

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	7767	Agenda Number	136.
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Meeting Date:	7/28/2011	Department:	Planning and Development Review
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**Subject**

Conduct a public hearing to consider an appeal by Moncada Consulting (Phil Moncada), representing Pepper’s Bistro (Raul Aguilar), of the Planning Commission’s decision to deny a Conditional Use Site Plan application for a change of use to a Cocktail Lounge for Pepper’s Bistro, 1926 E. Riverside Drive (SPC-2010-0288A).

**Amount and Source of Funding**

**Fiscal Note**

There is no anticipated fiscal impact. A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	November 15, 1973- Council approved a zoning change for 1926 E. Riverside Drive from “GR” – General Retail to “C-2” – Commercial. In 1986, the Land Development Code was reformatted and “C-2” was renamed to “CS-1” – Commercial Liquor Sales.
For More Information:	George Zapalac, 974-2725; Sarah Graham, 974-2826
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

**Additional Backup Information**

Phil Moncada, representing the applicant Pepper’s Bistro (Raul Aguilar) and the property owner Grayco Town Lake Investment (Mickey Scott), is appealing the Planning Commission’s June 14, 2011 decision to deny the conditional use site plan application for a change of use to a Cocktail Lounge for Pepper’s Bistro, located at 1926 E. Riverside Drive (SPC-2010-0288A).

The applicant is proposing a change of use from a 4,000 sq ft Restaurant [General] to a Cocktail Lounge. No site improvements are requested with the site plan application.

The Planning Commission voted to deny this conditional use permit site plan due to concerns about safety and an overconcentration of bars in the area. Staff recommended approval.

The applicant, who is appealing the Commission’s decision, believes the site plan meets all the conditions and

requirements for a conditional use permit.

Staff recommends approval of the applicant's appeal because the CS-1 zoning was approved by Council in 1973, and the site plan meets the conditions for a conditional use site plan.