

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

CASE NUMBER: SPC-2021-0134A

PC DATE: 09/28/21

PROJECT NAME: Waterloo Neighborhood Park

COUNCIL DISTRICT: 1

ADDRESS OF APPLICATION: 500 E 12th St

AREA: There are three different areas shown on the site plan included in the back up materials that are requesting the Parks and Recreation Services Special Conditional Use. 6,762 square feet at Lebermann Plaza (performance space), 7,412 square feet located at the food truck and deck area, and 95,882 square feet at the Moody Amphitheater (includes performance platform, rooftop terrace, lower and great lawn areas). A total of 110,056 square feet of Parks and Recreation Services Special Conditional Use are requested.

APPLICANT: City of Austin – Parks and Recreation Department (Liana Kallivoka)
919 W 28th Half St (512) 974-6455
Austin, TX 78705

AGENT: Waterloo Park Greenway (Erica Saenz)
1111 Red River St (512) 659-8834
Austin, Texas, 78701

CASE MANAGER: Renee Johns Phone: (512) 974-2711
Renee.Johns@austintexas.gov

PROPOSED USE: Parks and Recreation Services (Special)

EXISTING ZONING: P

NEIGHBORHOOD PLAN: NA/Downtown

PROPOSED USE: The applicant is requesting approval of a Conditional Use for a Parks and Recreation Services-Special Use in P (Public) zoning on the newly developed Waterloo Neighborhood Park/Moody amphitheater site. The Parks and Recreation Services Special Use will be located in three different areas: Leberman Plaza, food truck/deck area, and the Moody Amphitheater area for a total of 110,056 square feet.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit. The Parks and Recreation Services Special Use allows for the sale of alcoholic beverages at predetermined areas on this site. This site is just north of the Central Business District which allows cocktail lounges and other uses where alcohol can be sold.

Parks and Recreation Board:

Per 25-2-625 (E)(4) “The Land Use Commission may not consider a site plan until it receives a recommendation from the Parks and Recreation Board.” Recommendation received on May 25, 2021 and the minutes are included in the backup documentation.

PROJECT INFORMATION

Area of proposed CUP	3 different areas: 6,762 square feet, 7,412 square feet, and 95,882 for a total of 110,056 square feet of Parks and Recreation Services Special Conditional Use
Existing Zoning	P
Watershed	Waller Creek
Watershed Ordinance	Current Code

Traffic Impact Analysis	NA, less than 2000 trips per day
Capitol View Corridor	Not applicable
Proposed Access	Trinity St, 12 th St, and 15 th St. (access for park and delivery vehicles only)
Proposed Impervious Cover	NA
Proposed Building Coverage	NA
Height	NA
Parking required: P zoning	Parking proposed: Accessible spaces only

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	P	Parks and Recreation Services (General)/ Parks and Recreation Services (Special)
<i>North</i>	E 15 th St, then MF-4/GO	Vacant/Hospital Services
<i>South</i>	E 12 th St, then CS, DMU, CS-1, P	Administrative Offices, parking, Park
<i>East</i>	Red River St then P/PUD	Vacant/Hospital Services
<i>West</i>	Trinity St then MF-4/CS	Parking Garage/ Administrative Offices

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff evaluation on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The 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:

- 1. Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
- 2. Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district. The public park is located just north of the CBD which contains many uses that allow for the sale of alcohol.
- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: Yes, the use will not affect these development concerns and will be compatible with the uses abutting the site.
- 4. Provide adequate and convenient off-street parking and loading facilities;** Staff response: Proposed use complies with code.
- 5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of the listed adverse effects.

A Conditional Use Site Plan May Not:

- 1. More adversely affect an adjoining site than would a permitted use;** Staff response: The proposed site plan does not appear to more adversely affect an adjoining site than would a permitted use.

2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The proposed uses will not adversely affect the safety or convenience of vehicular or pedestrian circulation.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: The site will comply with all applicable sign regulations in the Land Development Code.

COMMISSION ACTION:

The Commission may either; approve, approve with conditions or deny the conditional use site plan permit.

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.**

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a Parks and Recreation Special Condition Use for the newly developed Moody Amphitheater located just north of the Central Business District. There are three different areas shown on the site plan back up that are requesting the Parks and Recreation Services Special Conditional use. 6,762 square feet at Lebermann Plaza (performance space), 7,412 square feet located at the food truck and deck area, and 95,882 square feet at the Moody Amphitheater (includes performance platform, rooftop terrace, lower and great lawn areas). A total of 110,056 square feet of Parks and Recreation Services Special Conditional Use are requested.

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

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Central Austin Community Development Corporation
 Central Austin Urbanists
 Downtown Austin Alliance
 Downtown Austin Neighborhood Assn. (DANA)

Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Lower Waller Creek
 Neighborhood Empowerment Foundation
 Preservation Austin
 SEL Texas
 Sierra Club, Austin Regional Group
 Waller District Staff Liaison
 Waterloo Greenway

waterloo greenway

March 22, 2021

RE: Conditional Use Permit Application for SPC-2017-0322C

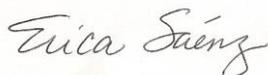
Dear Development Services Department:

Please accept this summary letter along with the attachments outlined below as part of the Conditional Use Permit application for existing site plan SPC-2017-0322C.

Waterloo Greenway Conservancy (WGC) is a 501(c)(3) non-profit whose mission is to create, operate and maintain a chain of extraordinary urban parks around a restored Waller Creek as part of a private-public partnership with the City of Austin including the Parks and Recreation Department and the Watershed Protection Department. The Conditional Use Permit application requests approval of the proposed Parks Special Use of permitting alcohol consumption in designated areas of Waterloo Park.

- SP_LandUseCommissionSitePlanApplication_WG_Submitted_App Final
- EXHIBIT A_WP Map_Alcohol Consumption Areas Final
Map of Waterloo Park with outlined designated areas. In order to control perimeter access, note that the designated areas have natural landscape and architectural barriers and temporary signage can be used to further communicate information about perimeters. In addition to being compliant with the Texas Alcoholic Beverage Commission and relevant local and state regulations regarding distribution and consumption of alcohol, Waterloo Greenway Conservancy staff will be on site to manage and monitor enforcement.
- SPL-SPC-2017-0322C_Site Plan complete set
- SPC-2017- 0322C_CUP application submitted by Engineering
The original site application submitted for Waterloo Park was for a conditional use permit. The project was permitted with a conditional use and our engineering partners believe the previous conditional use permit was to include restaurant use in the park.

Sincerely,



Erica Saenz
Chief Operating Officer, Waterloo Greenway Conservancy

Waterloo Greenway Conservancy creates and maintains an extraordinary urban park system and a restored Waller Creek, in partnership with the City of Austin, for the benefit of all.

The Conservancy renews the natural environment, promotes play, health and wellness, economic vitality and mobility, and engages the community through outreach, education, cultural events, and the arts.





June 17, 2021

Dear Planning Commission,

As the managing entity for the Austin Downtown Public Improvement District, formed in 1993, the [Downtown Austin Alliance](#) leads and participates in a broad range of programs and initiatives that create, preserve and enhance the value and vitality of downtown Austin. We represent more than 900 property owners, and we are the proud steward of our downtown, which supports more than 96,000 employees, 16,000 residents and 700 storefront businesses. Waterloo Greenway travels the length of our district's eastern edge.

Located between 12th and 15th Streets along Red River, Waterloo Park will soon be home to 11 acres of welcoming green space, imaginative playscapes, lush gardens, and the highly-anticipated Moody Amphitheater. Combined with the full vision for 35-acres of green space along Waller Creek, this project is critical to ensuring our [Downtown Vision](#) for Austin's Urban Greenbelt - a strategy for completing, unifying and promoting the urban greenbelt, a continuous loop around downtown that includes Waller Creek, Shoal Creek, Lady Bird Lake and the Ann and Roy Butler Hike-and-Bike Trail.

Downtown is Austin's densest place with the greatest mix of uses. Because of this, downtown streets and public spaces are ripe for an arts-rich, creative public realm experience. Live music, entertainment, and cultural programming along Waller Creek have proven the public demand, and now, we're seeing this world-class investment coming to life.

As our downtown continues to grow, we need public spaces that celebrate our local community and bring us together once again. Our downtown visitors and employees are asking for more local parks and public spaces - for many, the natural environment is a core aspect of downtown Austin's character and appeal.

Because of the critical need for dynamic downtown projects, like Waterloo Greenway, we support the Conditional Use Permit Application for Parks Special Use zoning at Waterloo Park. Public amenities including park food and beverage service will not only benefit park guests, but also surrounding employers, while creating a critical revenue stream supporting the long-term care of Austin's newest reimagined public gem.

We thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dewitt Peart".

Dewitt Peart
President and CEO, Downtown Austin Alliance



PARKS AND RECREATION BOARD

Tuesday, May 25, 2021 – 5:30pm

Via Videoconference

MINUTES

The Parks and Recreation Board convened in a regular meeting on Tuesday, May 25, 2021 via videoconference in Austin, Texas.

Chair Lewis called the meeting to order at 5:32pm.

Board Members in Attendance: Chair Dawn Lewis, Vice Chair Richard DePalma, Nancy Barnard, Laura Cottam Sajbel, Anna Di Carlo, Sarah Faust, Kate Mason-Murphy, Nina Rinaldi and Kimberly Taylor.

Board Members Absent: Romteen Farasat.

Staff in Attendance: Kimberly McNeeley, Liana Kallivoka, Lucas Massie, Suzanne Piper, Anthony Segura, Jorge Morales, Jose Guerrero, Leah Gibson, Denisha Cox, Megan Eckard, Kevin Gomillion, Matt McCaw, Gregory Montes, Amanda Ross, Patricia Rossett Ricardo Soliz, Idella Wilson and Sammi Curless.

CITIZEN COMMUNICATION: GENERAL

Malcolm Yeatts – encampments in Country Club Creek Greenbelt.

A. APPROVAL OF MINUTES

The minutes from the regular meeting of April 27, 2021 were approved on Board Member Rinaldi motion, Board Member Cottam Sajbel second on an 8-0 with Board Members Farasat and Taylor absent and one vacancy.

Board Member Kimberly Taylor joined the meeting at approximately 6:20pm.

Due to time constraints items were heard in the following order: B1, B3, B5, B7, B4, B2. Item B6 was not heard.

B. NEW BUSINESS: PRESENTATION, DISCUSSION AND POSSIBLE ACTION ITEMS

NON-CONSENT

1. Presentation, discussion and possible action regarding a recommendation to the Parks and Recreation Department Director to approve the Central Williamson Creek Greenway Vision Plan.

Board Member Mason-Murphy made a motion to not recommend the plan which died due to lack of a second. Board Member Cottam Sajbel made a motion to table the item

for future discussion; seconded by Board Member Mason-Murphy. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

2. Presentation, discussion and possible action regarding a recommendation to the Parks and Recreation Department Director to approve the Safety and Mobility Plan for the Ann and Roy Butler Hike-and-Bike Trail.

Board Member Faust made a motion to recommend to the Parks and Recreation Director the approval of the Safety and Mobility Plan for the Ann and Roy Butler Hike-and-Bike Trail with the following condition that no position is taken by the Parks and Recreation Board in support or against the Double Deck Bridge over Barton Creek described as a potential project in the southwest quadrant within the plan; Vice DePalma seconded the motion. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

3. Presentation, discussion and possible action regarding a recommendation to the Planning Commission for the approval of a Conditional Use Permit for Waterloo Park.

Vice Chair DePalma made a motion to recommend to the Planning Commission the approval of a Conditional Use Permit for Waterloo Park for the three designated areas: Lebermann Plaza; Food Truck and deck area and Moody Amphitheater venue including: performance platform, rooftop terrace, lower lawn, and Great Lawn areas; Board Member Di Carlo seconded the motion. The motion passed on a vote of 7-1 with Board Member Cottam Sajbel voting nay, Board Member Mason-Murphy abstaining and Board Member Farasat absent and one vacancy.

4. Presentation, discussion and possible action regarding a recommendation to the City Council for the negotiation and execution of interlocal cooperation agreements for Wildland Fire Management Activities with: (1) Travis County and (2) The University of Texas at Austin.

Chair Lewis made a motion to recommend to the City Council the negotiation and execution of interlocal cooperation agreements for Wildland Fire Management Activities with: (1) Travis County and (2) The University of Texas at Austin; Board Members Cottam Sajbel and Rinaldi seconded the motion. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

5. Presentation, discussion and possible action regarding a recommendation to the City Council approving the renaming of Payton Gin Pocket Park to Heron Hollow Pocket Park.

Vice Chair DePalma made a motion to delegate the scheduling and conducting of a public hearing on the renaming of Payton Gin Pocket Park to Heron Hollow Pocket Park within the next month and return to the June meeting for action; Board Member Di Carlo seconded the motion. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

6. Presentation and discussion regarding the draft scope of work for the Request for Proposals for the Management and Operational services for the Grey Rock Golf and Tennis Club and related facilities.

Due to time constraints this item was not heard.

7. Discussion and possible action regarding selection of members to the Contracts and Concessions Committee, Joint Working Group with the Animal Advisory Commission, Zilker Park Vision Plan Working Group and representatives to the Joint Sustainability Committee.

Chair Lewis made a motion to nominate Nancy Barnard to the Contracts and Concession Committee; Board Members Rinaldi and Cottam Sajbel seconded the motion. Board Member Barnard accepted the nomination. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

Vice Chair DePalma made a motion to nominate Nancy Barnard to replace Board Member Faust on the Joint Working Group with the Animal Advisory Commission; Chair Lewis seconded the motion. Board Member Barnard accepted the nomination. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

Chair Lewis made a motion to nominate Board Member Faust to the Zilker Park Vision Plan Working Group; Board Member Taylor seconded the motion. Board Member Faust accepted the nomination. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy. Due to misunderstanding in the original discussion, it was clarified that the Working Group needs additional members so Chair Lewis, Vice Chair DePalma and Board Member Taylor agreed to also serve on the working group.

Chair Lewis made a motion to nominate Vice Chair Richard DePalma to serve as the Parks and Recreation Board primary member to the Joint Sustainability Committee; Board Member Cottam Sajbel seconded the motion. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

Chair Lewis made a motion to nominate Board Member Rinaldi to serve as the Parks and Recreation Board alternate member to the Joint Sustainability Committee; Board Member Barnard seconded the motion. The motion passed on a vote of 9-0 with Board Member Farasat absent and one vacancy.

C. ITEMS FROM BOARD MEMBERS

1. Update from Joint Working Group with the Environmental Commission. (Lewis, Cottam Sajbel, Mason-Murphy)

Board Member Cottam Sajbel provided an update.

2. Update from Joint Working Group with the Animal Advisory Commission. (Lewis, Faust)

In the interest of time, Chair Lewis mentioned that group continues to meet.

3. Update from Downtown Commission. (Taylor)

Board Member Taylor provided an update on the recent report on homelessness in the downtown area.

D. DIRECTOR'S REPORT ON PROGRAM AND PROJECT UPDATES AND EVENTS

Due to time constraints, this item was not heard.

E. FUTURE AGENDA ITEMS

- Di Carlo – information on swimming lessons – pool locations and descriptions of lessons offered this summer.
- Taylor – information on ACL including any size limitations imposed due to the pandemic
- Cottam Sajbel – clarification on swim activities and schedule at Mabel Davis Pool and exploring the possibility of staggered pool schedules.
- DePalma – list of potential agenda items for the June meeting and to correct the Director's Report to refer to the Zilker train as the Zilker Eagle not the Zilker Zephyr as it was formerly called.

Chair Lewis adjourned the meeting at 9:30pm.



**WALLER CREEK LOCAL GOVERNMENT CORPORATION RECOMMENDATION
20210512-002**

Date: May 12, 2021

Subject: Recommendation to the Planning Commission for the approval of a Conditional Use Permit for Waterloo Park

Motioned By: Jesús Garza

Seconded By: Rudy Green

Recommendation:

The Waller Creek Local Government Corporation (“LGC”) recommends that approval of a Conditional Use Permit for Waterloo Park by the Planning Commission.

Description of Recommendation:

The LGC recommends that Planning Commission approve the proposed Parks Special Use of permitting alcohol consumption in designated areas of Waterloo Park, as applied for by the Parks and Recreation Department (PARC) in partnership with the Waterloo Greenway Conservancy.

Rationale:

The proposed Planning Commission action would allow for alcohol to be served and consumed during programming and events at the Moody Amphitheater in Waterloo Park and other limited food/beverage areas of the park, in compliance with all Texas Alcoholic Beverage Commission regulations.

Waterloo Park and Moody Amphitheater will be operated by the Waterloo Greenway Conservancy (WGC), a Texas non-profit whose mission is the create, operate, and maintain a chain of extraordinary urban parks around a restored Waller Creek as part of a public-private partnership with the City of Austin. PARC and WGC will be doing outreach to communicate with property owners, neighborhood entities and other stakeholders as part of this permit application.

B-8

VOTE: 6-0-1

For:

Rodney Gonzales, President
Lucia Athens, Director
Jesús Garza, Director
Rudy Green, Director
Jorge Morales, Director
Allan Shearer, Director

Against:

None

Abstain:

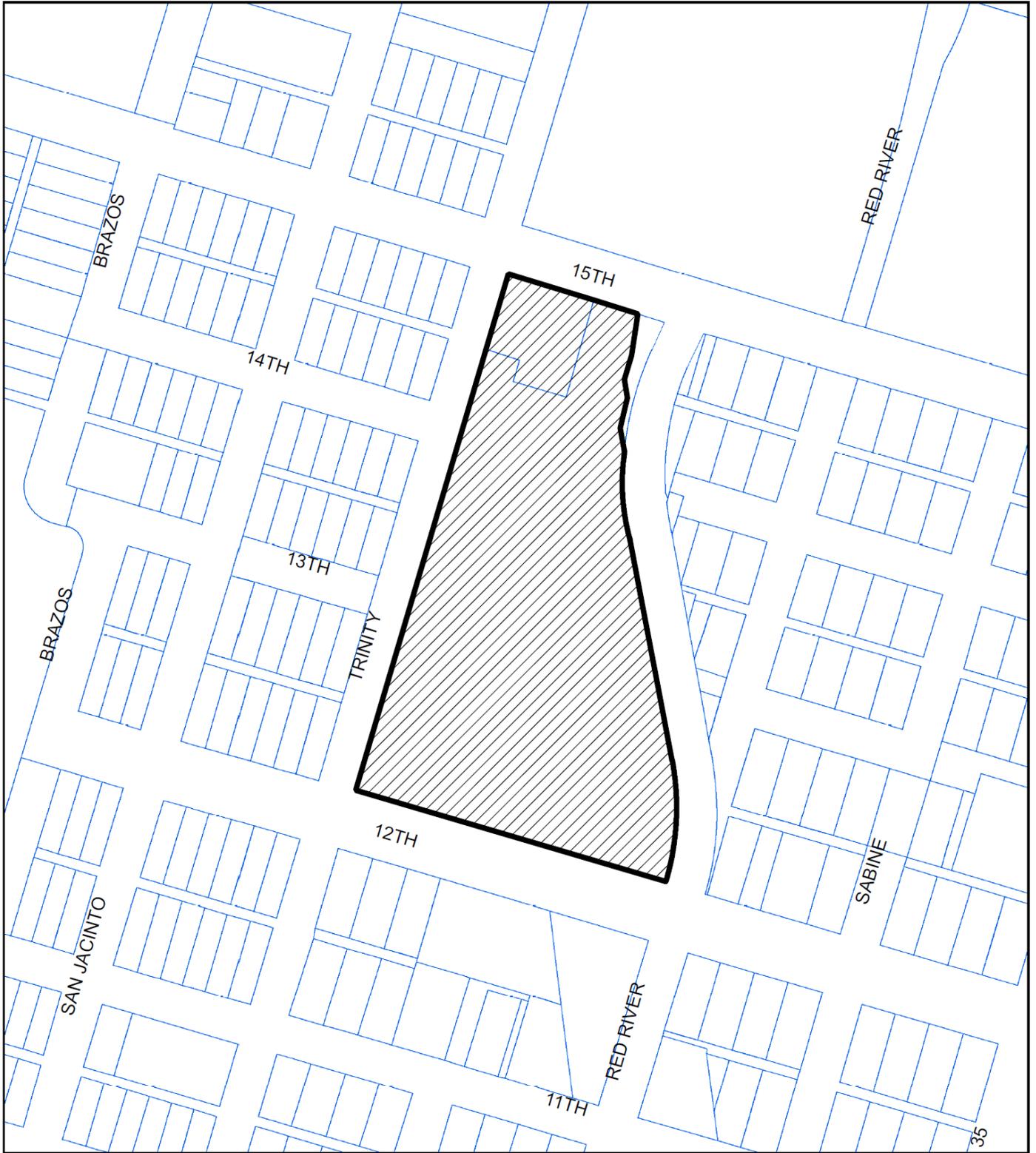
Liana Kallivoka, Director

Absent:

Cotter Cunningham, Vice President
Martha Smiley, Secretary

DocuSigned by:
J. Rodney Gonzales
17BF876C6B54442...
J. Rodney Gonzales, Waller Creek LGC President

May 12, 2021
Date



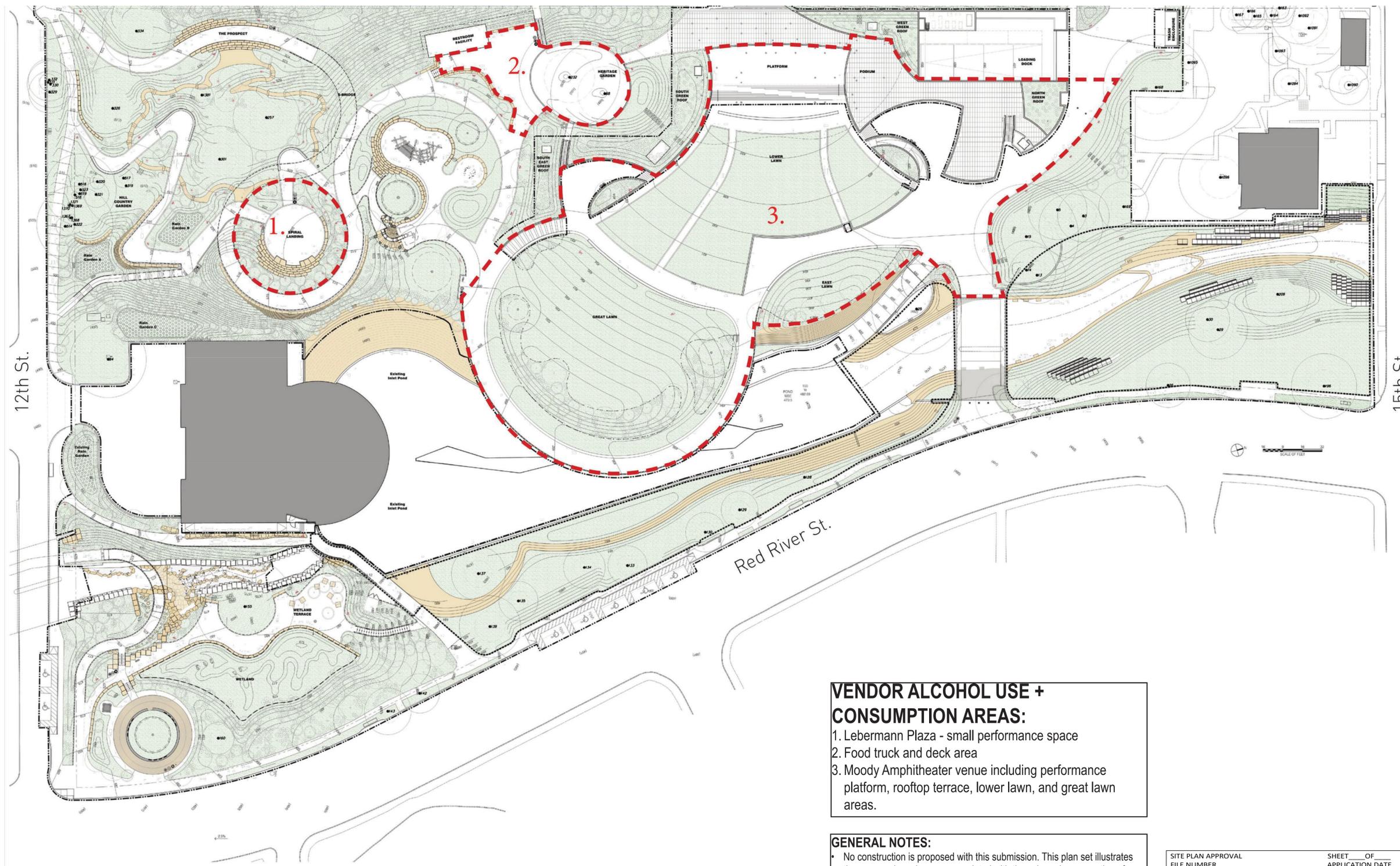
-  Subject Tract
-  Base Map

CASE#: SPC-2021-0134A
LOCATION: 500 E 12TH ST



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.



VENDOR ALCOHOL USE + CONSUMPTION AREAS:

1. Lebermann Plaza - small performance space
2. Food truck and deck area
3. Moody Amphitheater venue including performance platform, rooftop terrace, lower lawn, and great lawn areas.

GENERAL NOTES:

- No construction is proposed with this submission. This plan set illustrates the proposed vendor area associated with the sale and consumption of alcohol.
- All conditions shown on this plan are existing or in construction per approved consolidated site plan (SP-2017-322C) and associated building permits.
- Refuse pick-up will be established in conjunction with the compost, recycling, and landfill hauling for the park and performance venue operations.
- Vendor areas to be defined and demarcated by railings, fences, planters and/or clear signage. Exact design is to be determined. Precise arrangement of seating within the defined vendor area is to be determined.

SITE PLAN APPROVAL SHEET ___ OF ___
 FILE NUMBER _____ APPLICATION DATE _____
 APPROVED BY COMMISSION ON _____ UNDER SECTION ___ OF _____
 CHAPTER _____ OF THE CITY OF AUSTIN CODE _____
 EXPIRATION DATE (LDC 25-5-81) _____ CASE MANAGER _____
 PROJECT EXPIRATION DATE (ORD.#970905-A) _____ DWPZ _____ DDZ _____

DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT

RELEASED FOR GENERAL COMPLIANCE _____ ZONING _____
 REVISION 1 _____ CORRECTION 1 _____
 REVISION 2 _____ CORRECTION 2 _____
 REVISION 3 _____ CORRECTION 3 _____

Final plat must be recorded by the project expiration date, if applicable. Subsequent site plans which do not comply with the Code current at the time of filing, and all required building permits and/or a notice of construction (if a building permit is not required) must also be approved prior to the project expiration date.

SPC-2021-0134A



DIRECTOR
Kimberly McNealey
 ASSISTANT DIRECTOR
Liana Kallivokta
 DIVISION MANAGER
Kevin Johnson
 PROJECT MANAGER
Lisa Storer
 DRAWN BY:
LMS

Owner:
City of U.S. Fish

WATERLOO NEIGHBORHOOD PARK
 500 EAST 12TH STREET
 AUSTIN, TRAVIS COUNTY, TEXAS 78701
 CIP No. 12860.002

OVERALL SITE PLAN

N.T.S
 04/26/2021