

AGENDA



Recommendation for Council Action

Austin City Council	Item ID	61094	Agenda Number	49.
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Meeting Date:	9/1/2016	Department:	Development Services
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Subject

Conduct a public hearing and consider an appeal regarding the Planning Commission's conditions of approval for a Conditional Use Permit for a Late Hours Permit with associated parking setback variance at 615 South Lamar Blvd.

Amount and Source of Funding

Fiscal Note

A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	
For More Information:	Donna Galati, (512) 974-2733 or Elizabeth Robinson, (512) 974-6312, Land Use Review, Development Services Department.
Council Committee, Boards and Commission Action:	July 26, 2016 - Approved by the Planning Commission on a 7-2-2-2 vote with Commissioners McGraw and Seeger voting against, Commissioners Vela and Wilson abstaining and Commissioners Thompson Zaragoza absent.
MBE / WBE:	
Related Items:	

Additional Backup Information

Under Section 25-2-808(C) of the Land Development Code, "a restaurant that requires a late-hours permit from the Texas Alcoholic Beverage Commission is a conditional use if: (1) Article 10 (*Compatibility Standards*) applies." Because there is a single-family neighborhood approximately 115 feet to the west of the restaurant, Article 10 (*Compatibility Standards*) applies, and a late-hours request is a conditional use.

A restaurant can serve alcohol from noon to midnight on Sunday, 7 a.m. to midnight Monday through Friday, and 7 a.m. to 1 a.m. (Sunday morning) on Saturdays. A late-hours permit allows alcohol to be served until 2 a.m. any night of the week.

Under Section 25-5-146(B) of the Land Development Code: "as a condition of approval for a conditional use site plan, a parking area for a restaurant with late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless the Planning Commission ("Commission") grants a variance from this requirement when the Commission approves the site plan.

The Commission granted the parking setback variance along with the conditional use site plan for a restaurant with late hours along with the six conditions listed below:

1. No outdoor amplified sound.
2. No live outdoor music shall be performed above 70 decibels as measured from the property.
3. No outdoor events requiring temporary use permits shall take place on the property.
4. The CUP is not in effect until the "T" site plan is implemented and certified by an engineer.
5. Lighting on site must comply with current code lighting standards.
6. Outdoor deck closes at 12:00 a.m. every day.

The applicant is appealing the Commission's approval over an objection to the conditions added by the Commission during the consideration and approval of the application.

Staff recommends denial of the appeal, and approval of the Conditional Use Permit with conditions as approved by the Commission.