

**CITY COUNCIL SUMMARY SHEET OF AN APPEAL OF
PLANNING COMMISSION DENIAL OF
A CONDITIONAL USE PERMIT**

CASE NUMBER: SPC-2015-0075AT **PC DATE:** 6-9-2015, 3-2 (Fails, no quorum vote)

ADDRESS: 755 Springdale Rd.

WATERSHED: Boggy Creek (Urban)

AREA: 4.848 Acres

COUNCIL DISTRICT: 3 (Sabino Renteria)

EXISTING ZONING: CS-MU-CO-NP, Commercial Services, Mixed Use,
Conditional Overlay, Neighborhood Plan

PROJECT NAME: Springdale Farms

PROPOSED USE: Outdoor Entertainment, with offsite parking for events

AGENT: Michelle Lynch
Metcalf Wolff Stuart & Williams, LLP
221 W. 6th Street, Ste. 1300
Austin, TX 78701
(512) 404-2251

OWNER: Paula and Glenn Foore
755 Springdale Rd.
Austin, TX 78702

NEIGHBORHOOD ORGANIZATION:

Barrio Unido Neighborhood Association
Guadalupe Neighborhood Development Corporation
Terrell Lane Interceptor Association
Central East Austin Business Owner's Association
El Concilio
Austin Neighborhoods Council
Holly Street Association
AMA Neighborhood Association
Chalmers Court Neighborhood Association
Austin Independent School District
Sentral Plus East Austin Koalition (SPEAK)
Organization of Central East Austin Neighborhoods
PODER People Organized in Defense of Earth & Her Resources
East Cesar Chavez Neighborhood Planning Team
Super Duper Neighborhood Objectors/Appealers Org.

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive watershed ordinance
CAPITOL VIEW: Not in View Corridor
SUMMARY STAFF ANALYSIS: Site plan meets code requirements and calculations
PLANNING COMMISSION ACTION: 5-12-2015
CASE MANAGER: Lynda Courtney, 512-974-2810

PROJECT INFORMATION:

EXIST. ZONING: CS-MU-CO-NP

SITE AREA.: 4.8 Acres, 209,088 square feet **MAX. IMPERV. CVRG.:** 95%

EXIST. IMP. CVRG.: 5.2%

PROPOSED IMPERV. CVRG.: 5.2%

REQUIRED PARKING: 71 Spaces

PROVIDED PARKING: 3 HC onsite, 72 Offsite

EXIST. USE: Urban Farm

PROP. USE: Urban Farm, Outdoor Entertainment.

PC Action: 5-12-2015, Postponed (Neighborhood)

6-9-2015, 3-2 (Fails for lack of a quorum vote of approval)

SUMMARY COMMENTS ON SITE PLAN:

The applicant proposes to add a use, Outdoor Entertainment, which is listed as a conditional use, to an existing project whose current legal use is Urban Farm. The applicant has been operating as an urban farm use for several years and is requesting a change of use to provide a venue for outdoor entertainment events such as weddings. The offsite parking request is to provide adequate off-street parking to accommodate the proposed events.

The conditions, shown on the site plan, limit the annual number of events to 5 events of more than 150 people (these events are not allowed after 5 p.m.), 22 events of 51-150 people, and no limit to the number of events of 50 or fewer people. Amplified sound is limited to 75 decibels, measured at the property line; amplified sound is limited to 22 events per year, and no amplified sound is allowed during the last 5 days of Spring Festival Season, as defined in City Code 9-2-1 (12).

The outdoor entertainment events will be set up with moveable benches, seats and tables as needed per event. No permanent improvements are proposed with this CUP site plan. Springdale Farms proposes to provide signs per event, security per event, and to add a crosswalk to offsite parking, for additional protection.

Proposed offsite parking is within 1000 feet of the venue, located across Mansell Street, in the existing parking lot of an AISD building.

SUMMARY COMMENTS REGARDING ACTION ON THE APPEAL:

- 1) The Council may act on the appeal by a vote to uphold the appeal, which causes an approval of the CUP, as originally submitted.
- 2) The Council may act on the appeal by a vote to uphold the appeal with conditions, which causes an approval of the CUP, with additional conditions as specified, or a reduction of the original conditions, as specified.
- 3) The Council may act on the appeal by a vote to deny the appeal, which upholds the decision of the Planning Commission, which denies the CUP.

SURROUNDING CONDITIONS:

Zoning/ Land use

North: SF-3-NP, Single Family residential

South: SF-3-NP, Single Family Residential

East: Springdale Road, the SF-3-NP, Single Family Residential

West: Mansell Avenue, then P, AISD Building (Offsite parking site)

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

A conditional use site plan must:

1. Comply with the requirements of this title; **Staff response: This application complies with the requirements of this title.**
2. Comply with the objectives and purposes of the zoning district; **Staff response: This application complies with the objectives and purposes of the zoning district.**
3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site; **Staff response: This application falls within the regulations of the Land Development Code and has been reviewed to be compatible with the uses of abutting sites.**
4. Provide adequate and convenient off-street parking and loading facilities; **Staff response: Adequate and convenient, off-street parking will be provided at or above the standards of the Land Development Code, with the approval of off-site parking at the AISD Facility at 4900 Gonzales Street. (Parking is on Mansell Street side of property) On-site handicap and bicycle parking will be provided.**
5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects; **Staff response: The site does not contribute to any of these adverse effects. The applicants are proposing additional security personnel, additional directional and instructional signs and a crosswalk to mitigate potential impact.**

A Conditional Use Site Plan May Not:

1. More adversely affect an adjoining site than would a permitted use; **Staff response: This site plan conforms to all regulations and standards established by the Land Development Code for its proposed use and zoning.**

This site plan provides for noise limitations, limits on the hours of operation, limits of size of events, and limits on the number of allowable events per year.

2. adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; **Staff response: The proposed off-site parking is within the code limitations of distances between the offsite parking and the proposed use, and marked crosswalks are provided for safe pedestrian street crossing.**
3. adversely affects an adjacent property or traffic control through the location, lighting, or type of signs; **Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.**