Item C-06 1 of 7

ZONING AND PLATTING COMMISSION SITE PLAN CONDITIONAL USE PERMIT REVIEW SHEET

CASE NUMBER: SPC-2016-0494A ZAP DATE: February 21, 2017

PROJECT NAME: Wing Daddy's Conditional Use Permit

ADDRESS OF APPLICATION: 9811 South IH-35 Service Road Northbound

APPLICANT: Karen Wunsch

Masterplan

6500 Riverplace Blvd. Bldg. 7, Suite 250 Austin, Texas 78730

OWNER: First Valley Tower

9811 S. IH-35 NB Austin, Texas 78744

(915) 544-9464

WATERSHED: Onion Creek (Suburban)

EXISTING DEVELOPMENT/REQUEST BY APPLICANT: The applicant is requesting a conditional use permit for a Texas Alcoholic Beverage Commission (TABC) late-hours permit for an existing restaurant. The restaurant is located less than 200 feet from property zoned I-SF-4A, and, therefore, must be granted a variance from this requirement by the Land Use Commission (Zoning and Platting Commission). The site plan being considered for conditional use permit and parking variance is an "A" plan, and no site construction is proposed, nor will be permitted, with this application.

EXISTING ZONING: GR-CO. Ordinance No. 050217-47 allows only one (1) driveway from the site to Brandt Road, and prohibits the following land uses:

Drop-off recycling collection
Hotel-motel
Outdoor Sports & recreation
Congregate living
Commercial off-street parking

Exterminating services
Outdoor entertainment
Pawn shop services
Residential treatment
Off-site accessory parking

NEIGHBORHOOD ORGANIZATIONS:

SEL Texas
The Real Estate Council of Austin
Bike Austin
Sustainable Neighborhoods
Austin Neighborhoods Council
Austin Independent School District
Onion Creek Homeowners Association



Del Valle Community Coalition GO! Austin VAMOS! Austin – Dove Springs Sierra Club, Austin Regional Group Beyond2ndNature Austin Parks Foundation Austin Heritage Tree Foundation

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 I-SF-4A located to the south of the restaurant, and existing parking spaces that will be available to patrons of the restaurant are as close as 72 feet from the I-SF-4A properties. Therefore, this is a conditional use.

SUMMARY STAFF RECOMMENDATION: Landscape screening methods are utilized as mitigating factors from the inability of the existing building and parking area to meet compatibility setback requirements. Staff recommends **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;
 - 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

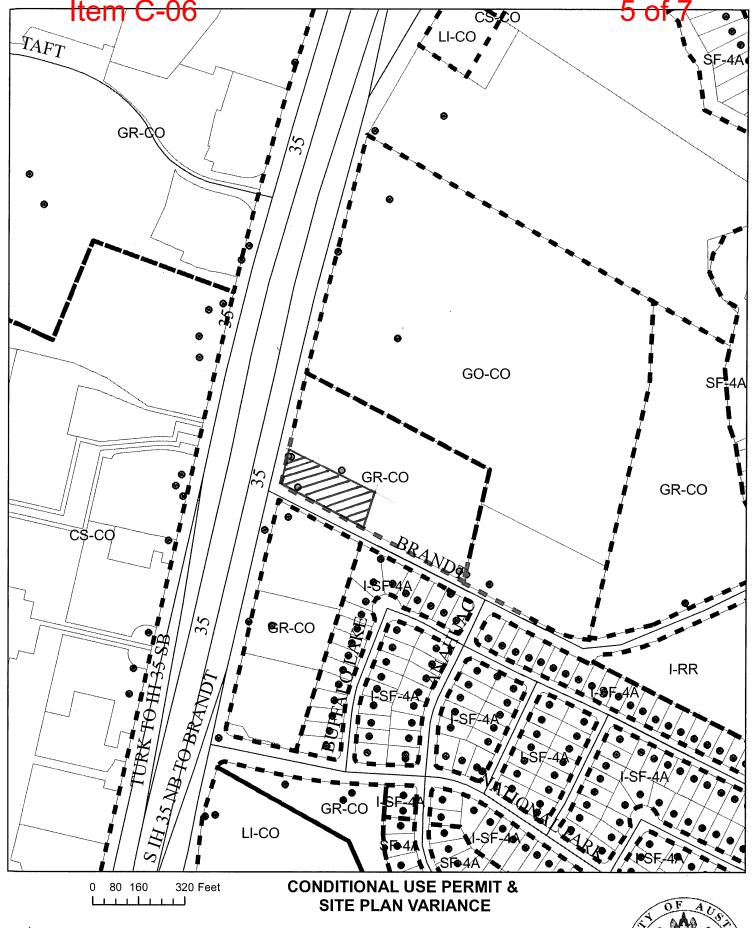
The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145(A) of the Land Development Code states: "The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the 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 I-SF-4A-zoned 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 (GR-CO), but the proposed late-hours restaurant 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 existing use.
- 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 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 must comply with the Land Development Code.







8.0" CAL. INCHES FORREPLACEMENT

1.5" CAL. INCHES FOR REPLACEMENT

5" CAL. INCHES FOR REPLACEMENT

17" CAL. INCHES

15.5" CAL. INCHES

12 5 GAL. BIG MUHLY, 36" O.C. 5 GAL. GREEN CLOUD SAGE, 36° O.C.

5 GAL. KNOCHOUT ROSE, 36° O.C.

DA 28 5 GAL. DWF. ABELIA, 36" O.C.

HYDROSEED BERMUDA ON 6° OF TOPSOIL

TOTAL NUMBER OF APPENDIX F CALIPER INCHES ON SITE = 82" TOTAL NUMBER OF APPENDIX F CALIPER INCHES REMOVED = 14" TOTAL NUMBER OF APPENDIX F CALIPER INCHES SAVED = 68°

TOTAL NUMBER OF CALIPER INCHES REPLACED = 12.5"

TOTAL CALIPER INCHES INVASIVE TREES REMOVED = 0"

TOTAL CALIPER INCHES NON APPENDIX F TREES REMOVED = 0"

APPENDIX F TREES - 14" OF PECAN, NON PROTECTED @ 50% REPLACEMENT = 7"

ALL ORDINANCE TREES ARE TO BE INSTALLED LARGER THAN ORDINANCE REQUIRES (1 1/2")

3" CAL CHINQUAPIN OAK, 10" HT., MIN. 4.5" CAL INCHES FOR REPLACEMENT

TOTAL NEW OF CALIPER INCHES PROPOSED = 85"

PROPOSED TREE REMOVAL AND MITIGATION

INNOVATIVE WATER MANAGEMENT CALCULATIONS

TOTAL REQUIRED STREET YARD AREA = 4,565 S.F.

REQUIRED AREA (4,695 S.F. X 50%) = 2,346 S.F. UNDISTURBED NATURAL AREAS = > 2,400 S.F.

TOTAL OF NON ST. YD. REQUIRED ISLANDS = 130 S.F.

WITH THE EXCESS TO COUNT TOWARD REPLACEMENT

TOTAL OF ORDINANCE TREE REPLACEMENT INCHES

TREE / CALIPER IN. / HT.

3" CAL. TREE YAUPON, 6" HT., MIN.

5 3" CAL. TEXAS REDBUD, 7' HT., MIN.

TOTAL OF ALL REPLACEMENT INCHES

TOTAL 7" REQUIRED FOR REPLACEMENT

TOTAL OF ALL AREAS = 4,695 S.F.

SEE SHADED AREAS THIS SHEET

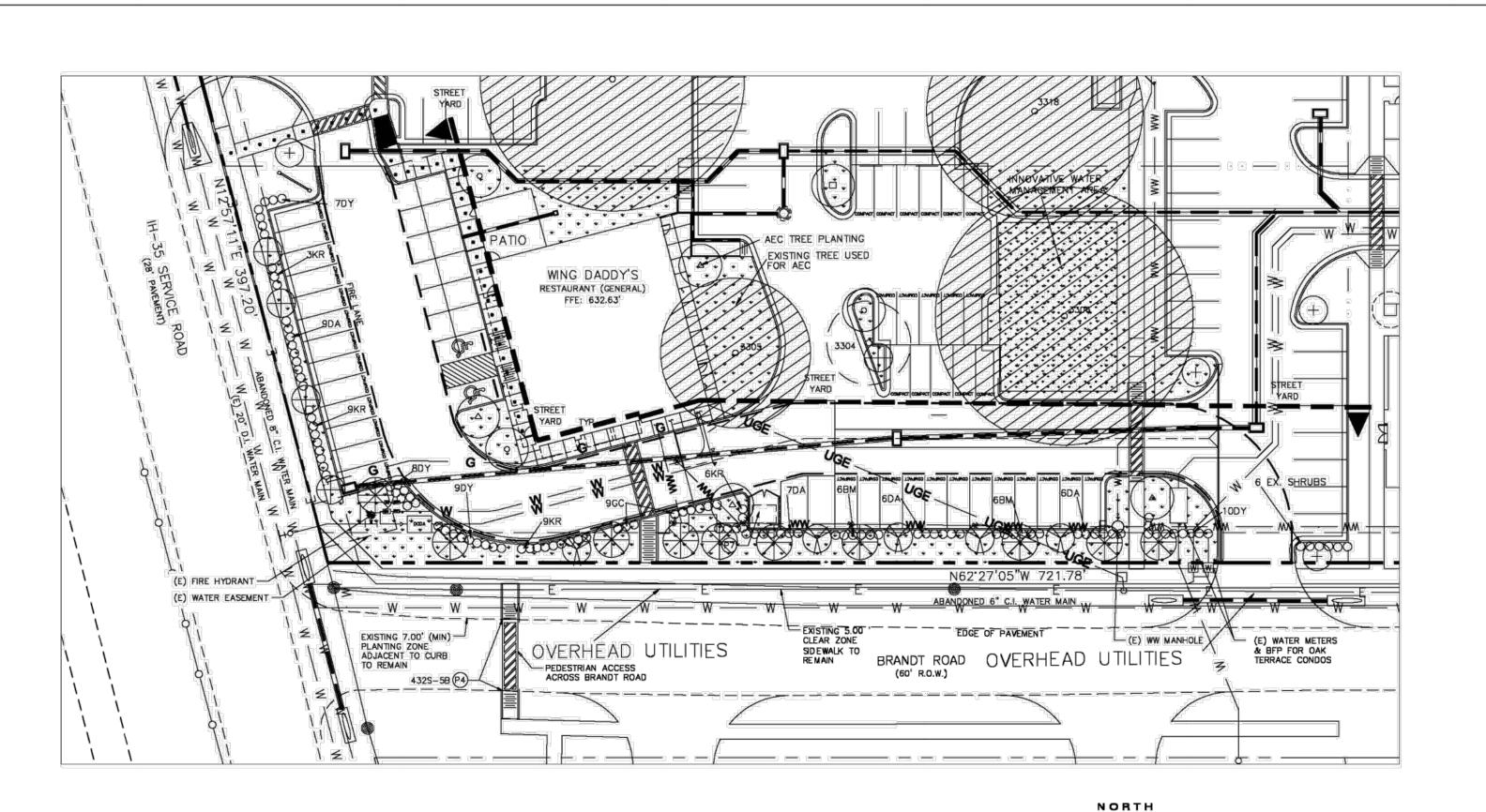
PLANT LIST

1 GAL. NEW GOLD LANTANA, 18" O.C.

__ UNDER SECTION <u>142</u> OF

PROJECT No. DESIGN TDB DRAWN TDB CAD FILE

prior to the Project Expiration Date.



CITY OF AUSTIN STANDARD NOTES FOR TREE ANDNATURAL AREA PROTECTION

MECHANICAL EQUIPMENT:

PERMITTED IN THE FOLLOWING CASES:

1. ALL TREES AND NATURAL AREAS SHOWN ON PLAN TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION WITH TEMPORARY FENCING. TREE PROTECTION FENCES SHALL BE ERECTED ACCORDING TO CITY OF AUSTIN STANDARDS FOR TREE PROTECTION.

3. TREE PROTECTION FENCES SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE PREPARATION WORK (CLEARING, GRUBBING OR GRADING) AND SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF THE CONSTRUCTION PROJECT). 4. EROSION AND SEDIMENTATION CONTROL BARRIERS SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILD-UP

5. FENCES SHALL COMPLETELY SURROUND THE TREE OR CLUSTER OF TREES, WILL BE LOCATED AT THE OUTERMOST LIMIT OF BRANCHES (DRIP LINE). FOR NATURAL AREAS, PROTECTIVE FENCES SHALL FOLLOW THE LIMIT OF CONSTRUCTION LINE. IN ORDER TO PREVENT THE FOLLOWING

SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT OR

B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 6 INCHES CUT OR FILL) OR TRENCHING NOT REVIEWED AND AUTHORIZED BY THE CITY ARBORIST;

C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY

D. OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CEMENT TRUCK CLEANING, AND FIRES. 6. EXCEPTIONS TO INSTALLING FENCES AT TREE DRIP LINES MAY BE

A. WHERE THERE IS TO BE A GRADE CHANGE, IMPERMEABLE PAVING SURFACE, TREE WELL, OR OTHER SUCH SITE DEVELOPMENT, ERECT THE FENCE APPROXIMATELY 2 TO 4 FEET BEYOND THE AREA DISTURBED;

B. WHERE PERMEABLE PAVING IS TO BE INSTALLED WITHIN A TREE'S DRIP LINE, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA (PRIOR TO SITE GRADING SO THAT THIS AREA IS GRADED SEPARATELY PRIOR TO PAVING INSTALLATION TO MINIMIZED ROOT DAMAGE);

WHERE TREES ARE CLOSE TO PROPOSED BUILDINGS, ERECT THE FENCE TO ALLOW 6 TO 10 FEET OF WORK SPACE BETWEEN THE FENCE AND THE BUILDING;

WHERE THERE ARE SEVERE SPACE CONSTRAINTS DUE TO TRACT SIZE, OR OTHER SPECIAL REQUIREMENTS, CONTACT THE CITY ARBORIST AT 974-1876 TO DISCUSS ALTERNATIVES.

SPECIAL NOTE: FOR THE PROTECTION OF NATURAL AREAS, NO EXCEPTIONS TO TO INSTALLING FENCES AT THE LIMIT OF CONSTRUCTION LINE WILL BE PERMITTETD.

7. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 4 FEET TO A TREE TRUNK, PROTECT THE TRUNK WITH STRAPPED-ON PLANKING TO A HEIGHT OF 8 FEET (OR TO THE LIMITS OF LOWER BRANCHING) IN ADDITION TO THE REDUCED FENCING

3. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.

9. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED FLUSH WITH THE SOIL. BACKFILL ROOT AREAS WITH GOOD QUALITY TOP SOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS, COVER THEM WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER

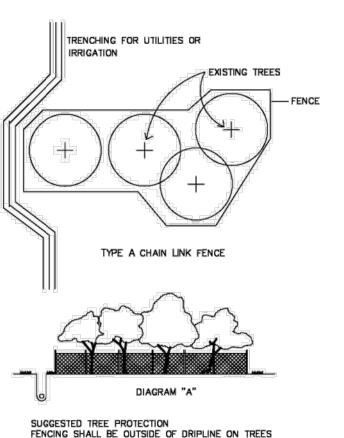
10. ANY TRENCHING REQUIRED FOR THE INSTALLATION OF LANSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS

11. NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIP LINE OF TREES. NO SOIL IS PREMITTED ON THE ROOT FLARE OF ANY TREE.

12. PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC AND EQUIPMENT SHALL TAKE PLACE BEFORE DAMAGE OCCURS (RIPPING OF

13. ALL FINISHED PRUNING SHALL BE DONE ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THEINDUSTRY (REFERENCE THE NATIONAL ARBORIST ASSOCIATION PRUNING STANDARDS FOR SHADE TREES AVAILABLE ON REQUEST FROM THE CITY ARBORIST).

14. DEVIATIONS FROM THE ABOVE NOTES MAY BE CONSIDERED ORDINANCE VIOLATIONS IF THERE IS SUBSTANTIAL NON-COMPLIANCE OR IF A TREE SUSTAINS DAMAGE AS A RESULT.



FENCING SHALL BE OUTSIDE OF DRIPLINE ON TREES TO BE PROTECTED PRIOR TO ANY SITE WORK BEGINS AND SHALL REMAIN IN PLACE UNTIL CONSTRUCTION



TREE LIST H 548 LIVE OAK R 3304 14" PECAN PECAN H 3306 LI**V**E OAK H 3318 36" LIVE OAK

LANDSCAPE NOTES

LANDSCAPE CALCULATIONS

STREET YARD / LANOSCAPE (20%)

REQUIRED CALIPER INCHES REPLACED:

ISLANDS, MEDIANS OR PENINSULAS

NUMBER & SIZE DF REPLACEMENT TREE TOTAL: 17"

SEE AEC TREES FOR GLAZING ON LANOSCAPE PLAN

TOTAL SITE AREA TOTAL STREET YARD AREA

TREES (STREET YARD)

EXISTING TREE CREON 2" DIAMETER TO 6" DIAMETER 6° DIAMETER OR GREATER

REPLACEMENT TREES

NON STREET YARD AREA

MEDIUM SHRUBS SMALL SHRUBS

1. ADEQUATE BARRIERS BETWEEN ALL VEHICULAR USE AREAS AND ADJACENT LANDSCAPE AREAS, SUCH AS A 6" CONCRETE CURB ARE REQURIED. IF A STANDARD 6" CURB AND GUTTER ARE NOT PROVIDED FOR ALL VEHICULAR USE AREAS AND ADJACENT LANDSCAPE AREAS, COMPLY WITH ECM, SECTION 2.4.7, "PROTECTION OF LANDSCAPE AREAS."

22.826 sq. ft.

4,565 sq. ft.

0 EA. x 2 = 0 EACH

130 eq. ft.

REQUIRED: 448

PROPOSED TREES (STREET YARD) 15 EA. + 0 EXISTING = 15

5,916 sq. ft. (26%)

PROVIDED

> 200 sq. ft.

TOTAL PROVIDED: 455

2. IRRIGATION SHALL BE BY AUTOMATIC SYSTEM WITH SHRUB AND TURF AREAS ON SEPARATE VALVE SECTIONS TO MEET C.O.A. GUIDELINES.

3. ALL LANDSCAPING SHALL BE CONTINUOUSLY MAINTAINED AND REPLACED AS NECESSARY BY THE OWNER IN ACCORDANCE WITH LDC SECTION 25-2-984. 4. ALL MECHANICAL EQUIPMENT, STORAGE AREAS, DETENTION AND REFUSE COLLECTION AREAS SHALL BE SCREENED BY PLANT MATERIAL OR A SIX (6') FOOT PRIVACY FENCE.

5. SHRUB AND TREE BEDS SHALL BE COVERED WITH A ORGANIC BARK MULCH TO A DEPTH OF THREE (3") INCHES.

6. ALL PLANTING AREAS FOR REQUIRED LANDSCAPING SHALL CONTAIN A MINIMUM 7. ALL DISTURBED AREAS SHALL BE REVEGETATED TO MEET CITY OF AUSTIN STANDARDS.

8. THIS PLAN IS FOR SUBMITTAL TO THE CITY OF AUSTIN TO COMPLY WITH CHAP. 25-2, ART. 9, DIV. 1 OF THE LAND DEV. CODE AND IS NOT INTENDED TO BE A CONTRACTOR'S BID DOCUMENT OR LANDSCAPE WORKING DRAWINGS.

MAY RESULT IN NON-ACCEPTANCE OF THIS PROJECT BY THE CITY INSPECTORS.

9. IF ESTABLISHING VEGETATION DURING ANY STAGE OF A DROUGHT, SECTION 6-4-30 MAY REQUIRE A VARIANCE. CONTACT AUSTIN WATER CONSERVATION STAFF AT WATERUSECOMPVAR@AUSTINTEXAS.GOV OR CALL 512-974-2199. 10. ANY CHANGES IN PLANT SPECIES, QUANTITY OR LOCATION OF PLANT MATERIAL

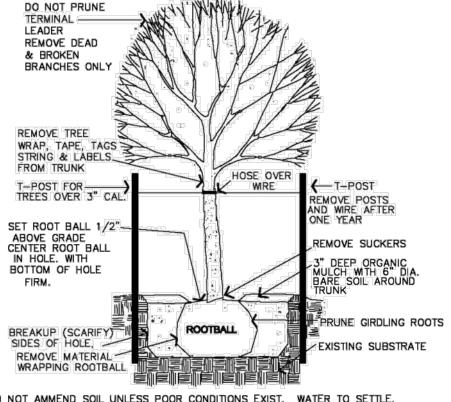
NEW COMMERCIAL AND MULTI-FAMILY LANDSCAPE IRRIGATION 1. A NEW COMMERCIAL AND MULTI-FAMILY IRRIGATION SYSTEM MUST BE DESIGNED AND INSTALLED SO THAT:

- THERE IS NOT DIRECT OVERSPRAY ONTO NON-IRRIGATED AREAS;
 THE SYSTEM DOES NOT INCLUDE SPRAY IRRIGATION ON AREAS LESS THAN SIX (6) FEET WIDE (SUCH AS MEDIANS, BUFFER STRIPS, AND PARKING LOT ISLANDS); c. ABOVE-GROUND IRRIGATION EMISSION DEVICES ARE SET BACK AT LEAST SIX (6)
- INCHES FROM IMPERVIOUS SURFACES; THE IRRIGATION SYSTEM HAS A MASTER VALVE;
- CIRCUIT REMOTE CONTROL VALVES HAVE ADJUSTABLE FLOW CONTROLS;
 SERVICEABLE IN—HEAD CHECK VALVES ARE ADJACENT TO PAVED AREAS WHERE
- ELEVATION DIFFERENCES MAY CAUSE LOW HEAD DRAINAGE;
 THE IRRIGATION SYSTEM HAS A CITY-APPROVED WEATHER BASED CONTROLLER;
 AN AUTOMATIC RAIN SHUT-OFF DEVICE SHUTS OFF THE IRRIGATION SYSTEM AUTOMATAICALLY AFTER NOT MORE THAN A ONE-HALF INCH (1/2") RAINFALL
- ZONE VALVES AND CIRCUITS ARE SEPARATED BASED ON PLANT WATER REQUIREMENTS; AN IRRIGATION EMMISSION DEVICE (SUCH AS SPRAY, ROTOR, OR DRIP EMITTER) DOES NOT EXCEED THE MANUFACTURER'S RECOMMENDED OPERATING PRESSURE; AND k. NO COMPONENT OF THE IRRIGATION SYSTEM DEVIATES FROM THE MANUFACTURER'S
- RECOMMENDED USE OF THE PRODUCT.

2. THE MAXIMUM SPACING BETWEEN SPRAY OR ROTARY SPRINKLER HEADS MUST NOT EXCEED THE RADIUS OF THROW OF THE HEAD UNLESS MANUFACTURER OF THE SPRINKLER HEAD SPECIFICALLY RECOMMENDS A GREATER SPACING. THE RADIUS OF THROW IS DETERMINED BY REFERENCE TO THE MANUFACTURER'S SPECIFICATIONS FOR A SPECIFIC NOZZLE AT A

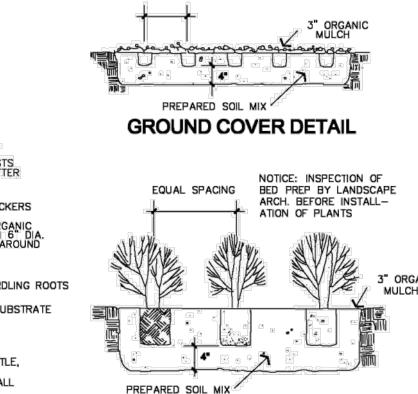
3. THE IRRIGATION INSTALLER SHALL DEVELOP AND PROVIDE AN AS-BUILT DESIGN PLAN AND WATER BUDGET TO THE CITY AT THE TIME THE FINAL PLUMBING INSPECTION IS PERFORMED. THE WATER BUDGET SHALL INCLUDE: (1) A CHART CONTAINING ZONE NUMBERS, PRECIPITATION RATE, AND GALLONS PER MINUTE; AND (2) THE LOCATION OF THE EMERGENCY IRRIGATION SYSTEM SHUT-OFF VALVE. A LAMINATED COPY OF THE WATER BUDGET SHALL BE PERMANENTLY INSTALLED INSIDE THE IRRIGATION CONTROLLER DOOR.

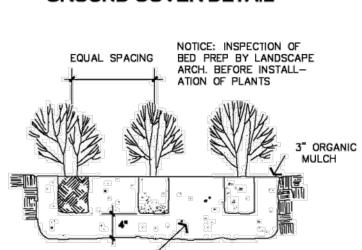
4. THE IRRIGATION INSTALLER SHALL PROVIDE A REPORT TO THE CITY ON A FORM PROVIDED BY THE AUSTIN WATER UTILITY DEPARTMENT CERTIFYING COMPLIANCE WITH SUBSECTION (I) WHEN THE FINAL PLUMBING INSPECTION IS PERFORMED BY THE CITY. 5. IRRIGATION SHALL COMPLY WITH CITY CODE CHAPTER 6-4, ART. 2, DIVISION 2, REGARDING THE CITY'S WATER CONSERVATION RESTRICTIONS.



DO NOT AMMEND SOIL UNLESS POOR CONDITIONS EXIST. WATER TO SETTLE, AND REMOVE AIR POCKETS. FIRMLY SET TREE, TAMP IF NEEDED. HOLE WIDTH = 3 TIMES WIDTH OF ROOTBALL, HEIGHT. TO MATCH ROOTBALL

TREE PLANTING DETAIL





NOTICE: INPECTION OF BED

PREP. BY LANDSCAPE ARCH.

BEFORE INSTALLATION OF PLANTS

SHRUB PLANTING DETAIL

RELEASED FOR GENERAL COMPLIANCE Correction Correction Correction Final plat must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filling, and all required Building Permits and/or a notice of construction (if a building permit is not required), must also be approved

FILE NUMBER <u>SPC-2016-0494A</u> APPLICATION DATE <u>10/21/2016</u>

SITE PLAN APPROVAL SHEET 3 OF 3

CASE MANAGER: MICHAEL SIMMONS-SMITH

Director, Development Services Department

PROJECT EXPIRATION DATE (ORD#970905-A) _

CHAPTER <u>25-5</u> OF THE CITY OF AUSTIN CODE. EXPIRATION DATE (25-5-81, LDC)

APPROVED BY COMMISSION ON ___

Rev.2

COMPATIBILITY WAIVER FOR LATE HOURS

SPC-2016-0494A

R = PROPOSED REMOVAL H = HERITAGE TREE

