

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	20271	Agenda Number	88.
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Meeting Date:	11/8/2012	Department:	Planning and Development Review
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## Subject

Conduct a public hearing and consider an appeal by the owner Tamara Hoover regarding conditions placed on 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:	November 1, 2012: Postponed to November 8, 2012.
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 30, 2012 Tamara Hoover, applicant and owner of Cheer Up Charlie's, appealed the restrictions on hours of operation placed on the Outdoor Music 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:

- Hours for which permit is issued are consistent with those established by City Code.
- No agreements or letters of support were received from owners, tenants or neighborhood organizations during the notice period prior to permit approval. Several neighbors expressed opposition during this time period.
- Long record of sound curfew complaints and warnings against venue.