

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

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CASE NUMBER: SPC-2013-0405A
PC DATE: February 11, 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

PLANNING COMMISSION ACTION:

The Planning Commission postponed consideration of this item on January 14, 2014 for 2 weeks to the Planning Commission meeting on January 28, 2014. The postponement was requested by the neighborhood to allow more time to work with the applicant on the Conditional Use Permit request. The Commission postponed the item again on January 28th due to time constraints to the February 11, 2014 meeting.

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/R**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**

North:	CS-MU-CO-NP (Single-Family)
East:	CS-MU-CO-NP and SF-3-NP(Automotive Repair and Single-Family)
South:	CS-MU-CO-NP and CS-H-MU-CO-NP (Commercial)
West:	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 EVALUTATION CRITERA

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.

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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:

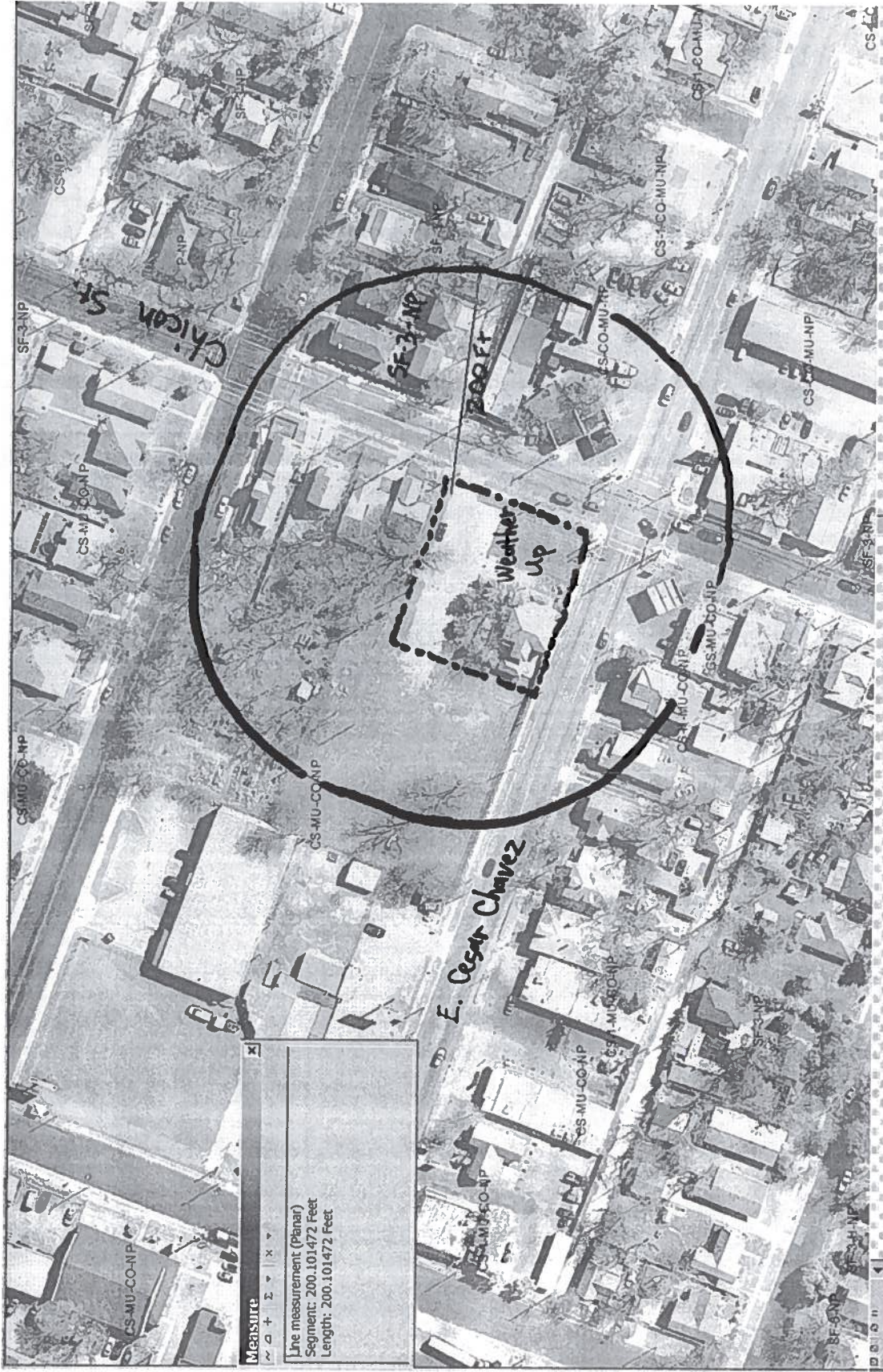
§ 25-5-146 CONDITIONS OF APPROVAL.

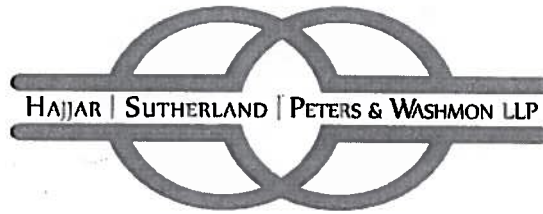
(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- 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

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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 already within 50' of the parking area, so Weather Up is currently in compliance with this landscape requirement.

SP 2: No Comment necessary

January 19, 2010

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Re: Cocktail Lounge Policy in the East Cesar Chavez Neighborhood

To Austin City Council, Planning and Zoning, and all concerned:

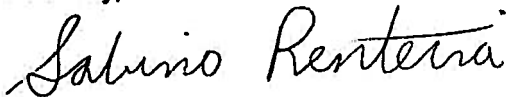
Numerous requests for new "cocktail lounge" conditional use permits within the East Cesar Chavez Neighborhood have given us, the East Cesar Chavez Neighborhood Planning Team, occasion to discuss this issue during the past several monthly Team meetings. We would like to take this opportunity to clarify our position regarding new cocktail lounges.

While we support existing CS-1 zoning and new businesses in existing CS-1 zoning, we are opposed to conditional use permits that create new cocktail lounges, for the following reasons:

- The ECC Neighborhood Plan envisions a mix of "businesses which serve neighborhood residents and residents that support local businesses". We do not want to become a drinking destination for the city.
- Many existing businesses in the ECC Neighborhood serve the neighborhood's and city's demand for cocktail lounges. We do not support making exceptions to existing zoning in order to create additional cocktail lounges.
- The ECC Neighborhood Plan and the Plaza Saltillo TOD Station Area Plan both envision, and the Team supports, dense mixed use including residential, commercial and civic elements. Cocktail lounges in addition to the existing CS-1 businesses are counter to this desired mix.
- We have found no support in "The East Cesar Chavez Neighborhood Plan" (1999) nor in the Regulating Plan for the Plaza Saltillo TOD for an increase in cocktail lounges. We work to maintain the vision that our neighborhood and the City created together and adopted as our Neighborhood Plan.

Thank you for the opportunity for us to clarify our opposition to conditional use permits for new cocktail lounges. We look forward to hearing from you with any questions or concerns.

Sincerely,



Sabino Renteria

Chair
East Cesar Chavez Neighborhood Planning Team

1511 Haskell St.