A U S T I N C I T Y C O U N C I L

AGENDA



Recommendation for Council Action

Austin City Council	**Item ID**	19194	**Agenda Number**	54.
Meeting Date:	11/1/2012	**Department:**	Planning and Development Review	

Subject

Conduct a public hearing and consider an appeal by John Plyler regarding an Outdoor Music Venue permit issued for Cheer Up Charlie's, located at 1104 E 6th Street.

Amount and Source of Funding

Fiscal Note

Purchasing Language:	
Prior Council Action:	
For More Information:	Viktor Auzenne, 974-2941.
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

On August 17, 2012 the Planning and Development Review Department approved an Outdoor Music Venue (OMV) permit for a venue known as Cheer Up Charlie's, located at 1104 E 6th St.

On August 24, 2012 John Plyler, a property owner within 600 feet of the venue, appealed approval of the permit. 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:

- 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); or
- A registered neighborhood organization whose declared boundaries are within 600 feet of the proposed venue.

Staff recommends denial of the appeal due the following reasons:

- Construction of band shell to contain sound levels built as a condition to 2011 permit has proven very

effective at preventing sound from impacting nearby residents.

- Hours for which permit is issued are consistent with those established by City Code.
- Condition that Outdoor Music Venue permit may be revoked following as few as one violation of sound impact plan.