

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

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CASE NUMBER: SPC-2014-0303C **PC DATE:** May 26, 2015

PROJECT NAME: Banger's Sausage House & Beer Garden

DISTRICT: 9, Councilmember Kathie Tovo

ADDRESS OF APPLICATION: 81 & 79 Rainey Street

APPLICANT: Perales Engineering, LLC (Jerry Perales, P.E.) (512) 297-5019

OWNER: Bangers Rainy Street (Ben Siegel) (512) 297-5019

SITE AREA: 23,145 sq. ft.

WATERSHED: 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 Conditional Use Permit for a 4,158 square foot cocktail lounge addition.

There is an existing 10,010 sq. ft. cocktail lounge on lots 12 and 13 consisting of a 3860 sq. ft. building, 550 sq. ft. patio, and 5600 sq. ft. outdoor seating area. The patio is proposed to be expanded to 1523 sq. ft.

Lot 11 will include a new 1987 sq. ft. building, and outdoor seating will be combined with Lots 12 & 13 for a unified courtyard. The new building is a restaurant, but must be permitted as a cocktail lounge due to the unified courtyard and connection to the existing cocktail lounge.

EXISTING ZONING:

The site is zoned CBD, and is within the Rainey Street Subdistrict of the Waterfront Overlay. Cocktail lounge is a conditional use within the Rainey Street Subdistrict.

The existing 10,010 sq. ft. cocktail lounge was permitted in 2012, when cocktail lounge was a permitted (not conditional) use.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit. The site plan will comply with all requirements of the Land Development Code prior to its release.

CASE MANAGER: Donna Galati Telephone: 974-2733
Donna.Galati@austintexas.gov

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PROJECT INFORMATION: 14,168 sq. ft. cocktail lounge

EXIST. ZONING: CBD

ALLOWED F.A.R.: 8:1

MAX. BLDG. COVERAGE: 100%

MAX. IMPERVIOUS CVRG.: 100%

REQUIRED PARKING: 0

PROPOSED F.A.R.: 0.3:1

PROPOSED BLDG. CVRG: 30%

PROPOSED IMPERVIOUS CVRG: 37%

PROVIDED PARKING: 1 on-street ADA

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a conditional use permit in order to expand an existing cocktail lounge (permitted in 2012), build a new restaurant/bar, and connect the two with a unified courtyard.

Cocktail Lounge is a permitted use in the CBD zoning district and on the ground-floor within the Waterfront Overlay district. However, in 2013, a zoning ordinance changed cocktail lounge to a conditional use within the Rainey Street Subdistrict.

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

Transportation: The site plan complies with all other transportation requirements.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North:	CBD (Cocktail Lounge)
East:	alley, then CBD (vacant)
South:	CBD (Cocktail Lounge)
West:	Rainey Street, then CBD (Restaurant; In Review)

NEIGHBORHOOD ORGNIZATIONS:

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Neighborhoods Council
- Bike Austin
- City of Austin Downtown Commission
- Del Valle Community Coalition
- Downtown Austin Neighborhood Assn.
- East River City Citizens
- East Town Lake Citizens Neighborhood Org.
- El Concilio Mexican-American Neighborhoods
- Friends of the Emma Barrientos MACC
- Friends of Rainey Street Historic District
- Greater East Austin Neighborhood Association
- Guadalupe Neighborhood Development
- Homeless Neighborhood Assn.
- Lower Waller Creek
- PODER
- Preservation Austin
- Rainey Neighbors Association, Inc.
- Save Town Lake.Org
- SELTEXAS
- Sentral Plus East Austin Koalition (SPEAK)
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization

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Tejano Town
The Real Estate Council of Austin, Inc.
The Shore Condominium Association, Inc.
United East Austin Coalition
Waller Creek Conservancy
Waterfront Planning Advisory Board

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.

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 cocktail lounge use is a conditional use in Rainey Street Subdistrict of the Waterfront Overlay. There are several other cocktail lounges on this street.

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 will comply with all requirements of the Land Development Code. In addition, the site plan complies with setback and height requirements.

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.

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- 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:

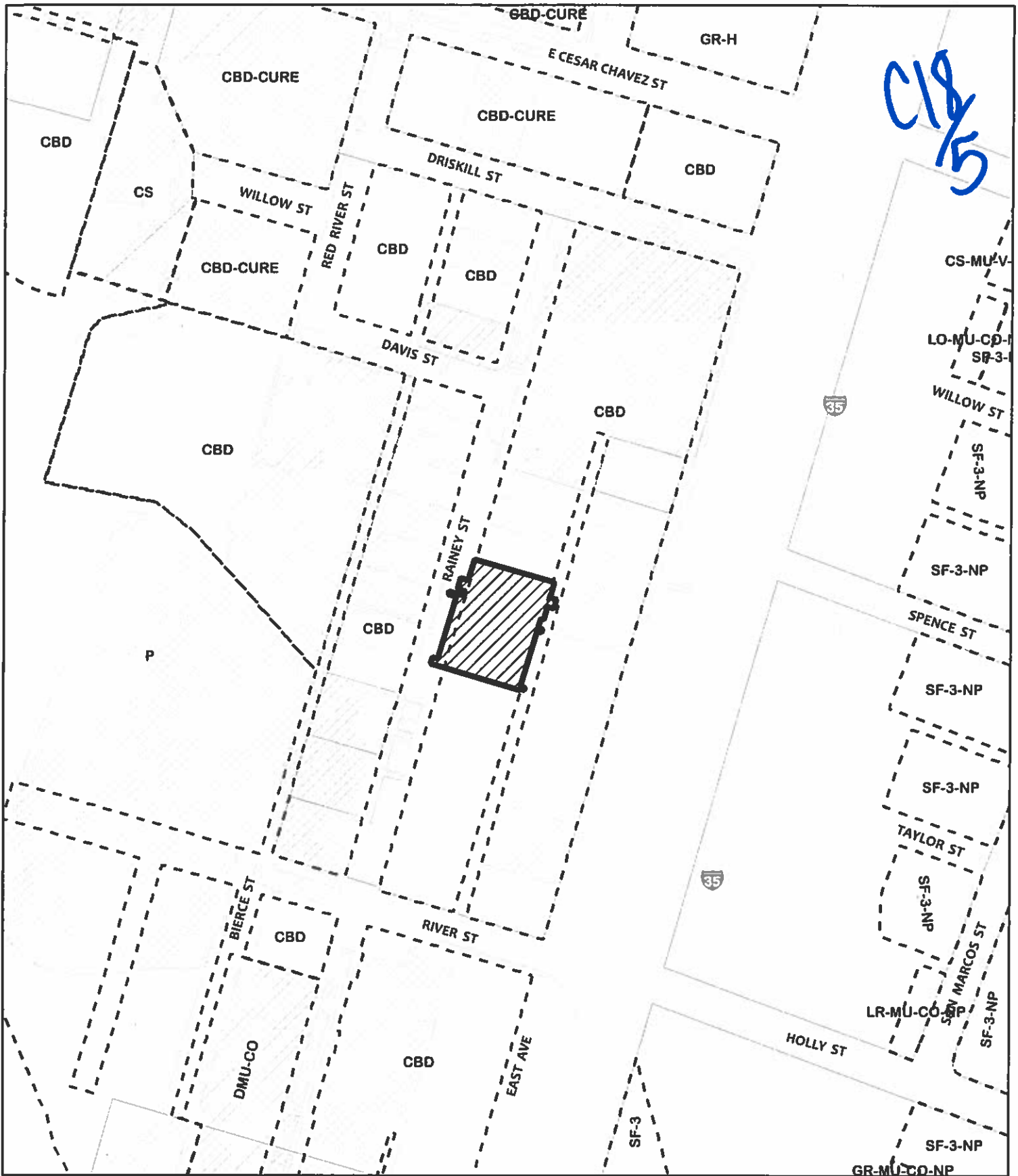
- 7. **More adversely affect an adjoining site than would a permitted use;**

A cocktail lounge will have no more impact on adjoining properties than other permitted uses in the CBD zoning which could operate with similar or later hours than the proposed cocktail lounge.

- 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.

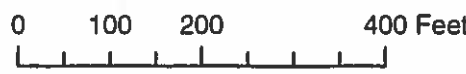
- 9. **Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.



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 **SUBJECT TRACT**
 **ZONING BOUNDARY**



CASE#: SPC-2014-0303C
 ADDRESS: 81 Rainey Street
 CASE NAME: Banger's Sausage House & Beer Garden
 MANAGER: Donna Galati

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OPERATOR: D. Galati

