

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

**CASE NUMBER:** SPC-2016-0551A **PC DATE:** April 11, 2017  
**PROJECT NAME:** Still Austin Conditional Use Permit

**ADDRESS:** 440 E St Elmo Rd Unit F-1  
**COUNCIL DISTRICT:** 3  
**NEIGHBORHOOD PLAN:** East Congress

**APPLICANT:** Atlas/Zimmerman Family LLC & The Yard Holdings LLC  
1601 E. 5<sup>th</sup> Street, Ste. 108  
Austin, TX 78702

**AGENT:** Thrower Design, A. Ron Thrower (512) 476-4456  
P.O. Box 41957  
Austin, TX 78704

**CASE MANAGER:** Rosemary Avila (512) 974-2784  
[rosemary.avila@austintexas.gov](mailto:rosemary.avila@austintexas.gov)

**AREA:** 0.12 acre site; 2,049 sq. ft. footprint  
**WATERSHED:** Williamson Creek (Suburban)  
**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance  
**T.I.A.:** N/A  
**CAPITOL VIEW:** N/A

**PROPOSED DEVELOPMENT:**

The applicant is requesting a conditional use permit for a cocktail lounge use within an existing building. The proposed cocktail lounge area is 2,049 square feet total (1,514 sq. ft. within an existing building and 534 sq. ft. of outside area). No construction is proposed with this site plan.

**STAFF RECOMMENDATION:**

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

**PROJECT INFORMATION:** 2,049 sq. ft. footprint

**EXIST. ZONING:** CS-1-CO-NP

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

**EXISTING F.A.R.:** 0.24:1

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

**EXISTING BLDG. CVRG:** 23.75%

**MAX. IMPERVIOUS CVRG:** 95%

**EXISTING IMPERVIOUS CVRG:** 47%

**REQUIRED PARKING:** 204(for entire lot) **PROVIDED PARKING:** 263 (for entire lot)

**PROPOSED ACCESS:** E. St Elmo Rd and Industrial Blvd

*\*See the attached Site Plan sheet for the calculations of the entire lot.*

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The lot is zoned LI-NP (Limited Industrial Services in a Neighborhood Plan) and CS-1-CO-NP (Commercial-Liquor Sales with a Conditional Overlay in a Neighborhood Plan); however the location of the proposed cocktail lounge area is zoned CS-1-CO-NP. The conditional overlay established by Zoning Ordinance No. 20160616-050 limits a cocktail lounge use to 2,049 square feet. The existing warehouse building (manufacturing- distillery) is 9,134 square feet with a 1,515 square foot proposed cocktail lounge area, and a 534 square foot outside cocktail lounge area. Cocktail Lounge use is a conditional use in the CS-1 base zoning district. The sale of alcohol will be limited to alcohol beverages that are manufactured, produced, or distilled on the property (noted on the Site Plan cover sheet). There are no schools, churches, or hospitals within 300 feet of the subject site. Staff recommends approval of the conditional use permit request.

**Environmental:** The site is located in the Williamson Creek Watershed and subject to the Suburban Watershed regulations. There were no Environmental review comments. No construction is proposed with this Land Use application.

**Transportation:** All parking spaces are located on-site. All Transportation comments have been cleared. Access to the site will be from East St Elmo Rd and Industrial Blvd.

**SURROUNDING CONDITIONS:****Zoning/ Land Use**

<b>North:</b>	LI-NP, warehouse
<b>East:</b>	LI-NP, warehouse
<b>South:</b>	LI-CO, warehouse
<b>West:</b>	LI-CO-NP, warehouse

**NEIGHBORHOOD ORGNIZATIONS:**

Austin Heritage Tree Foundation	Homeless Neighborhood Association
Austin Independent School District	Onion Creek Homeowners Assoc.
Austin Neighborhoods Council	Perry Grid 644
Battle Bend Springs HOA	Preservation Austin
Bike Austin	SEL Texas
Go!Austin/Vamos!Austin (GAVA)-78745	Sierra Club, Austin Regional Group
Far South Austin Community Assn.	South Congress Combined Neighborhood Plan
Friends of Austin Neighborhoods	South Park Neighbors
Greenwood Hills-Colonial Park Neigh. Assn.	Southeast Corner Alliance of Neigh (SCAN)

**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 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 within the CS-1 base zoning district and the size is within the conditional overlay limitations.

**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: 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.

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

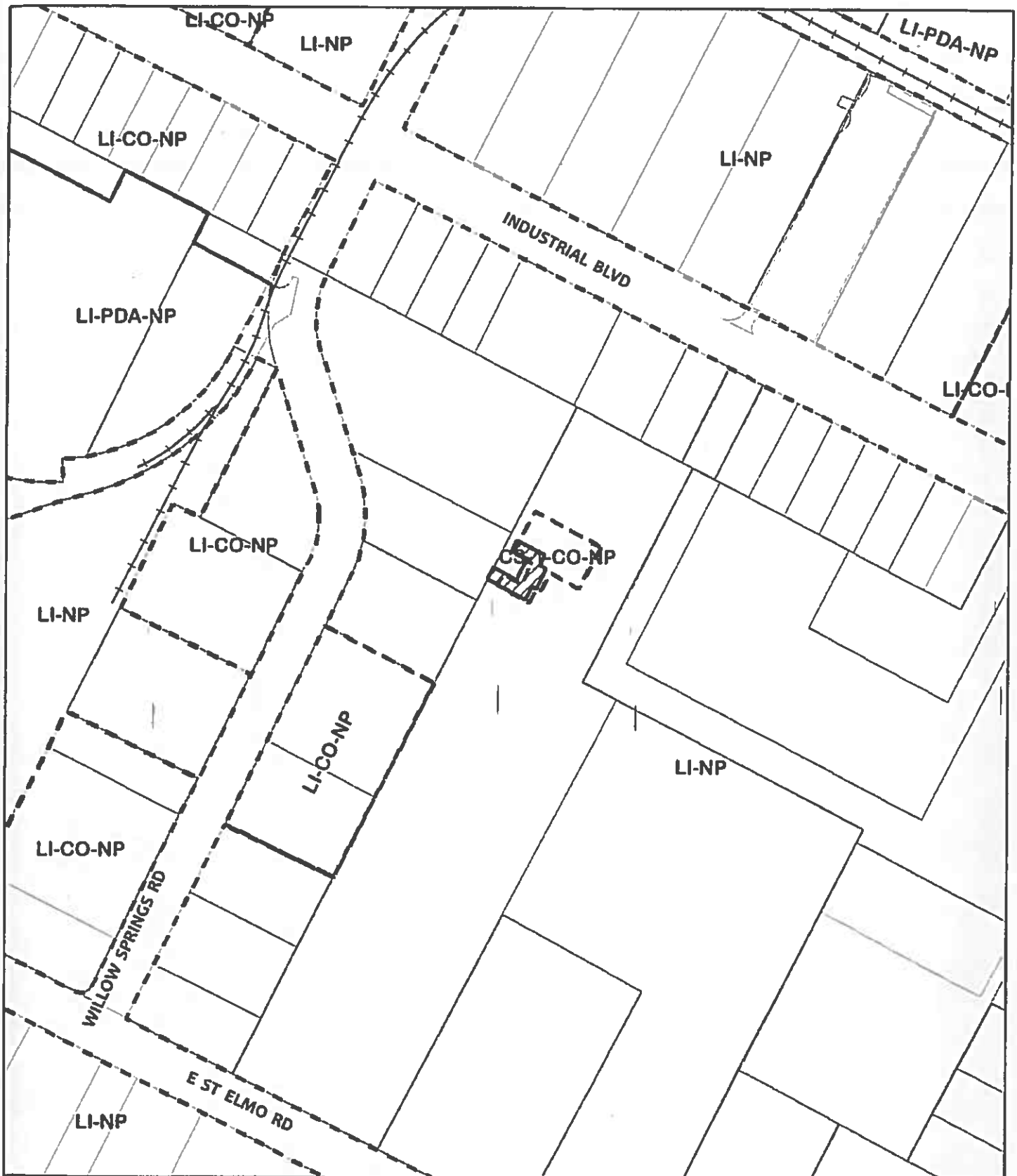
**7. More adversely affect an adjoining site than would a permitted use;**

Staff Response: A cocktail lounge would not more adversely affect an adjoining use than would a permitted 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 80 160 320 Feet

CASE#: SPC-2016-0551A  
 ADDRESS: 440 E St Elmo Rd Unit F-1  
 CASE NAME: Still Austin Conditional Use Permit  
 MANAGER: Rosemary Avila

This product is for information 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 City of Austin. The department is not responsible for the accuracy of the information.



*Thrower Design*

510 S. Congress Avenue, Ste. 207  
P. O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

April 4, 2017

Development Review Department  
City of Austin

RE: **Still Austin**  
**444 E. St. Elmo, Bldg F**  
Conditional Use Permit

The subject site is in Building F of The Yard located at 444 E. St. Elmo and consists of 2,049 sf of conditional use area and is zoned as CS-1-CO-NP. Of this conditional use area, 1,515 sf is interior with the remaining 534 sf exterior patio adjacent to Building F. The existing use of the site is manufacturing for a distillery and the purpose of the conditional use is to allow for sales of the manufactured products for onsite consumption.

Should you have any questions or need additional information, please do not hesitate to call me or Ron Thrower at 476-4456.

Sincerely,



Neslie Cook

## OWNER/DEVELOPER

SCOTT LINGG  
ATLAS/THUNDERBOLT FAMILY LLC &  
THE YARD HOLDINGS LLC  
1601 E. 5TH STREET, STE 101  
AUSTIN, TX 78702

## OWNER'S REP FOR PLAN ALTERATIONS

THROWER DESIGN  
P.O. BOX 41957  
AUSTIN, TEXAS 78704  
512.476.4456

## LEGAL DESCRIPTION

LOT 1 & 3 OF ST. ELMO BARRHOUSE ADDITION SUBDIVISION

THIS SITE HAS BEEN APPROVED AS ONE COMBINED  
DEVELOPMENT AND RECORDED IN THE LGA DOCUMENT  
#2016034483 OFFICIAL PUBLIC RECORDS, BRAVES COUNTY,  
TEXAS.

## RELATED CASE NO.

SITE PLAN SP-2013-0463  
SP-2013-029107

## LOCATION INFO

GRID # H18  
MAPSCO # 844

## WATERSHED STATUS

THIS SITE IS LOCATED IN THE WILLIAMSON CREEK  
WATERSHED, WHICH IS CLASSIFIED AS SUBURBAN

THIS SITE IS NOT LOCATED OVER THE EDWARDS AQUIFER  
RECHARGE ZONE.

## FLOODPLAIN INFORMATION

NO PORTION OF THIS SITE IS WITHIN THE 100 YEAR  
FLOODPLAIN AS PER FEMA PANEL NUMBER 88433C0584,  
FOR BRAVES COUNTY, TEXAS DATED SEPTEMBER 26, 2008

## NOTES

THE SALE OF ALCOHOL IS LIMITED TO ALCOHOLIC  
BEVERAGES MANUFACTURED, PRODUCED, OR DISTILLED  
ON THE PROPERTY

# STILL AUSTIN CONDITIONAL USE PERMIT

440 E. ST. ELMO ROAD  
BUILDING F

THIS IS A CONDITIONAL USE PERMIT FOR 2,049 S.F.  
OF COCKTAIL LOUNGE USE IN A CS-1-CO-NP  
ZONING DISTRICT

THERE IS NO CONSTRUCTION  
ASSOCIATED WITH THIS SITE PLAN



LOCATION MAP  
N.T.S.

SUBMITTAL DATE: NOVEMBER 28, 2016

## SHEET INDEX

SHEET 1 COVER SHEET  
SHEET 2 SITE PLAN

## APPROVALS

DEVELOPMENT SERVICES DEPT (DATE)

## SITE PLAN APPROVAL

PERMIT NO. SPC-2016-0551A SUBMITTED NOVEMBER 28, 2016

APPROVED BY CITY CLERK (DATE) \_\_\_\_\_

APPROVED BY CITY CLERK (DATE) \_\_\_\_\_

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Thrower Design  
LAND PLANNERS  
AUSTIN, TEXAS 78704

STILL AUSTIN  
CONDITIONAL USE PERMIT  
440 E ST ELMO ROAD  
AUSTIN, TEXAS 78745

COVER SHEET

SHEET NO.

1 of 2

SPC-2016-0551A

[illegible]

REFER TO SP-2015-0391DT  
FOR SHARED PARKING PLAN



1. APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING CODE AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
2. A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.

**SITE PLAN APPROVAL**

Project No. SFC 2019-004-14 Approved NOVEMBER 28, 2019

Applicant LAKEVIEW COMMUNITIES LLC Village Council ME

Re: RE-ZONE to be used for RESIDENTIAL

1. APPROVED as shown only. NO NO NO

2. APPROVED as shown only. NO NO NO

3. APPROVED as shown only. NO NO NO

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98. APPROVED

**SITE  
PLAN**

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**SHEET NO.**  
**2** of 2

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**SPC-2016-0551A**



**ORDINANCE NO. 20160616-050**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 440 EAST ST. ELMO ROAD, BUILDING F, IN THE EAST CONGRESS NEIGHBORHOOD PLAN AREA FROM LIMITED INDUSTRIAL SERVICES-NEIGHBORHOOD PLAN (LI-NP) COMBINING DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-1-CO-NP) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited industrial services-neighborhood plan (LI-NP) combining district to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district on the property described in Zoning Case No. C14-2016-0024, on file at the Planning and Zoning Department, as follows:

0.167 acres (approximately 7,289 sq. ft.), being a portion of Lot 1, St. Elmo Warehouse Addition, a subdivision of record in Volume 58, Page 18 of the Plat Records of Travis County, Texas; said 0.167 acre tract being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 440 East St. Elmo Road, Building F, in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The following uses are not permitted uses of the Property:

Adult-oriented businesses

B. The maximum size of a cocktail lounge use is limited to 2,049 square feet on the Property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial-liquor sales (CS-1) district and other applicable requirements of the City Code.



**PART 3.** The Property is subject to Ordinance No. 20050818-Z004 that established zoning for the East Congress Neighborhood Plan.

**PART 4.** This ordinance takes effect on June 27, 2016.

**PASSED AND APPROVED**

June 16, 2016

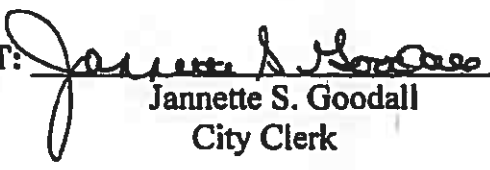
§  
§  
§

  
Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk



Professional Land Surveying, Inc.  
Surveying and Mapping

C14-2016-0024

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**0.167 ACRES  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.167 ACRES (APPROXIMATELY 7,289 SQ. FT.), BEING A PORTION OF LOT 1, ST. ELMO WAREHOUSE ADDITION, A SUBDIVISION OF RECORD IN VOLUME 58, PAGE 18 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.167 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at the southeast corner of an existing one story metal building (north building), from which a 3/8" rebar found for the northernmost northeast corner of said Lot 1, being in the south line of St. Elmo Heights Section 1, a subdivision of record in Volume 5, Page 158 of the Plat Records of Travis County, Texas, being also the westernmost northwest corner of Lot 4, Duplex Addition, a subdivision of record in Volume 74, Page 84 of the Plat Records of Travis County, Texas, bears North 50°03'16" East, a distance of 152.14 feet;

**THENCE** South 28°09'26" West crossing said Lot 1, a distance of 59.97 feet to the northeast corner of an existing one story metal building (south building), from which a 3/8" rebar found for an angle point in the east line of said Lot 1, being the westernmost southwest corner of said Lot 4, bears South 01°24'00" East, a distance of 123.45 feet;

**THENCE** North 61°54'16" West crossing said Lot 1 and with the north face of the south building, a distance of 41.73 feet to a calculated point;

**THENCE** crossing said Lot 1 and through the interior of the south building, the following eleven (11) courses and distances:

1. South 28°05'50" West, a distance of 27.70 feet to a calculated point;
2. North 61°54'17" West, a distance of 6.00 feet to a calculated point;
3. South 28°05'44" West, a distance of 18.59 feet to a calculated point;
4. North 61°54'16" West, a distance of 47.00 feet to a calculated point;
5. North 28°05'44" East, a distance of 16.09 feet to a calculated point;
6. South 61°54'15" East, a distance of 27.75 feet to a calculated point;
7. North 28°05'44" East, a distance of 16.45 feet to a calculated point;

Page 2 of 2

8. North 61°54'16" West, a distance of 1.50 feet to a calculated point;
9. North 28°05'44" East, a distance of 10.00 feet to a calculated point;
10. South 61°54'16" East, a distance of 1.50 feet to a calculated point;
11. North 28°05'44" East, a distance of 3.75 feet to a calculated point on the north face of the south building;

**THENCE** North 61°54'16" West crossing said Lot 1 and with the north face of the south building, a distance of 29.04 feet to the northwest corner of the south building;

**THENCE** North 28°01'40" East crossing said Lot 1, a distance of 60.14 feet to the southwest corner of the north building;

**THENCE** South 61°48'25" East crossing said Lot 1 and with the south face of the north building, a distance of 96.15 feet to the **POINT OF BEGINNING**, containing 0.167 acres of land, more or less.

Surveyed on the ground September 22, 2015

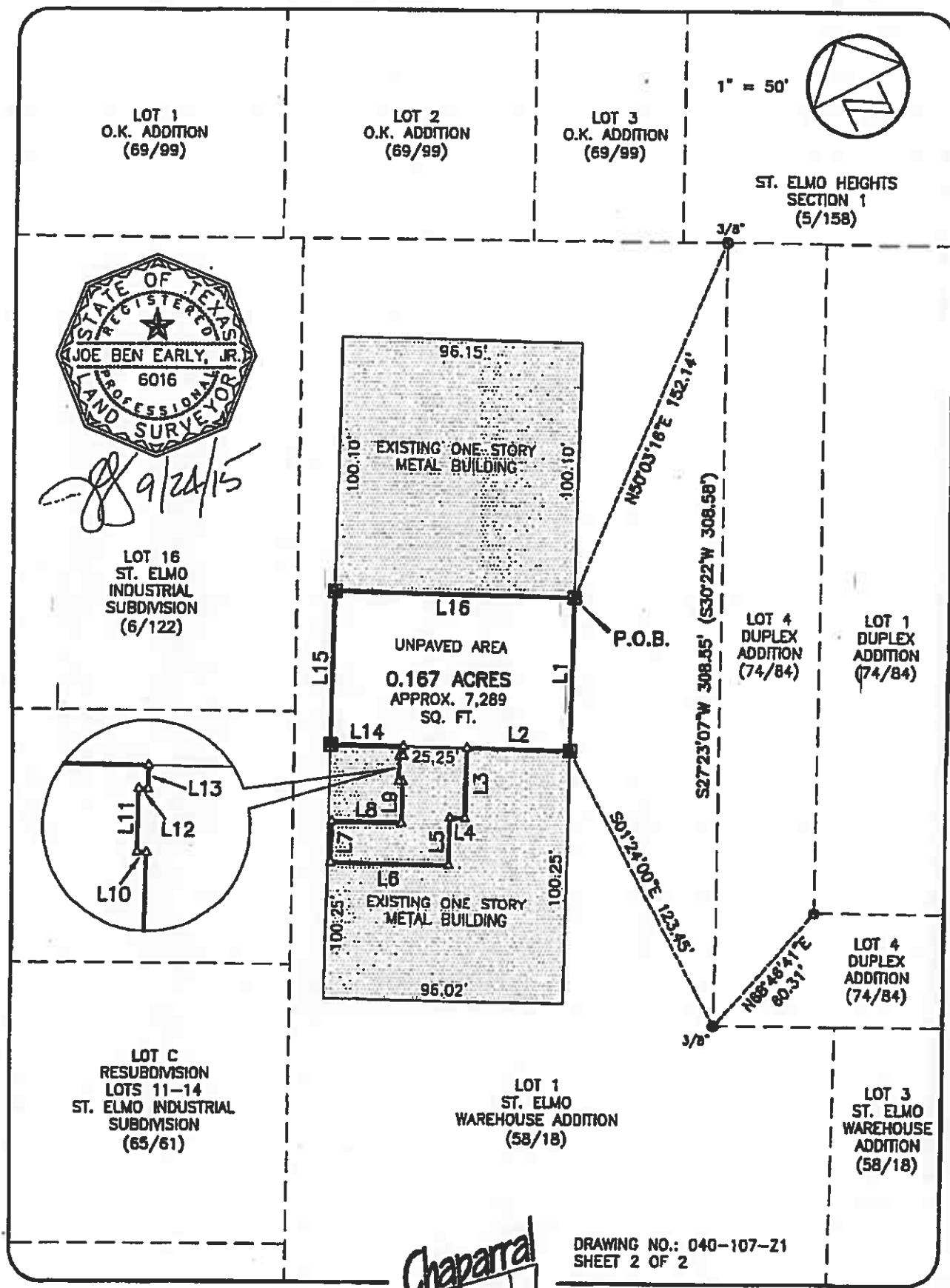
Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone.

Attachments: Drawing 040-107-Z1

*JB* 9/24/15

Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016  
T.B.P.L.S. Firm No. 10124500





SKETCH TO ACCOMPANY A DESCRIPTION OF 0.167 ACRES (APPROXIMATELY 7,289 SQ. FT.), BEING A PORTION OF LOT 1, ST. ELMO WAREHOUSE ADDITION, A SUBDIVISION OF RECORD IN VOLUME 58, PAGE 18 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

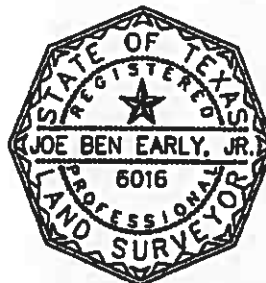
LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- EXISTING BUILDING CORNER
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

LINE TABLE

LINE	BEARING	DISTANCE
L1	S28°09'26"W	59.97'
L2	N61°54'16"W	41.73'
L3	S28°05'50"W	27.70'
L4	N61°54'17"W	6.00'
L5	S28°05'44"W	18.59'
L6	N61°54'16"W	47.00'
L7	N28°05'44"E	16.09'
L8	S61°54'15"E	27.75'
L9	N28°05'44"E	16.45'
L10	N61°54'16"W	1.50'
L11	N28°05'44"E	10.00'
L12	S61°54'16"E	1.50'
L13	N28°05'44"E	3.75'
L14	N61°54'16"W	29.04'
L15	N28°01'40"E	80.14'
L16	S61°48'25"E	96.15'

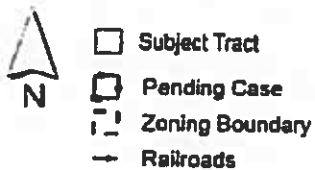
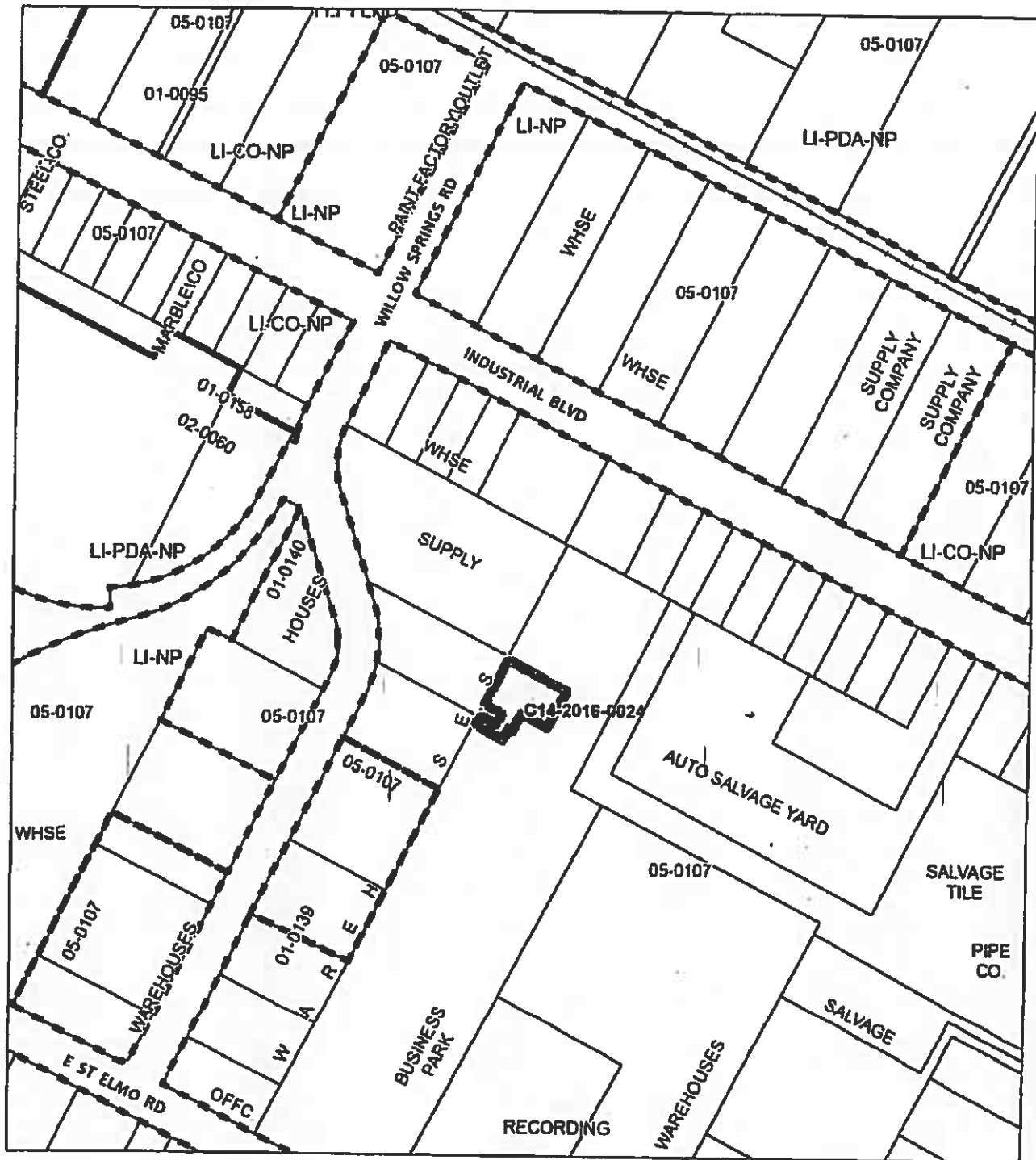
DATE OF SURVEY: 9/22/15  
 PLOT DATE: 9/23/15  
 DRAWING NO.: 040-107-Z1  
 T.B.P.L.S. FIRM NO. 10124500  
 DRAWN BY: JBE  
 SHEET 1 OF 2



*Chaparral*

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 040-107-Z1



100 200  
Feet

1" = 200'

### ZONING

ZONING CASE#: C14-2016-0024



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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





TRV

2016097261

8 PGS

ORIGINAL

Zoning Case No. C14-2016-0024

8  
M**RESTRICTIVE COVENANT**

**OWNER:** The Elmo Yard, LLC, a Texas limited liability company

**ADDRESS:** 1601 East 5<sup>th</sup> Street, Suite 108, Austin, Texas 78702

**CONSIDERATION:** Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

**PROPERTY:** 0.167 acres (approximately 7,289 sq. ft.), being a portion of Lot 1, St. Elmo Warehouse Addition, a subdivision of record in Volume 58, Page 18 of the Plat Records of Travis County, Texas; said 0.167 acre tract being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant (the "Property").

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

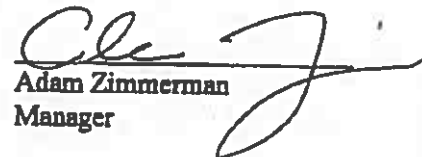
1. A cocktail lounge use is limited to an area of the Property, designated at the time of site plan as a tasting room, where consumption and purchase of alcohol is authorized by a development permit.
2. The sale of alcohol is limited to alcoholic beverages manufactured, produced or distilled on the Property.
3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

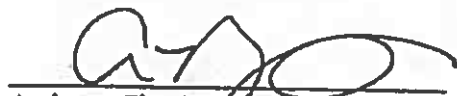
EXECUTED this the 8<sup>th</sup> day of June, 2016.

OWNER: The Elmo Yard, LLC,  
a Texas limited liability company

By:

  
Adam Zimmerman  
Manager

APPROVED AS TO FORM:

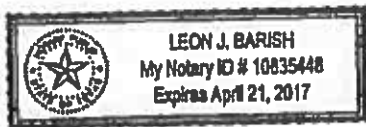
  
Assistant City Attorney  
City of Austin


THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 9<sup>th</sup> day of June, 2016, by Adam Zimmerman, as Manager of The Elmo Yard, LLC, a Texas limited liability company, on behalf of said entity.



  
\_\_\_\_\_  
Notary Public, State of Texas



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

C14-2016-0024

**0.167 ACRES  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.167 ACRES (APPROXIMATELY 7,289 SQ. FT.), BEING A PORTION OF LOT 1, ST. ELMO WAREHOUSE ADDITION, A SUBDIVISION OF RECORD IN VOLUME 58, PAGE 18 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.167 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at the southeast corner of an existing one story metal building (north building), from which a 3/8" rebar found for the northernmost northeast corner of said Lot 1, being in the south line of St. Elmo Heights Section 1, a subdivision of record in Volume 5, Page 158 of the Plat Records of Travis County, Texas, being also the westernmost northwest corner of Lot 4, Duplex Addition, a subdivision of record in Volume 74, Page 84 of the Plat Records of Travis County, Texas, bears North 50°03'16" East, a distance of 152.14 feet;

**THENCE** South 28°09'28" West crossing said Lot 1, a distance of 59.97 feet to the northeast corner of an existing one story metal building (south building), from which a 3/8" rebar found for an angle point in the east line of said Lot 1, being the westernmost southwest corner of said Lot 4, bears South 01°24'00" East, a distance of 123.45 feet;

**THENCE** North 61°54'16" West crossing said Lot 1 and with the north face of the south building, a distance of 41.73 feet to a calculated point;

**THENCE** crossing said Lot 1 and through the interior of the south building, the following eleven (11) courses and distances:

1. South 28°05'50" West, a distance of 27.70 feet to a calculated point;
2. North 61°54'17" West, a distance of 6.00 feet to a calculated point;
3. South 28°05'44" West, a distance of 18.59 feet to a calculated point;
4. North 61°54'16" West, a distance of 47.00 feet to a calculated point;
5. North 28°05'44" East, a distance of 16.09 feet to a calculated point;
6. South 61°54'15" East, a distance of 27.75 feet to a calculated point;
7. North 28°05'44" East, a distance of 16.45 feet to a calculated point;

Page 2 of 2

8. North 61°54'16" West, a distance of 1.50 feet to a calculated point;
9. North 28°05'44" East, a distance of 10.00 feet to a calculated point;
10. South 61°54'16" East, a distance of 1.50 feet to a calculated point;
11. North 28°05'44" East, a distance of 3.75 feet to a calculated point on the north face of the south building;

**THENCE** North 61°54'16" West crossing said Lot 1 and with the north face of the south building, a distance of 29.04 feet to the northwest corner of the south building;

**THENCE** North 28°01'40" East crossing said Lot 1, a distance of 60.14 feet to the southwest corner of the north building;

**THENCE** South 61°48'25" East crossing said Lot 1 and with the south face of the north building, a distance of 96.15 feet to the **POINT OF BEGINNING**, containing 0.167 acres of land, more or less.

Surveyed on the ground September 22, 2015

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone.

Attachments: Drawing 040-107-Z1

*JS* 9/24/15

Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016  
T.B.P.L.S. Firm No. 10124500

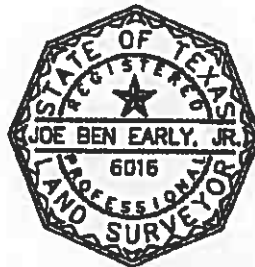


SKETCH TO ACCOMPANY A DESCRIPTION OF 0.187 ACRES (APPROXIMATELY 7,289 SQ. FT.), BEING A PORTION OF LOT 1, ST. ELMO WAREHOUSE ADDITION, A SUBDIVISION OF RECORD IN VOLUME 58, PAGE 18 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- EXISTING BUILDING CORNER
- ▲ CALCULATED POINT
- ( ) RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S28°09'26"W	59.97'
L2	N61°54'16"W	41.73'
L3	S28°05'50"W	27.70'
L4	N61°54'17"W	6.00'
L5	S28°05'44"W	18.59'
L6	N61°54'16"W	47.00'
L7	N28°05'44"E	16.09'
L8	S61°54'15"E	27.75'
L9	N28°05'44"E	16.45'
L10	N61°54'16"W	1.50'
L11	N28°05'44"E	10.00'
L12	S61°54'16"E	1.50'
L13	N28°05'44"E	3.75'
L14	N61°54'16"W	29.04'
L15	N28°01'40"E	60.14'
L16	S61°48'25"E	96.15'



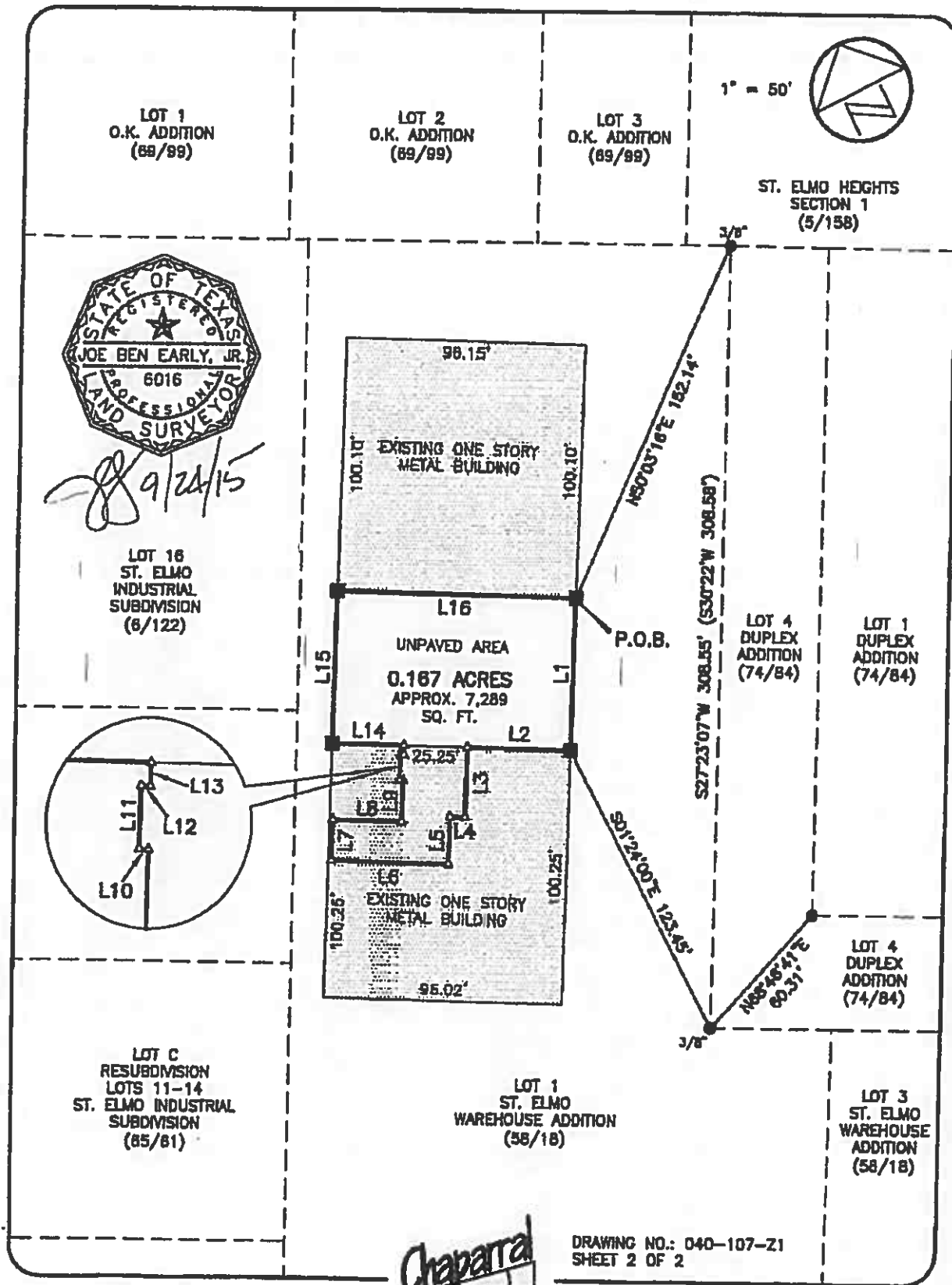
DATE OF SURVEY: 9/22/15  
 PLOT DATE: 9/23/15  
 DRAWING NO.: 040-107-Z1  
 T.B.P.L.S. FIRM NO. 10124500  
 DRAWN BY: JBE  
 SHEET 1 OF 2

*Chaparral*

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 040-107-Z1





**After Recording, Please Return to:**  
**City of Austin**  
**Law Department**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: M. Thompson, Paralegal**

Recorder's Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Jun 21, 2016 01:02 PM 2016097261

MITCHELL: \$54.00

Dana DeBeauvoir, County Clerk  
Travis County TEXAS

440 St. Elmo, Building F

NPA-2016-0020.01 and C14-2016-24

**Case Summary**

The applicant has requested a change in the Future Land Use Map (FLUM) from INDUSTRY to COMMERCIAL for a portion of the premises located at Building F, 440 St. Elmo, Austin, TX, as filed with City of Austin Case # NPA-2016-0020.01.

The applicant has requested a zoning change from LI-NP (Limited Industrial Service-District-Neighborhood Plan) to CS-1-NP (Commercial-Liquor Sales-Neighborhood Plan) for a cocktail lounge use for a portion of the premises located at Building F, 440 St. Elmo, as filed with City of Austin Case # C14-2016-0024.

The following shall apply only to the rezoning area and Future Land Use Map changes are requested, hereinafter referred to as "the Premises."

**Conditional Overlay:**

1. The following are prohibited uses: Adult oriented business
2. Cocktail lounge use is limited on the Premises to 2049 sq. ft.

**Public Restrictive Covenant** to be filed with Travis County Public Records with the City and the landowner as a party as agreed upon by the landowner, business owner and South Congress Combined Neighborhood Contact team:

1. Cocktail lounge use is permitted on the Premises, but is limited to a tasting room associated with the distillery located on the Premises.
2. Wholesale and retail sale of alcoholic beverages is permitted on the Premises, but shall be limited to the sale of alcoholic beverages manufactured or produced by or for the distillery located on the Premises.

**Private Restrictive Covenant** to be filed with Travis County Public Records with the landowner and the South Congress Combined Neighborhood Contact Team as parties as agreed upon by landowner, business owner, and South Congress Combined Neighborhood Contact team:

1. Bottles of packaged alcohol products can be purchased on the Premises, but shall not be consumed on the Premises.
2. Amplified outdoor music is prohibited on the Premises before 10 a.m. any day of the week, after 10:30 p.m. Sunday through Thursday, and after 12:00 a.m. Friday or Saturday.
3. The Premises shall be limited to no more than twenty-four (24) events that require a City of Austin Temporary Sound Permit for the Premises per 12-month period.
4. Security personnel or devices shall be provided by the business for the Premises during the hours that the distillery on the Premises is open to the public.

Approved as to Form and Content:

By the South Congress Combined Contact Team on 4/27/16, 8-0 in favor votes.

Michael E. Fossun

MICHAEL FOSSUN 5/17/16

RICHARD MANEIS

Richard Maneis 5/17/2016

By: \_\_\_\_\_

Authorized Representative of South Congress  
Combined Contact Team

Adam Zimmerman

By: Adam Zimmerman, Manager  
Authorized Representative of Landowner  
ATLAS/ZIMMERMAN FAMILY LLC,  
THE YARD HOLDINGS LLC,  
as tenants-in-common

George Krause

GEORGE KRAUSE 5/17/16

Mario Cantu

Mario Cantu 5/17/16

Christopher Seals

By: Christopher Seals, CEO  
Authorized Representative of Tenant  
Still Austin Distillery, LLC