

**ZONING AND PLATTING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT
REVIEW SHEET**

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CASE NUMBER: SPC-2010-0333A **ZONING AND PLATTING COMMISSION
HEARING DATE:** April 5, 2011

PROJECT NAME: Fast Eddie's Conditional Use Site Plan

ADDRESS: 13945 N US 183 Hwy

APPLICANT: Northfork Plaza Shopping Center (Keith Heil)- (214) 234-2555
8750 N Central Expressway Suite 625
Dallas, TX 78231

AGENT: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann)
(512) 404-2200
301 Congress Ave., Suite 1200
Austin, TX 78701

CASE MANAGER: Donna Galati Phone: 974-2733
donna.galati@ci.austin.tx.us

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit for a Cocktail Lounge (Billiard Parlor) in CS-1-CO zoning district, in an existing shopping center. A cocktail lounge is a Conditional Use in CS-1 zoning.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for a Cocktail Lounge. The site plan complies with all requirements of the Land Development.

PROJECT INFORMATION

SITE AREA	Cocktail Lounge 8643 square feet	Lot size 11.115 acres	
EXISTING ZONING	CS-1-CO		
WATERSHED	Lake Creek (Suburban)		
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance (Suburban)		
TRAFFIC IMPACT ANALYSIS	Not required		
CAPITOL VIEW CORRIDOR	None		
PROPOSED ACCESS	N US 183		
	Allowed	Existing	Proposed
FLOOR-AREA RATIO	2:1	0.34:1	No change
BUILDING COVERAGE	95%	34%	No change
IMPERVIOUS COVERAGE	95%	90%	No change
PARKING		602	No change

SUMMARY COMMENTS ON SITE PLAN:

The proposed cocktail lounge is to be located within an existing building. No changes to the site are planned with this change of use. The cocktail lounge will use existing building space.

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Over 50% of the gross floor area of the cocktail lounge is devoted to billiard tables; therefore the parking ratio for this site is the Billiard Parlor Ratio of 1:100 (25-6-1)

CONDITIONAL OVERLAY

Zoning ordinance 20100930-039 (Zoning Case number **C14-2010-0085**) prohibits the following uses:

- Drop-off recycling collection facility Adult oriented businesses Bail bond services
- Commercial blood plasma center Transitional housing

COMPATIBILITY

Compatibility is not applicable to this site.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CS-1-CO	Proposed cocktail lounge (billiard parlor) Included in shopping center: Austin school of music, Chair King, Thai restaurant, Sport clips, Tan, Gold's gym, Strait Music, Factory Mattress
<i>North</i>	CH-PDA	Vacant
<i>South</i>	N SH 45, then GR	Restaurants, home improvement center
<i>East</i>	GR	Vacant
<i>West</i>	US Hwy 183	

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
N US Hwy 183	390 ft	4 at 60 ft	Expressway
SH 45	395 ft	4 at 60 ft.	Expressway

NEIGHBORHOOD ORGNIZATIONS:

- 604—Davis Spring HOA
- 786—Home Builders Association of Greater Austin
- 1037—Homeless Neighborhood Assn
- 1075—League of Bicycling Voters
- 1113—Austin Parks Foundation
- 1147—Davis Springs President
- 1224—Austin Monorail Project
- 1228—Sierra Club, Austin Regional Group

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.

CS/3

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 CS-1 zoning. The CS-1 zoning district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environs. Liquor sales is one of the permitted uses in a CS-1 district (25-2-104). The site is located on US Hwy 183 and is physically separated from nearby residential uses and surrounded by commercial uses. Zoning case C14-2010-0085 proposed a cocktail lounge with the rezoning request.

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 provided. More than 50% of the gross site area will be used for billiards; therefore billiard parking ratio is used (1:100), (25-6-1).

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.

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.

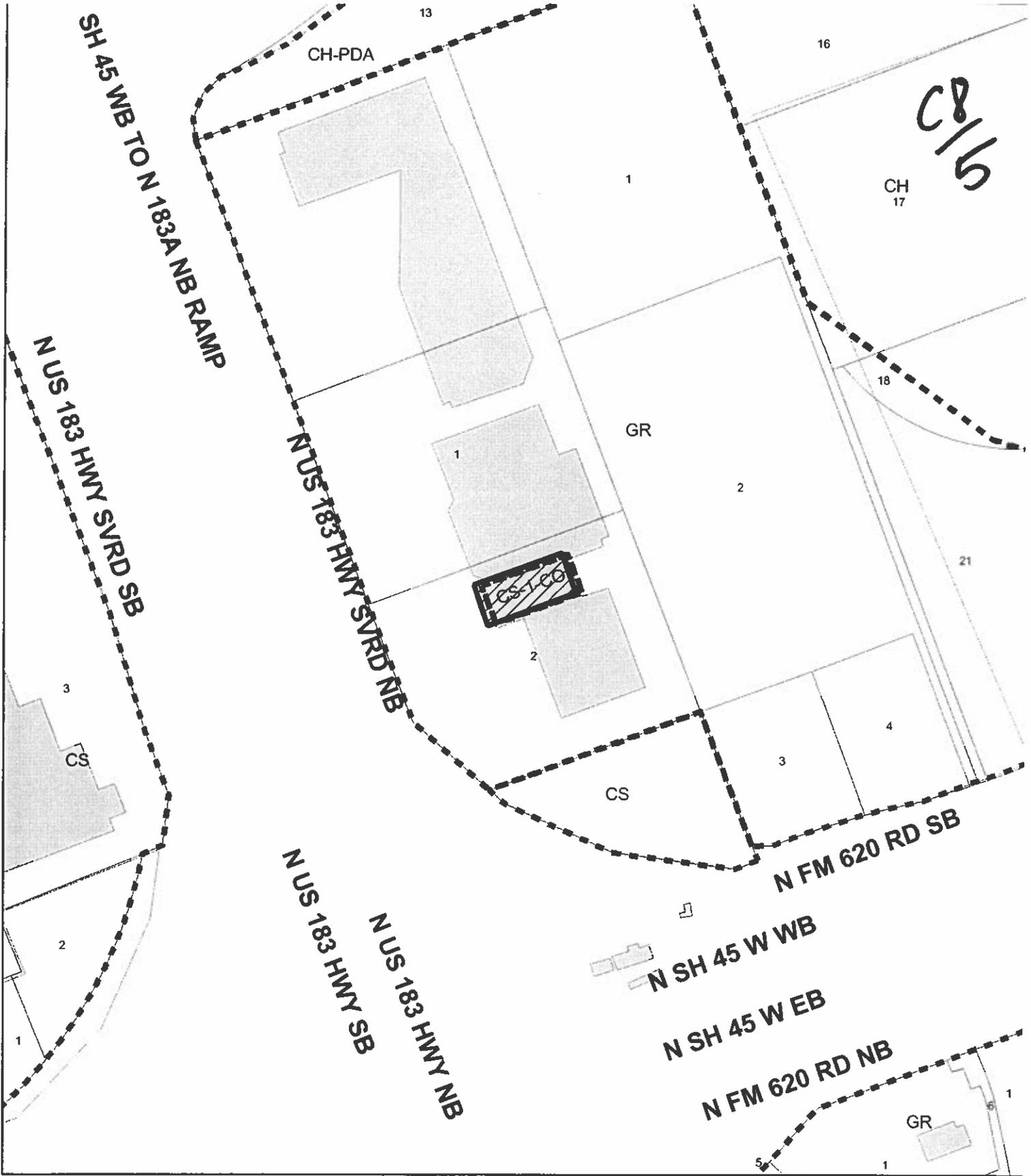
In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(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;

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- (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.

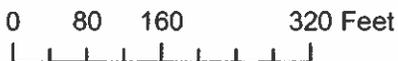


SITE PLAN

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 **SUBJECT TRACT**
 **ZONING BOUNDARY**



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OPERATOR: Donna Galati

