

**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2018-0478A

PC DATE: 3/26/2019

Postponed to 4/9/2019

PROJECT NAME: Plaza Saltillo Block E Texaco

ADDRESS OF APPLICATION: 1300 E 4th Street, Building C

AREA: 3,583 sf (footprint of enclosed cocktail lounge structure) / 3,200 sf (footprint of cocktail lounge outdoor seating area contiguous to enclosed structure)

APPLICANT: Capital Metropolitan Transportation Authority (Todd Hemingson)
2910 E 5th Street (512) 369-6295
Austin, TX 78702

AGENT: Armbrust & Brown, PLLC (Richard Suttle)
100 Congress Avenue, Suite 1300 (512) 435-2300
Austin, TX 78701

CASE MANAGER: Anaiah Johnson Phone: (512) 974-2932
Anaiah.Johnson@austintexas.gov

PROPOSED USE: Cocktail Lounge

EXISTING ZONING: TOD-CURE-NP & TOD-H-NP

NEIGHBORHOOD PLAN: East Cesar Chavez

PROPOSED DEVELOPMENT: The applicant is requesting a conditional use permit for a cocktail lounge in two existing historic zoned structures, totaling 3,283 sf of indoor space, and a proposed 3,200 sf outdoor seating area, for a grand total of 6,783 sf of CUP Cocktail Lounge space. The hours of operation will be Monday – Sunday 7am to 2am. No construction will occur with this permit but will be permitted either as a B-plan (construction site plan) or as a site plan exemption.

SUMMARY STAFF RECOMMENDATION: The site plan complies with all requirements of the Land Development Code and Plaza Saltillo TOD Regulating Plan. Staff recommends approval of the CUP.

PROJECT INFORMATION

Gross Site Area	6,783 sf (cocktail lounge) / 10,906 sf (gross site area)
Existing Zoning	TOD-CURE-NP / TOD-H-NP
Watershed	Waller Creek / Lady Bird Lake
Watershed Ordinance	Current Code
Traffic Impact Analysis	Yes Approved
Capitol View Corridor	Not applicable
Proposed Access	N/A (all parking provided off-site)
Proposed Impervious Cover	5,258 sf / 48%
Proposed Building Coverage	4,284 sf / 39%
Height	1 story
Parking required: 136	Parking proposed: 136 (off-site)

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	TOD-CURE-NP / TOD-H-NP	Cocktail Lounge (proposed)
<i>North</i>	E 5 th Street then TOD-NP	Light Manufacturing
<i>South</i>	E 4 th Street then TOD-NP	Limited Warehousing and Distribution
<i>East</i>	TOD-NP	KASITA / Food Truck Lot (no clear permits in system)
<i>West</i>	Attayac St Paseo and railroad tracks then TOD-CURE-NP	Mixed use building including General Retail Services, Restaurant (General) and Multi-Family Residential

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff evaluation 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. The TOD Mixed Use subdistrict of the Plaza Saltillo TOD zoning district allows the highest level of development activity in the TOD with the Cocktail Lounge land use being a Conditional Use within the subdistrict.
- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that are compatible with the use of an abutting site;** Staff response: Yes, there are no SF-5 or more restrictive zoning districts or permitted land uses abutting the site.
- 4. Provide adequate and convenient off-street parking and loading facilities;** Staff response: Adequate parking and loading facilities have been provided off-site.
- 5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of the listed adverse effects.

A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: The proposed site plan does not appear to more adversely affect an adjoining site than would a permitted use.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: The cocktail lounge land use will be located on an already developed site (the historic designated former Texaco Depot), and is not anticipated to affect pedestrian or vehicular circulation.
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: The site will comply with all applicable sign regulations in the Land Development Code and/or Plaza Saltillo TOD Regulating Plan.

COMMISSION ACTION:

The Commission may either; approve, approve with conditions or deny the conditional use site plan permit.

To make a determination required for approval under [Section 25-5-145](#) (Evaluation of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- 1) **A special yard, open space, buffer, fence, wall, or screen;**
- 2) **Landscaping or erosion;**
- 3) **A street improvement or dedication, vehicular ingress and egress, or traffic circulation;**
- 4) **Signs;**
- 5) **Characteristics of operation, including hours;**
- 6) **A development schedule; or**
- 7) **Other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.**

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a Conditional Use Permit for a Cocktail Lounge land use and a late hours permit within two existing buildings and the addition of 1,675 sf of flatwork for outdoor seating. The buildings were previously used as the Texaco Depot and are each designated as historic structures with the addition of “H” in their zoning strings on the exact footprints of the buildings.

The parking requirements for this use will be achieved through off-site parking in the adjacent mixed use buildings with parking garages currently under construction. The site is subject to the approved TIA associated with zoning and site plan case numbers C14-2016-0049/C14-2016-0050/SP-2015-0479C/SP-2015-0480C. ATD has reviewed the change in land use proposed with this CUP and has no further requirement for analysis or mitigation.

If approved, either a B-plan (construction site plan) or a site plan exemption will be sought to permit the improvements associated with this conditional use site plan permit.

The site plan complies with all requirements of the Land Development Code and Plaza Saltillo TOD Regulating Plan.

NEIGHBORHOOD ORGANIZATIONS:

A.N.T Artists and Neighbors Together
Armbrust & Brown PLLC
Austin Independent School District
Austin Innerscity Alliance
Austin Neighborhoods Council
Barrio Unido Neighborhood Association
Bike Austin
Black Improvement Association
Capital Metro
Capital Metro Transportation
Claim Your Destiny Foundation
Del Valle Community Coalition
East Austin Conservancy
East Cesar Chavez Neighborhood Association
East Cesar Chavez Neighborhood Plan Contact Team
East Sixth Ibiz District
El Concilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
Greater East Austin Neighborhood Association
Guadalupe Association for an Improved Neighborhood
Guadalupe Neighborhood Development Corporation
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Plaza Saltillo TOD Staff Liaison Planning and Zoning
Preservation Austin
SEL Texas
Sierra Club, Austin Regional Group
Tejano Town
United East Austin Coalition
Waller Creek Conservancy

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2018-0478A

Contact: Anaiah Johnson, 512-974-2932 or

Ramon Rezvanipour, (512) 974-3124

Public Hearing: Planning Commission, March 26, 2019

Guadalupe Neighborhood Development Corp
Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application

Mail - Mayor, Exec. Director 3/18/2019
Signature Date

Daytime Telephone: 512 479 6275 x 6

Comments: An additional cocktail lounge -
especially w/ a late hours permit
will be detrimental to the
adjacent residential neighborhood.

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department - 4th floor

Anaiah Johnson

P. O. Box 1088

Austin, TX 78767-8810

From: Ryan Kagan <
Sent: Tuesday, March 19, 2019 9:22 AM
To: Johnson, Anaiah <Anaiah.Johnson@austintexas.gov>
Subject: Case Number SPC-2018-0478A

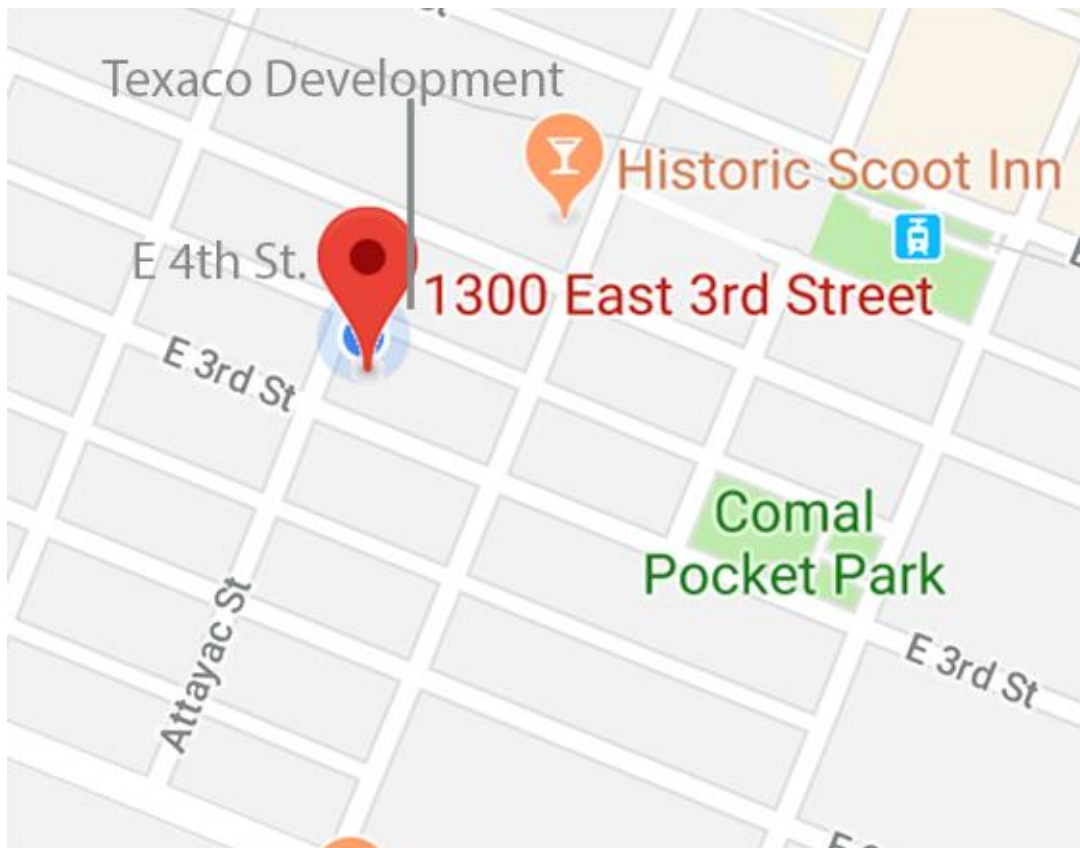
Dear Anaiah Johnson,

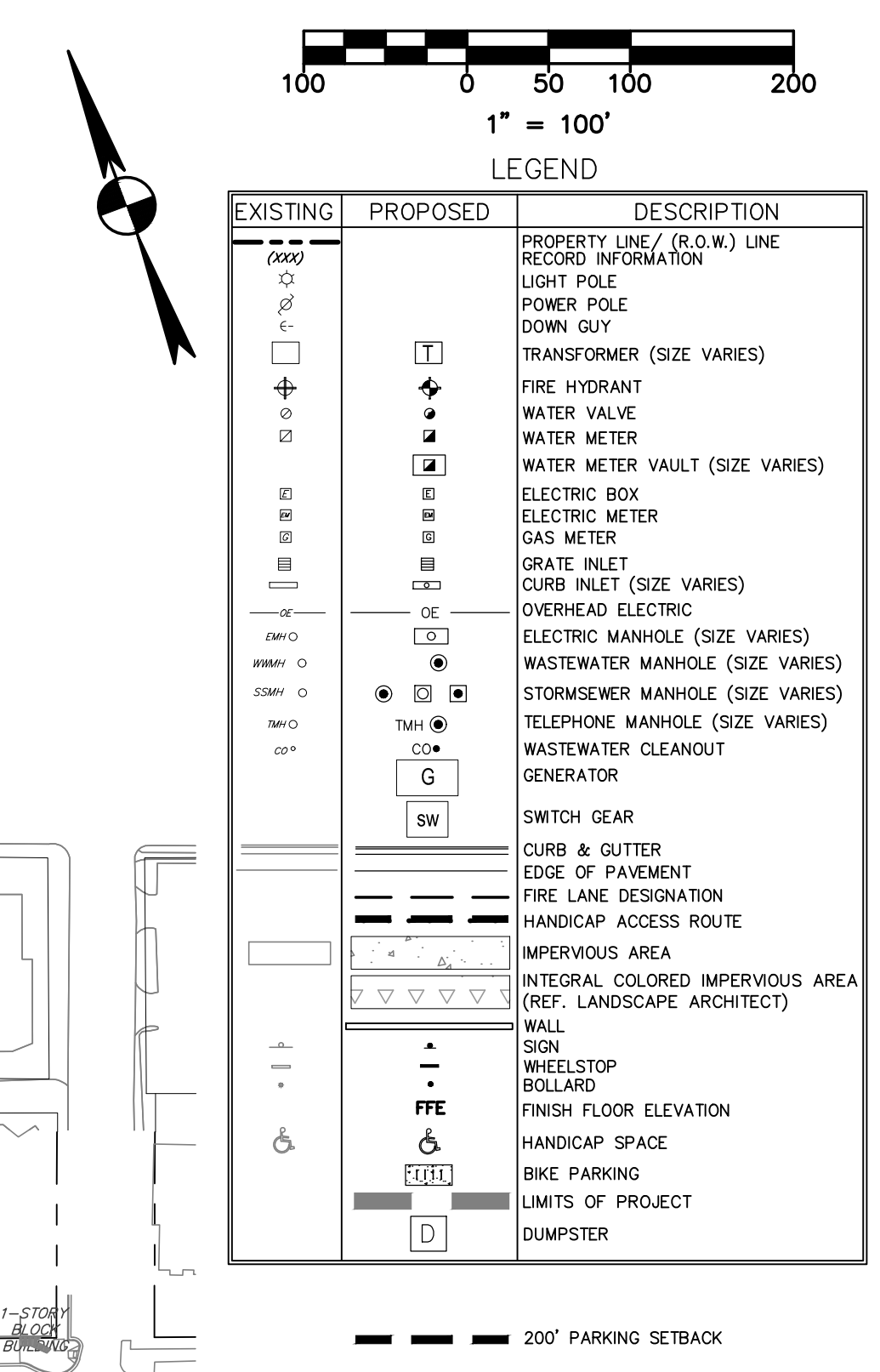
I am a resident that lives at 1300 E. 3rd Street #B. I am on the corner of 3rd and Attayac and that unit backs up to the Alley.

Unfortunately, I will not be able to make the hearing because I am traveling during that time.


My biggest concern about the development is that people park on Attayac St. and walk back to their cars yelling and slamming doors. It already happens because of Scoot Inn. Luckily, Scoot Inn stops playing at 10:30pm because of the noise ordinance. And, I believe the noise will be worst and continue to 2am. I would like to get residential parking on that street and signs of a "Quiet Zone"

Please call me with any questions.
Ryan Kagan 512-789-9977





DATE		NO.		REVISION		APPROVAL	



Stantec

1930 ALBUQUERQUE STREET, SUITE 300
 AUSTIN, TX 78723
 PHONE # 512.361.1163 • FAX # 512.361.1164
 WWW.STANTEC.COM

This Corporation and its officers are not responsible for alterations, omissions or additions to the drawings after execution of the drawings. This Corporation shall not be held responsible for alterations, omissions or additions to the drawings after execution of the drawings. This Corporation shall not be held responsible for alterations, omissions or additions to the drawings after execution of the drawings.

MASTER SITE PLAN

PLAZA SALTILLO BLOCK E TEXACO
1300 E. 4TH ST., AUSTIN, TX

ENDEAVOR REAL
ESTATE GROUP

DRAWN BY: PSD

DESIGNED BY: DMM

QA / QC: JAI

PROJECT NO.: 222010116

SHEET

5

5

<div style="font-size: 2em; font-weight: bold; margin: 0;">811</div> <div style="font-size: 0.8em; margin-top: 5px;">Know what's below. Call before you dig.</div>	<p style="font-size: 0.8em; margin: 0;">THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.</p>
<p style="font-size: 0.8em; margin: 0;">FOR CITY USE ONLY:</p>	
<p style="font-size: 0.8em; margin: 0;">SITE PLAN APPROVAL Sheet <u>5</u> of <u>5</u></p>	
<p style="font-size: 0.8em; margin: 0;">FILE NUMBER: _____ APPLICATION DATE: <u>10/09/2018</u></p>	
<p style="font-size: 0.8em; margin: 0;">APPROVED BY COMMISSION ON: _____ UNDER SECTION <u>142</u> OF CHAPTER <u>25-5</u> OF THE CITY OF AUSTIN CODE.</p>	
<p style="font-size: 0.8em; margin: 0;">EXPIRATION DATE (25-5-81,ILDC) _____ CASE MANAGER <u>ANAH JOHNSON</u></p>	
<p style="font-size: 0.8em; margin: 0;">PROJECT EXPIRATION DATE (ORD.#970805-A) _____ DWFPZ <u> </u> DDZ <u> </u></p>	
<p style="font-size: 0.8em; margin: 0;">Director, Development Services Department</p>	
<p style="font-size: 0.8em; margin: 0;">RELEASED FOR GENERAL COMPLIANCE: _____ ZONING: <u>TD0-H-NP</u></p>	
<p style="font-size: 0.8em; margin: 0;">Rev. 1 _____ Correction 1 _____</p>	
<p style="font-size: 0.8em; margin: 0;">Rev. 2 _____ Correction 2 _____</p>	
<p style="font-size: 0.8em; margin: 0;">Rev. 3 _____ Correction 3 _____</p>	
<p style="font-size: 0.8em; margin: 0;">FINAL PLAN MUST BE RECORDED BY THE PROJECT EXPIRATION DATE, IF APPLICABLE. SUBSEQUENT SITE PLANS WHICH DO NOT COMPLY WITH THE CODE CURRENT AT THE TIME OF FILING AND ALL REQUIRED BUILDING PERMITS AND/OR A NOTICE OF CONSTRUCTION (IF A BUILDING PERMIT IS NOT REQUIRED), MUST ALSO BE APPROVED PRIOR TO THE PROJECT EXPIRATION DATE.</p>	

SPC-2018-0478A