

**ZONING AND PLATTING COMMISSION
SITE PLAN CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2017-0429A **ZAP DATE:** July 17, 2018
PROJECT NAME: Eleve Cosmetics

ADDRESS: 8916 Brodie Lane, Unit 500
COUNCIL DISTRICT: 8

APPLICANT: Eleve Cosmetics, Ginger Averitt (512) 934-0180
8916 Brodie Lane, Ste 500
Austin, TX 78748

PROPERTY OWNER: Brodie Marketplace Capital, LLC, Tylere Brennan (512) 727-0700
360 Nueces, Ste 40
Austin, TX 78701

CASE MANAGER: Rosemary Avila (512) 974-2784
rosemary.avila@austintexas.gov

AREA: 1,348 sq. ft. unit
WATERSHED: Williamson Creek (Barton Springs Zone)
WATERSHED ORDINANCE: Comprehensive Watershed Ordinance
T.I.A.: N/A
CAPITOL VIEW: N/A

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit for a cocktail lounge use. The proposed cocktail lounge area is located within a 1,348 square foot retail use store. No construction is proposed with this land use only site plan.

STAFF RECOMMENDATION:

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

PROJECT INFORMATION: 1,348 sq. ft. store, 0.885 acre lot

EXIST. ZONING: CS-1, LR, & GR

ALLOWED F.A.R.: 2:1

EXISTING F.A.R.: 0.207:1

MAX. BLDG. COVERAGE: 95%

EXISTING BLDG. CVRG: 20.07%

MAX. IMPERVIOUS CVRG: 95%

EXISTING IMPERVIOUS CVRG: 88.09%

PROPOSED ACCESS: Brodie Lane

REQUIRED PARKING: 50

PROVIDED PARKING: 45 onsite and 5 spaces through reciprocal parking provided through a Unified Development Agreement (Doc No. 201452274)

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The lot is zoned LR (Neighborhood Commercial), GR (Community Commercial), and CS-1 (Commercial-Liquor Sales); however the location of the proposed cocktail lounge area

Eleve Cosmetics

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is all within the CS-1 zoned portion of the site. Cocktail Lounge use is a conditional use in the CS-1 base zoning district. The re-zoning case for the CS-1 zoning (C14-2017-0095) was approved in October 2017. There are no schools, churches, or hospitals within 300 feet of the subject site. Staff recommends approval of the conditional use permit request.

Environmental: The site is located in the Williamson Creek Watershed. No construction is proposed with this Land Use application.

Transportation: All Transportation comments have been cleared. Access to the site will be from Brodie Lane.

SURROUNDING CONDITIONS:

Zoning (Land Use)

North: LR (Convenience Store)
East: Brodie Lane, then GR (Retail)
South: Deer Lane, then PUD (Undeveloped)
West: LR (Undeveloped)

NEIGHBORHOOD ORGNIZATIONS:

Austin Empowerment Foundation	Onion Creek Homeowners Assoc.
Austin Independent School District	Palomino Park - HOA
Bike Austin	Preservation Austin
Circle C Neighborhood Association	Save Our Springs Alliance
Deer Park Owners Association, Inc.	SEL Texas
Friends of Austin Neighborhoods	Sierra Club, Austin Regional Group
Homeless Neighborhood Association	South Austin Neighborhood Alliance
Maple Run- Wheeler Creek- Woodstone	Tanglewood Forest Assn.
Oak Hill Trails Association	

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 within the CS-1 base zoning 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: Adequate parking and loading facilities are provided on-site.

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 and reasonably protects the health, safety, and welfare of persons and property.

- C. In addition, a conditional use site plan may not:**

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

Staff Response: A cocktail lounge use within the retail store would not more adversely affect an adjoining use 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.

Mr. Rodney Gonzales
Director
Development Services Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

Dear Mr. Gonzales,

Elevé Cosmetics, a local makeup line, was established in 2015 as an online-based company. My sister and business partner, Gertie Wilson, and I are excited and proud to now be developing our flagship store in Southwest Austin.

We want to offer our customers a unique experience in our brick-and-mortar store, including the virtual testing of makeup using technology, full makeup applications by professional makeup artists, and the opportunity to enjoy a glass of wine or champagne while enjoying our shop. As such, Elevé Cosmetics recently sought a zoning change for our 1348 square foot retail shell space, from GR to CS-1. It was approved unanimously by the City Council on October 5, 2017 and took effect October 16, 2017. The zoning change was necessary in order to pursue the conditional use permit for a cosmetics retail store that also contains a champagne bar.

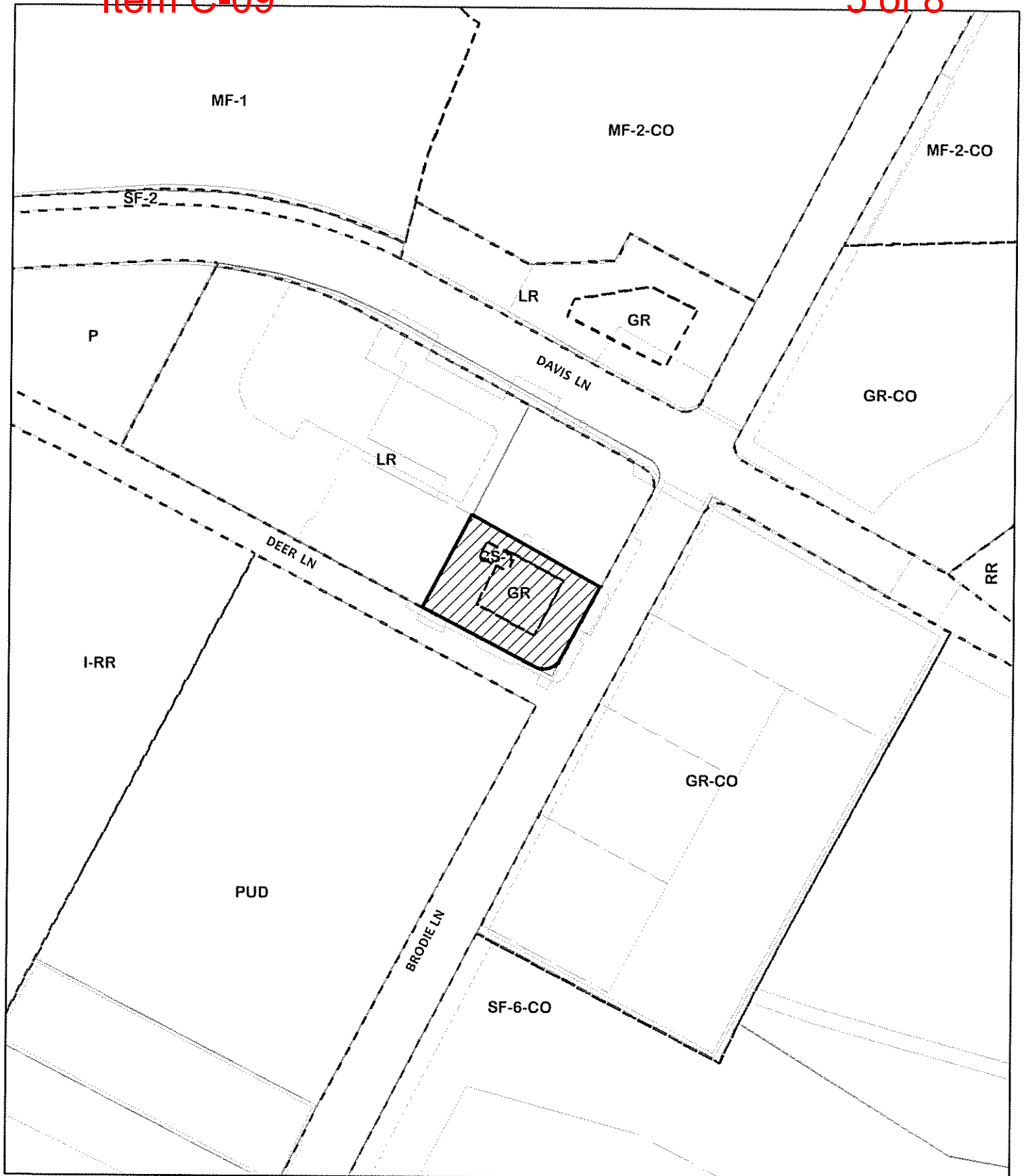
The space located at 8916 Brodie Lane, Suite 500, is currently a retail shell building that Elevé has leased to finish out and occupy. While considering our application, please note the uniqueness of our business model, which does not precisely fit the definition of "cocktail lounge," but will be categorized as one under current city regulations. Simply put, we want to offer our clients a glass of wine in addition to the retail experience!

Thank you very much for your consideration of our application. Please do not hesitate to contact us if we may provide any additional information.

Sincerely,



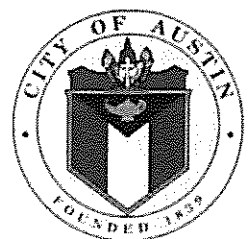
Ginger Averitt
Founding Partner, Elevé Cosmetics



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

0 100 200 400 Feet

CASE#: SPC-2017-0429A
 ADDRESS: 8916 Brodie Lane, Unit 500
 CASE NAME: Eleve Cosmetics
 MANAGER: Rosemary Avila



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

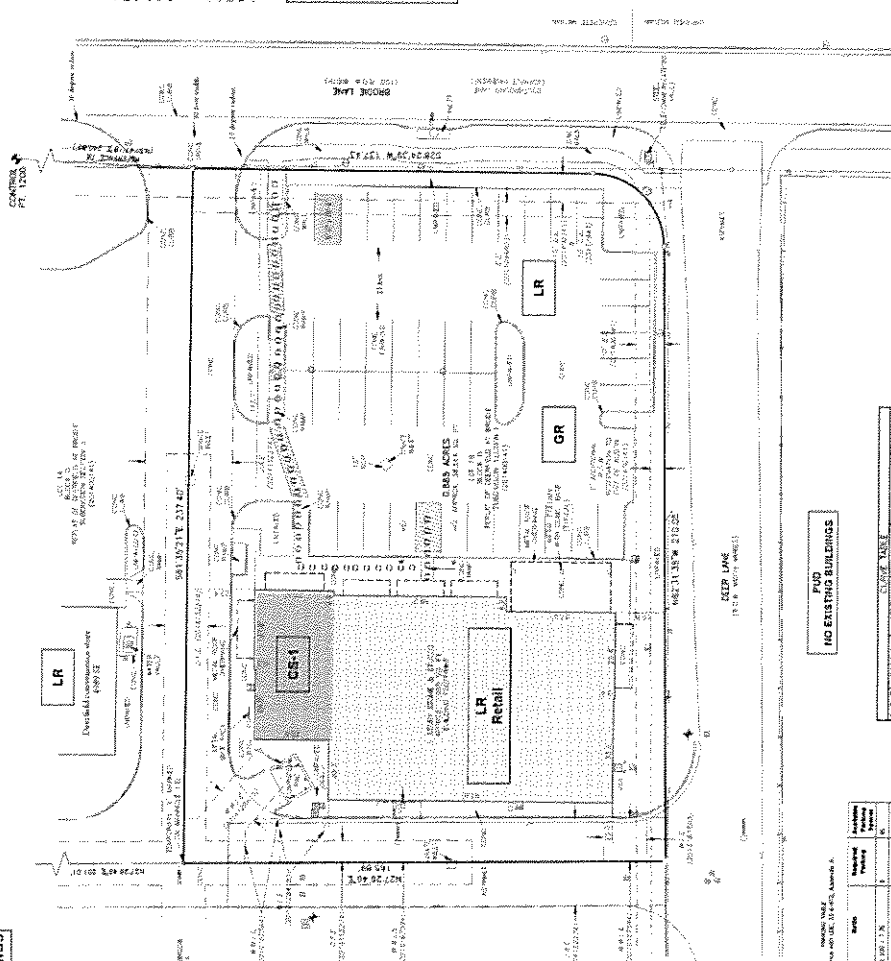
Elevé Cosmetics
8916 Brodie Lane, Suite 500

**THERE IS NO CONSTRUCTION
ASSOCIATED WITH THIS SITE
PLAN**

LA
NO EXISTING BUILDINGS

NO EXISTING BUILDINGS

NO EXISTING BLINDS
AND
PUP



USE	MAEA (PS)	Range	Modeling Technique	Software Package
Tracked (small)	135	1.35E + 3	B	CS
Tracked (large)	4504	1.37E + 12	B	CS
Stationary (small)	1305	1.35E + 3	B	CS
Stationary (large)	4465	1.37E + 12	B	CS
Complex (small)	1305	1.35E + 3	B	CS
Complex (large)	4465	1.37E + 12	B	CS
Stochastic (small)	1305	1.35E + 3	B	CS
Stochastic (large)	4465	1.37E + 12	B	CS
Dynamic (small)	1305	1.35E + 3	B	CS
Dynamic (large)	4465	1.37E + 12	B	CS

NAME: F2015-42629

Site Data Table - LOT 18	
Total Lot Area	0.885 Acres
Building Coverage	23.7%
Building Height	22' 7 1/2"
Building Stories	1
Foundation Type	5' slab
Prepared Street Floor Area	
Pavement	4,704 sq ft
Grass	22.2%
Gravel	779.5 sq ft
Asphalt	4,011 sq ft
Grass	1,478 sq ft
Total	23.75%
Impervious Cover	
Buildings	7,739 sq ft
Pavement	4,704 sq ft
Walls/Fence	1,478 sq ft
Total	33,592 sq ft
	88.25%
Prepared SAA (1)	
Walls	4,704 sq ft
Grass	13.1%
Curb/Landscaping	0.0%
Restaurant	2,499 sq ft
Total	7,739 sq ft
	0.22%
Zoning and Proposed Use	
Restaurant	2,499 sq ft
Pavement	4,704 sq ft
Curb/Landscaping	779.5 sq ft
	CS
	CS 1
	CS 1

[illegible][illegible]

GR
Retail

**NO EXISTING BUILDINGS
AND**

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2017-0429A

Contact: Rosemary Avila, 512-974-2784 or

Amelia Watts, 512-974-3103

Public Hearing: Zoning and Platting Commission, July 17, 2018

William S Walters, III

Your Name (please print)

8813 Biche Lane

Your address(es) affected by this application

7/10/18

Date

[Signature]

Signature

Daytime Telephone: 512.481.0404

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department - 4th floor

Rosemary Avila

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: SPC-2017-0429A

Contact: Rosemary Avila, 512-974-2784 or

Amelia Watts, 512-974-3103

Public Hearing: Zoning and Platting Commission, July 17, 2018

William S. Waller, III

Your Name (please print)

8906 Biddle Lane (Lots C-A, B, C)

Your address(es) affected by this application

7-10-18

Date

Signature

512 4810404

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department -- 4th floor

Rosemary Avila

P. O. Box 1088

Austin, TX 78767-8810