

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

**CASE NUMBER:** SPC-2021-0131A

**PC DATE:** 10/26/21

**PROJECT NAME:** Zilker Café

**COUNCIL DISTRICT:** 8

**ADDRESS OF APPLICATION:** 2133 William Barton Dr.

**AREA:** The applicant is requesting a change of use for a portion of Zilker Park to Parks and Recreation Services Special Use. The requested use totals 6,673 square feet depicted on the site plan included in the back up materials.

**APPLICANT:** City of Austin – Parks and Recreation Department (Liana Kallivoka)  
919 W 28<sup>th</sup> Half St (512) 974-9455  
Austin, TX 78705

**AGENT:** City of Austin (Christina Bies)  
919 W 28<sup>th</sup> Half St (512) 974-9490  
Austin, Texas, 78705

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

**PROPOSED USE:** Parks and Recreation Services (Special)

**EXISTING ZONING:** P/PH

**NEIGHBORHOOD PLAN:** NA/Zilker

**PROPOSED USE:** The applicant is requesting approval of a Conditional Use for a Parks and Recreation Services-Special Use in P (Public)/ PH (Public Historic) zoning within a portion of Zilker Park. The Parks and Recreation Services Special Use will total 6,673 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 a predetermined area on this site. The site plan complies with code.

**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 denied on September 28<sup>th</sup>. Draft of meeting minutes is included in the backup documentation, as official approved minutes will not be available until after October 26<sup>th</sup>.

**PROJECT INFORMATION**

<b>Area of proposed CUP</b>	6,673 square feet of Recreation Services Special Conditional Use
<b>Existing Zoning</b>	P/PH
<b>Watershed</b>	Barton Creek
<b>Watershed Ordinance</b>	Current Code
<b>Traffic Impact Analysis</b>	NA
<b>Capitol View Corridor</b>	Not applicable
<b>Proposed Access</b>	William Barton Drive
<b>Proposed Impervious Cover</b>	NA
<b>Proposed Building Coverage</b>	NA
<b>Height</b>	NA
<b>Parking required: P zoning</b>	42 required/215 provided

**EXISTING ZONING AND LAND USES**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	P/PH	Parks and Recreation Services Parks and Recreation Services (Special)
<i>North</i>	P	Park and Recreation Services (General)
<i>South</i>	P/PH	Park and Recreation Services (General)/ Barton Springs Pool
<i>East</i>	P	Park and Recreation Services (General)
<i>West</i>	P	Park and Recreation Services (General)

**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.
- 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 off-street parking and loading facilities requirements.
- 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 a portion of Zilker Park totaling 6,673 square feet. The Parks and Recreation Services Special Use allows for the sale of alcoholic beverages at a predetermined area on this site. 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  
Baron Hills-Horseshoe Bend (Barton Hills  
NA)  
Friends of Austin Neighborhoods  
Homeless Neighborhood Association  
Perry Grid 614

Preservation Austin  
SEL Texas  
Sierra Club, Austin Regional Group  
South Central Coalition  
TNR BCP -Travis County Natural  
Resources  
Zilker Neighborhood Association



**April 15, 2021**

City of Austin Development Services Department  
One Texas Center, 505 Barton Springs Road  
Austin, TX 78767

RE: Zilker Café Conditional Use Permit

Dear Ms. Denice Lucas,

The associated plan set and Land Use Commission Site Plan Application are in regard to a Conditional Use Permit at Zilker Metropolitan Park, a City of Austin owned property, within defined parameters surrounding the newly rehabilitated Zilker Café concession building. According to the Permitted Use Zoning Chart, the sale and/or consumption of alcoholic beverages on P-zoned property is subject to Section 25-3-625 of the Land Development Code. Per Section 25-2-625 - PUBLIC (P) DISTRICT REGULATIONS, (4)The Land Use Commission may not consider a site plan until it receives a recommendation from the Parks and Recreation Board and 3)Locations for the sale of beer or wine, if any, must be identified on the site plan.

The associated application and plan set do not propose any new development but rather identify and illustrate the area surrounding this historic building and define the parameters of the vendor's area to be associated with this Conditional Use Permit. The Proposed Parks and Recreation Services (Special) Area shown on the plans is the same as this vendor area.

Should you have any questions regarding this submission, I may be contacted via phone or e-mail. My contact information is listed below. The Parks and Recreation Department looks forward to working with your staff to complete this process.

Sincerely,

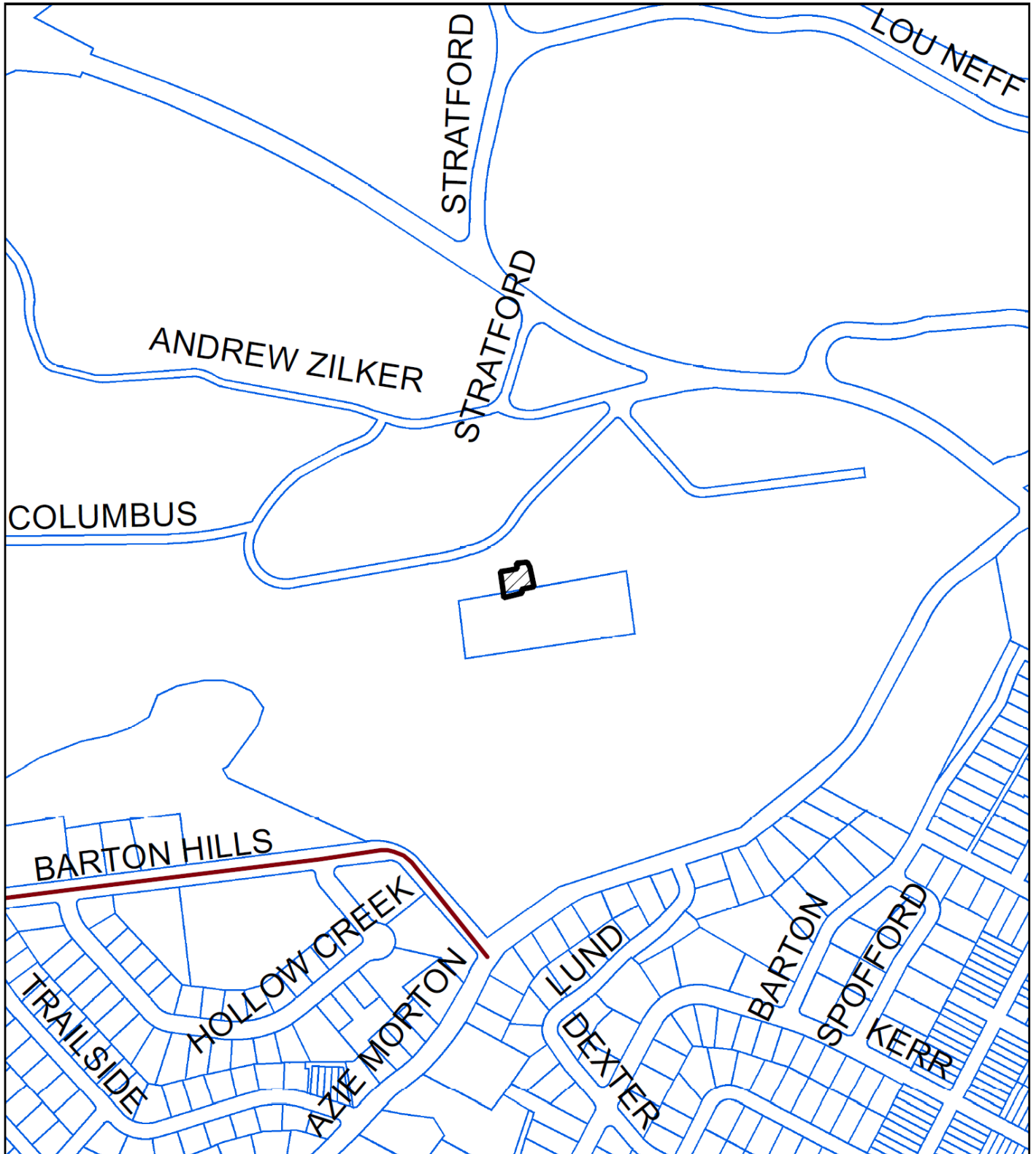
Christina Bies

Parks and Recreation Department, Project Coordinator

919 28 ½ Street

Austin, TX 78705

P: (512) 618-3197, E: christina.bies@austintexas.gov



Subject Tract



Base Map

CASE NO: SPC-2021-0131A  
ADDRESS: 2133 WILLIAM BARTON DR

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.





P:\PROJECTS\PROJECTS\Zilker Metropolitan Park\6066.050 Zilker Metro Park - Cafe Renovation\02 Planning\Permits\ConditionalUse\Permit

SITE DATA TABLE

PROPOSED USE: PARK AND RECREATION SERVICES (SPECIAL)  
TOTAL AREA OF PROPOSED USE: 6,673 SF OR 0.15 ACRES

SITE CALCULATIONS

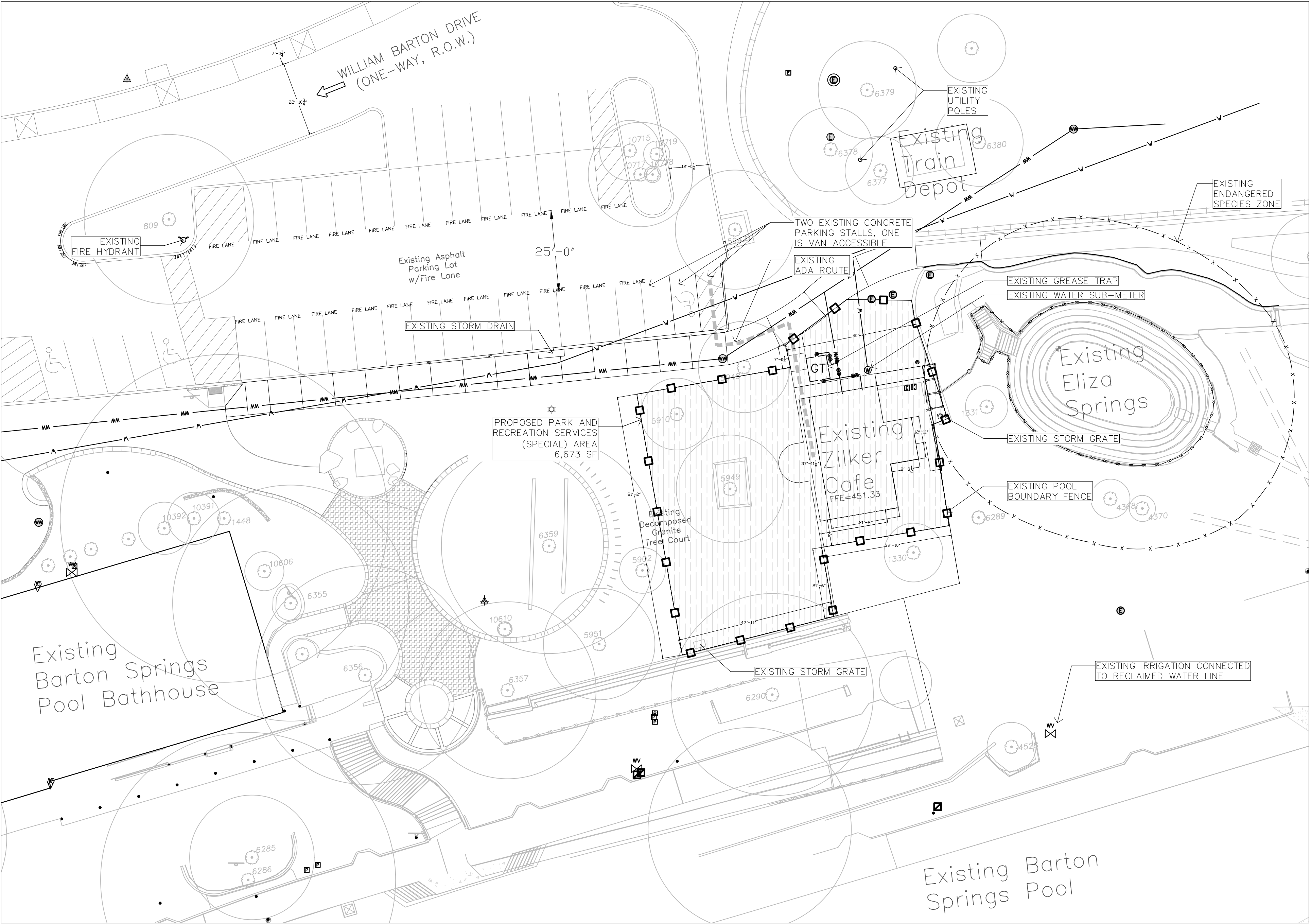
TOTAL SITE AREA: 6,673 SF  
FLOOR AREA RATIO: 14%  
TOTAL IMPERVIOUS COVER: 5,329 SF  
TOTAL PERCENT IMPERVIOUS COVER: 80%  
TOTAL BUILDING COVERAGE: 935 SF OR 14%

GENERAL NOTES:

- Zilker Metro Park is located within a National Register Historic District.
- Entire project site is located within 100-year floodplain.
- Nearest property boundary is 800'+ away from building
- Nearest water and sanitary utility connections in ROW are 600'+ from building
- Existing parking lots and driveways within Zilker Metro Park to be utilized. The Zilker Cafe is an amenity within the park.
- All conditions shown on this plan are existing and NOT proposed.

LEGEND

- ◉ EXISTING WASTE WATER MANHOLE
- ⓔ EXISTING ELECTRIC METER
- ⓔ EXISTING ELECTRIC VAULT
- ⦿ EXISTING PARKING LOT LIGHT
- EXISTING POOL BOUNDARY FENCE
- PROPOSED VENDOR/PROJECT BOUNDARY



1 SITE PLAN  
Scale: 1"=20'-0"

SITE PLAN APPROVAL  
FILE NUMBER **SPC-2021-0131A** SHEET **2** OF **3**  
APPROVED BY COMMISSION ON \_\_\_\_\_ APPLICATION DATE **04/20/2021**  
CHAPTER **25-5** OF THE CITY OF AUSTIN CODE UNDER SECTION **142** OF  
EXPIRATION DATE (LDC 25-5-81) \_\_\_\_\_ CASE MANAGER **R. Avila**  
PROJECT EXPIRATION DATE (ORD.#970905-A) \_\_\_\_\_ DWPZ \_\_\_\_\_ DDZ \_\_\_\_\_

DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT  
RELEASED FOR GENERAL COMPLIANCE \_\_\_\_\_ ZONING **Park and Recreation Services (Special)**  
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.*

**ZILKER CAFE CUP**  
Barton Springs Pool  
2133 William Barton Drive  
CIP No. 6066.050

SHEET TITLE:  
Site Plan

SCALE: 1"=20'-0"

DATE: 04/20/2021

SHEET:

2 OF 3

SPC-2021-0131A





**PARKS AND RECREATION BOARD**  
**September 28, 2021**  
**MINUTES**

**The Parks and Recreation Board convened in a regular meeting on Tuesday, September 28, 2021 at 301 W. Second Street in Austin, Texas.**

Chair Lewis called the meeting to order at 6:06pm.

Board Members in Attendance: Dawn Lewis, Richard DePalma, Nancy Barnard, Laura Cottam Sajbel, Sarah Faust, Nina Rinaldi and Kimberly Taylor.

Board Members in Attendance Remotely: Anna Di Carlo and Lisa Hugman.

*Board Member Di Carlo jointed the meeting at 6:48pm.*

*Board Member Hugman departed the meeting at approximately 8:15pm.*

Staff in Attendance: Kimberly McNeeley, Liana Kallivoka, Lucas Massie, Suzanne Piper, Scott Grantham, Denisha Cox, Christina Bies, Gregory Montes, Grishma Shah, George Maldonado, Steven Prather, Jennifer Massie-Gore, David Hernandez, Ron Crane, Brent Bassett and Sammi Curless.

**CITIZEN COMMUNICATION: GENERAL**

Kevin Reinis – Austin Rowing Club update.

**A. APPROVAL OF MINUTES**

The minutes from the special called meeting of September 14, 2021 were approved on Board Member Taylor motion, Board Member Faust second on a 7-0 with Board Member Rinaldi abstaining, Board Member Di Carlo absent and two vacancies.

*Due to potential time constraints and the number of interested speakers, Chair Lewis moved Item B4 to be heard as the first New Business item.*

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

- 1.** Presentation, discussion and possible action regarding a recommendation to the Planning Commission related to a Conditional Use Permit for the sale of wine and beer at the Zilker Cafe.

Board Member Faust made a motion that the Parks and Recreation Board recommend to the Planning Commission that the Conditional Use Permit for the sale of wine and beer at Zilker Café be denied and further move that the recommendation applies to any other City Council or Board that considers the item; Chair Lewis seconded the motion. The

motion passed on an 8-1 vote with two vacancies. Those voting aye were: Chair Lewis, Vice Chair DePalma, Board Members Barnard, Cottam Sajbel, Di Carlo, Faust, Hugman and Taylor. Those voting nay were Board Member Rinaldi.

2. Presentation, discussion and possible action regarding a recommendation to the Director for approval of Temporary Use Work and Staging Area (7,204 sq. ft.), not to exceed 30 Calendar Days on parkland located at Lower Bull Creek Greenbelt (7806 N Capital of Texas Hwy). Total Mitigation Value is \$2,251.

Vice Chair DePalma made a motion to recommend to the Director the approval of Temporary Use Work and Staging Area (7,204 sq. ft.), not to exceed 30 Calendar Days on parkland located at Lower Bull Creek Greenbelt (7806 N Capital of Texas Hwy) for a Total Mitigation Value of \$2,251; Chair Lewis seconded the motion. The motion passed on a vote of 8-0 with Board Member Hugman absent and two vacancies.

9:50pm

*Vice Chair DePalma made a motion to extend the meeting to 10:30pm; Board Member Cottam Sajbel seconded the motion. The motion passed 7-1 with Board Member Hugman absent and two vacancies. Those voting aye were: Chair Lewis, Vice Chair DePalma, Board Members Barnard, Cottam Sajbel, Di Carlo, Faust, Hugman and Rinaldi. Those voting nay were Board Member Taylor.*

3. Presentation, discussion and possible action regarding a recommendation to the Planning Commission related to the superiority of the 305 S. Congress "Statesman" PUD Amendment as it relates to parks.

The motion to deny the PUD and give the list of recommendations as set forth in the draft resolution to the City Council and the Planning Commission failed on Board Member Cottam Sajbal motion, Board Member Faust second on a 5-2 vote with Board Member Taylor abstaining, Board Member Hugman absent and two vacancies. Those voting aye were: Chair Lewis, Board Members Barnard, Cottam Sajbel, Di Carlo and Faust. Those voting nay were: Vice Chair DePalma and Board Member Rinaldi.

The motion that the item be reset at a special called meeting prior to the scheduled Planning Commission and if that is not possible the Board invoke the provision requesting the City Council return the item to the Parks and Recreation Board for further consideration by Board Member Faust failed due to the lack of a second.

Board Member Cottam Sajbel made a motion to recommend to the Planning Commission that the Statesman PUD, the 305 S. Congress PUD is not superior with further recommendation for staff continue to work with the applicant to negotiate the items listed in the resolution which include the following:

- Signature parkland must be properly deeded to the City of Austin, rather than left as easement in the PUD amendment, and the deeding of that parkland must be triggered by specific deadlines or progress in new development.
- Parkland dedicated to the City must be approximately nine acres. Six of the acres offered in the PUD Amendment are on land that is unbuildable, due to the waterfront overlay.
- Control over programming of the public parkland and trail must be awarded to the City of Austin, for public transparency.



- The Grand Staircase, with ADA compliance, must remain located next to Ann Richards Congress Avenue Bridge for public visibility and access to the parkland.
- Retention ponds with runoff from the development must be mitigated; As currently shown, one large pond under the bats would be deep enough to require fencing, and all three retention ponds locate runoff from the development on public land, taking valuable land from the signature park.
- The proposed 70-foot landing must be moved away from the sensitive area below the bats and shortened to 30 feet, the length required by the ordinance governing building on Lady Bird Lake.
- The trail must be adjusted according to recommendations set by the recently completed Safety and Mobility Study.
- Parkland dedication must increase by 20% per unit, as developers propose additional height and density, in addition to the full nine acres designated in the approved Vision Plan.
- The PUD amendment must provide for appropriate parkland amenities, such as playscapes.
- The PUD must comply with the updated land development code and with the codified rules and regulations for the South Central Waterfront.

and on the staff's list of concerns which include the following:

1. Land Dedication
  - a. Dedicate by deed as public parkland at least 6.78 acres along Lady Bird Lake.
  - b. Remove from deed any conditions regarding park programming.
  - c. Dedicate by park easement, granting public access at least 1.59 acres of plazas and connections; this will need to increase to include all ROW and street connections.
2. Park Development
  - a. Include investment of at least \$100 / per unit beyond current code (not expressed as a fixed amount).
  - b. Include in the PUD a park plan that commits to specific improvements.
    - i. Committed to even if they are beyond investment in A, above.
    - ii. Tied to and triggered by a phase of development.
3. Triggering
  - a. Set trigger for full dedication of park segments.
  - b. Trigger for each phase, in the first half of each phase.
    1. Circulation
4. Provide pedestrian access from S. Congress to trail and bat viewing area that is fully public, direct, and ADA accessible. (Great Steps does not meet all criteria).
5. Water
  - a. Remove pond from bat viewing area.
  - b. Demonstrate an amenitized design for ponds and rain gardens within parkland.
  - c. Include in PUD, cap on square footage of ponds in park area.
6. Land Uses
  - a. Remove the following land uses permitted in parkland: Personal Services, Personal Improvement Services, Pet Services;

Chair Lewis seconded the motion. The motion passed on a vote of 6-1 with Board Member Rinaldi abstaining, Board Member Hugman absent and two vacancies. Those

voting aye were: Chair Lewis, Board Members Barnard, Cottam Sajbel, Di Carlo, Faust and Taylor. Those voting nay were Board Member DePalma.

4. Presentation, discussion and possible action regarding a recommendation to the Parks and Recreation Director supporting the naming of the ballfield at Oswald A.B. Cantu/Pan American Neighborhood Park in honor of Rosalio “Rabbit” Duran.

Chair Lewis made a motion to make no recommendation to the Director and requested the item return at the October meeting to address the two applications for renaming; Vice Chair DePalma seconded the motion. The motion passed on an 8-0 vote with Board Member Di Carlo absent and two vacancies.

#### **C. ITEMS FROM BOARD MEMBERS**

1. Update from Zilker Park Vision Plan Working Group. (Lewis, DePalma, Faust, Taylor)

No report due to time constraints.

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

No report due to time constraints.

3. Update from Downtown Commission. (Taylor)

No report due to time constraints.

4. Update from Joint Sustainability Committee. (DePalma, Rinaldi)

No report due to time constraints.

#### **D. DIRECTOR’S REPORT ON PROGRAM AND PROJECT UPDATES AND EVENTS**

No report due to time constraints.

#### **E. FUTURE AGENDA ITEMS**

None.

**Chair Lewis adjourned the meeting at 10:30pm.**