

**STAFF REPORT
OUTDOOR MUSIC VENUE PERMIT**

CASE NUMBER: SO-2010-0183M

NAME AND LOCATION OF BUSINESS: Irie Bean Coffee Bar

ZONING: CS-V

APPLICANT/AGENT: Rafael Robinson

APPELLENT: Rafael Robinson

REQUEST: Hours of operation for their Outdoor Music Venue Permit

TIMELINE/SUMMARY OF ACTIONS:

01/26/10 - Application received
05/14/10 - Noticed mailed
0 5/28/10 - Date to register as interested party
08/19/10 - Application approve
08/27/10 - Email appeal received from Rafael Robinson
08/29/10 - Deadline to appeal decision

STAFF RECOMMENDATION: Denial of appeal for following reasons:

Hours are consistent with other venues in the ZNA

HOURS OF OPERATION:

10:00 a.m. to 8:30 p.m. Sunday
10:00 a.m. to 8:30 p.m. Monday
10:00 a.m. to 8:30 p.m. Tuesday
10:00 a.m. to 8:30 p.m. Wednesday
10:00 a.m. to 8:30 p.m. Thursday
10:00 a.m. to 10:00 p.m. Friday
10:00 a.m. to 10:00 p.m. Saturday

LEGAL INTERESTED PARTIES:

Camille Perry - Opposed
Nancy Maclaine – In favor
Ruth Powers – In favor
Lois Bates Jones - Opposed
Lorraine Atherton - Opposed

Ingrid Edisen - Opposed
Rebecca Heston - In favor
Joyce King – In favor
Crosby Marks – In favor with limited hours
Michael Bellamy - Opposed
Craig Boyce – In favor
Edwin Saykally – In favor

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CS-V	Coffee Bar
NORTH	CS-V	Motel
SOUTH	CS-V	Service Station
EAST	CS	Car Wash
WEST	CS-V	Motel

COMPLAINTS SINCE PERMIT ISSUED: (Provided by Leander Davila, APD)



City of Austin Planning and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

**OUTDOOR MUSIC
VENUE APPEAL**

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on an Outdoor Music Venue permit, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision was issued by the accountable official. If you need assistance, please contact at (512) 974-2686.

CASE NO. Permit # SO-2010-0183M

DATE APPEAL FILED 8-27-10

VENUE NAME Irie Bean Coffee

YOUR NAME Rafael

Bar

Robinson

SIGNATURE [Signature]

VENUE ADDRESS 2310 S Lamar

YOUR ADDRESS 2310 S Lamar

102

102

Austin, TX

Austin, TX

78704

78704

CITY CONTACT _____

YOUR PHONE NO. (512) 296-

SECTION OF CODE APPEALED: _____

8607 WORK 512-326-4636

() HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the notice owner of single family use
- ☒ I am the applicant or agent representing the applicant
- ☐ I am a representative of a neighborhood association and submitted my opposition in writing (date) _____
- ☐ I am the notice owner of a multifamily use located adjacent to the venue (new permits only)

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I am the notice owner of single family use located within 600 feet of the subject site.
- ☐ I am the notice owner of a multifamily use located adjacent to the venue.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 600 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- ☒ Approval of an Outdoor Music Venue Permit
- ☐ Denial of an Outdoor Music Venue Permit

Date of Decision: 8-19-10

Date of Decision: _____

STATEMENT: Please provide the decision being appealed and the specific grounds for the appeal. If specific grounds are not provided appeal will not be considered valid:

I would like to appeal the weekday hours of the OMV permit that was issued on Aug 19, 2010. The hours that were specified by the permit have a cutoff time of 8:30pm Sun - Thurs. We applied for a 10pm cutoff time Wed - Sat, but were denied this request. Our permit was a renewal that has been active since 2006. Our previous permit allowed 85 decibels & cut off times of 10:30 pm Sun-Wed, 11pm Thur, 12am Fri, & 1am Sat. We made many concessions to appease the concerns & complaints expressed by a few neighbors. We've made a substantial

monetary investment to our patio & sound system to dampen the sound output beyond the property boundaries. In the 3 years we have had an OMV permit, we have not had a single violation. We have also cut off our music by 10:30 every night in order to be respectful to the neighbors in our area. I believe that Irie Bean has made every effort to accommodate our neighbors, maintain our business, and abide by the City of Austin guidelines in the past, during this renewal process, and will continue to do so in the future. Due to this track record and the basis of arguments against our request, we feel that the City of Austin should grant our request to amend our OMV permit with extended hours on Wed & Thurs.

(Attach additional page if necessary.)



