad range of event driven gatherings that offer diversity and beneficial aspects to the area.

I believe this type retail establishment will blend in well with the diverse nature of the local Austin population and bring a much needed improvement to the entire South Congress locale.

Thank you for your time.

Lindsey and Jeanie Prince
202 Pickle Road
Austin, TX 78704

lprince@austrin.rr.com
512-448-3001

September 1st, 2015
Austin, TX



To Whom it may concern at the City of Austin Planning Commission,

I am writing in regards to a new winery that will open on Pickle Rd off South Congress, **Infinite Monkey Theorem Winery**.

It will be a great asset to the neighborhood to have a place where you can enjoy a great glass of wine at a winery in Downtown Austin. Bringing a level of class to the neighborhood. The additional foot traffic will help deter the ever-growing homeless population and vandalism that happens in our neighborhood. Additionally, I am looking forward to being able to walk there.

It is nice to be able to buy just a glass of wine, and have the opportunity to socialize with neighbors. I think it will be an asset for them as well to be able to sell by the glass and not have to just give samples on tours.

Looking forward to their business opening!

Sara Daza Buchholz
204 Pickle Road
Austin, TX
78704
(646) 351 9567

Dear Planning Commissioners and policy makers,



It is with great pleasure that we write to you tonight in support of Infinite Monkeys' application for a CUP to serve wine on-site. We live a couple hundred feet away from them on Alpine and were delighted by the unanimous neighborhood approval they enjoyed at the Dawson Neighborhood Meeting.

We have family in the Denver area and have frequented their other location several times. We have spoken multiple times about how much we would love a location in Austin, a city that severely lacks wineries within the city limits.

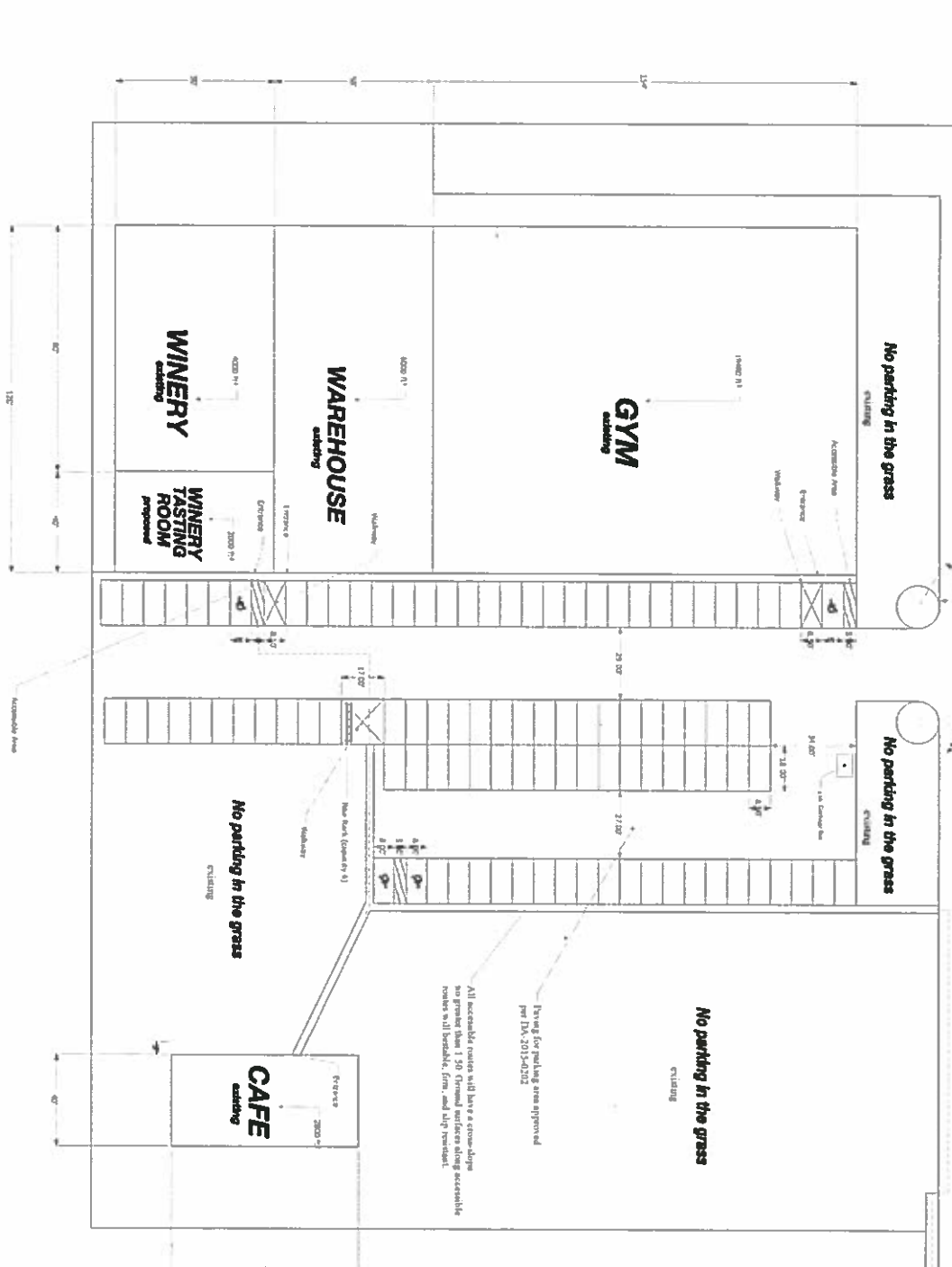
We hope that you approve the CUP and allow their ability to sell wine on-site. We believe local and small businesses bring the neighborhood together and we are excited about the opportunity to sit and enjoy their offerings with our neighbors.

We truly enjoy the walkable lifestyle that this area of town affords us but there are amenities that we still lack—one of which is a wine bar. We choose to walk and avoid driving when enjoying a night on the town. Please help us by supporting this couple and their endeavors to build a quality establishment in our neighborhood.

Respectfully,

Lisa Jacobs and Greg Anderson

PICKLE RD



NO CONSTRUCTION WILLOCCURWITHTHIS PERMIT

- Notes**
- a) All improvements shall be made in accordance with the released site plan. Any additional improvements will require site plan amendment and approval of the Planning and Development Review Department.
 - b) Approval of this Site Plan does not include Building and Fire Code approval or building permit approval.
 - c) All special permits with requirements of the Land Development Code (Chapter 25.10)
 - d) Additional electric easements may be required at a later date.
 - e) Water and wastewater service will be provided by the City of Astoria.
 - f) All existing structures shown to be retained will require a demolition permit from the City of Astoria Planning and Development Review Department.
 - g) A development permit must be issued prior to an application for building permit for non-cumulatively re-zoned structures.
 - h) For driveway construction, the owner is responsible for all costs for relocation of or damage to utilities.
 - i) For construction within the right-of-way, a ROW excavation permit is required.

Particular & Use Data:
 Gym: 1840 sq ft / 500 = 37
 Hours: 6am to 7pm
 Warehouse: 6000 sq ft / 1000 = 6
 Hours: 8am to 5pm
 Cafe: 2800 sq ft / 75 = 37
 Hours: 7am to 5pm
 Winery: 4000 sq ft / 1000 = 4
 Hours: 9am to 5pm
 Tasting Room (if DCU is approved): 2000 sq ft / 75 = 27
 Hours: 9am to 5pm
 Total parking needed: 92 * 80% for urban core reduction = 72 spaces needed
 Total parking available: 101

Bike Rack Detail

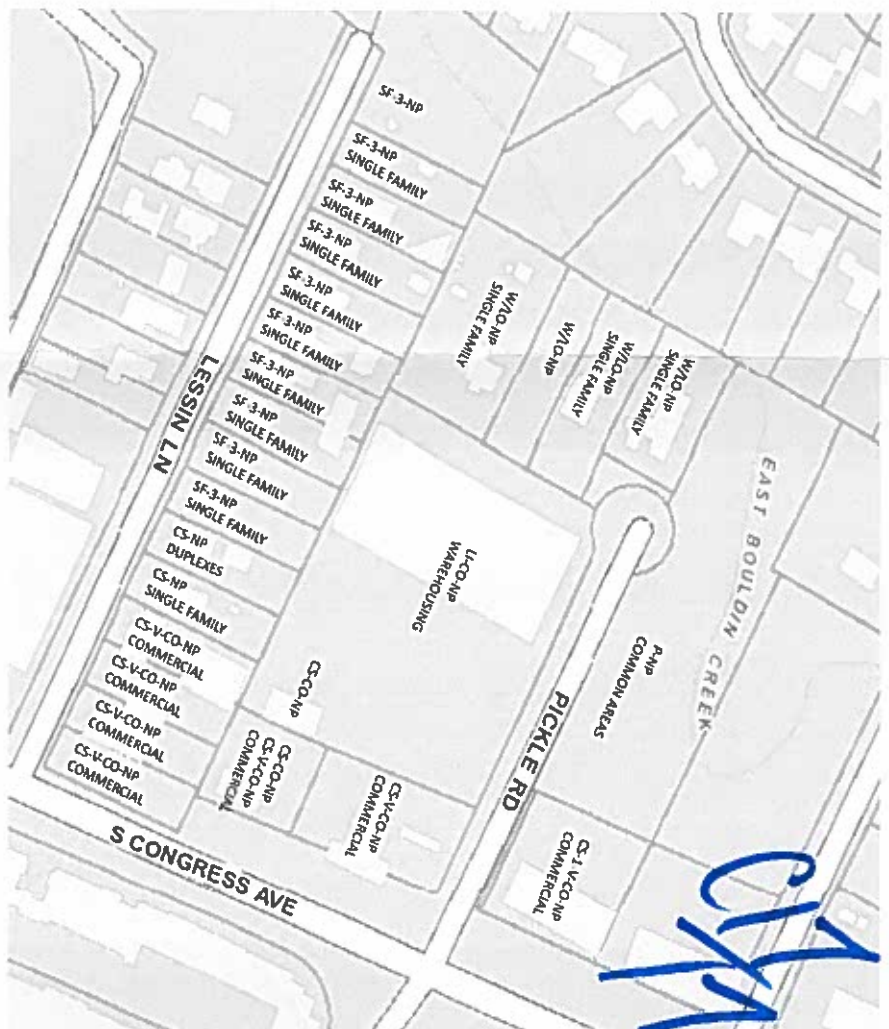
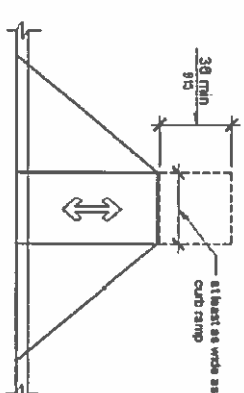
Site Zoning & Area
 Entire Site Area: 100,188 sq ft
 Zoning: L1-CO-NP and CS-CO-NP

No new site construction

SPC-2015-0140A

Note on accessible parking signage:
 Every accessible parking space will be identified by a sign, centered at the head of the parking space. The sign will include the international symbol of accessibility and state: RESERVED for disabled persons. Characters and symbols on such signs will be located on a minimum of 48 inches above the ground so that they cannot be obscured by a vehicle parked in the space. (IRC 1101.1, ANSI A117.1)

Note on parking areas:
 All parking areas are made of concrete.



Metric	Total	Allowed Per Zoning	Infinite Monkey - Tasting Room Space (proposed)	Infinite Monkey - Production Space
Entire site area	100,188 ft ²			
Zoning and proposed use	L1-CO-NP CS-CO-NP Light Industrial/Brewery		L1-CO-NP Light Industrial/Brewery	L1-CO-NP Light Industrial/Brewery
Total gross floor area (in sq. ft. and percentage)	33,280 33%		2,000 ft ² 2%	4,000 4%
Building coverage (in sq. ft. and percentage)	33,280 33%		75%	
Impervious cover (in sq. ft. and percentage)	74,420 74%		80%	
Floor-to-area ratio (expressed as a ratio)	0.33 : 1	1 : 1	0.02 : 1	0.04 : 1
Building height (in stories and feet)	Single story sloped roof from 16ft to 20ft	Single story sloped roof from 16ft to 20ft	Single story sloped roof from 16ft to 20ft	Single story sloped roof from 16ft to 20ft
Foundation type	Concrete slab	Concrete slab	Concrete slab	Concrete slab

**INFINITEMONKEYTHEOREM
WINERY**
 121 PICKLE RD.
 SPC-2015-0140A
 2 OF 2