

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

C13
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CASE NUMBER: SPC-2012-0014A **PC DATE:** August 28, 2012

PROJECT NAME: Motel

ADDRESS OF APPLICATION: 1902 E Martin Luther King Jr. Blvd

APPLICANT: Hotel Motel LLC (Adam Bryan) (512) 312-7779

OWNER: Bar-Or Properties LLC (Cheryl Bar-Or) (707) 347-3505

AGENT: Hajjar Sutherland Peters & Washmon LLP (Kareem T Hajjar) (512) 637-4956x3

AREA: 9,685 sq. ft.

WATERSHED: Boggy Creek (urban)

WATERSHED ORDINANCE: Comprehensive Watershed Ordinance (urban)

C.I.P. STATUS: N/A

T.I.A.: N/A

CAPITOL VIEW: N/A

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit for a 1562 square foot cocktail lounge and a variance for parking within 200 feet of single-family zoning [25-5-146(B)(2)]. The proposed new open deck and the proposed new building addition for restrooms will be permitted through the site plan exemption process. No modification to the existing impervious cover is proposed with this site plan application. The existing 1500 sq. ft. building at the front of the property is a Laundromat, and no change is proposed.

EXISTING ZONING:

The proposed Cocktail Lounge is located near the Northeast corner of Chicon St. and MLK Jr. Blvd. The property is zoned CS-1-MU-V-CO-NP. Cocktail Lounge is a Conditional Use in CS-1 zoning. 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. [25-5-146(B)(2)]

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit. Staff recommends approval of the variance to allow parking within 200 feet of SF-3-NP zoning. The site plan will comply with all requirements of the Land Development Code prior to its release.

CASE MANAGER: Donna Galati Telephone: 974-2733
Donna.Galati@austintexas.gov

PROJECT INFORMATION: 1562 sq. ft. cocktail lounge

EXIST. ZONING: CS-1-MU-V-CO-NP

ALLOWED F.A.R.: 2:1

PROPOSED F.A.R.: 0.24:1

MAX. BLDG. COVERAGE: 95%

PROPOSED BLDG. CVRG: 24%

MAX. IMPERVIOUS CVRG.: 95%

PROPOSED IMPERVIOUS CVRG: 87.7%

C13
2**REQUIRED PARKING: 15****PROVIDED PARKING: 16****Proposed Access:** E. Martin Luther King Jr. Blvd and Chicon (with Joint Use Access Easement)**SUMMARY COMMENTS ON SITE PLAN:**

Land Use: The applicant is requesting a conditional use permit for a 1562 square foot cocktail lounge and a variance for parking within 200 feet of single-family zoning [25-5-146(B)(2)]. The proposed new open deck and the proposed new building addition for restrooms will be permitted through the site plan exemption process. The existing 1500 sq. ft. building at the front of the property is a Laundromat, and no change is proposed.

The variance is requested because the existing parking is within 200 ft. of the single family property to the northeast. The single family property is screened with two wooden fences on either side of the alley. There are also existing trees along the alley. A raised planter is proposed at the edge of the outdoor patio to prevent patrons from entering the Compatibility setback area.

The conditional overlay in zoning ordinance C14-02-0057 allows the tract to be developed as neighborhood mixed use building special use. The zoning also prohibits the following uses: Drive-in service prohibited as accessory to commercial use, Agricultural sales and services, Adult oriented businesses, Automotive rentals, Automotive sales, Automotive washing (of any type), Campground, Commercial blood plasma center, Commercial off-street parking, Construction sales and services, Convenience storage, Drop-off recycling collection facilities, Equipment repair services, Equipment sales, Kennels, Limited warehousing and distribution, Maintenance and service facilities, Monument retail sales, Outdoor entertainment, Research services, Service station, and Vehicle storage.

Environmental: This site is located in the Boggy Creek Watershed and subject to Urban Watershed regulations. All Environmental comments are cleared.

Transportation: Access to the proposed cocktail lounge will be from E. Martin Luther King Jr. Blvd and Chicon St. A Joint Use Access Easement will be recorded between this lot and the adjacent corner lot. The site plan complies with all other transportation requirements.

SURROUNDING CONDITIONS:**Zoning/ Land Use**

North:	MF-3-NP (Apartments)
East:	LR-MU-V-CO-NP (Office)
South:	MLK Jr. Blvd, then CS-MU-V-CO-NP (Gas station)
West:	CS-1-MU-V-CO-NP (Grocery/Convenience store)

NEIGHBORHOOD ORGNIZATIONS:

African American Cultural Heritage District
 Anberly Airport Association
 Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Blackland Neighborhood Assn.
 Chestnut Addition Neighborhood Assn. (CANA)
 Chestnut Neighborhood Planning Team
 Chestnut Neighborhood Revitalization
 Davis-Thompson

CB
3

Del Valle Community Coalition
Friends of Chestnut Neighborhood Planning Contact Team
Home Builders Association of Greater Austin
Homeless Neighborhood Assn.
League of Bicycling Voters
Oakwood Neighborhood Association
Organization of Central East Austin Neighborhoods (OCEAN)
PODER
SELTEXAS
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin, Inc.
United East Austin Coalition
Upper Boggy Creek Neighborhood Planning Team

CONDITIONAL USE PERMIT

D. 25-5-145. 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.

§ 25-5-146 CONDITIONS OF APPROVAL.

(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.

CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

A. 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 Planning 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:

B.

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 use is a conditional use in CS-1 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 site plan will comply with all requirements of the Land Development Code. In

C13
4

addition, the site plan complies with setback and height requirements. A variance is required for parking within 200 feet of single-family.

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

Staff Response: The site plan complies with off-street parking and loading facility requirements. All 15 required spaces for the property are located on-site.

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 including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property.

6. For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed. Staff response: The proposed project is not in the East Austin Overlay.

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

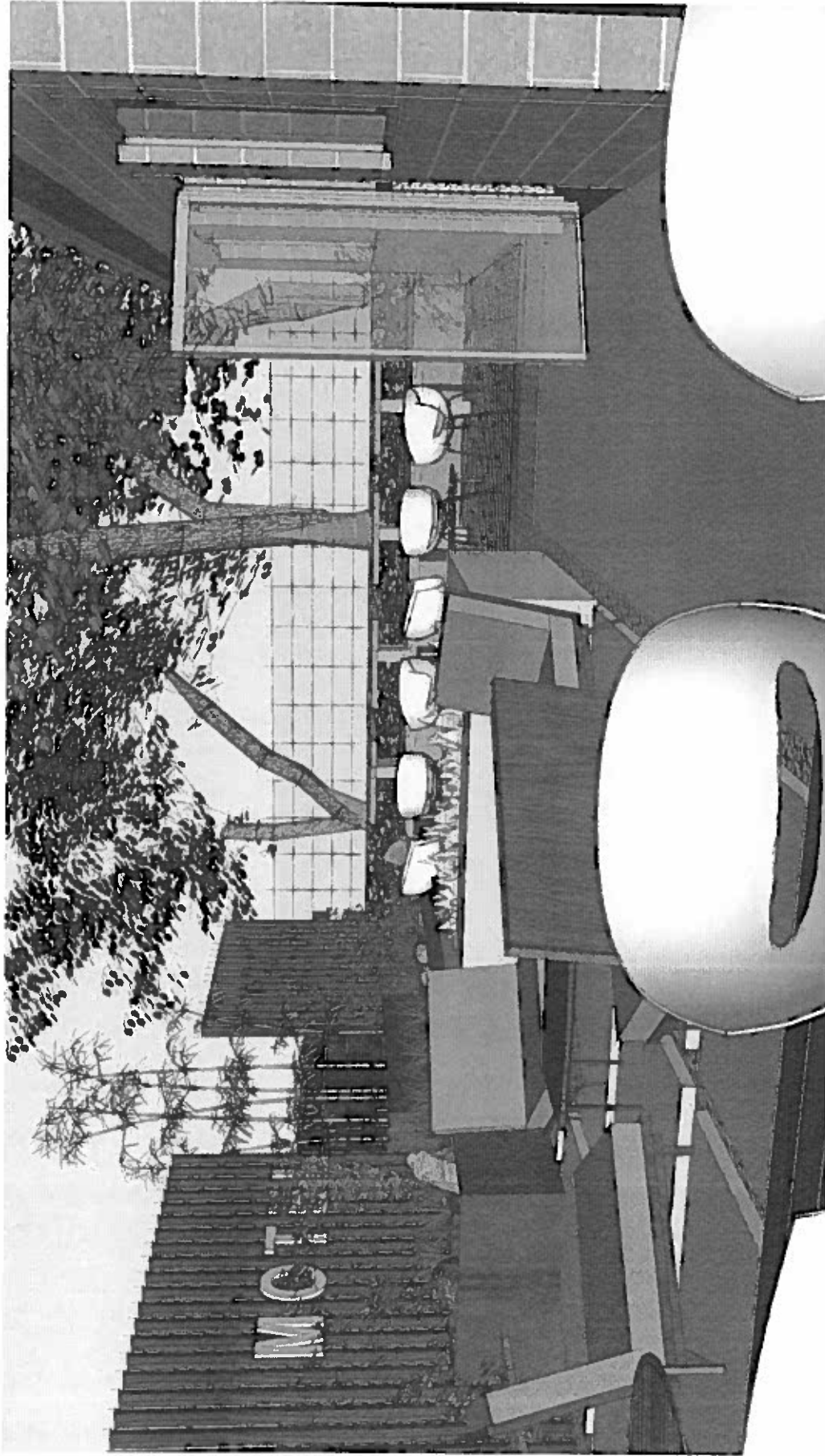
7. More adversely affect an adjoining site than would a permitted use;

A cocktail lounge will have no more impact on adjoining properties than other permitted uses in CS-1 zoning which could operate with similar or later hours than the proposed cocktail lounge.

8. 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.

9. 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.

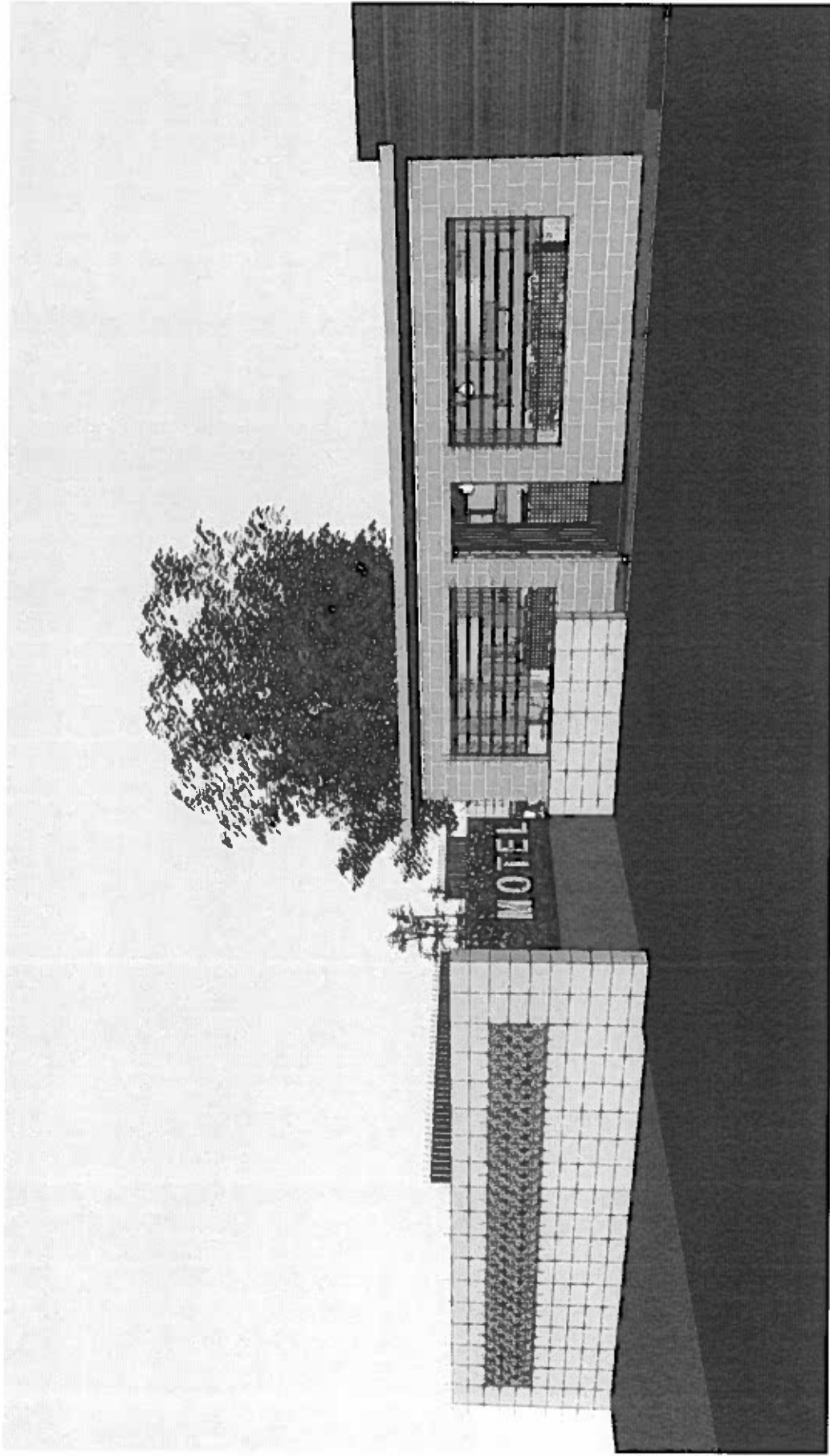


Motel | View of Patio
28 August 2012

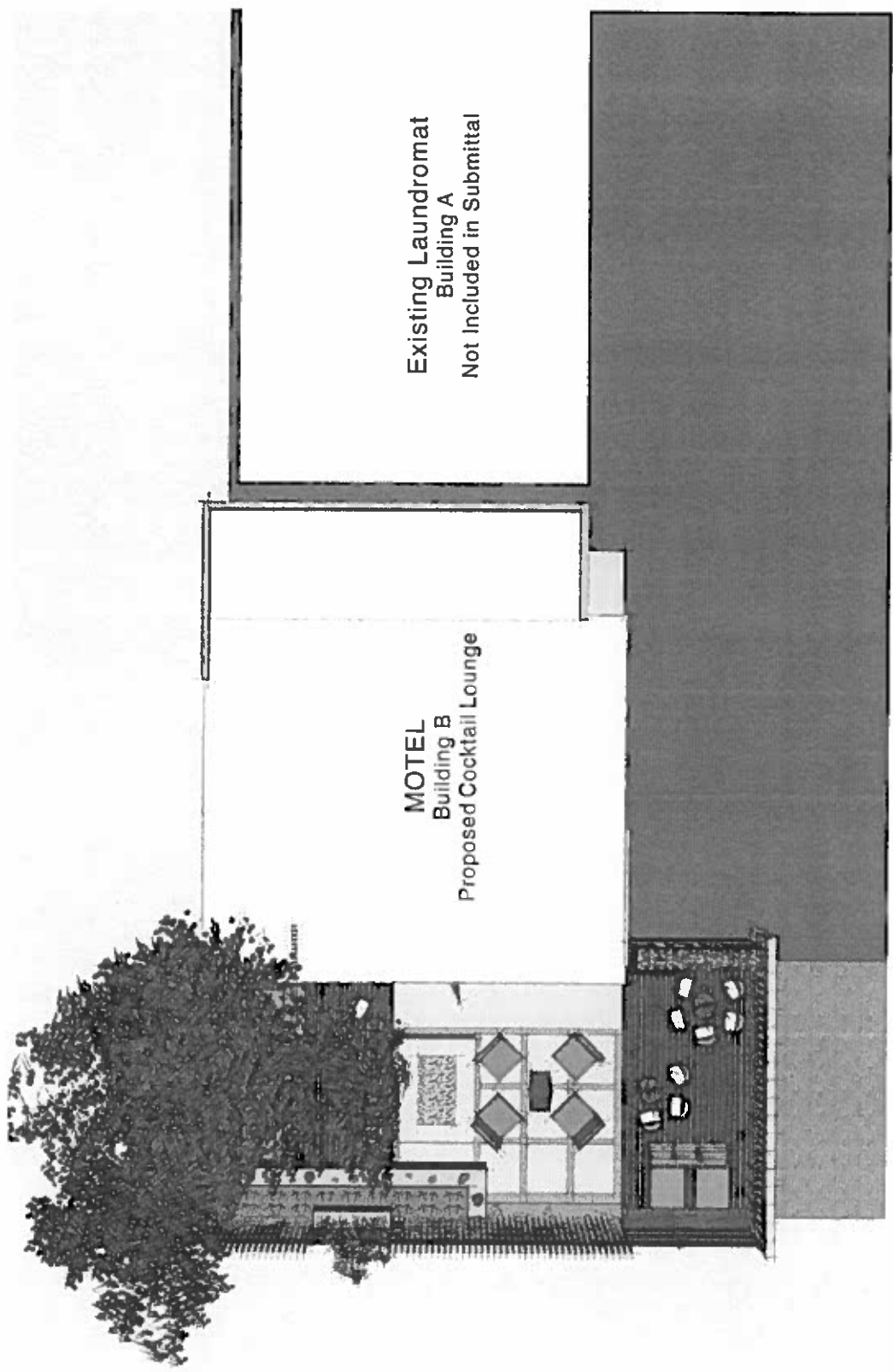


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Motel | View of Front Elevation
28 August 2012



Existing Laundromat
Building A
Not Included in Submittal

MOTEL
Building B
Proposed Cocktail Lounge

C13
9

BLACKLAND NEIGHBORHOOD ASSOCIATION

Meghan Griffiths, President

2111 E. 22nd St
Austin, Texas 78722
512-577-8669
meghan_griffiths@hotmail.com

August 22, 2012

Board of Adjustment c/o Susan Walker
Development Review Department
One Texas Center, 5th fl
505 Barton Springs Road
Austin, Texas

Re: Planning Commission Notice regarding case number SPC-2012-0014A

Dear Ms. Galati:

This letter is submitted by the Blackland Neighborhood Association (BNA) and the Upper Boggy Creek (UBC) Neighborhood Contact Team in response to the application by Hotel Motel LLC for approval of a Conditional Use Permit to change the use for the site at 1902 E Martin Luther King Jr. Blvd Unit B from a Hair Salon to a Cocktail Lounge and to approve a compatibility setback for parking within 200 feet of a single-family property. The purpose of this letter is to indicate the BNA's and UBC's support for the application.

On May 1, 2012, a majority of the BNA members in attendance voted to support the application. This vote took place after a March 6, 2012 BNA meeting in which the neighborhood association voted to defer action in order to obtain more information on the application. The applicant subsequently invited BNA members to an April 2, 2012 Chestnut Neighborhood Planning Contact Team meeting where affected neighbors were invited to ask questions about the project and air concerns. The applicant also attended the May 1, 2012 BNA meeting when the application was ultimately approved and gave an additional presentation to the BNA members on the proposed site.

On May 21, 2012, the UBC met and voted to support the application, subject to the applicant satisfactorily responding to the City's comment report. Based on my recent discussion with you, I understand that the applicant has satisfied the City's outstanding comments.

Accordingly, on behalf of the BNA and the UBC, I request that the Planning Commission approve the application presented in Case Number SPC-2012-0014A.

Sincerely,

/s/ Meghan Griffiths

Meghan Griffiths, BNA President

C13
10

cc: Chris Swanson, UBC President

BNA Executive Committee

Adam Bryan

C13
11

August 20th 2012

Dear members of The Austin Planning Commission, and to whom it may concern,

As a resident in close proximity to 1902B E. Martin Luther King Jr. Blvd,
I support the proposed change of use to "Cocktail Lounge" requested by Motel.

I understand the property is currently zoned CS-1 allowing, under a conditional use permit, the commercial sale of liquor.

The operators of Motel have a proven track record of responsible business practices in our city. The approval of this conditional use will provide welcomed neighborhood services to our developing community.

Aurelio Torres

[Signature]

1905 E. 20th

Austin, TX

C13
12

August 20th 2012

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Inna Kurasch

1904 Foguito St.

Austin, TX

A. Kurasch

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13

August 20th 2012

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DocuSigned by:
LANEY CATLEDGE
D7543D53887441B

LANEY CATLEDGE

Laney Catledge

3401 MERZIE LYNN Ave. 78722

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14

August 20th 2012

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DocuSigned by:

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CALEB GOODAKER-CRAIG

3306 LAFAYETTE

Motel!

78722

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15

August 20th 2012

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DocuSigned by:

IAN ORTH

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2216 Manor Rd. Austin 78722

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August 20th 2012

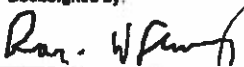
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DocuSigned by:



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ROYCE FLOURNOY

3112 Lafayette, Austin, Texas 78722

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17

August 20th 2012

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DocuSigned by:
SHERRI WHITMARSH
CSA87E0A7CC5457

SHERRI WHITMARSH

1800 E 39th St Home Owner

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18

August 20th 2012

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DocuSigned by:

9D2A9EAAACFB54CF...

MEGAN BAIRD

2506 Manor Rd. #205, Ausint, TX 78722

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19

August 20th 2012

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DocuSigned by:

9EABEE8142714C8...

AARON REED

2001 Tillery ST

C13
20

August 20th 2012

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DocuSigned by:
DANIEL ZMUD
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DANIEL ZMUD

2803 EAST 14TH ST

August 20th 2012

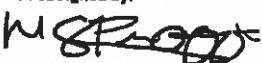
C13/21

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DocuSigned by:

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MARTHA PINCOFFS

Martha Pincoffs

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22

August 20th 2012

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DocuSigned by:

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LEAH MOSS

1705 east 17th St Austin, Tx 78702

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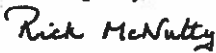
August 20th 2012

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DocuSigned by:

23987C327C924F7...

Rick McNulty

2907 Lafayette Ave.

C13
24

August 20th 2012

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DocuSigned by:
AMY BROTMAN
27C03D009E18428

AMY BROTMAN

1404 Concordia Ave | Austin TX 78722

C13
25

August 20th 2012

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DocuSigned by:
GWENDOLYN RICE
F10BF2EDE8A741A

GWENDOLYN RICE

1727 GILES STREET 78722

C13
26

August 20th 2012

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DocuSigned by:
Yinon Bentor
31B0CDA1D203485...

Yinon Bentor

1402 E 34th St. Austin, TX 78722

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27

August 20th 2012

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DocuSigned by:
Ed Jung
ED014D873927486...

Ed Jung

3903 Brookview Rd, Austin, TX 78722

CB
28

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DocuSigned by:
Beverly Barrett
B7F47A03A236430

Beverly Barrett

2300 E 16th Street Austin TX 78702

C13
29

August 20th 2012

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DocuSigned by:
Kari L. Banta
E8D3TEE512694A8

Kari L. Banta

1909 E 20th St Austin TX 78722

C13
30

August 20th 2012

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DocuSigned by:

TACY ROWLAND

907278FBD81A415

TACY ROWLAND

2006 E 13th St, Austin TX 78702