

PLANNING COMMISISON SITE PLAN  
CONDITIONAL USE PERMIT REVIEW SHEET

021

CASE NUMBER: SPC-2013-0405A

PC DATE: January 14, 2014

PROJECT NAME: Weather Up

ADDRESS: 1808 E. Cesar Chavez St.

NEIGHBORHOOD PLAN: East Cesar Chavez

APPLICANT: Kareem Hajjar - (512) 637-4956

AREA: 18,176 s.f. gross site area

WATERSHED: Lady Bird Lake (Urban)

PROPOSED DEVELOPMENT:

The applicant is requesting

- 1.) a conditional use permit (Late Hours Permit) for a 956 square foot restaurant and bar to operate from 12AM to 2AM, Monday through Sunday,
- 2.) a variance to LDC 25-5-146(B) to allow parking within 200 feet of property zoned or used as SF-6 or more restrictive.

No construction is requested through this Conditional Use Permit.

**EXISTING ZONING:** Weather Up is an existing restaurant and bar located on the first floor of a 2-story building. The second floor is used as a residential apartment. The site was zoned CS-MU-CO-NP by Ordinance No. 20001214-20 on December 14, 2000.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit with the condition that the applicant installs additional landscape buffering as attached on sheet 3 of the exhibits. The site plan complies with all requirements of the Land Development Code except for the parking lot within 200-ft of single-family, which is addressed through the variance request.

CASE MANAGER: Brad Jackson Telephone: 512-974-3410  
[brad.jackson@austintexas.gov](mailto:brad.jackson@austintexas.gov)

SUMMARY COMMENTS ON SITE PLAN:

**Land Use:** The existing restaurant and bar was originally granted a Conditional Use Permit on March 26, 2003 by the Planning Commission, as required for a Restaurant (General) use by the conditional overlay in *Ordinance No. 20001214-20*. The distance from the restaurant/bar to the nearest single-family residence is approximately 105 feet. The distance from the parking lot to

the nearest single-family residence is approximately 15 feet.

**Environmental:** This site is located in the Lady Bird Lake watershed and subject to Urban Watershed regulations. All Environmental comments are cleared.

**Transportation:** Access to the restaurant and bar is from Chicon Street, and all parking spaces are located on site. The required parking for all uses within this development is 4 spaces, and 8 spaces are provided. All Transportation comments are cleared.

**SURROUNDING CONDITIONS:**

**Zoning/ Land Use**

<b>North:</b>	CS-MU-CO-NP (Single-Family)
<b>East:</b>	CS-MU-CO-NP and SF-3-NP(Automotive Repair and Single-Family)
<b>South:</b>	CS-MU-CO-NP and CS-H-MU-CO-NP (Commercial)
<b>West:</b>	CS-MU-CO-NP (Vacant)

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Monorail Project
- Austin Neighborhoods Council
- Austin Parks Foundation
- Barrio Unidos
- Beyond2ndNature
- Bike Austin
- Capital Metro
- Cristo Rey Neighborhood Association
- Del Valle Community Coalition
- East Cesar Chavez Neighborhood Association
- East Cesar Chavez Neighborhood Planning Team
- East River City Citizens
- El Concillo, Coalition of Mexican American Neighborhood Association
- Greater East Austin NA
- Guadalupe Neighborhood Development Corp.
- Homeless Neighborhood Association
- PODER People Organized in Defense of Earth and Her Resources Preservation Austin
- SEL Texas
- Sentral Plus East Austin Koalition
- Sierra Club Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization
- Tejano Town
- The Real Estate Council of Austin, Inc.
- United East Austin Coalition
- Waterfront Planning Advisory Board

**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 (EVALUATION OF CONDITIONAL USE SITE PLAN) 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 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 existing restaurant and bar use is a permitted use in the CS-MU-CO-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 site plan complies with all requirements of the Land Development Code. In addition, the applicant has agreed to plant additional landscaping between the parking lot and the street to further buffer the view of vehicles from the street and adjacent single-family property.
  - 4. **Provide adequate and convenient off-street parking and loading facilities; and**  
Staff Response: The site plan complies with off-street parking requirements. All of the required parking spaces are located onsite.
  - 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, and reasonably protects the health, safety, and welfare of persons and property.
- C. **In addition, a conditional use site plan may not:**
  - 6. **More adversely affect an adjoining site than would a permitted use;**  
If operated within reasonable guidelines, the restaurant and bar should have no more impact on adjoining properties than other permitted uses in the CS-MU-CO-NP zoning.
  - 7. **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.
  - 8. **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.

**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.**

In addition. Section 25-5-146 (CONDITIONS OF APPROVAL) states:

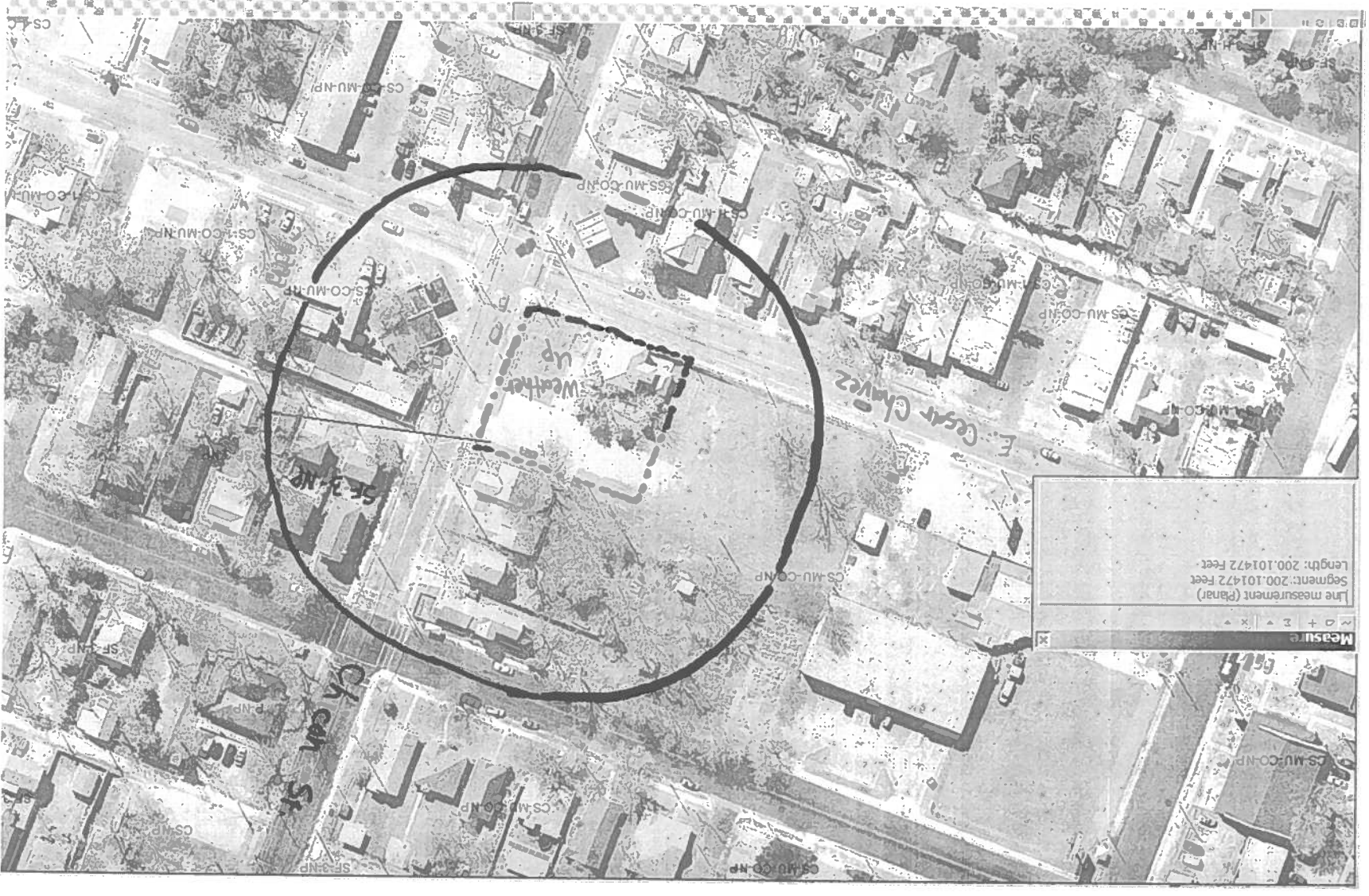
§ 25-5-146 CONDITIONS OF APPROVAL.

(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.



Weather Up SPC-2013-0405A Parking Lot 200-ft Buffer From Single-Family





DATE: January 7, 2013

TO: City of Austin Planning and Development Review Department

RE: Re: SPC-2013-0405A; Weather Up-1808 E. Cesar Chavez/102 Chicon;  
Late Hours Permit- No

Please find below Weather Up's response to the City Staff's comments to the Master Comment Report dated December 31, 2013 in connection with the above-referenced matter.

SITE PLAN REVIEW- Brad Jackson

Response to each comment provided below:

SP 1: Weather Up will be installing additional landscaping along the existing fence on the eastern boundary adjacent to Chicon, as well as landscaping along the fence on the southern boundary adjacent to Cesar Chavez. The approximate location of the new landscaping is depicted on Sheet 3 of the plans submitted. The landscaping will provide additional screening and an additional buffer between the parking area and adjacent SF residences within 200 ft. of the parking area. Weather Up is currently working with East Austin Plants to determine which plants/trees would provide immediate screening/buffer, grow quickly and be viable in the proposed locations. Planting time and weather conditions are also a factor. Current varieties of trees and shrubs being considered are Wax Myrtle Tree, Oleander Shrub, Leyland Cypress Tree, and the Will Flemming Yaupon. The Oleander that exists along the fence along Chicon Street will remain. We expect to have more information by the hearing. NOTE: We currently have several mature trees on the site are already within 50' of the parking area, so Weather Up is currently in compliance with this landscape requirement.

SP 2: No Comment necessary







AUSTIN, TX 78702  
matt@newurban.com

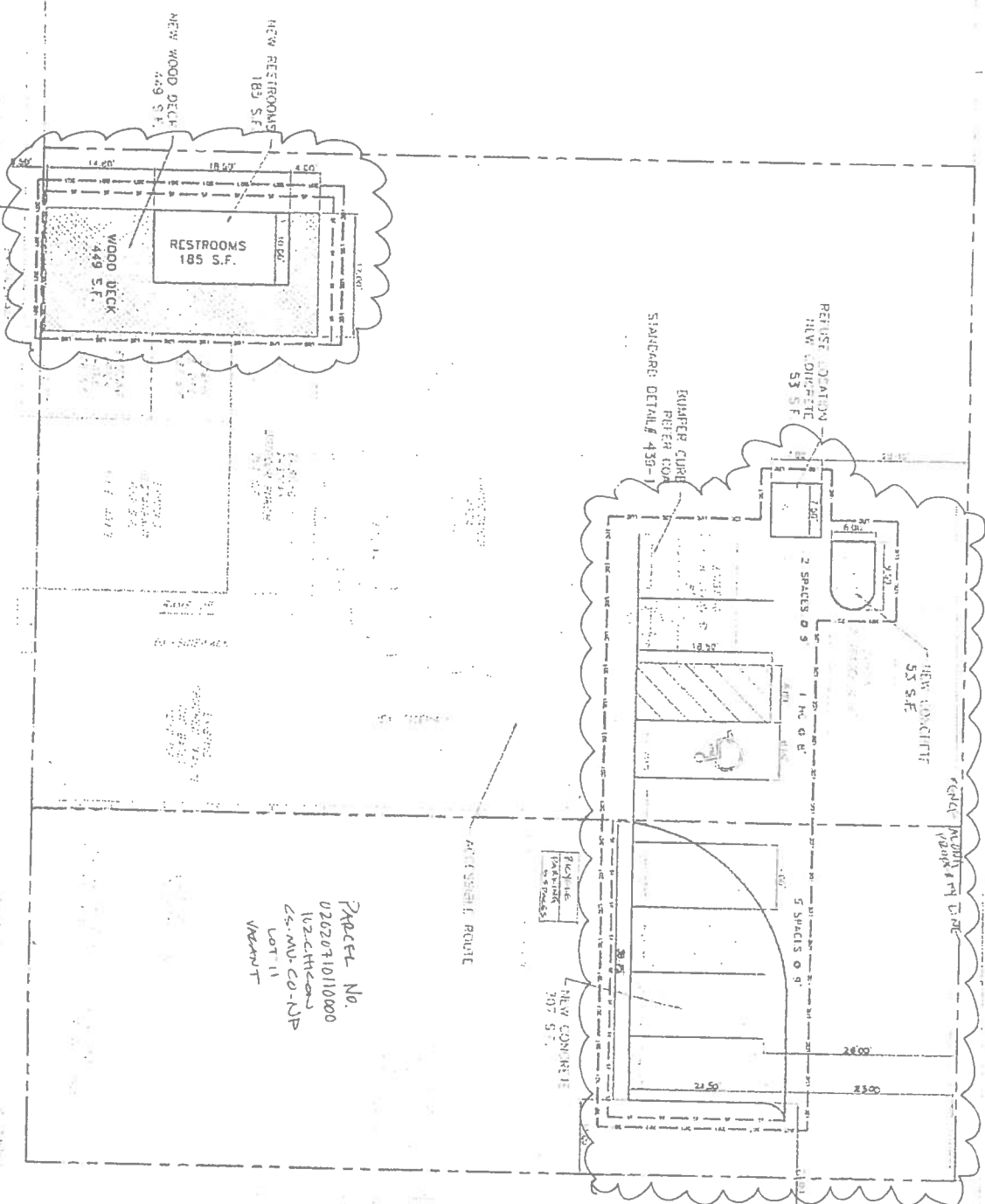


1808 E. Cesar Chavez St.  
AUSTIN, TX 78702

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SEE ALSO  
MILLET NO. 3

**WEATHER UP**  
PARKING ADDITION DETAIL  
REFUSE ADDITIONAL DETAIL  
RESTROOM ADDITION DETAIL



Parcel No.  
02620710110000  
162-6THC000  
CS-MU-CO-NP  
LOT 11  
VARIANT

**WATER AND SEWAGE:** THE BUREAU IS CURRENTLY BEING USED BY CITY WATER AND SEWERAGE UTILITIES IN DRAINAGE AND CONSTRUCTION. THE WATER OR SEWERAGE UTILITIES CAN ALLOWING ARE RECOVERED. THE CONSTRUCTION AND REPAIRS OF THE UTILITIES ARE RECOVERED. A NUMBER OF ABOUT 100,000 AND 200,000 BY THE CITY OF ALBUQUERQUE AND SEWERAGE UTILITIES.

DATE	
FOR PROVISION OF INFORMATION	
AND DISCLOSURE RIGHTS	
USE OF USE ONLY	

Site Data	1808 E. Cesar Chavez St.
Address	1808 E. Cesar Chavez St.
County	CS, NDU-CO, Pier District, No. 001214, 20
Total Site Area	18,130 S.F.
Total Impervious Impervious Cover	17,367 S.F. 95.83%
Actual Impervious Cover (1/2 acre)	5,662 S.F. 31.25%
<i>Excluded Impervious Cover</i>	
Pavement & Drive	3,072 S.F.
Sidewalks & Ramp	510 S.F.
Roofs & Paved	471 S.F.
Roofs	53 S.F.
Roofs	53 S.F.
Roofs (Footprint)	185 S.F.
	2,721 S.F.
	562 S.F.
	3,062 S.F.
<b>Building Data</b>	
Ground Floor Restaurant (General)	6,910 S.F.
Ground Floor (Kitchen & Bar) (Ad)	314.0 S.F.
Second Floor (Kitchen & Bar) (Ad)	188.0 S.F.
Second Floor (Residential Apartment)	6,910 S.F.
Total Building Area	13,955 S.F.
F.F. Elevation	644.1 S.F.
Number of Stories	2
Actual Height	24 ft
Height Allowed	40 ft
Foundation Type	FT Axist
<b>Paving Data</b>	
Paving Spacing Required	2.5 (11' x 50' x 1)
Paving Spacing Used	1.5
	4.0
Paving Spacing (rounded Standard)	1
Paving Spacing (Handicap)	8
	[Van Accessible]

### PARKING REQUIREMENTS

Restaurant (General). Per Section 25-2-1504(f)(1) of Austin Land Development Code (Mixed Use Building), the parking ratio is one per 500 lei of gross floor area. The total gross floor area for the restaurant is 24,951 s.f. (6539 s.f. ground floor restaurant, 132 s.f. for kitchen & stairs, 293 s.f. of exterior porch seating, and 185 s.f. bathroom facility). Therefore, 2.5 required for restaurant portion.

Apartment Use (1 0 Bedrooms) Per Section 25-7-1504(D)(2) of the Austin Land Development

Chapter 23-6, Appendix A, Schedule A, Per Appendix A, 1.5 spaces required

ADDITIONAL PARKING REQUIRED FOR 1249 SF PER 25-2-1504(D)(1)

PER 25-2-1504(D)(2)

**TOTAL PARKING PROVIDED:**

(7 standard spaces &amp; 1 handicap)

in the core area of the city, bounded by US 183, SH 71, Loop 1, Lake Austin, Dry Creek, RM 2272, Metcav Drive, Jollyville Rd., and Loop 360, the minimum off street parking requirement is 80 percent of that prescribed by Chap. 25-6, Appendix A. The total spaces above do not reflect the 20% reduction since adequate parking is provided.

1808 E. Lehigh Avenue St.  
Rt. 102 Chigss St.

C5-MU-CO-NP (per Ordinance No. 001214-20)  
18.176 S.F.  
5.F. OR 95.0%  
5.F. OR 32.2%

3,872	\$1
510	\$1
471	\$1
53	\$1
185	\$1
71	\$1

639.0	5 f
137.0	5 f
185.0	5 f
639.0	5 f

2  
24 F1  
40 11 MAX  
cam/slab on Restroom Addition

2.5	(1 Per \$00 S.I.)
1.5	
4.0	
8	
2	(Van Accessible)

EXISTING SHRUB (OLEANDER) (approx. 6-8 FT)

Left hand side of page 83  
Narrower yaws

DEFEND, NLY 60 6125

WASTEWATER UTILITIES. ALL UTILITIES LOCATED BY ON-SITE SITE FIELD FACTOR SHALL AND CONFIRM LOCATION PRIOR TO PROPOSED CONSTRUCTION

Restaurant (General)- Per Section 25-2-304(d)(1) of Austin Land Development Code (Mixed Use Building), the parking ratio is one per 500 feet of gross floor area. The total gross floor area for the restaurant is 12,49 s.f., (639 s.f. ground floor restaurant, 137 s.f. for kitchen & stairs, 29 s.f. of exterior porch seating, and 185 s.f. bathroom facility). Therefore, 2.5 required for restaurant portion.

2-1504(D)(2) of the Austin Land Development Code requires that all new building must comply with the requirements of Appendix A, 1.5 spaces required

SH 71, Loop 1, Lake Austin, Dry Creek, RM  
The minimum off-street parking requirement is  
Appendix A. The total spaces above do not reflect  
provided.

WEATHER UP  
RESTROOM/WOOD DECK ADDITION DETAIL  
BIRMINGHAM UNIVERSITY - 1000 16th AVE S  
BIRMINGHAM, AL 35294-0001  
205-975-2000 / 205-975-2001 FAX  
WWW.BIRMINGHAMUNIVERSITY.EDU

\* LANDSCAPE BUFFER INFORMATION

EXISTING  
ONE-STORY  
HOUSE  
(Lined By  
~~Weather~~ up)

CHICON STREET  
60' ROW

WEATHER UP  
1808 EAST CESAR CHAVEZ  
AUSTIN, TRAVIS COUNTY, TEXAS  
EXISTING CONDITIONS

512669.5560

WWW.BIGREDDOG.COM

9.5560  WWW.BIGREDDO.COM

207 W. 4TH ST. (OFFICE) • 813-A BRAZOS ST #319 (MAIL)  
AUSTIN, TEXAS 78701

CHECKED BY:	T.B.D.
DRAWN BY:	B.B.
DESIGNER:	D.B.
REVIEWER:	W.C.
PROJECT:	RED PROJECT

SP- 3