

AGENDA



Recommendation for Council Action

Austin City Council	Item ID	15196	Agenda Number	99.
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Meeting Date:	5/24/2012	Department:	Planning and Development Review
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Subject

Set a public hearing and consider an appeal by Mary and Bill Ley regarding the decision to issue an Outdoor Music Venue permit for Home Slice Pizza, located at 1415 S. Congress Avenue. (Suggested date and time: June 14, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

Amount and Source of Funding

Fiscal Note

Purchasing Language:	
Prior Council Action:	
For More Information:	Clara Hilling, 974-2686; Carla Johnson 974-6438
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

On March 12, 2012, the Planning and Development Review Department approved an Outdoor Music Venue Permit (OMV) for a venue known as Home Slice Pizza, located at 1415 S. Congress Avenue.

On March 20, 2012, Bill & Mary Ley, a property owner within 600', appealed approval of the permit on the basis that the restaurant is extremely close to residential, a serial noise violator, and have inadequate parking.

Chapter 9-2-54(B) and 9-2-56 of the City Code provides that an interested party may appeal a decision if they are:

- The applicant;
- The notice owner of a single-family use located within 600 feet of the proposed outdoor music venue;
- The notice owner of a multi-family use located adjacent to the venue (for new permits only); or
- A registered neighborhood organization whose declared boundaries are within 600 feet of the proposed venue.

Chapter 9-2-53(C) of the City Code, Noise and Amplified Sound provides that the accountable official may not deny an initial permit for an outdoor music venue located within the footprint of a restaurant (general) use under Section 25-2-808 (Restaurants and Cocktail Lounges), but the accountable official may:

- (a) impose conditions on the permit, as provided in Subsection (B)(2) of this section; and
- (b) deny an application to renew the permit under Section 9-2-32 (Denial of Permit for Repeated Offenses) based on repeated violation of applicable decibel level.

Staff recommends denial of the appeal based the requirements of Chapter 9-2-53(C) referenced above, as well as the conditions imposed on the permit, as follows:

- The patio speakers must be angled downward and all additional sound equipment must be located a minimum of 15 ft. from residential property line.
- Sound absorption material should be installed on portions (20%) of the hard reflective building surfaces
- No subwoofers larger than 15" shall be used at this location for any event
- Availability of responsible party to attend and monitor outdoor musical events
- No more than two larger events per year, one during the Spring Festival season and one during the Annual Business Anniversary and be restricted to 7:00 p.m. cut-off time
- Sound limit is 70 decibels and must have decibel meter on site.