

C/S

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

**CASE NUMBER:** SPC-2013-0420A                      **PC DATE:** March <sup>25<sup>th</sup></sup>, 2014

**PROJECT NAME:** 88 Rainey

**ADDRESS OF APPLICATION:** 88 Rainey St.

**APPLICANT:** 88 Rainey Street, LLC

**AGENT:** Bowman Consulting Group (Jim Herbert, 512-327-1180)

**AREA:** 5,757 SF (Total Site Area)

**WATERSHED:** Waller Creek and Lady Bird Lake (urban)

**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance (urban)

**C.I.P. STATUS:** N/A

**T.I.A.:** N/A

**CAPITOL VIEW:** N/A

**PROPOSED DEVELOPMENT:**

The applicant is requesting a 5,757 SF Conditional Use Permit (CUP) for a cocktail lounge. This includes the lot in its entirety.

**EXISTING ZONING:** CBD

**NEIGHBORHOOD ORGNIZATIONS:**

The Real Estate Council of Austin, INC.

Homeless Neighborhood Association

El Concilio Coalition of Mexican American NA

Austin Heritage Tree Foundation

Super Duper Neighborhood Objectors and Appealers Organization

Austin Neighborhood Council

Downtown Austin Neighborhood Association

Greater East Austin NA

Downtown Austin Neighborhood Coalition

Rainey Neighbors Association

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit. This project is in compliance with all Land Development Code requirements.

**DEPARTMENT COMMENTS:**

25-2-692 requires that a cocktail lounge is a conditional use within the Rainey Street subdistrict of the Waterfront Overlay.

**CASE MANAGER:** Amanda Couch

Telephone: 974-2881

Amanda.couch@austintexas.gov

C15/2

**PROJECT INFORMATION:** 5,757 SF CUP & Total Site Area

**EXIST. ZONING:** CBD

**ALLOWED F.A.R.:** 8:1

**MAX. BLDG. COVERAGE:** 100%

**MAX. (CS-1) IMPERVIOUS CVRG.:** 100%

**REQUIRED PARKING:** 0

**EXISTING F.A.R.:** 23:1

**EXISTING BLDG. CVRG:** 23.3%

**EXISTING IMPERVIOUS CVRG:** 44.2%

**PROVIDED PARKING:** 0

**Proposed Access:** Rainey St.

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** This use is allowed under this zoning and all requirements of the Land Development Code, including Compatibility Standards have been met.

**Environmental:** No comments.

**Transportation:** This CUP is within the CBD, and therefore has no parking requirements.

**SURROUNDING CONDITIONS:**

**Zoning/ Land Use**

<b>North:</b>	CBD (Cocktail Lounge)
<b>East:</b>	CBD (Cocktail Lounge)
<b>South:</b>	CBD (Cocktail Lounge)
<b>West:</b>	CBD (Mixed Use)

**CONDITIONAL USE PERMIT**

**D. 25-5-145.** 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.

**§ 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.

C15/3

## CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

A. 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 Planning 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:

**B.**

**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 use is allowed under zoning district and is required to get a conditional use due to the fact that it is within 540 ft. of SF-5 or more restrictive.

**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: Yes.

**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 not in the East Austin Overlay.

**C. In addition, a conditional use site plan may not:**

**7. More adversely affect an adjoining site than would a permitted use;**

Staff Response: No

**8. 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.

**9. 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.