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**PLANNING COMMISSION
SITE PLAN CONDITIONAL USE PERMIT REQUEST
WITH A VARIANCE - REVIEW SHEET**

CASE NUMBER: SPC-2009-0337A **PC DATE:** April 13, 2010
PROJECT NAME: G & S Lounge
ADDRESS: 2420 S. 1st Street
WATERSHED: East Bouldin Creek (Urban)
AREA: 1.18 acres

EXISTING ZONING: CS-1-V – Commercial Services-Liquor Sales – Vertical Mixed Use for the area surrounding the existing Cocktail Lounge and Liquor Sales; and LO – Limited Office for the existing associated parking area and one one-story residential structure. CS – Commercial Services for the southern end of the lot containing one one-story residential structure.

PROPOSED DEVELOPMENT: The proposed site plan requests approval of a conditional use permit for a Cocktail Lounge in a CS-1 zoning district. The applicant also requests a variance from §25-5-146(B)(2) Conditions of Approval - As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge 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 the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan. The Cocktail Lounge's parking area is existing and adjacent to a single-family use.

APPLICANT: Land Answers (Jim Wittliff)
611 South Congress, Suite 330
Austin, TX 78704

OWNER: James Samon Jr.
2420 S. 1st Street
Austin, TX 78704

NEIGHBORHOOD PLANNING AREA : Galindo Neighborhood Planning Area
TIA: Not required **DESIRED DEVELOPMENT ZONE:** Yes
CAPITOL VIEW CORRIDOR: No
HILL COUNTRY ROADWAY: No
APPLICABLE WATERSHED ORDINANCE: Current/Comprehensive Watershed Ordinance

NEIGHBORHOOD ORGANIZATIONS:

127 – Bouldin Creek Neighborhood Association
498 – South Central Coalition
511 – Austin Neighborhoods Council
737 – Bouldin Creek COA Liaison
742 – Austin Independent School District

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752 – SOCO-South First St.
786 – Home Builders Association of Greater Austin
792 – South Lamar Combined NPA Staff Liaison
976 – Dawson Neighborhood Planning Team
1037 – Homeless Neighborhood Association
1074 – Bouldin Creek Neighborhood Planning Team
1075 – League of Bicycling Voters
1107 – Perry Grid 614
1113 – Austin Parks Foundation
1200 – Super Duper Neighborhood Objectors and Appealers Organization
1224 – Austin Monorail Project
1228 – Sierra Club, Austin Regional Group
1236 – The Real Estate Council of Austin, Inc.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit. Staff also recommends the variance from § 25-5-146(B)(2) to allow a parking area for a cocktail lounge to be located less than 200 feet from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive, due to the length of time a Cocktail Lounge has been operating in the same configuration.

The site will comply with all requirements of the Land Development Code prior to its release.

PLANNING COMMISSION ACTION: February 24, 2009

RELATED CASES: C14-60-138 – 1960 zoning case zoned site to “C” - Commercial

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting approval of a Conditional Use Permit for a Cocktail Lounge use. The site in its entirety of 1.18 acres contains three zoning categories: CS-1-V, CS and LO. The site includes one existing 2-story commercial structure, as well as two existing one-story residential structures. The commercial structure is zoned CS-1-V, and a Cocktail Lounge use is a conditional use in CS-1 base zoning. This structure currently contains the following uses: a 1,434 sq ft Liquor Sales on the first floor and its accessory 1,200 sq ft storage area located on the second floor, and a 3,362 sq ft Cocktail Lounge on the first floor, and a single residential use located above it.

The commercial structure has been operating as a Cocktail Lounge since 1958 – originally two bars, Gilberto's and Waterfall, which were consolidated into one bar, G & S Lounge, in 1991. In April 2009, G & S Lounge was Red-Tagged by the City of Austin for expanding the existing building and Conditional Use without a permit. The applicant turned in a Conditional Use Site Plan application in November 2009 to request an additional 775 sq ft to be added to the existing 3,362 sq ft Cocktail Lounge. This site plan is only for the change of the Conditional Use; permitting for the construction of the 775 sq ft structure will be completed through a separate permit to follow.

Transportation: A traffic impact analysis was not required for this site plan. The site plan has met all Transportation requirements.

Environmental: The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the East Bouldin Creek watershed, which is classified as an urban watershed. There are no environmental features or critical water quality zones affected by this

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project. No improvements to the property are included with this site plan. The site plan has met all Environmental requirements.

CASE MANAGER: Sarah Graham
Sarah.Graham@ci.austin.tx.us

PHONE: 974-2826

PROJECT INFORMATION: 1.18 acres

EXIST. ZONING: CS-1-V

MAX. BLDG. COVERAGE: 95%

MAX. IMPERV. CVRG.: 95%

ALLOWED F.A.R.: 2:1

HEIGHT: 60 feet

REQUIRED PARKING: 71 spaces

PROP. BUILDING CVR: 34% - no additional buildings proposed at this time

EXISTING. IMP. CVRG.: 100% - no additional imp. cvrg. proposed at this time

EXISTING F.A.R.: .41: 1 - no additional F.A.R. proposed at this time

EXISTING HEIGHT: 2 story

PROPOSED PARKING: 72 spaces

SURROUNDING CONDITIONS:

Zoning/ Land Use for Cocktail Lounge

North: 30 ft Right of Way (Unnamed Street or Alley), then CS-V (restaurant) and SF-3 (single-family)

South: GR-CO (personal services - salon), then CS-V (restaurant)

East: 72 ft Right of Way (S. 1st Street), then P (Gillis Park)

West: LO (single-family) then MF-2 (multi-family)

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
S. 1 st Street	72'	42'	Minor Arterial
Alleyway	33'	15'	Alley

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CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

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 Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

25-5-145 (B) 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 is compatible with the use of an abutting site;** Staff response: The applicant requests a variance from § 25-5-146(B)(2) Conditions of Approval - As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge 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 the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan. The existing parking area goes up to the western property line adjacent to single family – the parking location has been the same for nearly 60 years. There is an existing line of trees along the western property line between the existing parking area and the adjacent single-family use. In order to screen the property from the single-family lots to the north, the owner has added screening slats to the existing 6 ft chain link fence along the northern property line. The proposed land use change alone does not include any additional improvements to the property – any improvements must be permitted through a separate instrument. However, the request to increase the Conditional Use of a Cocktail Lounge in the amount of 775 sq ft refers to an existing but not permitted covered wood deck at the back of the original building which does not change the existing height, bulk, scale, setback, open space, drainage patterns, access, or traffic circulation from the original structure.
4. **Provide adequate and convenient off-street parking and loading facilities;** Staff response: The proposed parking meets the parking requirements for the proposed use and is adequate.
5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed land use change will not increase noise that is likely to currently exist in this area. Although the existing but not permitted enclosed deck is located at the back of the commercial building, the owner has installed 7 inch thick walls with 1.5 inch sound board installed, as well as other insulation and sound proofing techniques. Please see the attached letter from Texas Peace Officer David Herrera concerning a sound testing. This project will not affect any of the other listed adverse effects.

25-5-145 (C) A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: This proposed site plan does not more adversely affect an adjoining site than would a permitted use. The buildings and parking area are current conditions. The Cocktail Lounge use is already in

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existence, therefore permitting an additional 775 sq ft area would not more adversely affect adjoining sites.

2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: Surrounding vehicular circulation in the area of the project is not anticipated to have any detriment of safety or convenience.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No signage or lighting is proposed with this site plan for a land use change – both would be permitted through a separate permitting instrument. The applicant has included the Compatibility Standards note on the site plan concerning lighting: "All exterior lighting will be hooded or shielded from view of adjacent residential property."

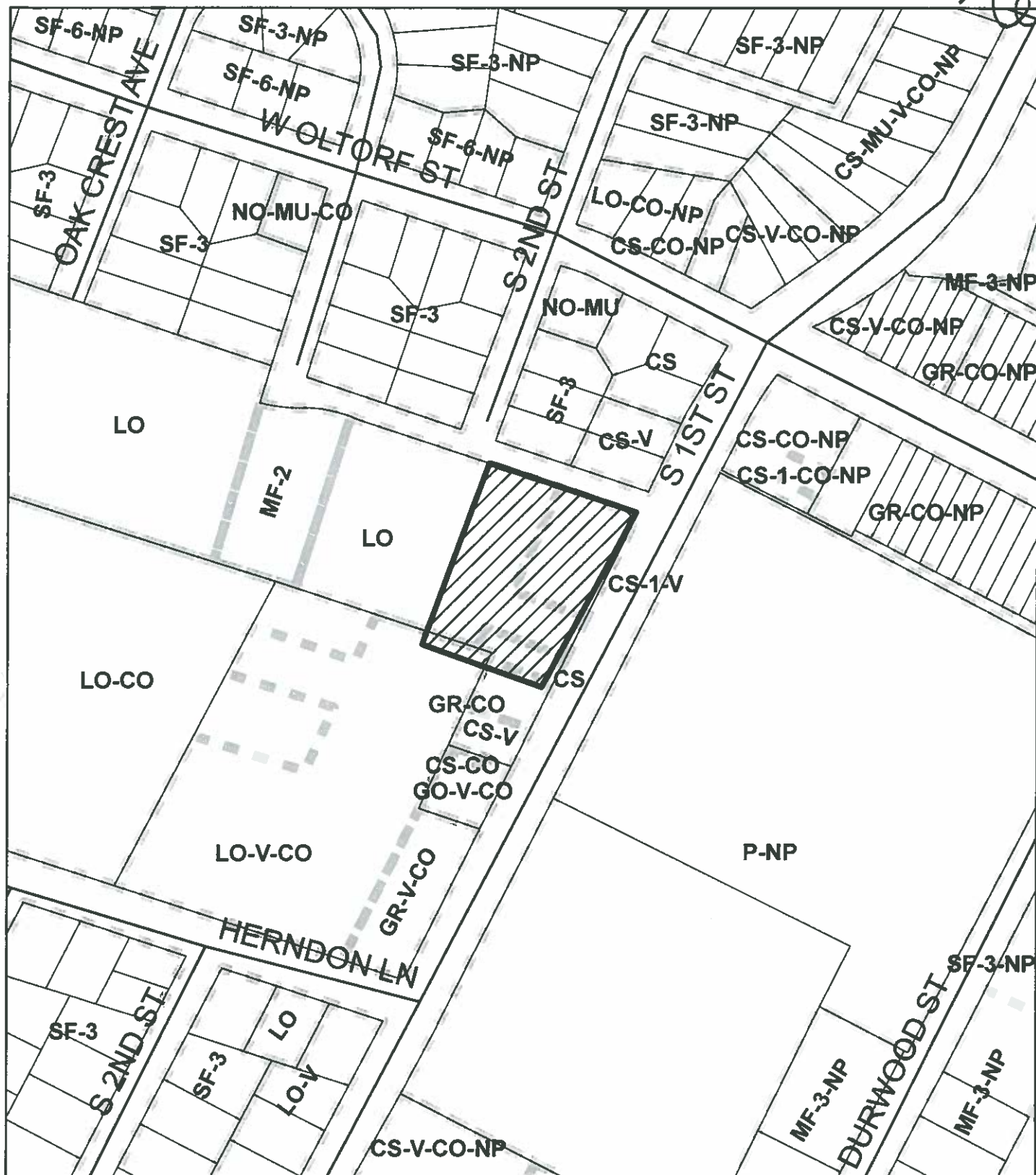
25-5-145(D) A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury; Staff response: Staff has not determined that the site plan will have any of these adverse affects.

CONDITIONS OF APPROVAL

§ 25-5-146(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.



§ 25-5-146(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.





G & S Lounge - Conditional Use Site Plan and Variance Request



 **SUBJECT TRACT**
 **ZONING BOUNDARY**
0 50 100 200 Feet

CASE#: SPC-2009-0337A
ADDRESS: 2420 S. 1st Street
MANAGER: Sarah Graham



OPERATOR: Sarah Graham

This map has been produced by the case manager for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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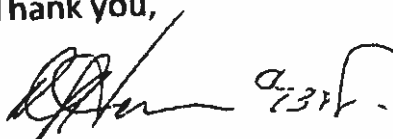
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TO: City of Austin Municipal Court
FR: David Herrera, TX Peace Officer
RE: Noise complaint
DATE: 01-08-2010

To Whom at the Court,

The owner of G&S Lounge, Jimmy Samon, summoned me to his place of business to witness the reading of the noise meter he has onsite in accordance with the COA Ordinances. Mr. Samon activated his noise meter at his property line as a song was playing on his jukebox, the object of the noise complaint, and the reading was under 85 decibels on the screen.

Thank you,


Officer David Herrera

512-414-4130 Work

512-921-1312 Cell

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2009-0337A

Contact: Sarah Graham, 512-974-2826 or

Michelle Casillas, 512-974-2024

Public Hearing: Planning Commission, Apr 13, 2010

Ramiro Lopez

Your Name (please print)

801 W 01st st

Your address(es) affected by this application

7-12-10

Date

Signature

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review

Sarah Graham

P. O. Box 1088

Austin, TX 78767-8810

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Addendum C7-1/12

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Case Number: SPC-2009-0337A

Contact: Sarah Graham, 512-974-2826 or

Michelle Casillas, 512-974-2024

Public Hearing: Planning Commission, Apr 13, 2010

BRADLEY G. ALLEN, DA
Your Name (please print)

801 W. 21st St. Austin, TX 78704

Your address(es) affected by this application

[Signature] Date 4/6/10

Signature

Daytime Telephone: (512) 784-7627

Comments:

If you use this form to comment, it may be returned to:

City of Austin

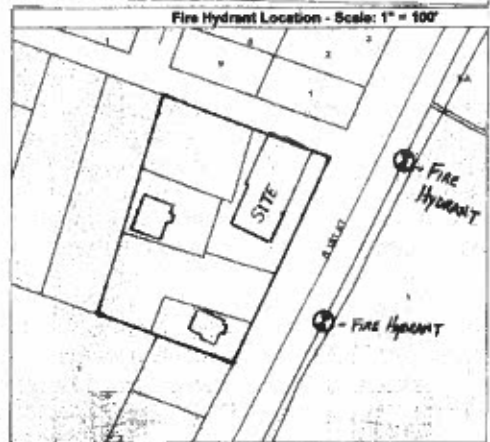
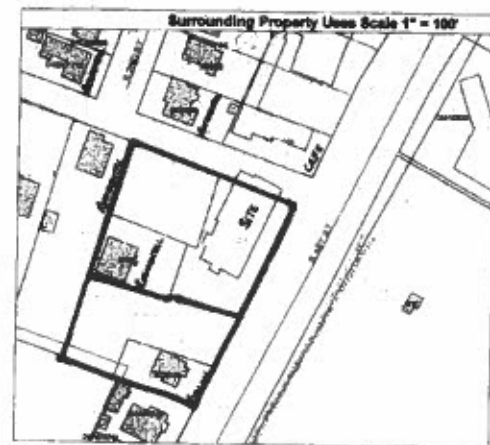
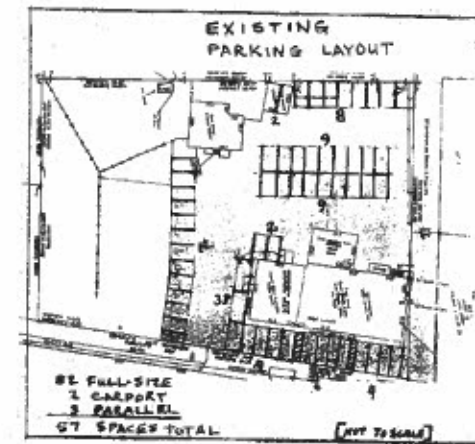
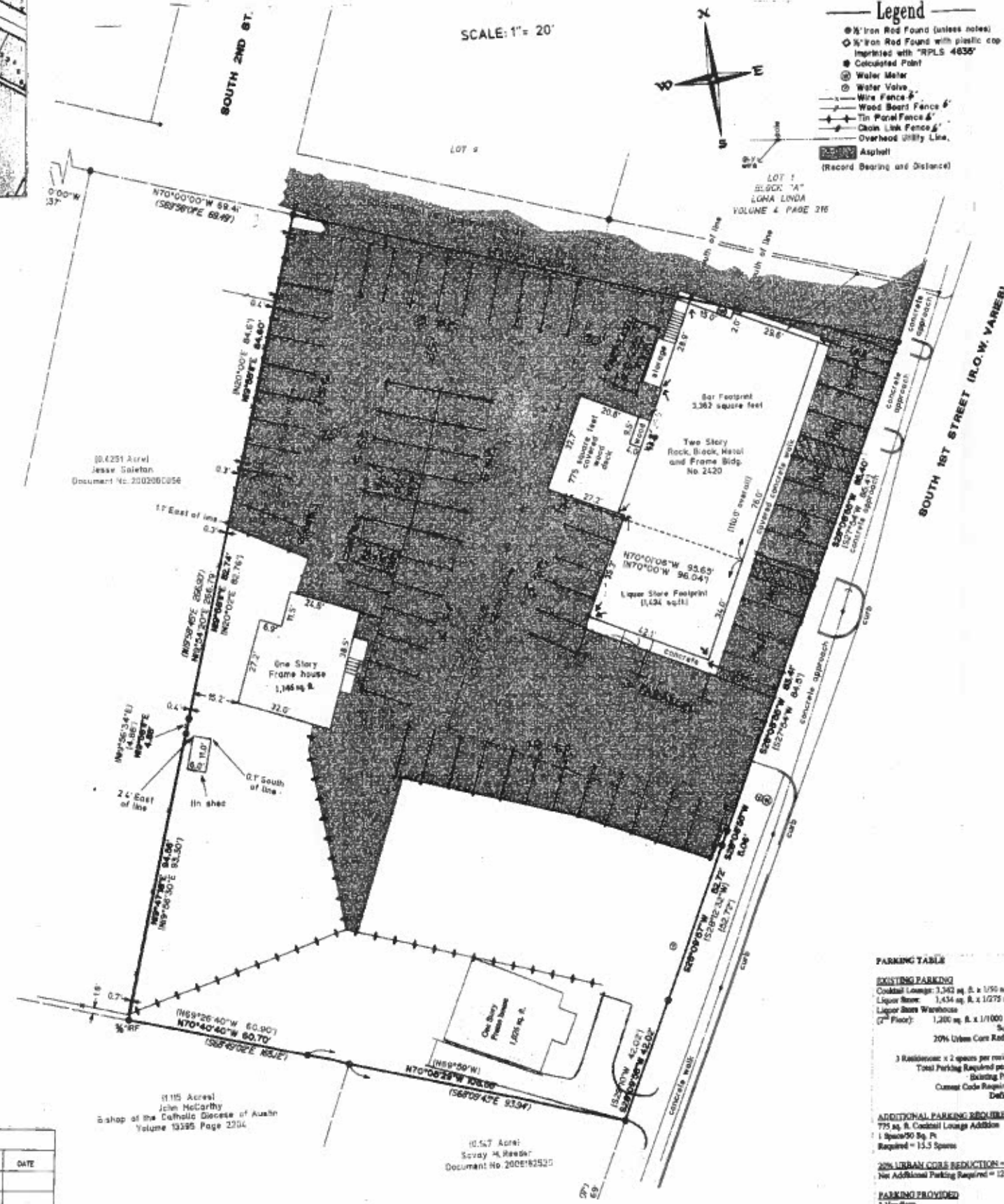
Planning and Development Review

Sarah Graham

P. O. Box 1088

Austin, TX 78767-8810

**2420 S. 1ST STREET
AUSTIN, TX. 78704**



1. All improvements shall be made in accordance with the relevant site plan. Any additional improvements will require site plan amendment and approval of the Planning and Development Review Department.
2. Approval of this Site Plan does not include Building and Fire Code approval or building permit approval.
3. All signs must comply with requirements of the Land Development Code (Chapter 25-12).
4. Additional electric elements may be required at a later date.
5. Water and sewerage service will be provided by the City of Austin [or identify the service provider if other than the City of Austin].
6. Any existing structures shown to be removed will require a demolition permit from the City of Austin Watershed Protection and Development Review Department.
7. A development permit must be issued prior to an application for building permit for non-consolidated or Planning Commission approved the plan.
8. No certificate of occupancy may be issued for the proposed residential consolidation project until the owner or owners of the property have complied with Chapter 31 and 82 of the Property Code of the State of Texas or any other statutes enacted by the State concerning consolidations.
9. For driveway construction: The owner is responsible for all costs for relocation or of damage to utilities.
10. For construction within the right-of-way, a ROW encroachment permit is required.
11. Yards, signs, vegetation screening or boms shall be provided to screen adjacent 30'-0" or more restrictive residential districts from views of off-street parking area, mechanical equipment, storage areas, and for dust collection (Section 23-2-3-1066).
12. This project is located in the West Broadleaf Creek Watershed, which is classified by the City of Austin as Urban. The site is not within the Edwards Aquifer Recharge Zone.
13. The "proposed" wooded deck will be permitted by a separate permit, as this site plan application proposes no construction.
14. Related Case: C14-2007-0238

- Compatibility Standards Notes:**
1. All exterior lighting will be located or shielded from the view of adjacent residential property. [Section 25-2-1064].
 2. All dumpsters and any permanently placed refuse receptacles will be located at a minimum of twenty (20) feet from a property used or zoned as SF-1 or more restrictive. [Section 25-2-1067].
 3. The use of highly reflective surfaces, such as reflective glass and reflective metal roofs, whose pitch is more than a run of seven (7) to a rise of twelve (12), will be prohibited. [Section 25-2-1067].
 4. The use of any semireflective equipment will not exceed 70 db at the property line adjacent to residential uses. [Section 25-2-1067].

Ans 8 Sub. 20 DUCKEN 1 ACRES 1.18 ACRES

OWNER:
JAMES SAMON JR.
2420 S. 1ST STREET
AUSTIN, TX. 78704-5449

No portion of these tracts are within the limits of a designated Special Flood Hazard Area as shown on the Federal Emergency Management Agency (FEMA) Flood Hazard Rate Map (FIRM) 48453C05RSH, Travis County, Texas, dated September 26, 2008.

[illegible]

PARKING TABLE

EXISTING PARKING

Coolidge Lounge: 3,362 sq. ft. x 1/50 sq. ft. = 67.24 spaces
Liquor Store: 1,434 sq. ft. x 1/272 sq. ft. = 5.21 spaces
Liquor Store Warehouse
(2nd Floor): 1,200 sq. ft. x 1/1000 sq. ft. = 1.2 spaces
Subtotal = 73.65 spaces

20% Urban Core Reduction: 14.73 spaces
Total = 58.92 spaces

3 Residential = 2 spaces per residence = 6 spaces
Total Parking Required per code = 65 spaces

Existing Parking = 59 spaces
Current Code Requirement = 65 spaces
Deficiency = -6 spaces

ADDITIONAL PARKING REQUIREMENT
775 sq. ft. Cocktail Lounge Addition
1 Space/50 Sq. Ft.
Required = 15.5 Spaces

20% URBAN CORE REDUCTION = 3.1 Sp
Net Additional Parking Required = 12 Spaces

PARKING PROVIDED
 3 Handicap
 17 Full-Size
 2 Carport (For Residents)
 2 Residential Driveway (For Residents)
 4 Compact
 4 Street

Building Areas		
Cocktail Lounge (existing)	1,362 sq. ft.	
Cocktail Lounge (proposed Addition)	775 sq. ft.	
Liquor Store	1,434 sq. ft.	
Liquor Store Warehouse (2 nd Floor)	1,260 sq. ft.	
One Story Residence	1,144 sq. ft.	
One Story Residence	1,026 sq. ft.	
Residence above Cocktail Lounge	1,050 sq. ft.	
Zoning Calculation Table		
2 nd -1/2 Zoning Requirements	Allowed	Proposed
Building Height	60 ft.	21 ft.
Building Coverage	80%	34% (5.7)
Impervious Cover	95%*	100%**
FAR	21:1	0.41:1

SITE PLAN RELEASE

FILE NUMBER: SPC-2009-0377A EXPIRATION DATE: _____
 CASE MANAGER: Stacy Chisholm APPLICATION DATE: November 18, 2009
 APPROVED ADMINISTRATIVELY ON: _____
 APPROVED BY PLANNING COMMISSION ON: _____
 APPROVED BY CITY COUNCIL ON: _____
 under Section 112 of Chapter 28-5 of the Austin City Code.
 Director, Manassas Protection and Development Review Department

DATE OF RELEASE: _____ Zoning: _____
 Rev. 1 _____ Correction 1 _____
 Rev. 2 _____ Correction 2 _____
 Rev. 3 _____ Correction 3 _____

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF

