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

**CASE NUMBER:** SPC-2010-0224A      **PLANNING COMMISSION**  
**HEARING DATE:** December 14, 2010

**PROJECT NAME:** Dive Bar

**ADDRESS:** 1703 Guadalupe St.

**NEIGHBORHOOD PLAN:** Downtown

**APPLICANT:** J and D Site Management (Gilbert Cardenas) - (512) 554-4288  
265 Tranquility Mtn.  
Buda, TX 78610

**AGENT:** Tired Oats (Jim Neely) - (512) 689-8528  
4005 Mendez  
Austin, TX 78723

**CASE MANAGER:** Donna Galati      Phone: 974-2733  
[donna.galati@ci.austin.tx.us](mailto:donna.galati@ci.austin.tx.us)

**PROPOSED DEVELOPMENT:**

The applicant is requesting a conditional use permit for a Cocktail Lounge in DMU zoning district. A cocktail lounge is a Conditional Use in DMU zoning.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit for a Cocktail Lounge. Off-street parking is not required for a use in DMU zoning occupying less than 6,000 square of floor space in a structure that existed on April 7, 1997 (LDC section 25-6-591(A)(2)). The site plan complies with all requirements of the Land Development.

**PROJECT INFORMATION**

<b>SITE AREA</b>	Cocktail Lounge 1274 square feet	Lot size 5184 square feet
<b>EXISTING ZONING</b>	DMU	
<b>WATERSHED</b>	Shoal Creek (Urban)	
<b>WATERSHED ORDINANCE</b>	Comprehensive Watershed Ordinance (Urban)	
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required	
<b>CAPITOL VIEW CORRIDOR</b>	None	
<b>PROPOSED ACCESS</b>	Guadalupe St.	
	Allowed	<b>Existing</b> <b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	5:1	0.98:1    No change
<b>BUILDING COVERAGE</b>	100%	98%    No change
<b>IMPERVIOUS COVERAGE</b>	100%	98%    No change
<b>PARKING</b>	N/A* see Summary Comments	0    0

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**SUMMARY COMMENTS ON SITE PLAN:**

The proposed cocktail lounge is to be located within an existing building built before April 7, 1997. Land Development Code section 25-6-591(A)(2) states:

“In a central business district (CBD) or downtown mixed use (DMU) zoning district: off-street parking is not required for a use occupying less than 6,000 square feet of floor space in a structure that existing on April 7, 1997.”

The proposed cocktail lounge will occupy a 1274 sq. ft. space. According to Travis County Appraisal District web site, the building has an effective built date of 1930.

No changes to the site are planned with this change of use. The cocktail lounge will use existing building space.

**COMPATIBILITY**

Compatibility is not applicable to this site.

**EXISTING ZONING AND LAND USES**

	ZONING	LAND USES
<i>Site</i>	DMU	Proposed cocktail lounge, gallery, & cafe
<i>North</i>	DMU-CURE	Office building
<i>South</i>	17 <sup>th</sup> St., then DMU	Office building (insurance)
<i>East</i>	DMU	Tattoo parlor
<i>West</i>	Guadalupe, then DMU	Dog & Duck Pub

**ABUTTING STREETS**

Street	Right-of-Way Width	Pavement Width	Classification
Guadalupe	81 ft	38 ft	Arterial
W 17 <sup>th</sup> St.	61 ft	29 ft.	

**NEIGHBORHOOD ORGNIZATIONS:**

- 402—Downtown Austin Neighborhood Assn.
- 438—Downtown Austin Alliance
- 511—Austin Neighborhoods Council
- 623—City of Austin Downtown Commission
- 742—Austin Independent School District
- 744—Sentral Plus East Austin Koalition (SPEAK)
- 767—Downtown Austin Neighborhood Coalition
- 786—Home Builders Association of Greater Austin
- 1075—League of Bicycling Voters
- 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
- 1253—West Downtown Alliance, Inc.

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## CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (EVALUATION OF CONDITIONAL USE SITE PLAN) states:

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

B. A conditional use site plan must:

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 is a conditional use in DMU zoning. The DMU zoning districts are intended for uses including any combination of office retail, commercial and residential uses and that is compatible with the downtown area. The site is located on Guadalupe St. and is physically separated from nearby residential uses and surrounded by downtown use.

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 will comply with all requirements of the Land Development Code. There is not site development proposed, and compatibility does not apply.

4. **Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: Off-street parking is not required. Section 25-6-591-A-2 states that off-street parking is not required for a use occupying less than 6,000 sq. ft. of floor space in a structure that existing on April 7, 1997.

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.

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

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

A cocktail lounge use will have no more impact on adjoining properties than other permitted uses in the area which could operate with similar hours.

7. **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.

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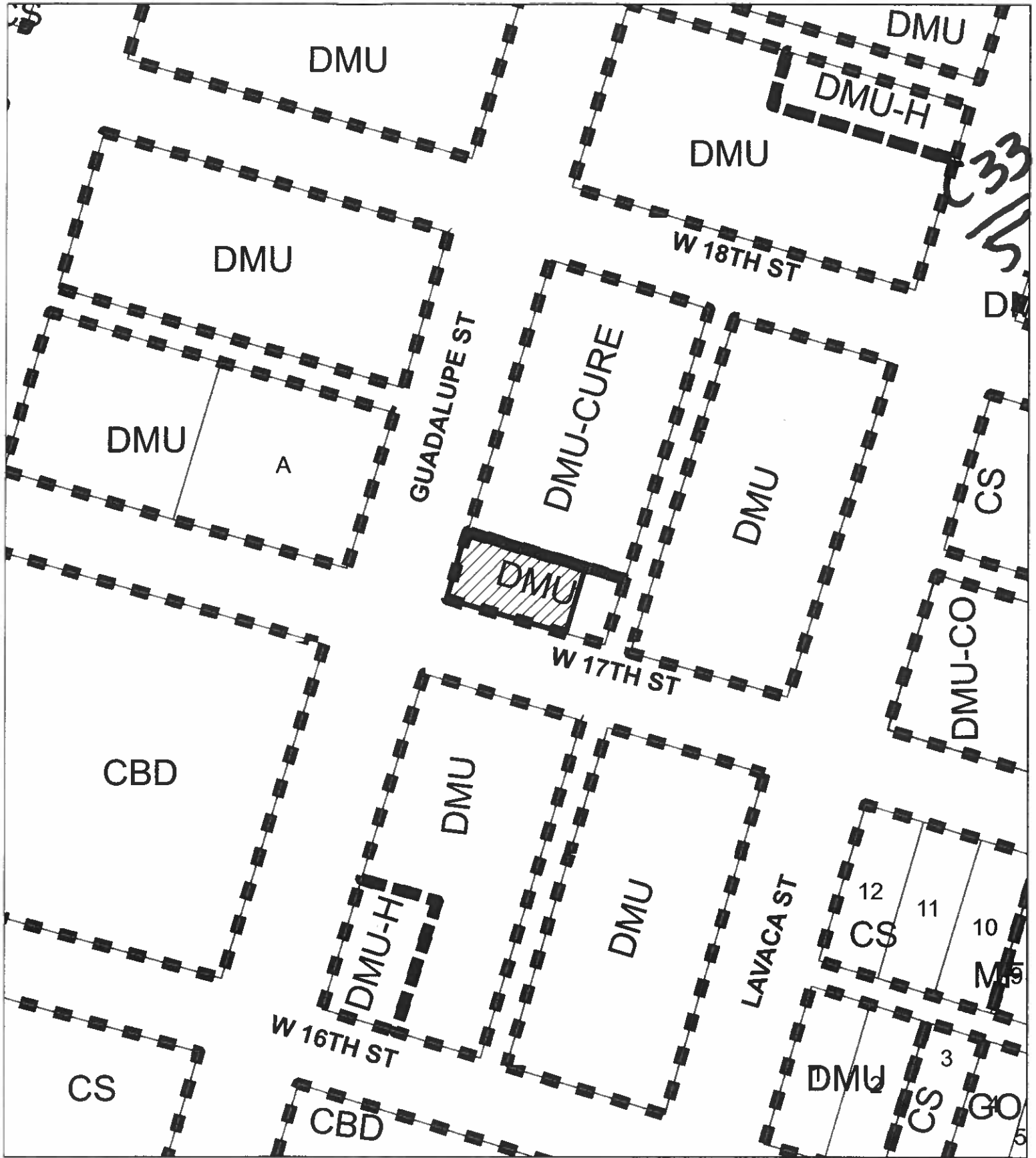
8. **Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.

**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.**

In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(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.



SITE PLAN

CASE#: SPC-2010-0224A  
 ADDRESS: 1703 Guadalupe  
 CASE NAME: Dive Bar  
 MANAGER: Donna Galati



 SUBJECT TRACT  
 ZONING BOUNDARY

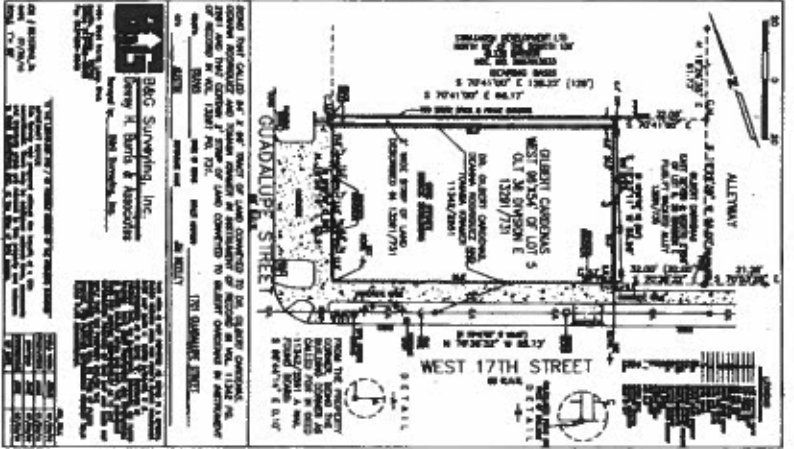


This map has been produced by site plan review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

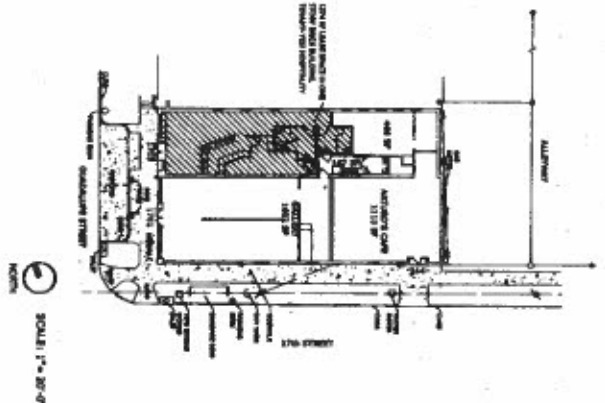
OPERATOR: Donna Galati

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EXISTING SITE SURVEY



SITE PLAN SCALE 1" = 20'-0"

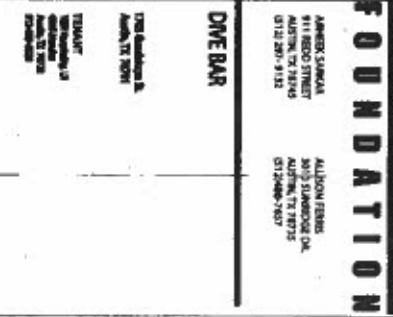


AREA ZONING MAP SCALE 1" = 400'



COA 2003 AERIAL MAP - NTS

WHISKEY TOOTH PASTE FOUNDATION



Submitted Date: 08-11-10

STANDARD SITE PLAN NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
2. THE PROPERTY IS TO BE SURVEYED AND THE BOUNDARIES ARE TO BE ESTABLISHED BY A LICENSED SURVEYOR.
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SITE INFORMATION



PROPERTY DATA	OWNER	ADDRESS	CITY	STATE	ZIP
1. PROJECT NAME					
2. PROJECT ADDRESS					
3. PROJECT CITY					
4. PROJECT STATE					
5. PROJECT ZIP					
6. PROJECT PHONE					
7. PROJECT FAX					
8. PROJECT EMAIL					
9. PROJECT WEBSITE					
10. PROJECT URL					

Binding Site Conditions  
CASE#SPC-2010-0224A  
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