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

0196C

CASE NUMBER: SPC-2013-0196C **PLANNING COMMISSION DATE:** 10/22/2013

PROJECT NAME: Little Woodrow's – Burnet

PROPOSED USE: Cocktail lounge

ADDRESS OF APPLICATION: 5425 Burnet Road

AREA: 5,440 square feet, part of 0.738-acre tract

APPLICANT: Jimmy Nassour
3839 Bee Cave Road, Suite 200
Austin, TX 78746

AGENT: Joe Longaro
Longaro & Clarke, LP
3839 Bee Cave Road, Suite 150
Austin, TX 78746
(512) 306-0228

CASE MANAGER: Christine Barton-Holmes, LEED AP Telephone: 974-2788
christine.barton-holmes@austintexas.gov

EXISTING ZONING: CS-1-MU-V-CO-NP. The applicant is requesting a conditional use permit for a cocktail lounge within an existing restaurant, as well as the construction of an outdoor patio.

PROPOSED DEVELOPMENT:

Construction of a new 657 sq ft deck/patio and a 1,830 sq. ft cocktail lounge use within an existing 4,753 sq. ft. building.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit. The site plan will comply with all requirements of the Land Development Code prior to its release.

PREVIOUS PLANNING COMMISSION ACTION: C14-2009-0055 – change in zoning from CS-MU-CO-NP to CS-MU-V-CO-NP; approved by Council 6-0 on September 7, 2009.
C14-2012-0097 – change in zoning from CS-MU-V-CO-NP to CS-1-MU-V-CO-NP; approved by Council 5-2 on February 28, 2013.

AREA STUDY: Brentwood/Highland Combined NPA

WATERSHED: Shoal Creek

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive watershed ordinance

CAPITOL VIEW: Not in View Corridor

T.I.A.: Not Required

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PROJECT INFORMATION:

ZONING: CS-1-MU-V-CO-NP
MAX. BLDG. COVERAGE: 95%
MAX. IMPERV. CVRG.: 95%
MAX HEIGHT: 60'

LIMITS OF CONSTRUCTION: 5,440 sq ft
PROPOSED BLDG. CVRG: 25.3%
PROPOSED IMP. CVRG: 94.7% - existing
PROPOSED HEIGHT: NA – existing single-story building

REQUIRED PARKING: 41
EXIST. USE: Office/retail

PROVIDED PARKING: 48
PROPOSED USE: Cocktail lounge

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a conditional use permit to allow alcohol sales with a late hours permit at an existing building and two proposed deck/patios totaling 657 square feet. The site is limited to a total area of 5,440 square feet of CS-1 uses per neighborhood agreement. The agreement, included in the backup, also provides for screening and limited hours, to minimize the impact on adjacent single-family residential. The site plan will comply with all requirements of the Land Development Code and neighborhood agreement prior to its release. Staff recommends approval of the conditional use permit

Environmental: The site is in the Shoal Creek watershed, which is within the Desired Development Zone. There is no increase in impervious coverage and no known Critical Environmental Features are located within the limits of construction.

Transportation: Current vehicular access is available from Burnet Road, Houston Street, and Clay Avenue. Employee-only parking is accessed from Clay Avenue. Parking is existing and available on site.

SURROUNDING CONDITIONS: Zoning/ Land use

North: CS-MU-V-CO-NP/CS-MU-CO-NP (Commercial retail, then warehousing)

East: CS-MU-CO-NP/SF-3-NP (Office/warehousing, Clay Ave, then single-family residential)

South: CS-MU-V-CO-NP (Houston St, then commercial retail & office)

West: CS-1-MU-V-CO-NP/CS-1 (Burnet Rd, then commercial, then single-family)

| <u>Street</u> | <u>R.O.W.</u> | <u>Surfacing</u> | <u>Classification</u> |
|----------------------|----------------------|-------------------------|------------------------------|
| Burnet Rd | 60' | 40' | Major arterial |
| Houston St | 50' | 30' | City collector |
| Clay Ave | 45' | 30' | Local street |

NEIGHBORHOOD ORGANIZATIONS:

Allandale Neighborhood Association
 Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Bike Austin
 Brentwood Neighborhood Association

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Brentwood Neighborhood Plan Contact Team
Central Austin Community Development
Highland/Skyview Neighborhood Plan Contact Team
Homeless Neighborhood Association
North Austin Neighborhood Alliance
Preservation Austin
Real Estate Council of Austin, Inc
SEL Texas
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
Sustainable Neighborhoods
5702 Wynona Neighbors

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: "The 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:

- 1. Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
- 2. Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district.
- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: This application is compatible with the abutting sites in all of these cases. This application falls within the regulations of the cocktail lounge ordinance (LDC 25-2-808 (c)(1)) regarding cocktail lounges as a conditional use.
- 4. Provide adequate and convenient off-street parking and loading facilities;** Staff response: Adequate parking and loading facilities have been provided.
- 5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of these adverse effects.
- 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 district.

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 with all regulations and standards established by the Land

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We ask that the following be read into the record to reflect the changes made from the original application, which reflect the agreement reached between the parties:

The revised application for change of zoning from CS to CS-1 is for approximately 5000 sq. feet of CS-1 zoning. The area includes the original 2495 sq. ft. area proposed for a bar and adds the areas designated as restroom and storage in the previously submitted plan. It also extends the CS-1 zoning to the westerly property line that borders Burnet Road (this is shown as parking along Burnet Road).

The total area that may be used by the Applicant as Little Woodrows bar remains 2495 sq. feet. This is in order to meet the parking space requirements for a bar with less than 2500 sq. feet. This requirement has not been waived by agreement or by council. The 2495 sq. feet must include two separate restroom areas, one for male and one for female, and storage area within the bar for all alcoholic beverages. The decision of how the Applicant will arrange the bar space is a matter design, to be taken up later in the review process.

The parties further agreed to:

WAIVE 200 FEET RULE: waive the provision that requires all bar parking to be at least 200 feet from residential housing;

"ONE WAY ONLY" OFF CLAY: make the northeasterly entrance onto the property from Clay, and the parking spaces along the northern property boundary "one way only", running east (Clay) to west (Burnet). The purpose of this was to require traffic entering the property from Clay exit onto Burnet and therefore minimize after-hours traffic onto residential streets;

EMPLOYEE PARKING ONLY: designate and add signage to the parking on the western boundary of the property, (east of the buildings currently used as storage) which is accessed from Clay (currently numbered spaces 45-52) as "employee parking only", again to minimize bar customer after-hours traffic on the residential streets;

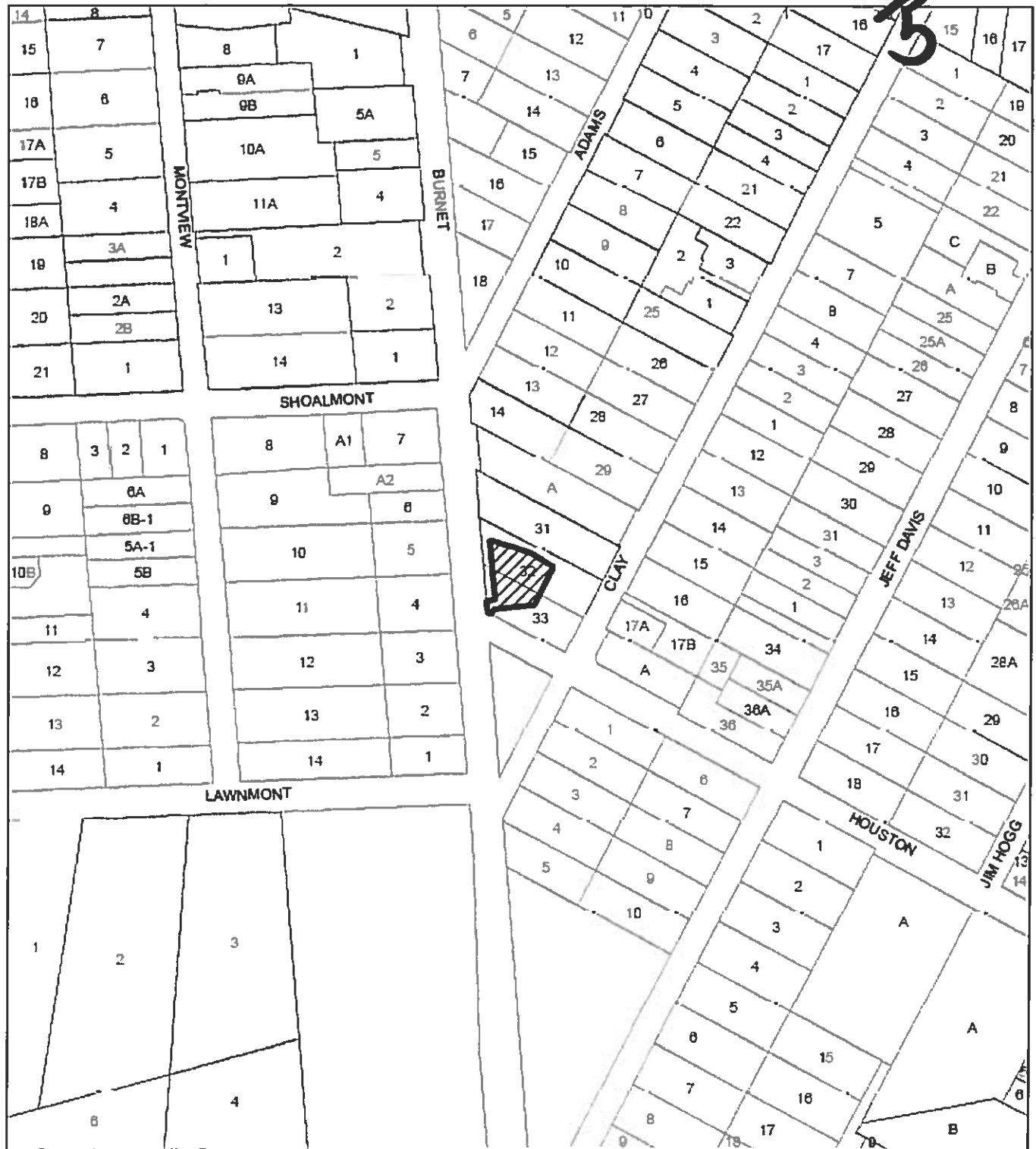
ADD GREEN SCREEN: build a green screen on the northernly boundary of the property to create some buffering of residences on Clay and other near Brentwood residences from light and noise pollution, and

HOURS OF OPERATION: Reduce the closing hour of operation on Sunday through Wednesday to 12:00 A.M; on Thursday to 1:00 A.M. Friday and Saturday closing hour would remain 2:00 A.M. On holidays the bar would close on the legal closing hour for the day of the week on which the holiday falls.

Respectfully Submitted,

Joan Bates

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Subject Tract



Base Map

CASE#: SPC-2013-0196C
ADDRESS: 5425 Burnet Road



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.

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Watershed: Steel Creek (North)
 Pressure Zone: Central (North)
 Zoning: CS-1-MU-V-CO-NP (ORD: 200330728-0051,
 CS-1-MU-V-CO-NP (ORD: 90000087-078)
 CS-MU-CO-NP (ORD: 045010-35A)
 Related Case: "Barrett Barner", Site Plan Exemptions DA-2012-1604
 Legal/Job Database: CBI-2013-0138 & CBI-2013-0139
 MARSICO Grid No. J77
 MARSICO Page No. 353
 FEIDA Map: 40433CO294L Dated September, 20, 2008
 TCRR Recharge Zone: NO
 COA Recharge Zone: NO

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Address: 3425 Barnes Road

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Barnett Road Tract:
0.364 Acre of Land Being Portions of
Lots 32 and 33, District 9, Precinct 6,
A Subdivision in Travis County, Texas
According to the Map or Plans Recorded
in Volume 10, Page 1335 of the Records
of Travis County, Texas.

Legal: Lot Deverationation: CAI-2013-0336

Clear Avenue Tract:
0.344 Acre of Land Being Portions of
Lots 32 and 33, District 9, Precinct 6,
A Subdivision in Travis County, Texas
According to the Map or Plans Recorded
in Volume 10, Page 1335 of the Records
of Travis County, Texas.

Legal: Lot Deverationation: CAI-2013-0336

ISSUED BY THE AUSTIN WATER UTILITY
VALID ONLY TO FACILITIES WITH PUBLIC
UTILITIES ON PUBLIC UTILITY SUBSTANTS. ALL
OTHERS ARE VOID. THIS PERMIT IS NOT VALID FOR
ANY OTHER WORK AND VIOLATIONS WILL
BE PENALIZED. REPORT AND UNDER
THE AUSTIN WATER UTILITY. THIS PERMIT IS
ISSUED BY THE AUSTIN WATER UTILITY.

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|--|---|
| <p>Owner: Burnett Road Tract 3495 Burnett Road, LLC 3839 Bee Cane Road, Suite 200 West Lake Hills, TX 76780 Phone: (512) 417-12900 Contact: Jimmy Neisour</p> | <p>Clay Avenue Tract 3300 Clay, LLC 3495 Burnett Road, Suite 200 West Lake Hills, TX 76780 Phone: (512) 417-12900 Contact: Jimmy Neisour</p> |
| <p>Surrogate: Holt Carson, Inc. Professional Land Surveys 1904 Fortview Road Austin, TX 78704 Phone: (512) 442-0990 Contact: Holt Carson</p> | <p>Applicant: 3495 Burnett Road, LLC 1710 Forestgreen Avenue Austin, TX 78704 Phone: (512) 804-0356 Contact: Rick Engel</p> |

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May 24, 2013

SPC-2015-0196C

Robert J. Roberts

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THE CHAIRMAN

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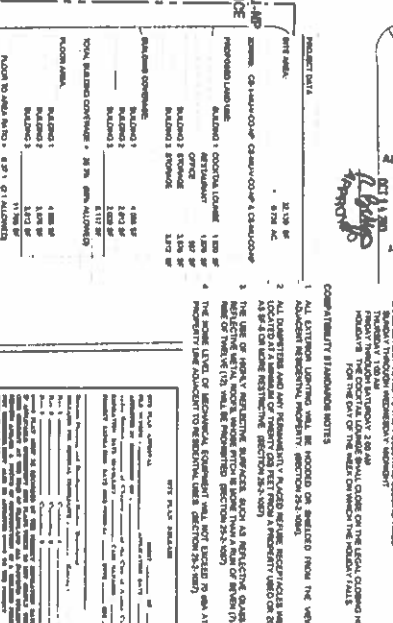
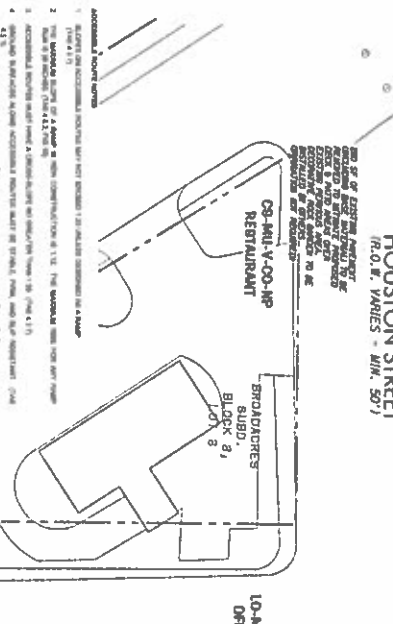
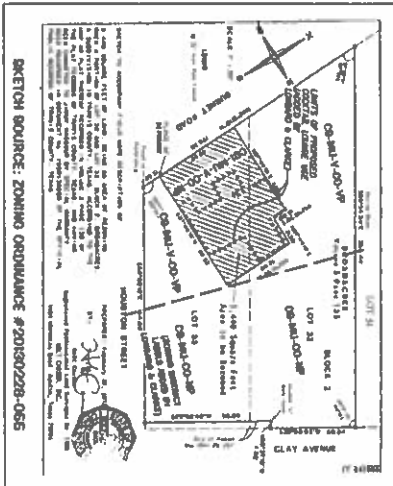
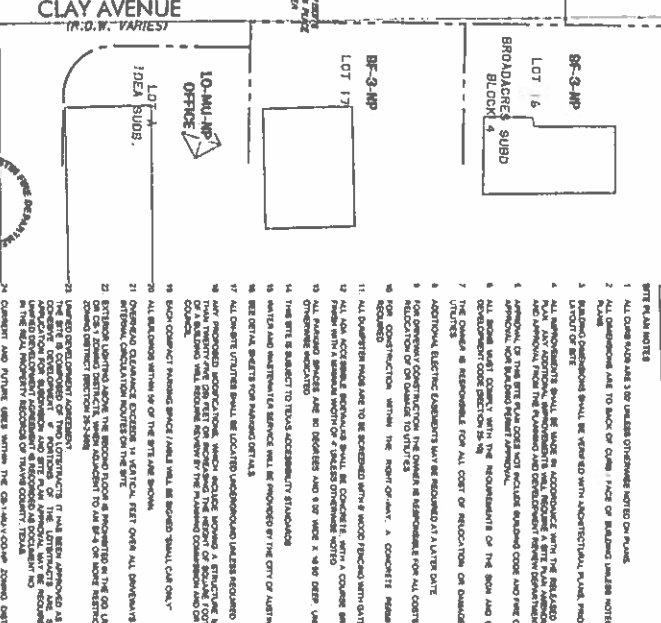
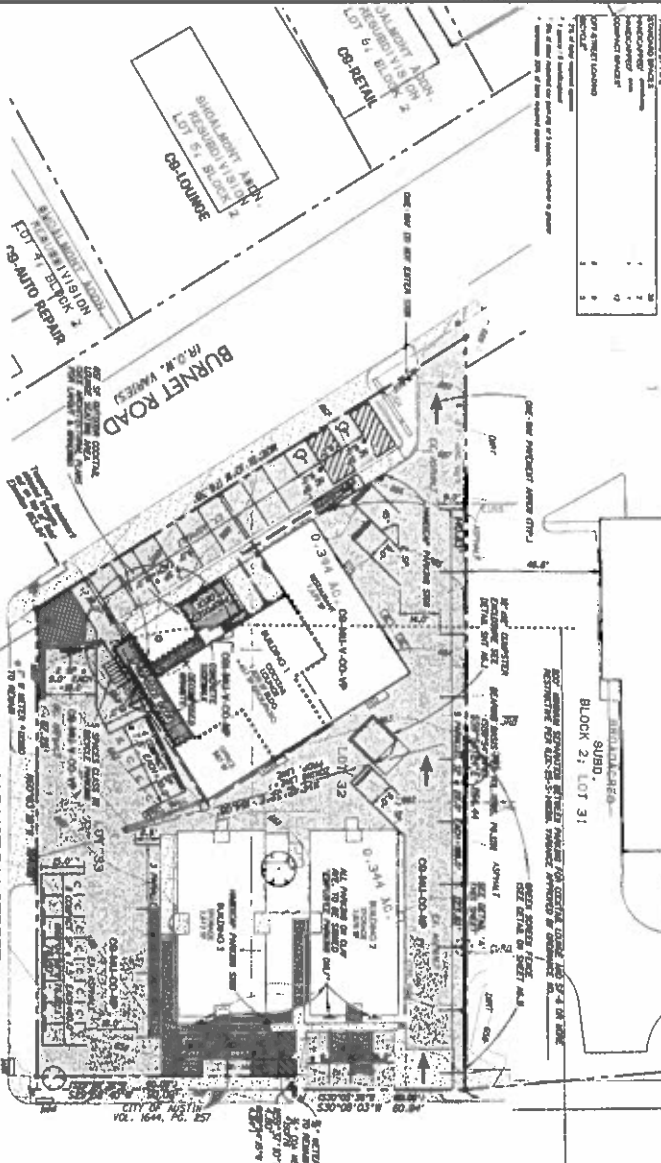
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LONGARO & CLARKE
Consulting Engineers

Lead Developer: @ Strategic Management @ Water Resources
3600 East Coast Road, Suite 200, Austin, Texas 78740
(512) 335-0578 - www.longaroandclarke.com - TDD: 711

Little Woodrows on Burnet Road
CONDITIONAL USE PERMIT
5425 BURNET ROAD
SITE PLAN

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