

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	15197	Agenda Number	100.
Meeting Date:	5/24/2012		Department:	Planning and Development Review
Subject				
Set a public hearing and consider an appeal by Elliott Mitchell regarding the decision to issue an Outdoor Music Venue permit for Lucy's Fried Chicken, located at 2218 College Avenue (Suggested date and time: June 14, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).				
Amount and Source of Funding				
Fiscal Note				
Purchasing Language:				
Prior Council Action:				
For More Information:	Clara Hilling, 974-2686; Carla Johnson 974-6438			
Boards and Commission Action:				
MBE / WBE:				
Related Items:				
Additional Backup Information				
<p>On March 14, 2012, the Planning and Development Review Department approved an Outdoor Music Venue Permit (OMV) for a venue known as Lucy's Fried Chicken, located at 2218 College Avenue.</p> <p>On March 19, 2012, Elliott Mitchell, a property owner within 600', appealed approval of the permit on the basis that the restaurant is extremely close to residential, already a noise violator, have inadequate parking which will cause parking congestion and safety issues in the neighborhood.</p> <p>Chapter 9-2-54(B) and 9-2-56 of the City Code provides that an interested party may appeal a decision if they are:</p> <ul style="list-style-type: none"> <li>• The applicant;</li> <li>• The notice owner of a single-family use located within 600 feet of the proposed outdoor music venue;</li> <li>• The notice owner of a multi-family use located adjacent to the venue (for new permits only); or</li> <li>• A registered neighborhood organization who's declared boundaries are within 600 feet of the proposed venue.</li> </ul>				

Chapter 9-2-53(C) of the City Code, Noise and Amplified Sound provides that the accountable official may not deny an initial permit for an outdoor music venue located within the footprint of a restaurant (general) use under Section 25-2-808 (Restaurants and Cocktail Lounges), but the accountable official may:

- (a) impose conditions on the permit, as provided in Subsection (B)(2) of this section; and
- (b) deny an application to renew the permit under Section 9-2-32 (Denial of Permit for Repeated Offenses) based on repeated violation of applicable decibel level.

Staff recommends denial of the appeal based the requirements of Chapter 9-2-53(C) referenced above, as well as the conditions imposed on the permit, as follows:

- The speakers must be angled downward;
- No subwoofers larger than 12" shall be used at this location for any event;
- Monitor speakers should be limited to mic stand mounted person monitors;
- Appropriate musical styles and instrumentation no hard rock or heavy bass;
- 70 decibel limit;
- Limited to one larger event in parking lot per year;
- No larger parking lot event and shall not go beyond 7:00 p.m. on any night of the week
- 60 day review