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

CASE NUMBER: SPC-2012-0045AT

PC DATE: August 28, 2012

PROJECT NAME: 'Bout Time II (Off-Site Parking & Late Hours Conditional Use Permit)

ADDRESS: 6607 North IH-35 Service Road NB

AREA: 8873 square feet

APPLICANT: Caye South Management Group, Inc.
P.O. Box 15023
Austin, Texas 78761
Telephone: (512) 474-6481

OWNER: WC 6607 NIH35 LP
1122 S. Capital of Texas Highway, #300
Austin, Texas 78746

OFF-SITE OWNER: Drury Southwest Inc.
P.O. Box 1214
Cape Girardeau, Missouri 63702

AGENT: Bennett Consulting (Rodney K. Bennett)
11505 Ridge Drive
Austin, Texas 78748
Telephone: (512) 627-7227

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit to allow late hours operation for a 5,230 sq. ft. cocktail lounge, which proposes to serve alcohol between the hours of 8:00 a.m. and 2:00 a.m. The applicant is also requesting approval for off-site parking, and proposes to lease twenty parking spaces from Drury Inn, a hotel which operates adjacent to the proposed cocktail lounge. 'Bout Time II will be located within an existing free-standing building, which was formerly a Fuddrucker's Restaurant. No modification to the existing building or impervious cover is associated with this site plan.

EXISTING ZONING: The site is zoned CS-1-CO-NP - Commercial-liquor sales (CS-1) 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 environments. Liquor sales are one of the permitted uses in a CS-1 district.

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
SEL Texas
The Real Estate Council of Austin, Inc.
Austin Neighborhoods Council
St. Johns Advisory Board

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Austin Parks Foundation
Homeless Neighborhood Organization
Edward Joseph Developments, LTD
Home Builders Association of Greater Austin
St. Johns Neighborhood Association
League of Bicycling Voters
Sierra Club, Austin Regional Group
Austin Monorail Project
Super Duper Neighborhood Objectors and Appealers Organization
Austin Heritage Tree Foundation

T.I.A.:

Not required

APPLICABLE WATERSHED ORDINANCE:

Comprehensive Watershed Ordinance

WATERSHED:

Tannehill Branch Watershed (Urban)

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The proposed cocktail lounge will be located within an existing building which formerly served as a restaurant. The building and associated parking were permitted by case number SP-95-0351C.

A parking area for a cocktail lounge or 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 the Land Use Commission grants a variance from this at the time of site plan approval. The nearest residentially-zoned property (SF-3-NP) is approximately 375 feet from the proposed off-site parking area.

Please note: There is currently a site development permit application in process for a parking lot to be constructed on vacant land directly to the east of the 'Bout Time II site (Drury Inn Parking Addition, SP-2012-0128C). The applicant has noted that upon completion of construction, it is agreed that the owners of the cocktail lounge will terminate their lease for the off-site parking being permitted by this case, and will then enter into an agreement to lease the required number of parking spaces from the Drury Inn out of the new parking addition.

Environmental: This site is located in the Tannehill Branch Watershed and subject to Urban Watershed regulations. The site is not located over the Edward's Aquifer Recharge Zone, and is within the Desired Development Zone.

Transportation: Primary access to this site will be from the northbound frontage road of IH-35, with secondary access from Camino La Costa.

SURROUNDING CONDITIONS:**Zoning/ Land Use:**

North: CS-MU-NP, Drury Inn Hotel
South: CS-MU-NP, Pappasito's Cantina & Restaurant
East: CS-MU-NP, Drury Inn Hotel
West: CS-MU-NP, restaurant

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit and the off-site parking.

CASE MANAGER: Michael Simmons-Smith Telephone: 974-1225
michael.simmons-smith@austintexas.gov

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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:

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 uses are a permitted use in the CS-MU-CO-V-NP 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 structures are currently existing, but comply with all requirements of the CS-MU-CO-V-NP zoning district. In addition, the building complies with setback, height, and compatibility screening requirements.
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.
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 within the Old West Austin neighborhood plan.

C. A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform to all regulations and standards established by the Land Development Code. This proposed site plan does not more adversely affect an adjoining site than would a permitted use.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The site plan is not anticipated to have any detriment of safety or convenience. The site plan does not adversely affect the safety and convenience or vehicular and pedestrian circulation. No construction is proposed.
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 that would affect adjacent properties or

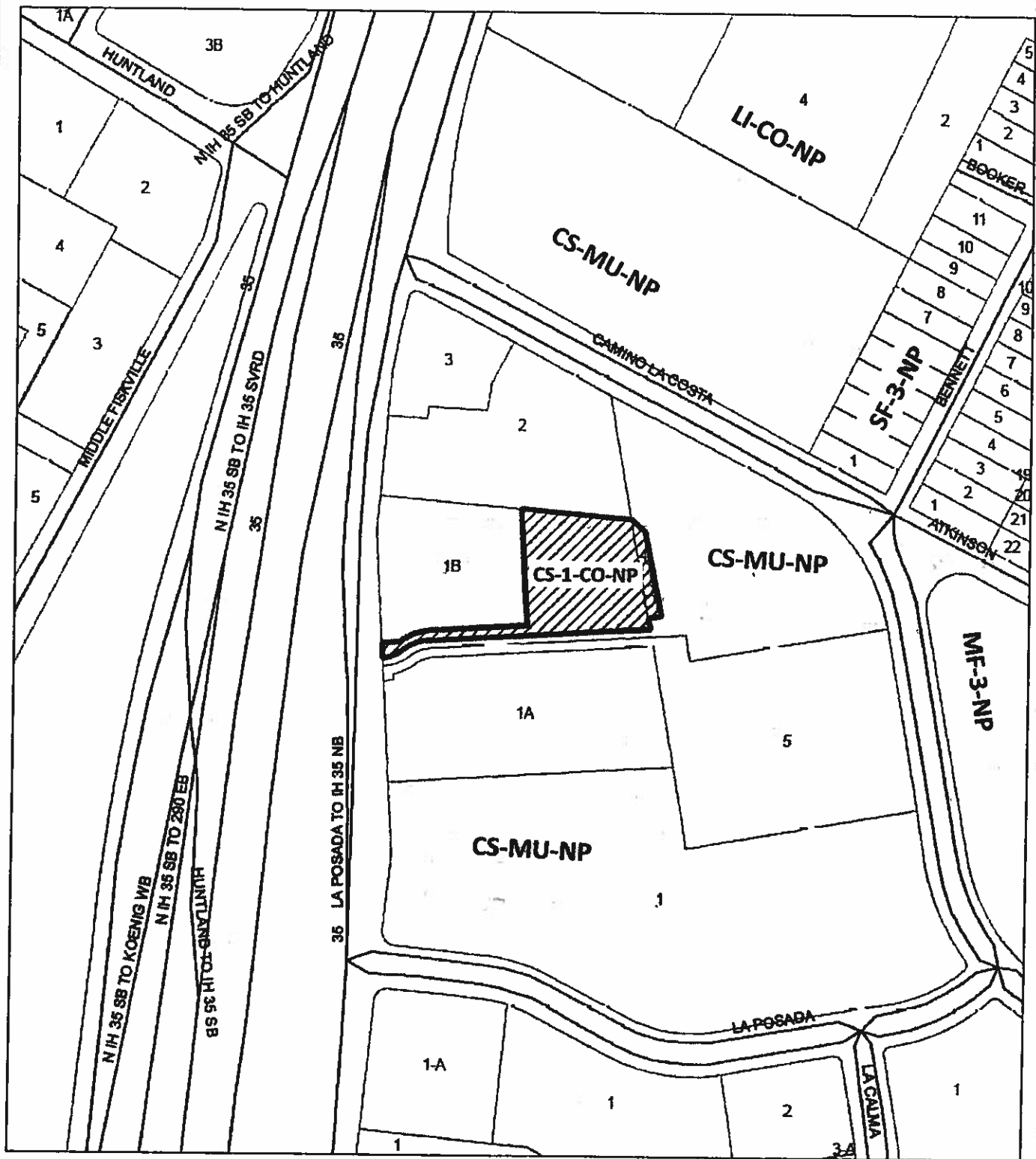
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traffic control. Compatibility notes are required on the plans to regulate lighting to shield the adjacent property from adverse effects.

- 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.

Section 25-5-146 Conditions of Approval of the Land Development Code 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.

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Subject Tract



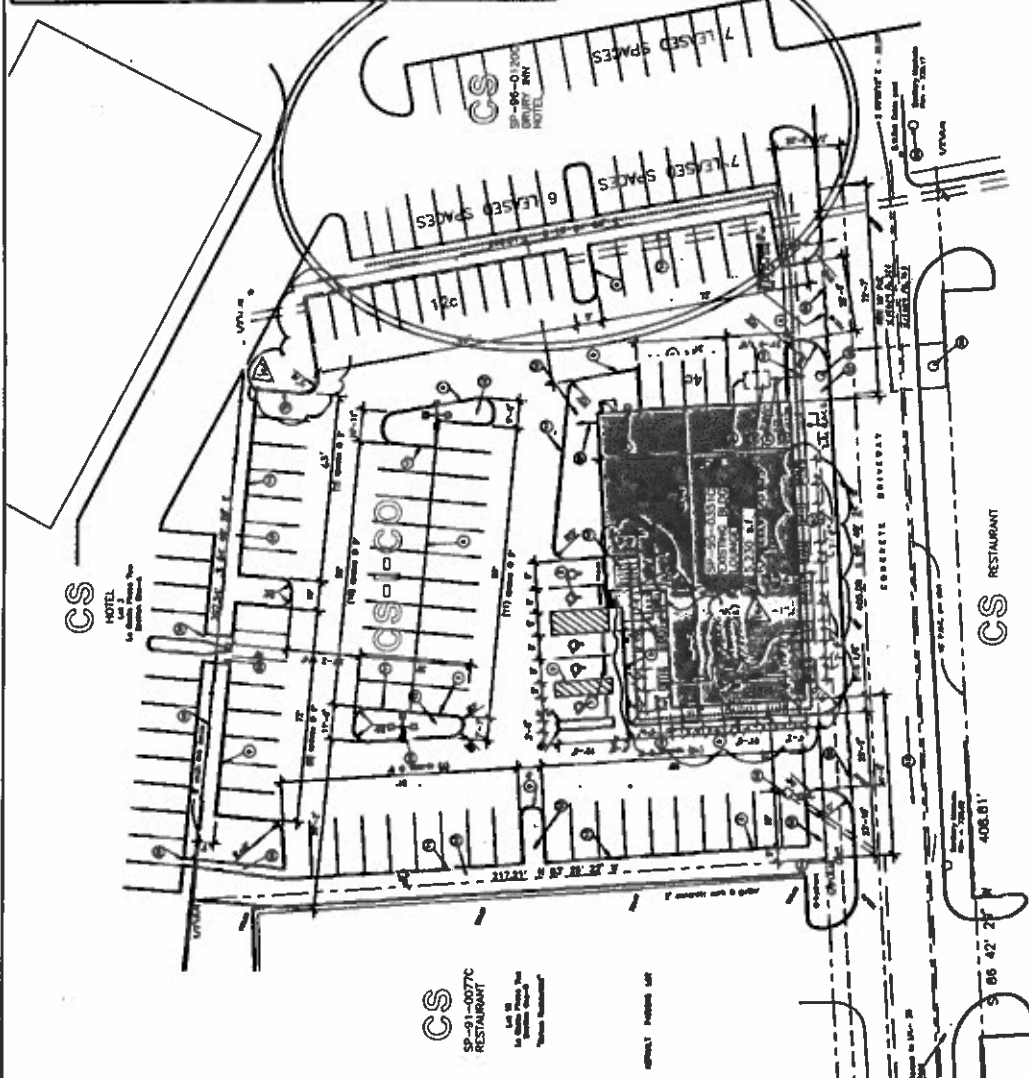
Base Map

CASE#: SPC-2012-0045AT
 ADDRESS: 6607 N IH 35 SVRD NB



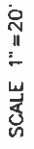
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This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



PARKING TABLE	
Proposed	OUT TIME II
Required	105
Cocktail Lounge	1/50
5,230 s.f./50 = 105	
Provided	105
5 Handicap (8'x18')	
64 Regular (9'x18')	
16 Compact (7.5'x10')	
+20 spaces from other areas	

DRURY INN
Required 390
Hotel 1.1 per room + 1/50 meeting rooms
70 rooms $\times 1.1 = 77$
15,650 s.f./50 = 313
Provided 412
6 Handicap
405 Regular
*22 spaces available for shared parking



SCALE 1" = 20'

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.austintexas.gov/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-2012-0045AT**

Contact: **Michael Simmons-Smith, 512-974-1225**

Elsa Garza, 512-974-2308

Public Hearing: **Planning Commission, August 14, 2012**

JAMES PRAEDERVILLE

Your Name (please print)

6505 IH-35 NORTH, AUSTIN TX 78752

Your address(es) affected by this application

8/6/12

Date

Daytime Telephone: **512-374-4850**

Comments: **THE HOTEL I REPRESENT HAS 75 ROOMS**

THAT DIRECTLY OVERLOOK THIS ESTABLISHMENT

AND ITS PARKING LOT. WE OBJECT ON THE

GROUNDS THAT A LATE HOURS PARKING LOT

CAUSE EXCESSIVE LATE NIGHT NOISE WHICH

COULD IMPACT THE ABILITY OF OUR GUESTS

TO GET A GOOD NIGHT'S SLEEP.

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

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

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