

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

CASE NUMBER: SPC-2018-0478A

PC DATE: 3/26/2019

PROJECT NAME: Plaza Saltillo Block E Texaco

ADDRESS OF APPLICATION: 1300 E 4th Street, Building C

AREA: 3,583 sf (footprint of enclosed cocktail lounge structure) / 3,200 sf (footprint of cocktail lounge outdoor seating area contiguous to enclosed structure)

APPLICANT: Capital Metropolitan Transportation Authority (Todd Hemingson)
2910 E 5th Street (512) 369-6295
Austin, TX 78702

AGENT: Armbrust & Brown, PLLC (Richard Suttle)
100 Congress Avenue, Suite 1300 (512) 435-2300
Austin, TX 78701

CASE MANAGER: Anaiah Johnson Phone: (512) 974-2932
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PROPOSED USE: Cocktail Lounge

EXISTING ZONING: TOD-CURE-NP & TOD-H-NP

NEIGHBORHOOD PLAN: East Cesar Chavez

PROPOSED DEVELOPMENT: The applicant is requesting a conditional use permit for a cocktail lounge in two existing historic zoned structures, totaling 3,283 sf of indoor space, and a proposed 3,200 sf outdoor seating area, for a grand total of 6,783 sf of CUP Cocktail Lounge space. The hours of operation will be Monday – Sunday 7am to 2am. No construction will occur with this permit but will be permitted either as a B-plan (construction site plan) or as a site plan exemption.

SUMMARY STAFF RECOMMENDATION: The site plan complies with all requirements of the Land Development Code and Plaza Saltillo TOD Regulating Plan. Staff recommends approval of the CUP.

PROJECT INFORMATION

Gross Site Area	6,783 sf (cocktail lounge) / 10,906 sf (gross site area)
Existing Zoning	TOD-CURE-NP / TOD-H-NP
Watershed	Waller Creek / Lady Bird Lake
Watershed Ordinance	Current Code
Traffic Impact Analysis	Yes Approved
Capitol View Corridor	Not applicable
Proposed Access	N/A (all parking provided off-site)
Proposed Impervious Cover	5,258 sf / 48%
Proposed Building Coverage	4,284 sf / 39%
Height	1 story
Parking required: 136	Parking proposed: 136 (off-site)

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	TOD-CURE-NP / TOD-H-NP	Cocktail Lounge (proposed)
<i>North</i>	E 5 th Street then TOD-NP	Light Manufacturing
<i>South</i>	E 4 th Street then TOD-NP	Limited Warehousing and Distribution
<i>East</i>	TOD-NP	KASITA / Food Truck Lot (no clear permits in system)
<i>West</i>	Attayac St Paseo and railroad tracks then TOD-CURE-NP	Mixed use building including General Retail Services, Restaurant (General) and Multi-Family Residential

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff evaluation 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. The TOD Mixed Use subdistrict of the Plaza Saltillo TOD zoning district allows the highest level of development activity in the TOD with the Cocktail Lounge land use being a Conditional Use within the subdistrict.
- 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: Yes, there are no SF-5 or more restrictive zoning districts or permitted land uses abutting the site.
- 4. Provide adequate and convenient off-street parking and loading facilities;** Staff response: Adequate parking and loading facilities have been provided off-site.
- 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 the listed adverse effects.

A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The proposed site plan does not appear to more adversely affect an adjoining site than would a permitted use.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The cocktail lounge land use will be located on an already developed site (the historic designated former Texaco Depot), and is not anticipated to affect pedestrian or vehicular circulation.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: The site will comply with all applicable sign regulations in the Land Development Code and/or Plaza Saltillo TOD Regulating Plan.

COMMISSION ACTION:

The Commission may either; approve, approve with conditions or deny the conditional use site plan permit.

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 and 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.**

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a Conditional Use Permit for a Cocktail Lounge land use and a late hours permit within two existing buildings and the addition of 1,675 sf of flatwork for outdoor seating. The buildings were previously used as the Texaco Depot and are each designated as historic structures with the addition of "H" in their zoning strings on the exact footprints of the buildings.

The parking requirements for this use will be achieved through off-site parking in the adjacent mixed use buildings with parking garages currently under construction. The site is subject to the approved TIA associated with zoning and site plan case numbers C14-2016-0049/C14-2016-0050/SP-2015-0479C/SP-2015-0480C. ATD has reviewed the change in land use proposed with this CUP and has no further requirement for analysis or mitigation.

If approved, either a B-plan (construction site plan) or a site plan exemption will be sought to permit the improvements associated with this conditional use site plan permit.

The site plan complies with all requirements of the Land Development Code and Plaza Saltillo TOD Regulating Plan.

NEIGHBORHOOD ORGANIZATIONS:

A.N.T Artists and Neighbors Together
Armbrust & Brown PLLC
Austin Independent School District
Austin Innerscity Alliance
Austin Neighborhoods Council
Barrio Unido Neighborhood Association
Bike Austin
Black Improvement Association
Capital Metro
Capital Metro Transportation
Claim Your Destiny Foundation
Del Valle Community Coalition
East Austin Conservancy
East Cesar Chavez Neighborhood Association
East Cesar Chavez Neighborhood Plan Contact Team
East Sixth Ibiz District
El Concilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
Greater East Austin Neighborhood Association
Guadalupe Association for an Improved Neighborhood
Guadalupe Neighborhood Development Corporation
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Plaza Saltillo TOD Staff Liaison Planning and Zoning
Preservation Austin
SEL Texas
Sierra Club, Austin Regional Group
Tejano Town
United East Austin Coalition
Waller Creek Conservancy

