

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

**CASE NUMBER:** SPC-2020-0072A **PC DATE:** 5/26/20

**PROJECT NAME:** 82 Rainey CUP

**ADDRESS:** 82 Rainey St.

**APPLICANT:** Ashland Rainey LLC & EW Renovating Rainey LLC  
165 W 73<sup>rd</sup>  
New York, New York 10023

**AGENT:** WGI (Cliff Kendall)  
2021 E. 5<sup>th</sup> St. Suite 200  
Austin, TX 78702  
(512) 669-5560

**CASE MANAGER:** Renee Johns, (512) 974-2711 or at Renee.Johns@austintexas.gov

**WATERSHED:** Waller Creek/Lady Bird Lake

**PROPOSED USE:** Cocktail Lounge

**EXISTING ZONING:** CBD

**NEIGHBORHOOD PLAN:** N/A

**PROPOSED DEVELOPMENT:** The applicant is requesting a conditional use permit for a cocktail lounge on a lot in the historic Rainey Street District. The lot is 7200 square feet and was previously used as a food truck park. The hours of operation will be Monday – Friday 6pm to 2am, and Saturday and Sunday 12pm 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:** Staff recommends approval of the conditional use permit. Cocktail lounge is a use allowed in a CBD zoning district, the Waterfront Overlay Rainey sub district triggers the conditional use for the cocktail lounge. Several cocktail lounge uses are already located within this sub district. The site plan will comply with all requirements of the Land Development Code prior to its release.

**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 CBD

zoning district allows cocktail lounge use. The Waterfront Overlay Rainey sub district triggers the conditional use for the cocktail lounge. Several cocktail lounge uses are already located within this sub district

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: Proposed use complies with code.
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 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.

**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.

**PROJECT INFORMATION**

<b>Gross Site Area</b>	7,200 sf (gross site area)
<b>Existing Zoning</b>	CBD
<b>Watershed</b>	Waller Creek / Lady Bird Lake
<b>Watershed Ordinance</b>	Current Code
<b>Traffic Impact Analysis</b>	N/A, not required
<b>Capitol View Corridor</b>	N/A
<b>Proposed Access</b>	N/A (all parking provided off-site)
<b>Proposed Impervious Cover</b>	3600 sf / 50%
<b>Proposed Building Coverage</b>	160 sf / 2.2%
<b>Height</b>	1 story
<b>Parking required: None/ CBD</b>	<b>Parking proposed: None/ CBD</b>

**EXISTING ZONING AND LAND USES**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CBD	Cocktail Lounge (proposed)
<i>North</i>	CBD	Current Sing Fam Res, Proposed: Cocktail lounge
<i>South</i>	CBD	Vacant
<i>East</i>	Rainey St then CBD	Mixed Use - Cocktail Lounge, Restaurants, Offices
<i>West</i>	Alley then CBD	Multi Family

**SUMMARY COMMENTS ON SITE PLAN:**

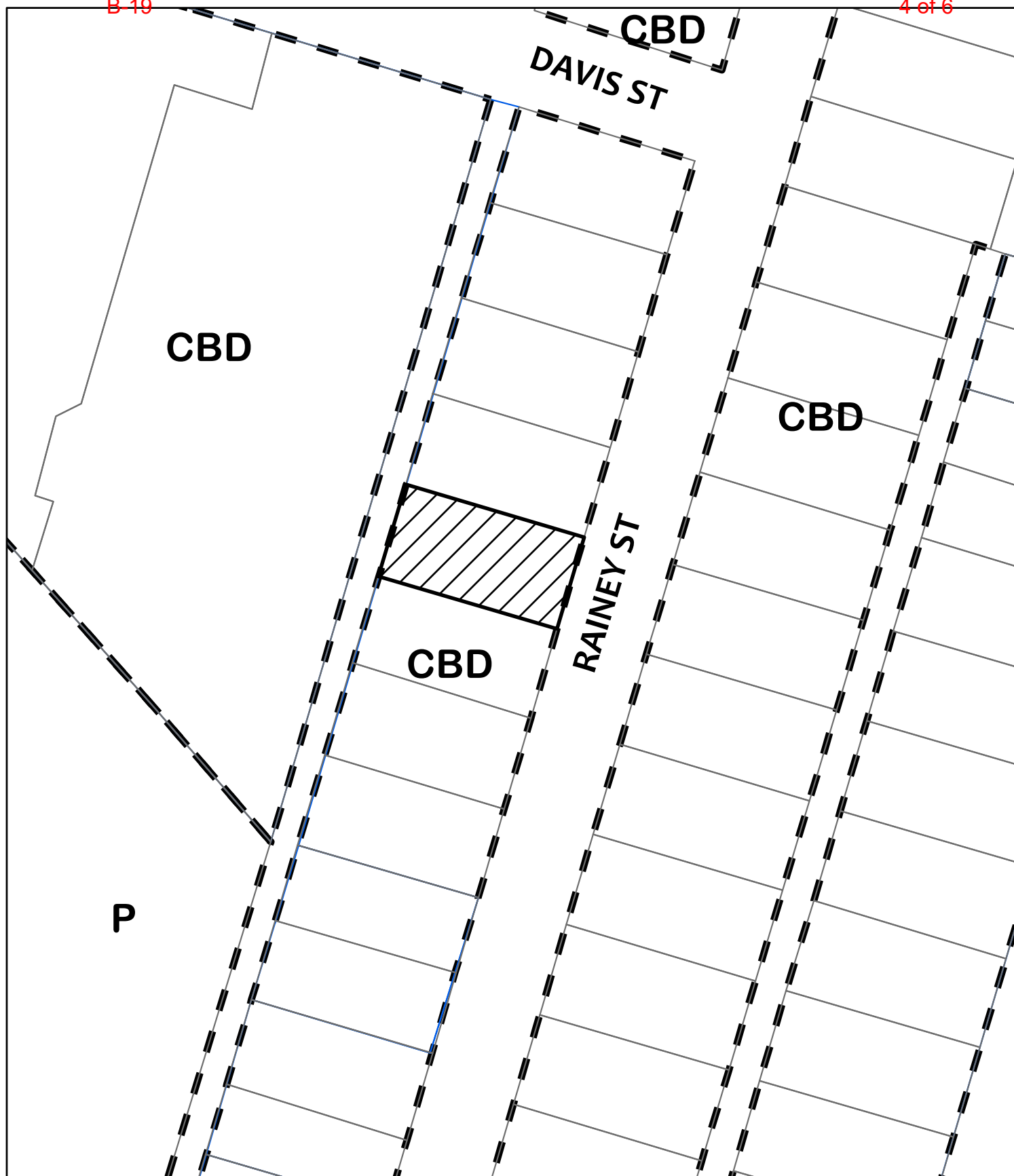
**Land Use:** The applicant is requesting a Conditional Use Permit for a Cocktail Lounge land use. The existing building is within the historic Rainey Street District. There are no parking requirements for this site because the zoning district CBD does not require any parking.



The site plan complies with all requirements of the Land Development Code.

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Neighborhoods Council  
 Austin Lost and Found Pets  
 Bike Austin  
 City of Austin Downtown Commission  
 Downtown Neighborhood Association  
 El Concilio Mexican-American  
 Neighborhoods  
 Friends of Austin Neighborhoods  
 Friends of the Emma Barrientos MACC  
 Greater East Austin Neighborhood  
 Association  
 Homeless Neighborhood Association

Lower Waller Creek  
 Neighborhood Empowerment Foundation  
 Preservation Austin  
 Rainey Neighbors Association, INC.  
 SEL Texas  
 The Shore Condominium Association, Inc.  
 Sierra Club, Austin Regional Group  
 Tejano Town  
 Town Lake Neighborhood Association  
 Waterloo Greenway  
 Willow Spence Historic District  
 Neighborhood Association



 **SUBJECT TRACT**  
 **ZONING BOUNDARY**

0 37.5 75 150 Feet

CASE#: SPC-2020-0072A  
 ADDRESS: 82 Rainey St.  
 CASE NAME: 82 Rainey CUP  
 MANAGER: Renee Johns

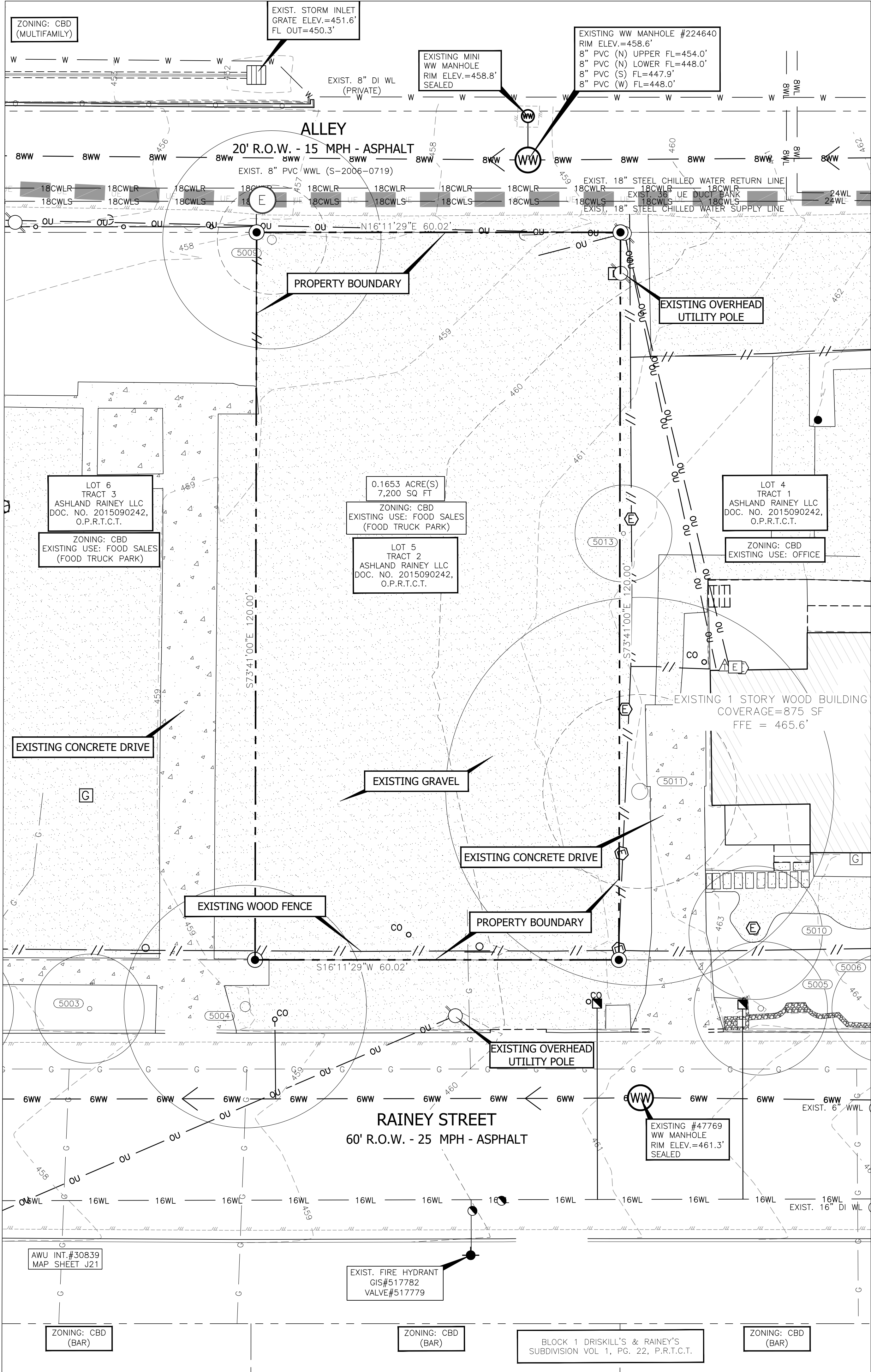


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: R. Johns

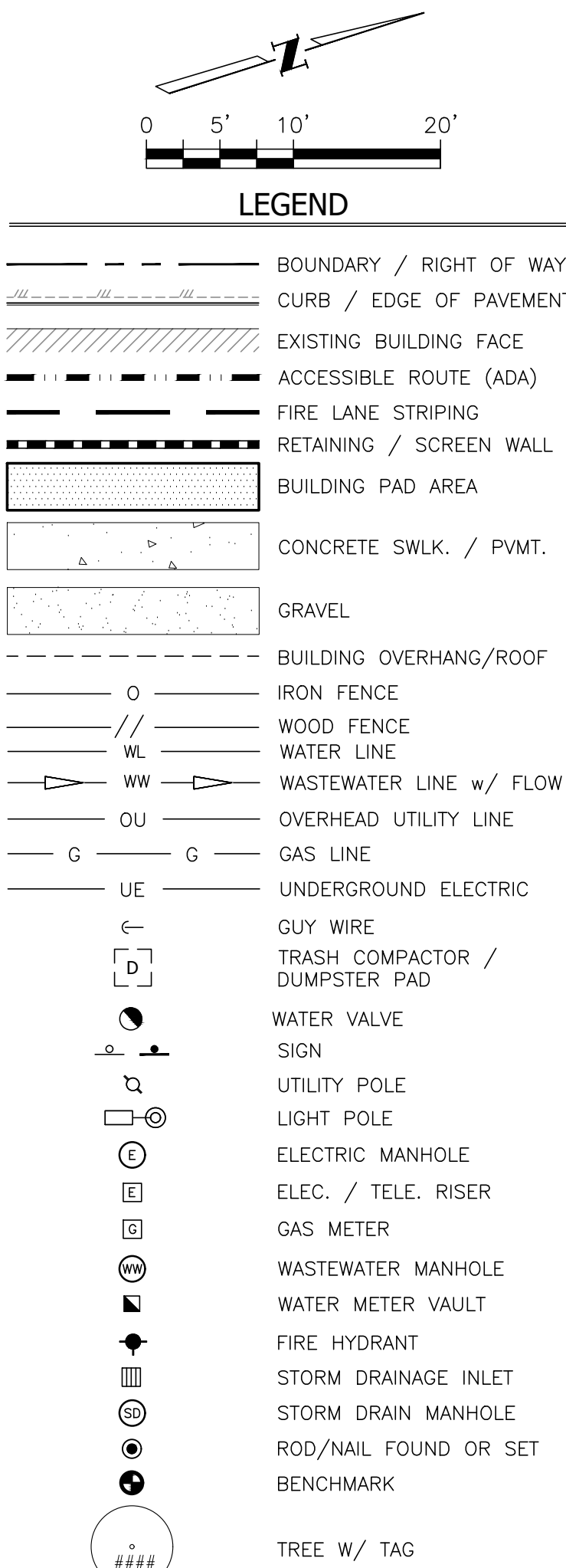




82 RAINEY STREET - CONDITIONAL USE PERMIT (CUP) - SITE DATA			
ZONING:	CBD	EXISTING LAND USE:	FOOD SALES (FOOD TRUCK PARK)
SITE LAND USE:	COCKTAIL LOUNGE	GROSS FLOOR AREA:	N/A**
SITE AREA:	0.165 ACRES / 7,200 SF	EXISTING IMPERVIOUS COVERAGE:	N/A**
ALLOWABLE:		PROPOSED:	
BUILDING HEIGHT:	N/A**	BUILDING HEIGHT:	N/A**
# OF STORIES:	N/A**	# OF STORIES:	N/A**
F.A.R.	8.00:1	F.A.R.	N/A**
BUILDING COVERAGE:	100%/7,200 SF	BUILDING COVERAGE:	2.22% / 160 SF
IMPERVIOUS COVERAGE:	100%/7,200 SF	IMPERVIOUS COVERAGE:	50% / 3600 SF

\*THIS C.U.P. IS FOR CHANGE OF USE ONLY. THERE ARE NO PROPOSED DESIGN CHANGES OR PROPOSED CHANGES TO IMPERVIOUS COVER.  
\*\* TEMPORARY STRUCTURE TO BE PERMITTED SEPARATELY.

HOURS OF OPERATION:	
MONDAY THRU FRIDAY:	6:00 PM TO 2:00 AM
SATURDAY THRU SUNDAY:	12:00 PM TO 2:00 AM



- GENERAL NOTES:
- A PERMIT IS REQUIRED FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY.
  - ALL DIMENSIONS ARE TO FACE OF CURB, FACE OF BUILDING & PROPERTY LINE UNLESS OTHERWISE NOTED.
  - CONTRACTOR SHALL FORM SIDEWALKS AND VERIFY SLOPES PRIOR TO POURING CONCRETE. CONTRACTOR SHALL ENSURE THAT GROSS SLOPES ARE NO GREATER THAN 2% AND RUNNING SLOPE ARE NO GREATER THAN 5%. IF ANY DISCREPANCY ARISES, CONTRACTOR SHALL CONTACT ENGINEER FOR SOLUTION.
  - EVERY ACCESSIBLE PARKING SPACE MUST BE IDENTIFIED BY A SIGN, CENTERED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE "RESERVED", OR EQUIVALENT LANGUAGE. CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE LOCATED 60" MINIMUM ABOVE THE GROUND SO THAT THEY CANNOT BE OBTAINED BY A VEHICLE PARKED IN THE SPACE. [IBC 1110.1, ANSI 502.7]
  - A MINIMUM VERTICAL CLEARANCE OF 114" MUST BE PROVIDED AT ACCESSIBLE PASSENGER LOADING ZONES AND ALONG VEHICLE ACCESS ROUTES TO SUCH AREAS FROM SITE ENTRANCES. A MINIMUM VERTICAL CLEARANCE OF 98" WILL BE PROVIDED FOR VAN-ACCESSIBLE PARKING SPACES ALONG THE VEHICULAR ROUTE THERETO. [ANSI 503.5]
  - REFERENCE "SITE PLAN NOTE" ON GENERAL NOTES SHEET(S) FOR ADDITIONAL NOTES.
  - ALL ITEMS ARE TO BE FURNISHED & INSTALLED BY CONTRACTOR. REFERENCE CONSTRUCTION DETAIL SHEETS FOR ADDITIONAL INFORMATION.
  - STENCIL THE WORDS "FIRE ZONE/TOW-AWAY ZONE" IN WHITE LETTERS AT LEAST 3" HIGH AGAINST A RED BACKGROUND AT 35'-FOOT INTERVALS ALONG THE CURB. SIGNS STATING "FIRE ZONE/TOW-AWAY ZONE" SHALL BE POSTED AT BOTH ENDS OF A FIRE ZONE AND AT EACH ENTRY AND EXIT POINT WHICH CONSTITUTES A PORTION OF THE FIRE ZONE OR FIRE LANE. SIGNS SHALL COMPLY WITH STANDARD CITY OF AUSTIN DETAIL 901-S6.
  - SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO THE PRINCIPAL BUILDING MATERIALS.
  - EACH COMPACT PARKING SPACE/AISLE WILL BE SIGNED "SMALL CAR ONLY." LDC 25-6-475
  - EXTERIOR MIRRORRED GLASS AND GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS ARE PROHIBITED.

NOTE:  
NO CONSTRUCTION IS AUTHORIZED WITH THIS SITE PLAN, USE DETERMINATION ONLY.

TREE LIST		
NO.	SIZE	DESCRIPTION
5003	9"	RED OAK
5004	MULTI	CRAPEMYRTLE
5005	11"	RED OAK
5006	9"	RED OAK
5009	18"	PECAN
5010	11"	CHINESE TALLOW
5011	32"	PECAN (H)
5013	8"	HACKBERRY

ALL EXTERIOR LIGHTING SHALL BE HOODED OR SHIELDED FROM THE VIEW OF ADJACENT RESIDENTIAL PROPERTY [25-2-1064]. ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF OR FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.E (REF. FIGURE 34 ON THIS SHEET).

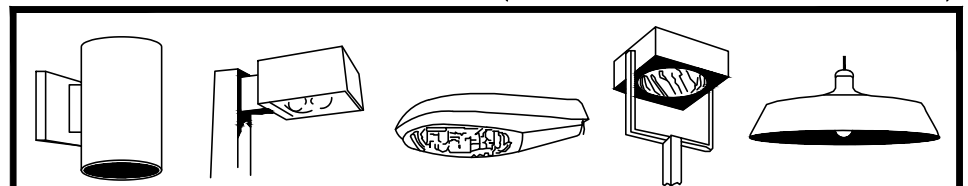


FIGURE 34  
(REFERENCE SITE PLAN NOTE ABOVE FIGURE 34 ON THIS SHEET)

SITE PLAN APPROVAL Sheet 4 of 5  
FILE NUMBER SPC-2020-0072 APPLICATION DATE 02/19/2020  
APPROVED BY COMMISSION ON UNDER SECTION 142 OF CHAPTER 255 OF THE CITY OF AUSTIN CODE.  
EXPIRATION DATE (25-5-81, LDC) RENEWED JOHN'S CASE MANAGER

Director, Development Services Department  
RELEASED FOR GENERAL COMPLIANCE: ZONING CBD  
Rev. 1 Correction 1  
Rev. 2 Correction 2  
Rev. 3 Correction 3

Final plot 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.



82 RAINEY STREET CUP  
82 RAINEY STREET  
AUSTIN, TRAVIS COUNTY, TEXAS 78701

SITE PLAN - CUP

SHEET  
CS100  
4 OF 5  
SPC-2020-0072





February 18, 2020

Ms. Denise Lucas  
Development Services Department  
505 Barton Springs Road  
Austin, Texas 78704

RE: Engineer's Summary Letter  
82 Rainey Street, C.U.P.  
82 Rainey Street, Austin, Travis County, Texas

Dear Ms. Lucas:

Please accept this Engineer's Summary Letter along with the accompanying conditional use site plan application package for the proposed 82 Rainey Street C.U.P. project. The proposed project is located at 82 Rainey Street, located entirely within the Full Purpose limits of the City of Austin, in Travis County, Texas. The subject site is approximately  $\pm 0.17$  acres and is currently a food truck park. The proposed project will consist of a conditional use permit that changes the use of the site from food sales to cocktail lounge.

The property is located within the Lady Bird Lake and Waller Creek Watersheds, which are classified as Urban Watersheds. No portion of the subject site is located within the Edwards Aquifer Recharge or Contributing Zone as defined by the Texas Commission on Environmental Quality (TCEQ). Additionally, no portion of the subject tract is located within a 100-year FEMA designated flood plain as shown on FEMA Map Panel No. 48453C0465K, effective on 01/22/2020. Additionally, all development will be regulated under the applicable City of Austin zoning ordinances.

To our knowledge, the enclosed application materials are complete, correct, and in full compliance with the Land Development Code and Technical Criteria Manuals of the City of Austin. Should you have any questions regarding this project or application, please do not hesitate to contact our office.

Sincerely,

**WGI**

Texas Engineering Firm No. F-15085

A green ink handwritten signature of Nicholas O. Corbett, consisting of stylized, overlapping loops and strokes.

Nicholas O. Corbett, P.E.  
Project Engineer

