

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

CASE NUMBER: SPC-2016-0160A **PC DATE:** November 8, 2016

PROJECT NAME: Tamale House Conditional Use Permit

ADDRESS: 1706 E. 5th Street

COUNCIL DISTRICT: 3

NEIGHBORHOOD PLAN: East Cesar Chavez

APPLICANT: Diane Valera & Juan Verela-Lena (512) 964-4982

AGENT: Thrower Design (A. Ron Thrower) (512) 476-4456

CASE MANAGER: Rosemary Avila (512)-974-2784

Rosemary.avila@austintexas.gov

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit to allow extended hours for cocktail lounge use within an existing restaurant. The applicant is also requesting a variance to allow a parking area for a cocktail lounge permit that is less than 200 ft from a single family use [LDC 25-5-146(B)].

STAFF RECOMMENDATION:

Staff recommendation pending.

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The property is currently developed as an existing restaurant and parking. The site is zoned TOD-NP (Transit Oriented Development in a Neighborhood Plan). The site is located in the Plaza Saltillo TOD, in the TOD Mixed Use area. Subsection 2.3.8 of Article 2, Section 2.3 states Cocktail Lounge use is a Conditional use in the TOD Mixed Use area. There are no schools, churches, or hospitals within 300 feet of the subject site.

The proposed hours of operation are as follows: Tuesday-Saturday 8am-2am and Sunday 8am-5pm. (current hours of operation are Tuesday and Wednesday 8am-3pm, Thursday and Friday 8am-12am, Saturday 8am-1am, and Sunday 8am-5pm.)

Environmental: This site is located in the Lady Bird Lake Watershed and subject to Urban Watershed regulations. All Environmental comments are cleared. No construction is proposed with this land use application.

Transportation: A parking area for a cocktail lounge 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 the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan. [25-5-146(B)(2)]. The parking area for this cocktail lounge is less than 200 feet from the nearest single-family use, a variance is requested with approval of this Conditional Use Permit.

Access to the proposed cocktail lounge with late hours will be from E. 6th Street. All parking spaces are located on-site. All transportation comments are cleared.

PROJECT INFORMATION:

SITE AREA:	19,318 sq. ft.	
RESTAURANT AREA	1497 sq. ft.	
COCKTAIL LOUNGE AREA	2499 sq. ft.	
SITE'S ZONING	TOD- NP	
WATERSHED	Lady Bird Lake (Urban)	
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance	
TRAFFIC IMPACT ANALYSIS	Not required	
CAPITOL VIEW CORRIDOR	None	
PROPOSED ACCESS	E 6 th Street	
	Allowed	Existing
FLOOR-AREA RATIO	2:1	0.22:1
BUILDING COVERAGE	95%	23.6%
IMPERVIOUS COVERAGE	95%	81.7%
PARKING	25 <i>required</i>	33

SURROUNDING CONDITIONS:**Zoning/ Land Use**

North: East 6th Street, then TOD-NP, single family use
East: TOD-NP, single family use
South: East 5th Street, then TOD-NP, manufacturing
West: TOD-NP, Commercial

NEIGHBORHOOD ORGNIZATIONS:

Guadalupe Neighborhood Development Corporation
 Bike Austin
 East Austin Conservancy
 Austin Heritage Tree Foundation
 Tejano Town
 Barrio Unido Neighborhood Assn.
 Friends of Austin Neighborhoods
 Capital Metro
 Sierra Club, Austin Regional Group
 SEL Texas
 A.N.T. Artist and Neighbors Together
 El Concilio Mexican-American Neighborhoods
 Cristo Rey Neighborhood Association

East Cesar Chavez Neighborhood Planning Team
 United East Austin Coalition
 Claim Your Destiny Foundation
 Austin Neighborhoods Council
 Austin Independent School District
 East Cesar Chavez Neighborhood Association
 Preservation Austin
 Homeless Neighborhood Association
 Holly Neighborhood Coalition
 Organization of Central East Austin Neighborhoods
 African American Cultural Heritage District
 Blackshear- Prospect Hill

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 restaurant/cocktail lounge with late hours use is a conditional use in the Plaza Saltillo TOD Mixed Use 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.

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. 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 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;

The proposed project would not more adversely affect an adjoining site than would a permitted use.

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.

Avila, Rosemary

From: Gavino Fernandez [REDACTED]
Sent: Tuesday, November 01, 2016 3:54 PM
To: Avila, Rosemary
Subject: Barrio Unido Neighborhood association request for postponement of tamale House request for late hours to December, 13, 2016. Due, to working elections and meet with the owners who have refused to meet with us.

Barrio Unido neighborhood association President

Gavino Fernandez

Thrower Design

P.O. Box 41957
Austin, Texas 78704
(512) 476-4456

March 28, 2016

Development Review Department
City of Austin

RE: **Tamale House**
1707 E. 6th St. & 1706 E. 5th St.
Conditional Use Permit

The subject property is comprised of 0.208 and 0.203 acres of land and is located between E. 6th and E. 5th street near Chalmers St. The additional ROW at the front of the property is proposed to be vacated, similar to adjacent tracts on either side. A 20' alley between the two tracts is also proposed to be vacated. The property is currently zoned TOD-NP and contains one building that houses an existing restaurant on the first level and an apartment on the second level. The conditional use permit would allow for extended hours (cocktail lounge) for 2,500 sf of the existing restaurant. All infrastructure for the proposed use is already in place. There will be no site related construction.

Should you have any questions or need additional information, please do not hesitate to call me or Ron Thrower at 476-4456.

Sincerely,



Neslie Cook

Thrower Design

P.O. Box 41957
Austin, Texas 78704
(512) 476-4456

October 6, 2016

Rosemary Avila
Planning & Development Review Department
City of Austin

RE: Variance Parking next to Single Family Use
Tamale House Conditional Use Permit
SPC-2016-0160A

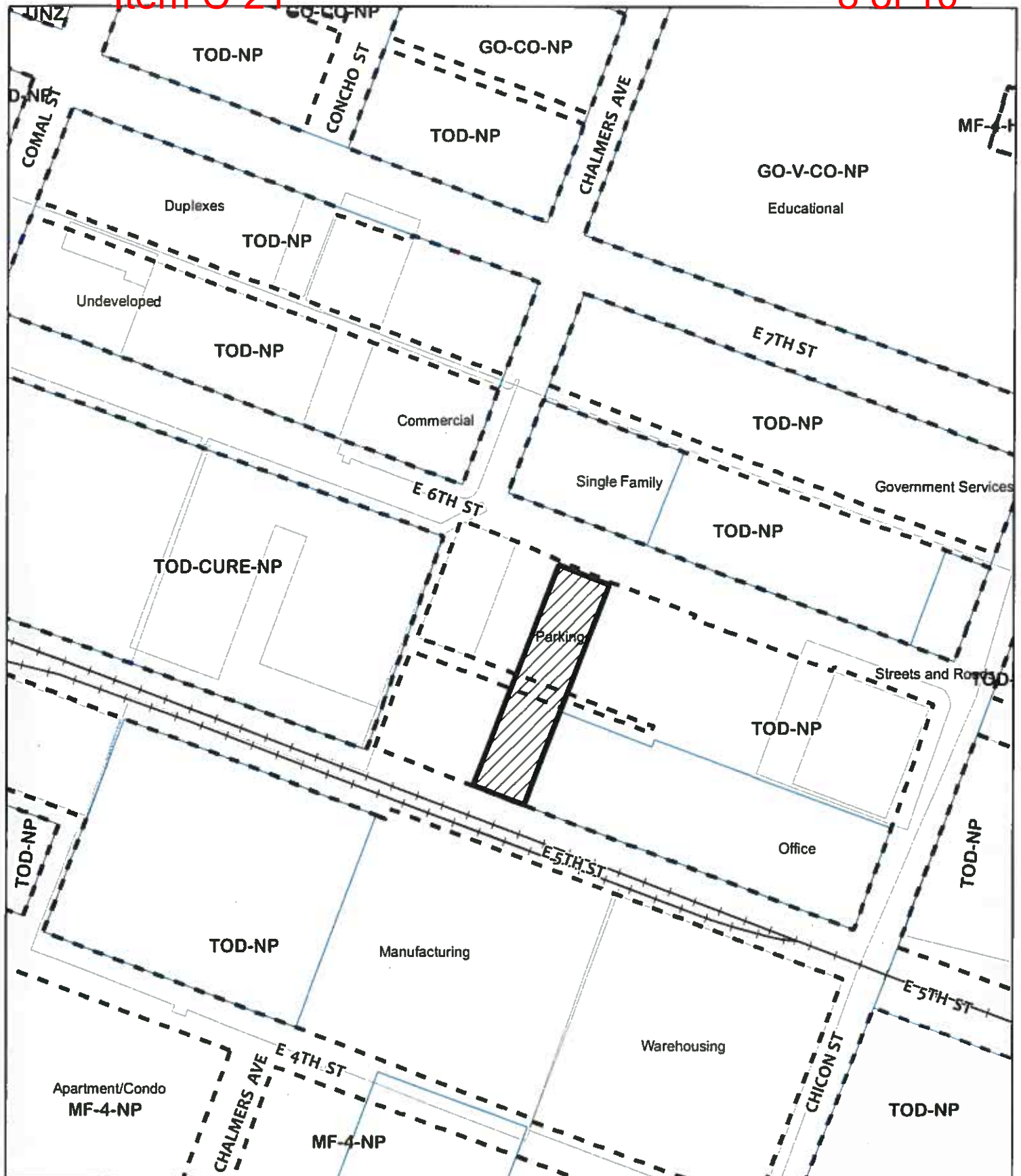
We respectfully request a variance for parking located adjacent to a single family use per 25-5-146(B). This site has existed as a restaurant for over 32 years next to these single family uses and they are slowly being phased out and replaced by commercial uses. The lot to the west of Tamale House is currently a sewing machine repair shop/residence while the lot to the east was a residence and is now permitted to be demolished.

Should you have any questions or need additional information please contact me at my office.

Sincerely,



Neslie Cook



Site Plan Conditional Use Permit & Variance

CASE#: SPC-2016-0160A

ADDRESS: 1706 E 5th Street

CASE NAME: Tamale House Conditional Use Permit

MANAGER: Rosemary Avila



SUBJECT TRACT



ZONING BOUNDARY

0 80 160 320 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



OPERATOR: R. Avila

1706 E. 5TH STREET

SUBMITTAL DATE: MARCH 28, 2018

ET INDEX

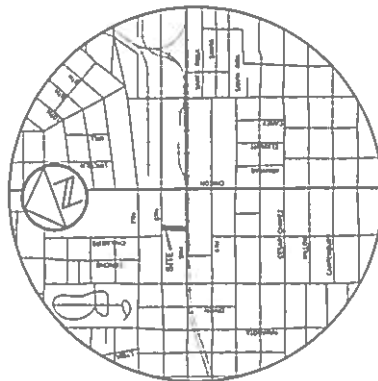
SHEET INDEX

SHEET 1 COVER SHEET
 SHEET 2 SITE PLAN

34571

THIS IS A CONDITIONAL USE PERMIT FOR 2,499 S.F. OF EXTENDED HOURS COCKTAIL LOUNGE USE IN A TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT

THERE IS NO CONSTRUCTION ASSOCIATED WITH THIS SITE PLAN

LOCATION MAP
NTS

OWNER/DEVELOPER

[illegible]

OWNER'S REP FOR PLAN ALTERATIONS

INFORMATION DESIGN
 P.O. BOX 41937
 AUSTIN, TEXAS 78704
 512 475-6458

LEGAL DESCRIPTION

0.4435 ACRES OUT OF OUR[REDACTED] 6, DIVISION A OF THE CHINESE INVESTMENT OUTLOTS ATTACHING THE ORIGINAL CITY MAP OF AUSTIN, TRANSWALD COUNTY TEXAS, ACCORDING TO THE PLAN ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, DESCRIBED BY A WARRANTY DEED IN RECORDS 1261 TO DAME VALERA AND JUAN MORALES-LEON DATED FEBRUARY 3, 1983, OF RECORD IN TRANSWALD COUNTY TEXAS, BEING AFFECTED BY THE COMPOS OF THE TRANSWALD COUNTY TEXAS, BEING AFFECTED BY THE TRANSWALD COUNTY AGREEMENT DESCRIBED BY VOLUME 12613, PAGE 399 OF THE REAL PROPERTY RECORDS OF TRANSWALD COUNTY TEXAS.

RELATED CASE NO.

FOIA(b)(7)(C)
C14-2008-0079
WPA-2008-0002 01

LOCATION INFO

2000 10 20 21. 473
2000 10 20 21. 473

WATERSHED STATUS

THIS SITE IS LOCATED IN THE LADY BIRD LAKE MAINTENANCE
POND- IS CLASSIFIED AS URBAN

NOTES ON CONTRIBUTORS

NO PORTION OF THIS STATE IS WITHIN THE 100 YEAR
FLOODPLAIN AS PER FEMA PANEL NUMBER 40633CD-063A
FOR TRANS COUNTY. THIS OFFICE CERTIFIED 11, 2019.

Thruway Design
P.O. BOX 41002 • ALPHARETTA, GEORGIA 30004 • (404) 473-4400
LAND PLANNERS

[illegible]

TAMALE HOUSE
CONDITIONAL USE PERMIT
1706 E 5TH STREET
AUSTIN, TEXAS 78702

COVER SHEET

NET NO.

1

SPC-2018-01804

SITE PLAN APPROVAL
 1. **PROJECT NAME** _____
 2. **PROJECT ADDRESS** _____
 3. **PROJECT CITY** _____
 4. **PROJECT STATE** _____
 5. **PROJECT ZIP** _____
 6. **PROJECT PHONE** _____
 7. **PROJECT FAX** _____
 8. **PROJECT E-MAIL** _____
 9. **PROJECT WEBSITE** _____
 10. **PROJECT DESCRIPTION** _____
 11. **PROJECT STATUS** _____
 12. **PROJECT DATE** _____
 13. **PROJECT TIME** _____
 14. **PROJECT LOCATION** _____
 15. **PROJECT TYPE** _____
 16. **PROJECT SIZE** _____
 17. **PROJECT COST** _____
 18. **PROJECT BUDGET** _____
 19. **PROJECT SCHEDULE** _____
 20. **PROJECT RISK** _____
 21. **PROJECT IMPACT** _____
 22. **PROJECT BENEFIT** _____
 23. **PROJECT CHALLENGE** _____
 24. **PROJECT OPPORTUNITY** _____
 25. **PROJECT CONCLUSION** _____

