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

CASE NUMBER: SPC-2013-0169C **PLANNING COMMISSION DATE:** 11/12/2013

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, and a variance for parking within 200' of residential uses.

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, with parking within 200' of residential uses.

DESCRIPTION OF VARIANCE:

Waiver request is as follows: LDC Section 25-5-146(B) As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or a 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:

- (1) The lounge or restaurant is located within an enclosed shopping center; or
- (2) The Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit and variance request. 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.

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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

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, and parking within 200' of residential uses. The site is limited to a total area of 5,440 square feet of CS-1 uses per neighborhood agreement. The agreement as read into the Council minutes, included in the backup, also provides for screening and limited hours, to minimize the impact on adjacent single-family residential. Parking, which is existing, is located around the perimeter of the site. The parking adjacent to Clay Avenue will be signed "Employee Parking Only", to minimize the impact on that street. The rest of the parking is screened by buildings, or separated by Houston Street and Burnet Road, and other commercial uses, from the residential uses. 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 and variance request.

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)

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

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NEIGHBORHOOD ORGANIZATIONS:

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

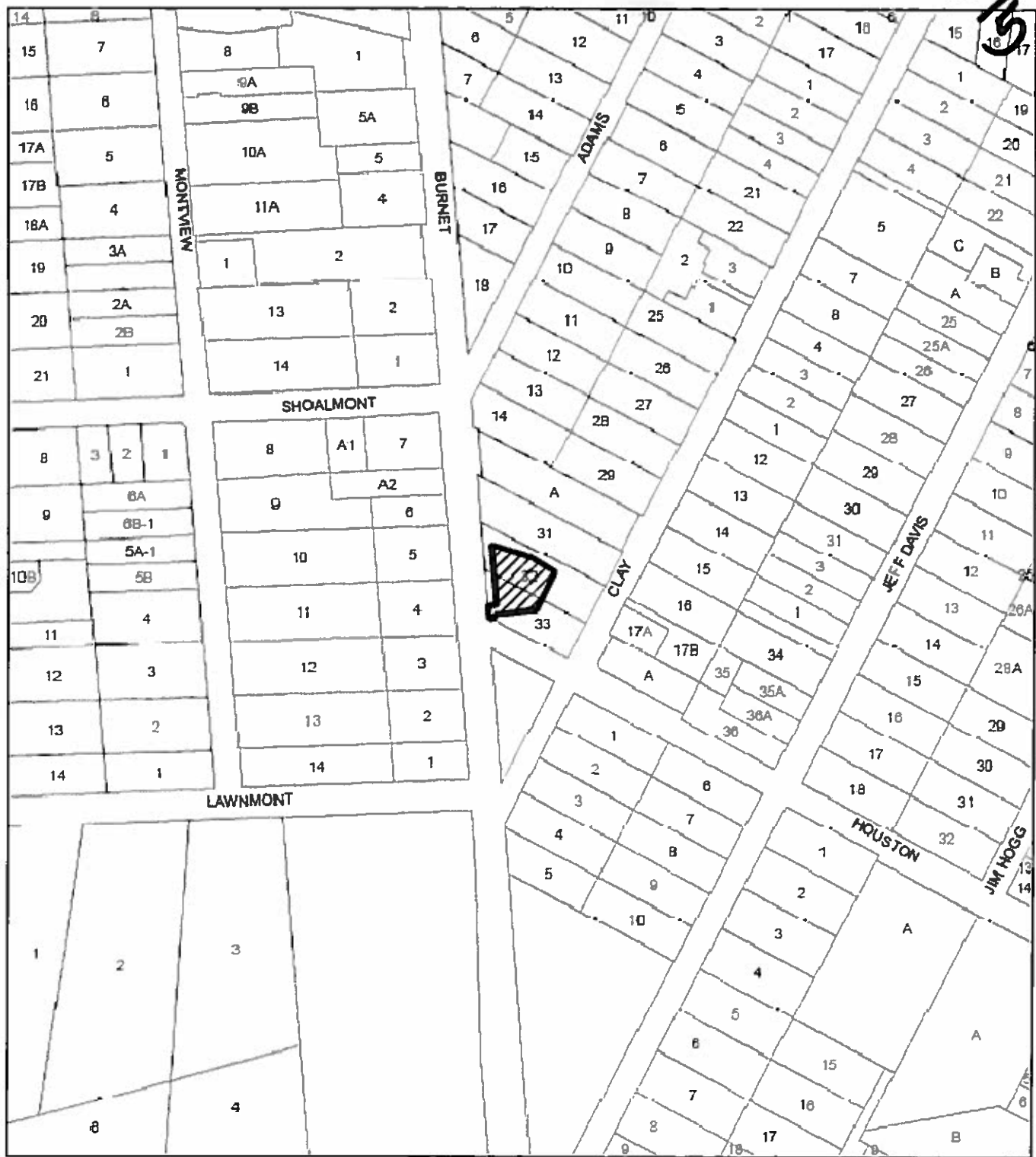
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in which the use is proposed. Staff response: The proposed project is not in the East Austin Overlay district.

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 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: Access is limited into the site, and surrounding vehicular circulation in the area of the project is not anticipated to have any detriment to safety or convenience.
- 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 traffic control.

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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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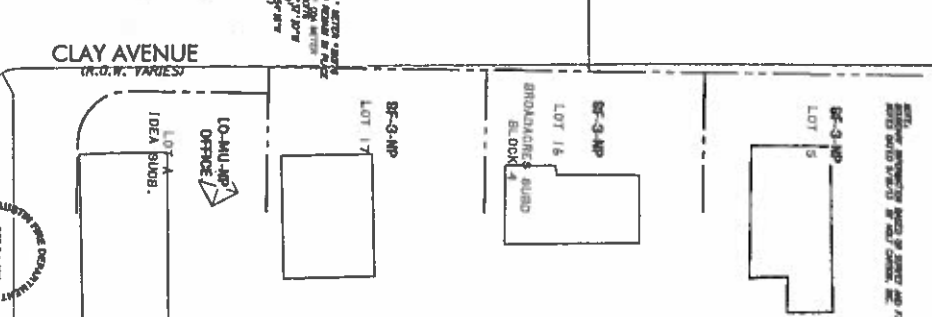
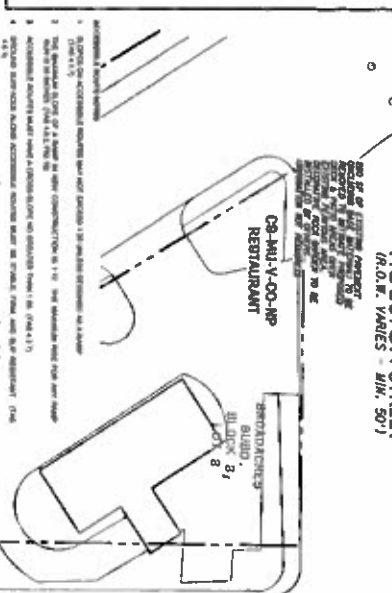
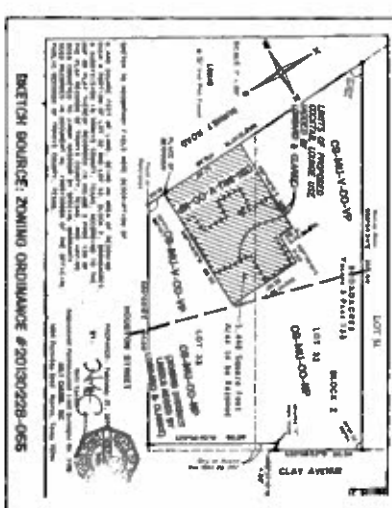
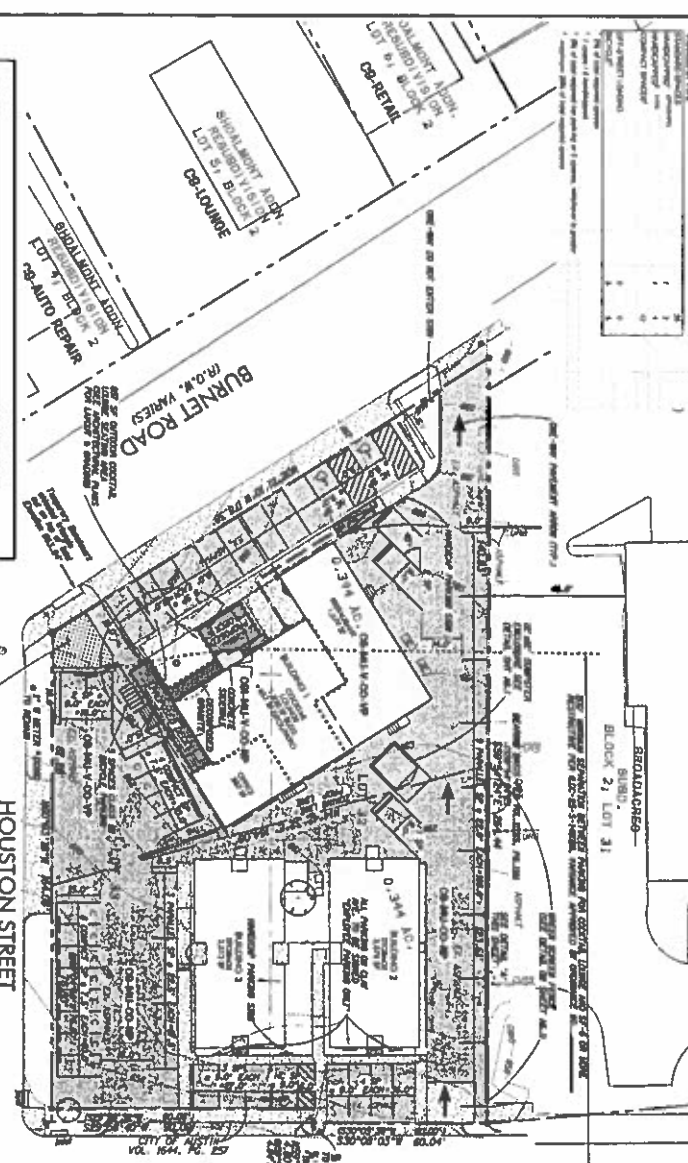
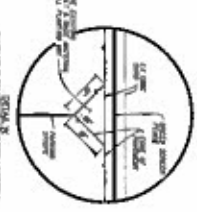
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130228-078 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

55. C14-2012-0097 - Little Woodrow's Bar & Restaurant - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5425 Burnet Road (Waller Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. First reading approved on December 13, 2012. Vote 4-2, Council Members Morrison and Tovo voted nay. Council Member Martinez off the dais. Second reading approved on January 31, 2013. Vote 4-3, Council Members Martinez, Morrison, and Tovo voted nay. Applicant: Rick Engel. Agent: Alice Glasco Consulting, Inc. (Alice Glasco). City Staff: Clark Patterson, 974-7691. Ordinance No. 20130228-055 for commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning was approved with the following agreement on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

The agreement between the neighborhood and the applicant:

- The area to be designated CS-1 has been reduced to 5,440 square feet and the new metes and bounds description has been attached to the ordinance.
 - Items to be addressed at the conditional-use site plan phase by the planning commission include:
 - The total area that may be used by the applicant as a cocktail lounge must meet the land development code parking requirements. The neighborhood has not agreed to waive parking ratio requirements but has agreed to support the variance to permit parking within 200 feet of a residence zoned SF-6 or more restrictive.
 - "One Way Only" off Clay from the drive aisle on the north side of the buildings, running east (Clay) to west (Burnet);
 - Employee Parking only: designate and add signage to the parking on the western boundary of the property, which is accessed from Clay (currently numbered spaces 45-52) as "employee parking only";
 - Add green screen: build a green screen along boundary of the property where residential screening is desirable to create some buffering of residences on Clay and other near Brentwood residences, 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.; Fridays, Saturdays and holidays closing hour would remain 2:00 a.m.
57. C14-2012-0130 - 4th & Guadalupe Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 401 Guadalupe Street, 304 West 4th Street and 400 Lavaca Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To grant central business district -central urban redevelopment district (CBD-CURE) combining district zoning. Applicant: LG Guadalupe, L.P. (Ben Pisklak) & Austin Trust Company (Ann Graham & Susan Harris). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.

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DATE: 1/1/2008

PROJECT:

5425 BURNET ROAD
SHELL BUILDING
AUSTIN, TX 78756

DESIGNED BY:

DATE: 1/1/2008

SCALE: 1/8" = 1'-0"

REVISIONS:

SHEET NO:

BUILDING
PLAN

SHEET:

A1.5



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