

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

CASE NUMBER: SPC-2018-0234A **PLANNING COMMISSION DATE:** 11/6/2018

PROJECT NAME: Anthem Restaurant

PROPOSED USE: Cocktail lounge

ADDRESS: 91 Rainey Street

AREA: 5,404 square feet

APPLICANT: Nick Hogan
1440 Eagle Run Dr. Suite 100
Omaha, Nebraska

AGENT: Lenworth Consulting (Nash Gonzales)
P.O. Box 3098
Cedar Park, TX 78630

CITY COUCIL DISTRICT: Kathie Tovo - 9

NEIGHBORHOOD PLAN: Rainey Street, Waterfront Overlay Sub district

CASE MANAGER: Nikki Hoelter **Phone:** (512)974-2863
Nikki.hoelter@austintexas.gov

EXISTING ZONING: CBD, Central Business District.

PROPOSED DEVELOPMENT:

The applicant is requesting approval of a conditional use site plan to allow a cocktail lounge within the Rainey Street sub district. The cocktail lounge will be within an existing building.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit. A cocktail lounge use requires a conditional use permit when it's located in the Rainey Street waterfront overlay sub district. It would otherwise be a permitted use in the CBD zoning district. The site plan conditional use permit will comply with all requirements of the Land Development Code prior to its release.

SUMMARY COMMENTS ON SITE PLAN:

Land Use:

The site is zoned CBD, commercial business district which permits a cocktail lounge use, however in the Waterfront Overlay Sub district Uses section of the code, 25-2-692(K), it states that a cocktail lounge use is a conditional use if located in the Rainey Street Sub district.

The applicant is requesting a conditional use permit to allow a 5404 square foot cocktail lounge within an existing mixed use building. The cocktail lounge will be located in the same location as the existing restaurant. The Anthem Restaurant is currently located in this space, and it will continue to operate, however the sale of alcohol exceeds that of which can be sold under a restaurant. Additionally the request for a cocktail lounge use would also permit the late hours of operation. There will not be any construction with this permit.

The proposed use is located in an existing 8 story multifamily, mixed use building. The site was approved in 2014 under SP-2013-0131C, Rainey Street. All parking will be provided on site within the parking garage.

The hours of operation are proposed as Monday through Thursday from 11am to 12am, Friday and Saturday 11am to 1am and Sunday from 12pm to 10pm.

Staff recommends approval of the request because it meets the evaluation criteria for a conditional use site plan in LDC Section 25-5-145.

PROJECT INFORMATION

SITE AREA	2.21 acres	
EXISTING ZONING	CBD	
WATERSHED	Lady Bird Lake	
TRAFFIC IMPACT ANALYSIS	Approved with site plan SP-2013-0131C	
EXISTING ACCESS	Driskell Street, Rainey Street and IH-35	
	Allowed/Required	Existing
Gross floor area	8:1	387,556
Building Coverage	100%	69%
Impervious Cover	100%	83.7%
Parking	587	492*
	72 spaces required for cocktail lounge	

*overall existing parking spaces include parking reductions.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CBD	Mixed use building
<i>North</i>	CBD	Restaurant, surface parking
<i>South</i>	CBD	Bar, Restaurant
<i>East</i>	RIGHT OF WAY,	HWY IH 35
<i>West</i>	CBD	Bar

Neighborhood Organizations and Community Registry List:

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Black Improvement Association
 City of Austin Downtown Commission
 Downtown Austin Neighborhood Assn. (DANA)
 El Concilio Mexican-American Neighborhoods
 Friends of Austin Neighborhoods
 Friends of Rainey Street Historic District
 Friends of the Emma Barrientos MACC
 Greater East Austin Neighborhood Association
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Preservation Austin
 Rainey Business Coalition
 Rainey Neighbors Association, Inc.
 SELTexas
 Sierra Club, Austin Regional Group
 Tejano Town
 The Shore Condominium Association, Inc.
 Town Lake Neighborhood Association
 Waller Creek Conservancy
 Waller District Staff Liaison

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

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 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:

1. **Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title.
2. **Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the zoning district.
3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: This application is compatible with surrounding uses, as its across and adjacent to cocktail lounge uses. Construction is not proposed with the application and the proposed use is within an existing building.
4. **Provide adequate and convenient off-street parking and loading facilities;** Staff response: Adequate parking and has been provided. Loading facilities and are not required.
5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of these adverse effects.
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 district.

A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The proposed use will not affect the adjoining uses, which are predominantly cocktail lounge and restaurant. The use will be interior to the building and not cause additional disruption to the street and area. Parking for the proposed cocktail lounge will be provided on site.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: New construction or reconfiguration of parking, drives or sidewalks aren’t proposed, therefore will not adversely affect the safety of vehicular or pedestrian circulation.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No new signage or lighting is proposed that would affect adjacent properties or traffic control.

BUILDING USE

UNIT TYPE	LEVEL(S)	NUMBER OF UNITS	AREA PER UNIT (SQ.FT.)	TOTAL AREA (SQ.FT.)
RESIDENTIAL	1-8	326	873 (AVG.)	284,756
LEASING/AMENITY	1 & 8	-	-	14,372
COCKTAIL LOUNGE	1	-	5,404	5,404
MISC.(HALLS/STAIRS/ETC)	1-8	-	-	83,528
PARKING*	1-8	-	-	(184,793)*
TOTAL (GROSS)				388,060

*PARKING NOT INCLUDED IN TOTAL (GROSS) S.F.

OFF-STREET LOADING DATA

USE	TOTAL AREA S.F.	REQ'D LOADING SPACES	PROVIDED LOADING SPACES
COCKTAIL LOUNGE	5,404	0	0

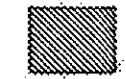
PROVIDED PARKING DATA

TYPE	PROVIDED
RESIDENT	457
RETAIL	23
HANDICAP	12
TOTAL	492
TOTAL BICYCLE PARKING	20

CONDITIONAL USE PERMIT FOR 5,404 SQ.FT. OF COCKTAIL LOUNGE

THERE IS NO CONSTRUCTION ASSOCIATED WITH THIS SITE PLAN

LEGEND



COCKTAIL LOUNGE AREA

5,404 SQ. FT.

REQUIRED PARKING DATA

REQUIRED				
TYPE	USE	NO. OF UNITS	RATIO	SPACES
MULTI-FAMILY	1 BEDROOM	274	1.5:1	411
	2 BEDROOM	52	2.0:1	104
COMMERCIAL	COCKTAIL LOUNGE	5,404 SF	1:75	72
HANDICAP				10
VAN ACCESSIBLE				2
TOTAL				587
MAXIMUM REQUIRED*				352
MINIMUM REQUIRED*				118
REQUIRED BICYCLE PARKING**				18

BUILDING DATA

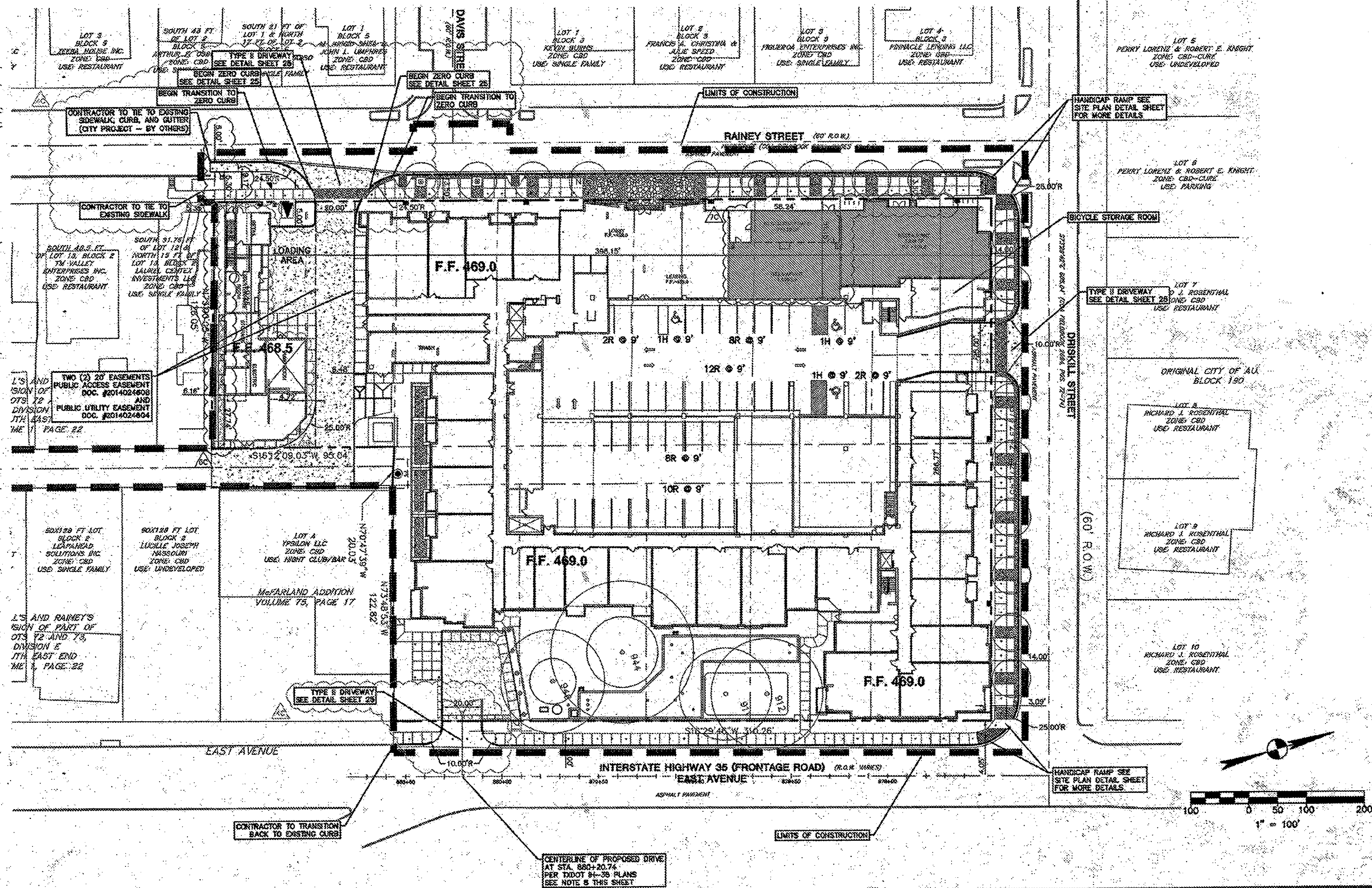
BLDG. NO.	STORIES	BLDG. HEIGHT (FT.)	F.F. ELEV. (FT.)	FOUNDATION	BLDG. COVERAGE (S.F.)	BLDG. COVERAGE (%)	GROSS FLOOR AREA (S.F.)	USE
1	8	75	469	CONCRETE PIER	67,095	69.6	387,556	MIXED-USE (MULTI-FAMILY, GARAGE, LOUNGE)

ORDINANCE REQUIREMENTS

- APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING CODE AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
- A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.

SITE SUMMARY

PROJECT NAME: RAINEY STREET
SITE ADDRESS: 91 RAINEY STREET, AUSTIN, TX 78701
CURRENT ZONING: CBD
LEGAL DESCRIPTION: A ONE LOT SUBDIVISION CONSISTING OF 2.213 ACRES OF LAND OUT OF THE THOMAS CHAMBERS SURVEY, ABSTRACT NO. 7 SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
OWNER: AUSTIN RAINEY ST. D/E/P, LLC
 3411 RICHMOND AVENUE, SUITE 200
 HOUSTON, TEXAS 77046
 832.209.1257
OWNER'S AGENT: BURY+PARTNERS, INC.
ARCHITECT: ZCA RESIDENTIAL, LLC
 700 LOUISIANA STREET, SUITE 350
 HOUSTON, TX 77002
 713.374.0000
ENGINEER: BURY+PARTNERS, INC.
 221 W. SIXTH STREET, SUITE 600
 AUSTIN, TEXAS 78701
 512.328.0011
LANDSCAPE ARCHITECT: KUDELA & WEINHEIMER
 1000 CENTRAL PKWY N #268
 SAN ANTONIO, TX 78232
 210.349.3500
MAX BUILDING HEIGHT = N/A
MAX FLOOR TO AREA RATIO (F.A.R.): 8.0:1
TOTAL SITE F.A.R. = 4.02:1
TOTAL GROSS FLOOR AREA = 387,556 S.F.
OVERALL BUILDING COVERAGE = 67,095 S.F. (69.6%)
MAX ALLOWABLE IMPERVIOUS COVER = 100%
TOTAL IMPERVIOUS COVER = 1.85 ACRES (83.7%)
TOTAL PARKING SPACES PROVIDED = 492 SPACES



ANTHEM CONDITIONAL USE PERMIT
91 RAINEY STREET
AUSTIN, TEXAS 78701

SITE PLAN

SHEET NO.

SP 2 of 2