AUSTIN CITY COUNCIL

AGENDA



Recommendation for Council Action

Austin City Council	**Item ID**	10254	**Agenda Number**	86.
Meeting Date:	10/20/2011	**Department:**	Planning and Development Review	

Subject

Conduct a public hearing to consider an appeal by Richard Kooris of the Planning and Development Review Department's decision to deny an Outdoor Music Venue Permit for East Side Drive In, located at 1001 E. 6th Street.

Amount and Source of Funding

Fiscal Note

Purchasing Language:	
Prior Council Action:	September 22, 2011: Council postponed action to October 20, 2011.
For More Information:	Clara Hilling, 974-2686; Christopher Johnson, 974-2769
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

On July 13, 2011, the Planning and Development Review Department denied an Outdoor Music Venue Permit (OMV) for a venue known as East Side Drive In, located at 1001 E. 6th Street.

On July 20, 2011 Mr. Richard Kooris, owner of the property and OMV applicant, appealed denial of the permit on the basis that 1) he believes the applicant is entitled to an approval under the language of the ordinance, 2) he does not believe that the ordinance requires a Certificate of Occupancy for an OMV permit to be granted to a site and 3) he has not requested or applied for a principal use as an Outdoor Entertainment Facility and so this is not a fact that should be relevant to the denial of OMV approval.

Chapter 9-2-24(B) and 9-2-56 of the City Code provides that an interested party may appeal a decision if they are:

- The applicant
- The notice owner of a single-family use located within 600 feet of the proposed outdoor music venue

- The notice owner of a multi-family use located adjacent to the venue (for new permits only)
- A registered neighborhood organization whose declared boundaries are within 600 feet of the proposed venue.

Staff recommends denial of the appeal because the property lacks an approved principal use. If the OMV permit is issued that would make the principal use of this location outdoor entertainment which is prohibited as a principal use in TOD zoning.