

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

CASE NUMBER: SPC-2016-0110A

PC DATE: August 23, 2016

PROJECT NAME: Night Owl Bar

ADDRESS OF APPLICATION: 8315 Burnet Road, Unit D

APPLICANT: Danny Parrott II
11529 Shady Meadow
Manor, Texas 78653

OWNER: Jimmy Nassour
3839 Bee Cave Road, Suite 200
Austin, Texas 78746
(512) 474-2900

NEIGHBORHOOD

PLANNING AREA: Crestview/Wooten Combined Neighborhood Plan

WATERSHED: Shoal Creek (Urban)

EXISTING DEVELOPMENT/REQUEST BY APPLICANT: The applicant is requesting a conditional use permit for a Texas Alcoholic Beverage Commission (TABC) late-hours permit for a proposed 1,564 square foot cocktail lounge. The proposed cocktail lounge will be situated less than 200 feet from property used or zoned townhouse/condominium residence (SF-6) or more restrictive, and, therefore, must be granted a variance from this requirement by the Land Use Commission (Planning Commission). The site plan being considered for conditional use permit and parking variance is an "A" plan, and no site construction is proposed with this application, only building remodel and parking lot maintenance and restriping.

EXISTING ZONING: The cocktail lounge is one of the three (3) proposed uses within an existing unenclosed shopping center currently being renovated at the above address, and is located on the southeast corner of the intersection of Burnet Road and Doris Drive. The shopping center site is zoned CS-NP, and the building area of the proposed cocktail lounge unit is zoned CS-1-NP.

NEIGHBORHOOD ORGANIZATIONS:

SEL Texas

The Real Estate Council of Austin

Bike Austin

Sustainable Neighborhoods

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Austin Independent School District

Sierra Club, Austin Regional Group
Shoal Creek Conservancy
Beyond2ndNature
Friends of North Shoal Creek
North Shoal Creek Neighborhood Association
Austin Parks Foundation
North Shoal Creek Neighborhood Planning Area
Austin Heritage Tree Foundation
Northwest Austin Neighbors

DEPARTMENT COMMENTS: A restaurant that requires a late-hours permit from the TABC is a conditional use if compatibility standards apply. There are residential properties zoned SF-3-NP located less than 21 feet to the east of the cocktail lounge, and existing parking spaces that will be available to patrons of the cocktail lounge are adjacent to the common property line. Therefore, this is a conditional use.

SUMMARY STAFF RECOMMENDATION: If adequate screening and sound-proofing methods are utilized as mitigating factors from the inability of the existing building and parking area to meet compatibility setback requirements, staff would recommend approval of the conditional use permit, and of the variance from the requirement that parking be placed not less than 200 feet or farther from SF-6 or more restrictive zoning districts (LDC Section 25-5-146).

CASE MANAGER: Michael Simmons-Smith Telephone: (512) 974-1225
michael.simmons-smith@austintexas.gov

CONDITIONAL USE PERMIT

LDC Section 25-5-145(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.

LDC Section 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.

(B) As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or a restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

1. The lounge or restaurant is located within an enclosed shopping center; or
2. The Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.

LDC SECTION 25-5-145A EVALUATION OF CONDITIONAL USE SITE PLAN

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145(A) 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:

(A) A conditional use site plan must:

1. Comply with the requirements of this title;

Staff Response: The existing building and parking do not meet compatibility setback requirements from the adjoining SF-3-NP residential properties.

2. Comply with the objectives and purposes of the zoning district;

Staff Response: The proposed use is allowed within the current zoning district (CS-1-NP), but the proposed cocktail lounge is required to obtain a conditional use permit because it is within 540 feet of properties zoned 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: As noted above, the existing building and parking area do not meet compatibility setback requirements.

4. Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: The site plan complies with off-street parking requirements for the proposed uses (restaurant, office and cocktail lounge) within the existing building.

- 5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will reasonably protect 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 within in the East Austin Overlay.

(C) In addition, a conditional use site plan may not:

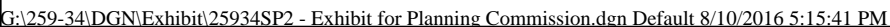
- 7. More adversely affect an adjoining site than would a permitted use;**

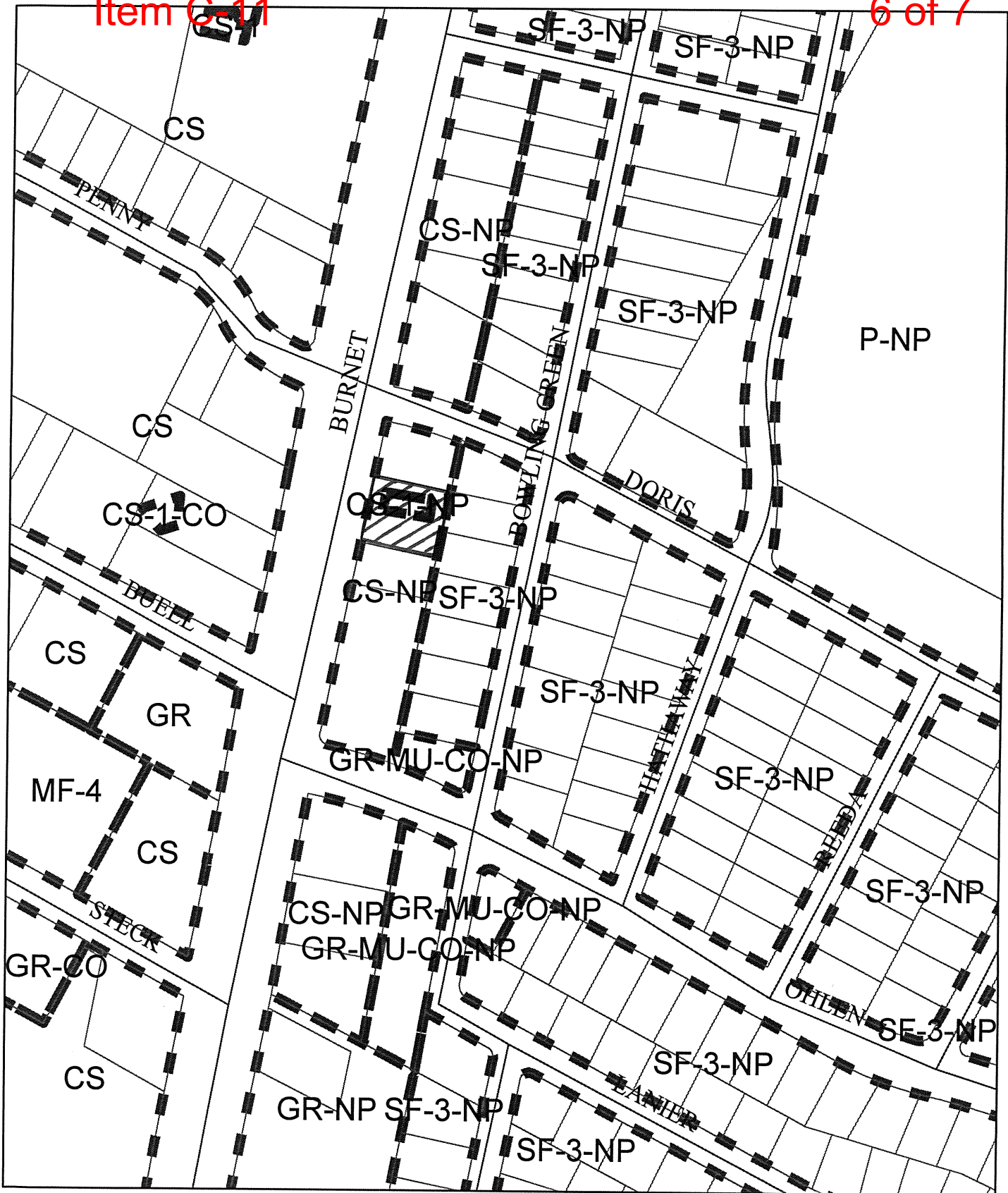
Staff Response: Undetermined.

- 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 should comply with the Land Development Code.





0 50 100 200 Feet

**NIGHT OWL BAR
CONDITIONAL USE SITE PLAN**

CASE NO.: SPC-2016-0110A
ADDRESS: 8315 BURNET ROAD, UNIT D
CASE MANAGER: MICHAEL SIMMONS-SMITH

K

