

# A G E N D A



## Recommendation for Council Action

Austin City Council	<b>Item ID</b>	33292	<b>Agenda Number</b>	143.
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<b>Meeting Date:</b>	6/26/2014	<b>Department:</b>	Planning and Development Review
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### Subject

Conduct a public hearing and consider an appeal regarding the decision to issue an outdoor music venue permit to Ski Shores Café at 2905 Pearce Road.

### Amount and Source of Funding

### Fiscal Note

<b>Purchasing Language:</b>	
<b>Prior Council Action:</b>	
<b>For More Information:</b>	Viktor Auzenne, Planning and Development Review Department, (512) 974-2941; Bryan Walker, Planning and Development Review Department, (512) 974-2686.
<b>Boards and Commission Action:</b>	
<b>MBE / WBE:</b>	
<b>Related Items:</b>	

### Additional Backup Information

On April 25, 2014, the Planning and Development Review Department approved an Outdoor Music Venue (OMV) permit for a venue known as Ski Shores Café, located at 2905 Pearce Rd.

On May 8, 2014, Bob McLaren, the notice owner of a single-family use located within 600 feet of Ski Shores Café, appealed approval of the permit on the basis that the venue has violated the terms of previous permits and that there is insufficient enforcement of issued permits.

Chapter 9-2-54(B) and 9-2-56 of the City Code provides that an interested party may appeal a decision if they are:

- The applicant;
- The notice owner of a single-family use located within 600 feet of the proposed outdoor music venue;
- The notice owner of a multi-family use located adjacent to the venue (for new permits only); or
- A registered neighborhood organization whose declared boundaries are within 600 feet of the proposed venue.

Staff recommends denial of the appeal due the following reasons:

- The applicant has a track record of addressing sound issues quickly in the past and has committed to working with the Music Office and appellant in this case to find a solution.
- Over the past few years, the applicant has voluntarily made several changes in an effort to reduce sound impact on neighboring properties including purchase of a small directional PA system with no subwoofers, limited use of drums and a policy that that all performers sign a contract requiring strict adherence to permit terms.
- The applicant plans to have performances two evenings a week and as a restaurant (general) use is automatically limited to 70 decibels by city code.