



# City of Round Rock

## Zoning Board of Adjustment

### Meeting Agenda - Final

Boardmember Robert Eskridge  
Boardmember Donna Kohn  
Boardmember Victor Mares  
Boardmember Ryan McGahey  
Boardmember Rudy Porter  
Alternate Wallis Meshier  
Alternate Mehgan Taack

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Tuesday, August 11, 2020

5:30 PM

City Council Chambers, 221 East Main St.

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**A. CALL MEETING TO ORDER**

**B. ROLL CALL**

**C. CITIZEN COMMUNICATION**

*[Pursuant to Texas Government Code, Section 551.007 which allows the public to speak for a total of three (3) minutes on any of the agenda items listed below - excluding any executive sessions.]*

**D. APPROVAL OF MINUTES:**

- D.1 [ZB-2020-003](#) Consider approval of the minutes for the February 25, 2020 Zoning Board of Adjustment meeting.

**E. SPECIAL EXCEPTIONS:**

- E.1 [ZB-2020-004](#) Consider public testimony and an action regarding an application for a special exception in accordance with Part III - Zoning and Development Code, Section 10-53 of the City of Round Rock Code of Ordinances, for the purpose of allowing outdoor entertainment in the MU-2 (Mixed-Use Downtown Medium Density) zoning district, providing for amplified live music performed in association with a restaurant or bar. The site is located at 110 S. Harris St. (Urban Eat.Drink Restaurant); generally located at the intersection of S. Harris St. and W. Bagdad Ave.

- E.2     [ZB-2020-005](#)     Consider public testimony and an action regarding an application for a special exception in accordance with Part III - Zoning and Development Code, Section 10-53 of the City of Round Rock Code of Ordinances, for the purpose of allowing outdoor entertainment in the MU-2 (Mixed-Use Downtown Medium Density) zoning district, providing for amplified live music performed in association with a restaurant or bar. The site is located at 411 W. Main St. (The Rooftop bar and Urban Creekside event area); generally located to the west of S. Harris St. and W. Bagdad Ave.
- E.3     [ZB-2020-006](#)     Consider public testimony and an action regarding an application for a special exception in accordance with Part III - Zoning and Development Code, Section 10-53 of the City of Round Rock Code of Ordinances, for the purpose of allowing outdoor entertainment in the MU-2 (Mixed-Use Downtown Medium Density) zoning district, providing for amplified live music performed in association with a restaurant or bar. The site is located at 410 W. Main St. (Finley's Restaurant); generally located at the northeast corner of N. San Saba St. and W. Main St.

## F.     ADJOURNMENT

*In addition to any executive session already listed above, the [Body Name] for the City of Round Rock reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below as authorized by Texas Government Code:*

*§551.071 Consultation with Attorney*

*§551.072 Deliberations regarding Real Property*

*§551.073 Deliberations regarding Gifts and Donations*

*§551.074 Personnel Matters*

*§551.076 Deliberations regarding Security Devices*

*§551.087 Deliberations regarding Economic Development Negotiations*

## POSTING CERTIFICATION

*I certify that this notice of the Zoning Board of Adjustment for the City of Round Rock was posted on the 6th day of August 2020 at 5:00 p.m. as required by law in accordance with Section 551.043 of the Texas Government Code.*

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*Sara L. White, TRMC, City Clerk*

**ZONING BOARD OF ADJUSTMENT  
TUESDAY, FEBRUARY 25, 2020 AT 5:30 PM**

**DRAFT - MEETING MINUTES**

**A. CALL TO ORDER**

The Round Rock Zoning Board of Adjustment met in regular session on February 25, 2020, in the Round Rock City Council Chambers located at 221 East Main Street. With a quorum present, Chairman Robert Eskridge called the meeting to order at 5:30 p.m.

**B. ROLL CALL**

Present were Chairman Robert Eskridge, Boardmember Donna Kohn, Boardmember Victor Mares, Boardmember Ryan McGahey, and Boardmember Rudy Porter.

Planning and Development Services Department staff included Brad Wiseman, Clyde von Rosenberg, and Veronica Chandler.

**C. ELECTION OF OFFICERS:**

**C1. Consider the nomination and election of a Chairperson.**

Chairman Eskridge opened the floor for nominations.

**Motion:** Motion by Commissioner Chairman Eskridge, second by Boardmember Mares, to nominate Chairman Eskridge as the Chairperson.

**Vote: AYE:** Chairperson Eskridge, Boardmember Kohn, Boardmember Mares, Boardmember McGahey, and Boardmember Porter. **NAY:** None. The vote was 5-0.

**C2. Consider the nomination and election of a Vice-Chairperson.**

Chairman Eskridge opened the floor for nominations.

**Motion:** Motion by Chairman Eskridge, second by Boardmember Mares to nominate Boardmember McGahey as the Vice-Chair.

**Vote: AYE:** Chairperson Eskridge, Boardmember Kohn, Boardmember Mares, Boardmember McGahey, and Boardmember Porter. **NAY:** None. The vote was 5-0.

**D. CITIZEN COMMUNICATION:**

There were no speakers during citizen communication.

**E. APPROVAL OF MINUTES:**

**E1. Consider approval of the minutes for the October 24, 2018, Zoning Board of Adjustment meeting.**

With there being no questions or comments, a motion was offered.

**Motion:** Motion by Vice-Chair McGahey, second by Boardmember Kohn to approve Agenda Item E1 as presented.

**Vote: AYE:** Chairperson Eskridge, Vice-Chair McGahey, Boardmember Kohn, Boardmember Mares, and Boardmember Porter. **NAY:** None. The vote was 5-0.

**F. SPECIAL EXCEPTION:**

**F1. Consider public testimony and an action regarding an application for a special exception in accordance with Part III – Zoning and Development Code, Section 2-35 of the City of Round Rock Code of Ordinances, to allow a day care facility of 10,000 square feet or larger. The proposed facility is for 11,000 square feet, located at the northeast corner of N. Red. Bud Ln. and N. CR 122. Case No. ZBA1809-001**

Mr. von Rosenberg briefly reviewed the application stating that the request was to allow a gymnasium/sports training facility in an area zoned for light industrial uses. He explained that not all light industrial areas would be appropriate for this use, therefore, the requested use had to be reviewed by the Zoning Board of Adjustment. He noted that the request will allow the special exception on two unoccupied lots. The proposed facility is being planned on one of the two lots.

Lastly, he noted that the application meets the criteria for a special exception, as the location and the proposed use do not pose any apparent conflicts with, or danger to, the neighboring residential uses. Staff recommended approval of the special exception.

The owner's representatives, Mr. Scott Sharitz, with Altman Development Group, and Mr. Terry Hagood, with Hagood Engineering Associates, were available to answer questions.

Chairman Eskridge opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing no speakers, Chairman Eskridge closed the public hearing.

Following a brief discussion, a motion was offered.

**Motion:** Motion by Boardmember Mares, second by Vice-Chair McGahey to allow Sports Training Facilities/Specialty Gyms use within the LI (Light Industrial) zoning district.

**Vote: AYE:** Chairperson Eskridge, Vice-Chair McGahey, Boardmember Kohn, Boardmember Mares, and Boardmember Porter. **NAY:** None. The vote was 5-0.

## **G. ADJOURNMENT**

There being no further discussion, the meeting adjourned at 5:45 p.m.

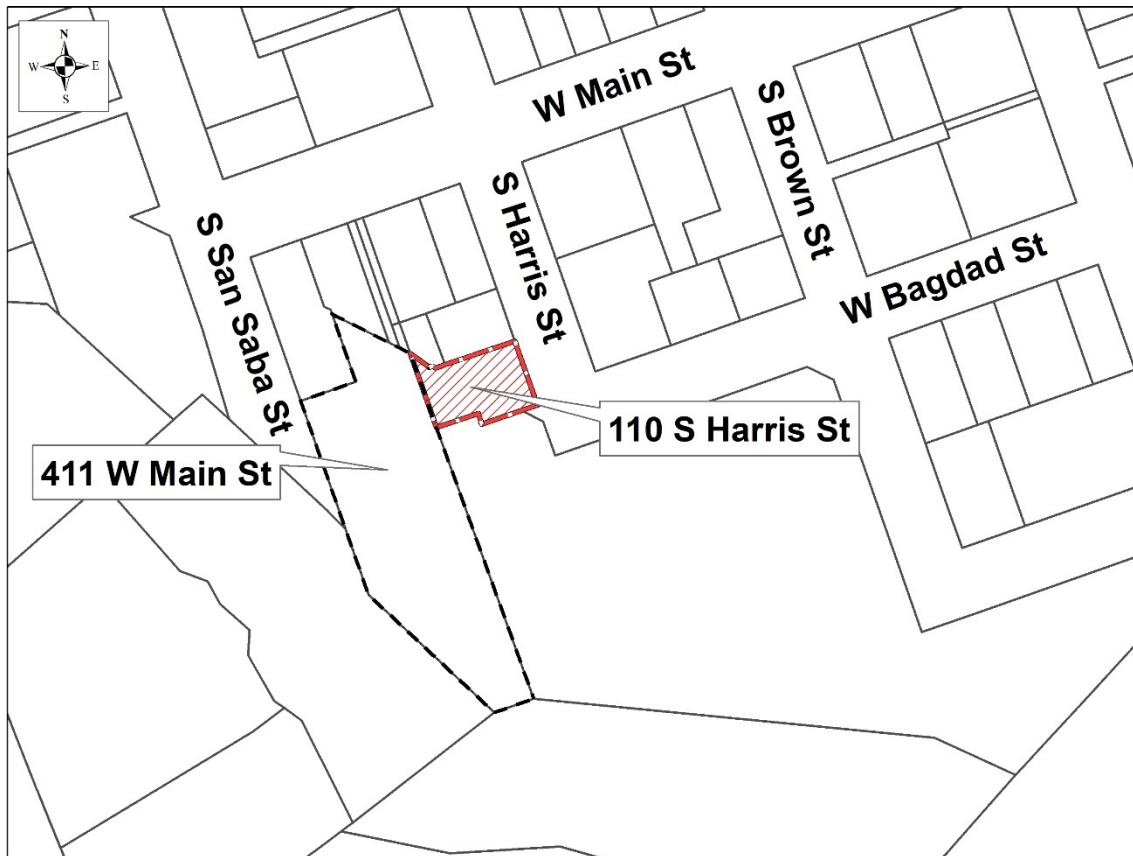
Respectfully Submitted,

Veronica Chandler, Planning Tech



## SPECIAL EXCEPTION REQUEST

110 S. Harris St.  
Urban Eat Drink



SPECIAL EXCEPTION REQUEST: To allow outdoor amplified live music at a restaurant/bar.

BACKGROUND: The zoning code provides a special exception process for amplified live music in the **MU-2 (Mixed-Use Downtown Medium Density)** zoning district. This district combines complementary commercial & entertainment uses with limited residential uses. The standards are intended to create an active and pedestrian friendly streetscape. Restaurants/bars in this district must hold a food and beverage permit, which requires that alcoholic beverage sales cannot exceed 60% of total gross receipts. And 8-ft. masonry wall is required for any outdoor rear or side dining areas which share a property line with a residential use.

The applicant, URBAN Eat.Drink, is contained in a building which has an outdoor patio located behind the building. The proposal is to have live music performed on the patio in the evenings and on weekends, during the restaurant's normal operating hours. A photo of the

**SPECIAL EXCEPTION REQUEST**

**110 S. Harris St.  
Urban Eat Drink**

outdoor patio is attached as Exhibit 'A'. The applicant states that it is their intent is to offer background music for their guests, to allow for conversation while they eat dinner. Space limitations will allow for only two musicians to perform. The proposed hours of operation for the live music are:

- Monday – Thursday: 5pm – 9pm
- Fridays: 5pm – 10pm
- Saturdays: 10am -10pm
- Sundays: 10am – 3pm

The City's noise ordinance is in effect and is enforced by the Police Department in response to citizen complaints. The ordinance sets daytime and nighttime maximum sound levels for both residential and commercial & industrial districts. The **MU-2** district is categorized as commercial & industrial.

The noise ordinance also contains specific regulations for outdoor music venues in the **MU-1 (Mixed-Use Historic Commercial Core)** zoning district. These regulations include restrictions on hours of operation and decibel levels, a requirement for a permit, and possession of a decibel meter on-site. While these regulations do not apply in the **MU-2** district, they have been adapted to serve as conditions of approval for this special exception.

A special exception to allow this use requires a review of the location and intensity of the use, to ensure its appropriateness at this location. Conditions can be applied with approval of the special exception.

DATE OF REVIEW:	August 11, 2020
OWNERS:	Nagle Holdings, LP
APPLICANT:	URBAN Eat.Drink, LLC
DESCRIPTION:	Nagle Park Subdivision Block 5, Lot 1, S/PT2, also known as 110 S. Harris St.
ZONING:	MU-2 (Mixed-Use Downtown Medium Density)
LAND USE:	Restaurant/bar
LOCATION:	West of Harris St. and Bagdad Ave.

**SPECIAL EXCEPTION REQUEST**

**110 S. Harris St.  
Urban Eat Drink**

- ADJACENT LAND USE: North: MU-2 (Mixed-Use Downtown Medium Density)  
– office  
South: MU-2 (Mixed-Use Downtown Medium Density)  
– municipal building  
East: MU-2 (Mixed-Use Downtown Medium Density)  
– office  
West: MU-2 (Mixed-Use Downtown Medium Density)  
– office
- GENERAL PLAN DESIGNATION: Downtown Mixed Use
- SPECIAL EXCEPTION CRITERIA: The requested special exception shall be reviewed by the ZBA according to specific criteria described in Section 10-53 of the Zoning and Development Code.
- 1) Consistent with Zoning Ordinance:  
The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this chapter and the use shall meet all the minimum standards established in this chapter for this type of use.
  - 2) Consistent with General Plan:  
The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.
  - 3) Compatible with surrounding area:  
The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
  - 4) Harmonious with character and scale of surrounding area:  
The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.
  - 5) Impacts minimized:  
The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the

**SPECIAL EXCEPTION REQUEST**

**110 S. Harris St.**

**Urban Eat Drink**

ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting uses in the area and in the city.

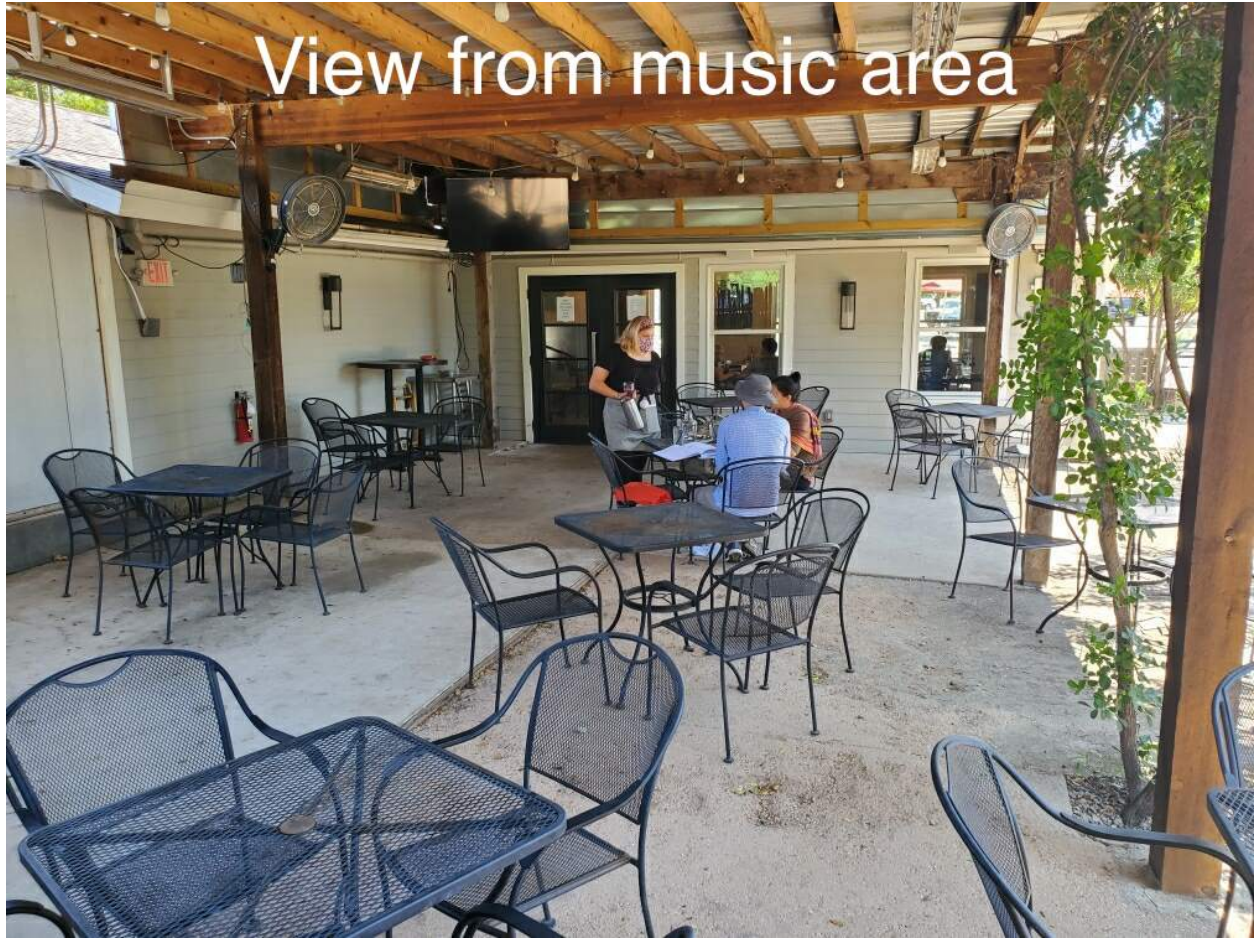
6) Effect on natural environment:

The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.

**STAFF RECOMMENDATION:**

Approval of the special exception, with appropriate conditions, including specific noise regulations, applied. Recommended conditions are contained in Exhibit 'B'.

**EXHIBIT 'A'**

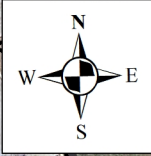


## **EXHIBIT 'B'**

### **Recommended Conditions:**

- (a) *Restrictions on time, decibel levels and number of musicians.*
  - (1) "Permitted hours" shall mean the times set forth below:
    - a. From 5:00 p.m. to 9:00 p.m. on Monday, Tuesday, Wednesday, and Thursday;
    - b. From 5:00 p.m. to 10:00 p.m. on Friday.
    - c. From 10:00 a.m. to 10:00 p.m. on Saturday.
    - d. From 10:00 a.m. to 3:00 p.m. on Sunday.
  - (2) During permitted hours, owner and/or tenant shall not operate sound equipment in excess of 80 decibels as measured at the property line of the business.
  - (3) During permitted hours, owner and/or tenant shall not allow more than two (2) musicians to perform outdoor amplified music at any one time.
  - (4) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment in excess of the decibel limits or to exceed the limitation on the number of musicians set out in this section.
- (b) *Decibel meter required.*
  - (1) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment without possessing an amplified sound permit and a decibel meter located on-site which has been approved by the chief of police (or his/her designee).
  - (2) The chief of police (or his/her designee) may inspect an outdoor music venue to verify whether an approved decibel meter is located on-site.
- (c) *Posting required.*
  - (1) The outdoor music venue shall post the Order of the Zoning Board of Adjustment inside the business so that it is visible to the general public.
- (d) *Registration requirements.*
  - (1) The owner and/or tenant shall provide to the chief of police (or his/her designee) the following information:
    - a. The name, address, telephone number, and title of the individual responsible for the operation of the outdoor music venue;
    - b. The business name, address, and telephone number of the outdoor music venue;
    - c. The name, address, and telephone number of the business's registered agent on file with the Texas Secretary of State;
    - d. A statement that the outdoor music venue has an approved decibel meter on-site; and
    - e. A copy of the recorded Order of the Zoning Board of Adjustment.
- (e) *Revocation of Permission for Outdoor Live Music.*
  - (1) The chief of police shall revoke the permission granted by the Order of the Zoning Board of Adjustment if the owner and/or tenant has been found guilty of violating any provisions of this section three times in a 12-month period.
  - (2) The owner and/or tenant shall be prohibited from applying for a special exception for outdoor live music one year from the date of revocation.





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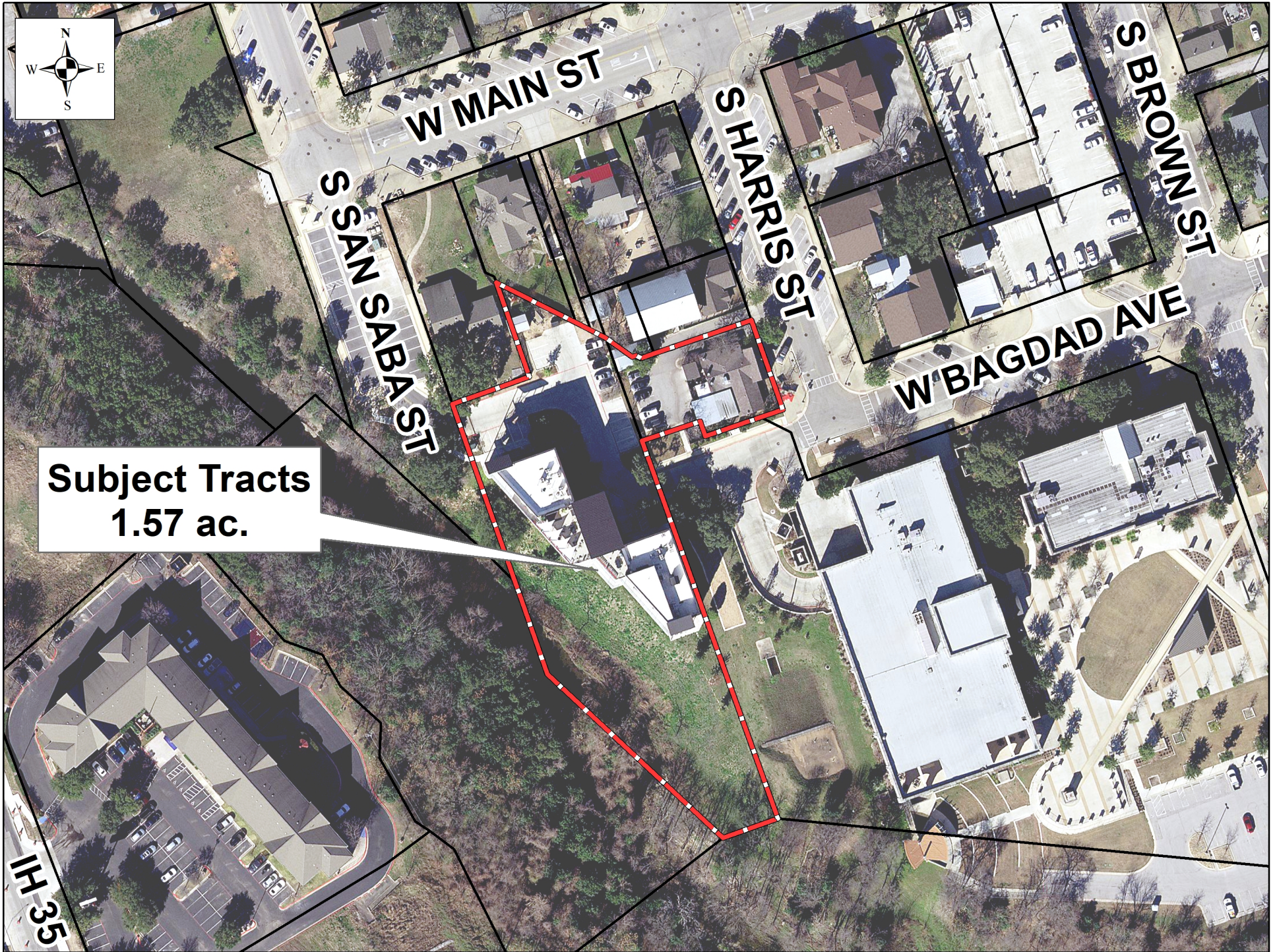
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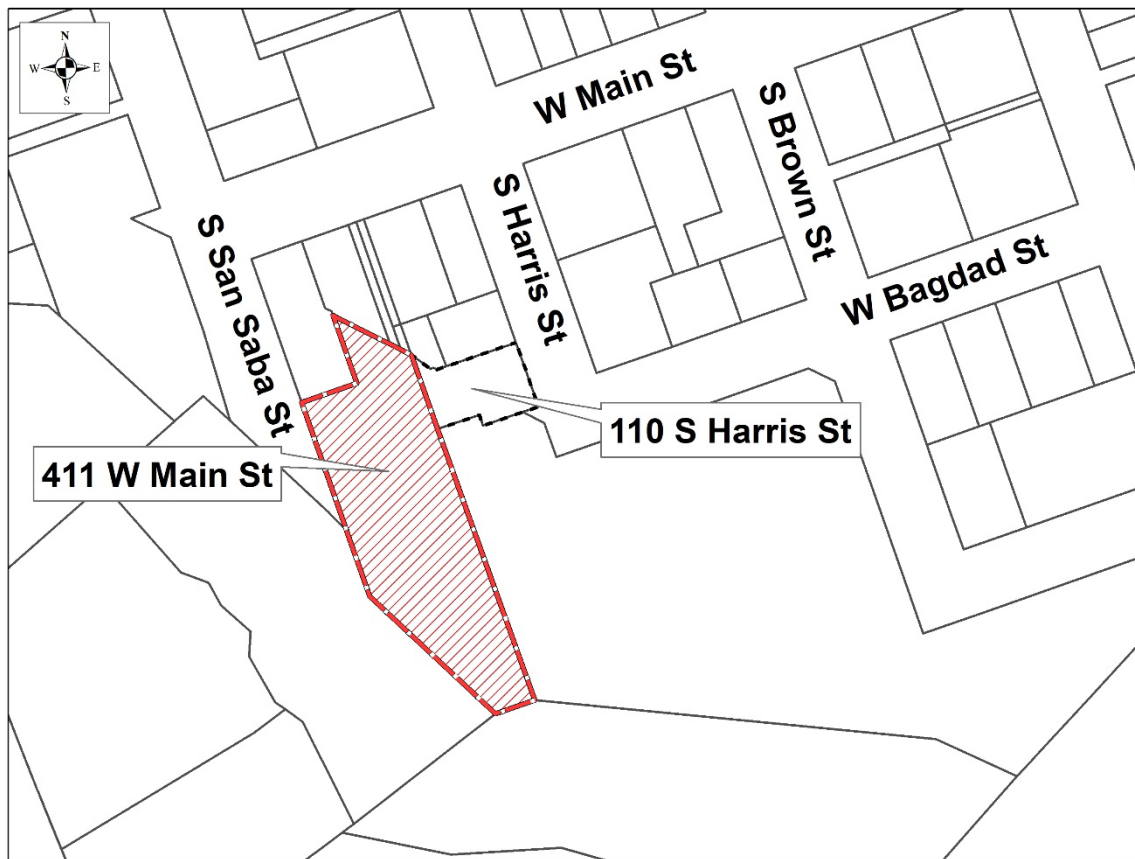
Subject Tracts  
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**SPECIAL EXCEPTION REQUEST**  
**411 Main St.**  
**URBAN Rooftop**



**SPECIAL EXCEPTION REQUEST:** To allow outdoor amplified live music at a restaurant/bar.

**BACKGROUND:** The zoning code provides a special exception process for amplified live music in the **MU-2 (Mixed-Use Downtown Medium Density)** zoning district. The restaurant/bar is URBAN Rooftop, which contains an outdoor seating area. The proposal is to have live music performed in the evenings and on weekends during the restaurant's normal operating hours. The applicant states that it is their intent is to offer background music for their guests, to allow for conversation while they eat dinner. The rooftop space would allow room for a larger musical group than the restaurant space. Proposed outdoor amplified live music hours of operation are:

- Tuesday – Thursday: 5pm – 10pm
- Friday – Saturday: 5pm – Midnight

The City's noise ordinance is in effect and is enforced by the Police Department in response to citizen complaints. The ordinance sets daytime and nighttime



**SPECIAL EXCEPTION REQUEST**

**411 Main St.  
URBAN Rooftop**

maximum sound levels for both residential and commercial & industrial districts. The **MU-2** district is categorized as commercial & industrial.

The noise ordinance also contains specific regulations for outdoor music venues in the **MU-1 (Mixed-Use Historic Commercial Core)** zoning district. These regulations include restrictions on hours of operation and decibel levels, a requirement for a permit, and possession of a decibel meter on-site. While these regulations do not apply in the MU-2 district, they have been adapted to serve as conditions of approval for this special exception.

A special exception to allow this use requires a review of the location and intensity of the use, to ensure its appropriateness at this location. Conditions can be applied with approval of the special exception.

DATE OF REVIEW:	August 11, 2020
OWNERS:	Nagle Holdings, LP
APPLICANT:	URBAN Eat.Drink, LLC
DESCRIPTION:	Nagle Park, Block A, Lot 1, also known as 411 W. Main St.
ZONING:	MU-2 (Mixed-Use Downtown Medium Density)
LAND USE:	Restaurant/bar
LOCATION:	West of Harris St. and Bagdad Ave.
ADJACENT LAND USE:	North: MU-2 (Mixed-Use Downtown Medium Density) – office, salon, school South: MU-2 (Mixed-Use Downtown Medium Density) – municipal building East: MU-2 (Mixed-Use Downtown Medium Density) – restaurant, office West: MU-2 (Mixed-Use Downtown Medium Density) – Lake Creek
GENERAL PLAN POLICY:	Downtown Mixed Use

**SPECIAL EXCEPTION REQUEST**  
**411 Main St.**  
**URBAN Rooftop**

SPECIAL EXCEPTION CRITERIA: The requested special exception shall be reviewed by the ZBA according to specific criteria described in Section 10-53 of the Zoning and Development Code.

- 1) Consistent with Zoning Ordinance:  
The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this chapter and the use shall meet all the minimum standards established in this chapter for this type of use.
- 2) Consistent with General Plan:  
The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.
- 3) Compatible with surrounding area:  
The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
- 4) Harmonious with character and scale of surrounding area:  
The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.
- 5) Impacts minimized:  
The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting uses in the area and in the city.

**SPECIAL EXCEPTION REQUEST**  
**411 Main St.**  
**URBAN Rooftop**

- 6) Effect on natural environment:  
The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.

**STAFF RECOMMENDATION:**

Approval of the special exception, with appropriate conditions, including specific noise regulations, applied. Recommended conditions are contained in Exhibit 'B'.

**EXHIBIT 'A'**



## **EXHIBIT 'B'**

### **Recommended Conditions:**

(a) *Restrictions on time and decibel levels.*

- (1) "Permitted hours" shall mean the times set forth below:
  - a. From 5:00 p.m. to 10:00 p.m. on Tuesday, Wednesday and Thursday.
  - c. From 5:00 p.m. to Midnight on Friday and Saturday.
- (2) During permitted hours, owner and/or tenant shall not operate sound equipment in excess of 80 decibels as measured at the property line of the business.
- (3) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment in excess of the decibel limits or to exceed the limitation on the number of musicians set out in this section.

(b) *Decibel meter required.*

- (1) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment without possessing an amplified sound permit and a decibel meter located on-site which has been approved by the chief of police (or his/her designee).
- (2) The chief of police (or his/her designee) may inspect an outdoor music venue to verify whether an approved decibel meter is located on-site.

(c) *Posting required.*

- (1) The outdoor music venue shall post the Order of the Zoning Board of Adjustment inside the business so that it is visible to the general public.

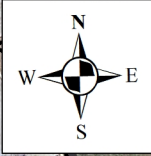
(d) *Registration requirements.*

- (1) The owner and/or tenant shall provide to the chief of police (or his/her designee) the following information:
  - a. The name, address, telephone number, and title of the individual responsible for the operation of the outdoor music venue;
  - b. The business name, address, and telephone number of the outdoor music venue;
  - c. The name, address, and telephone number of the business's registered agent on file with the Texas Secretary of State;
  - d. A statement that the outdoor music venue has an approved decibel meter on-site; and
  - e. A copy of the recorded Order of the Zoning Board of Adjustment.

(e) *Revocation of Permission for Outdoor Live Music.*

- (1) The chief of police shall revoke the permission granted by the Order of the Zoning Board of Adjustment if the owner and/or tenant has been found guilty of violating any provisions of this section three times in a 12-month period.
- (2) The owner and/or tenant shall be prohibited from applying for a special exception for outdoor live music one year from the date of revocation.





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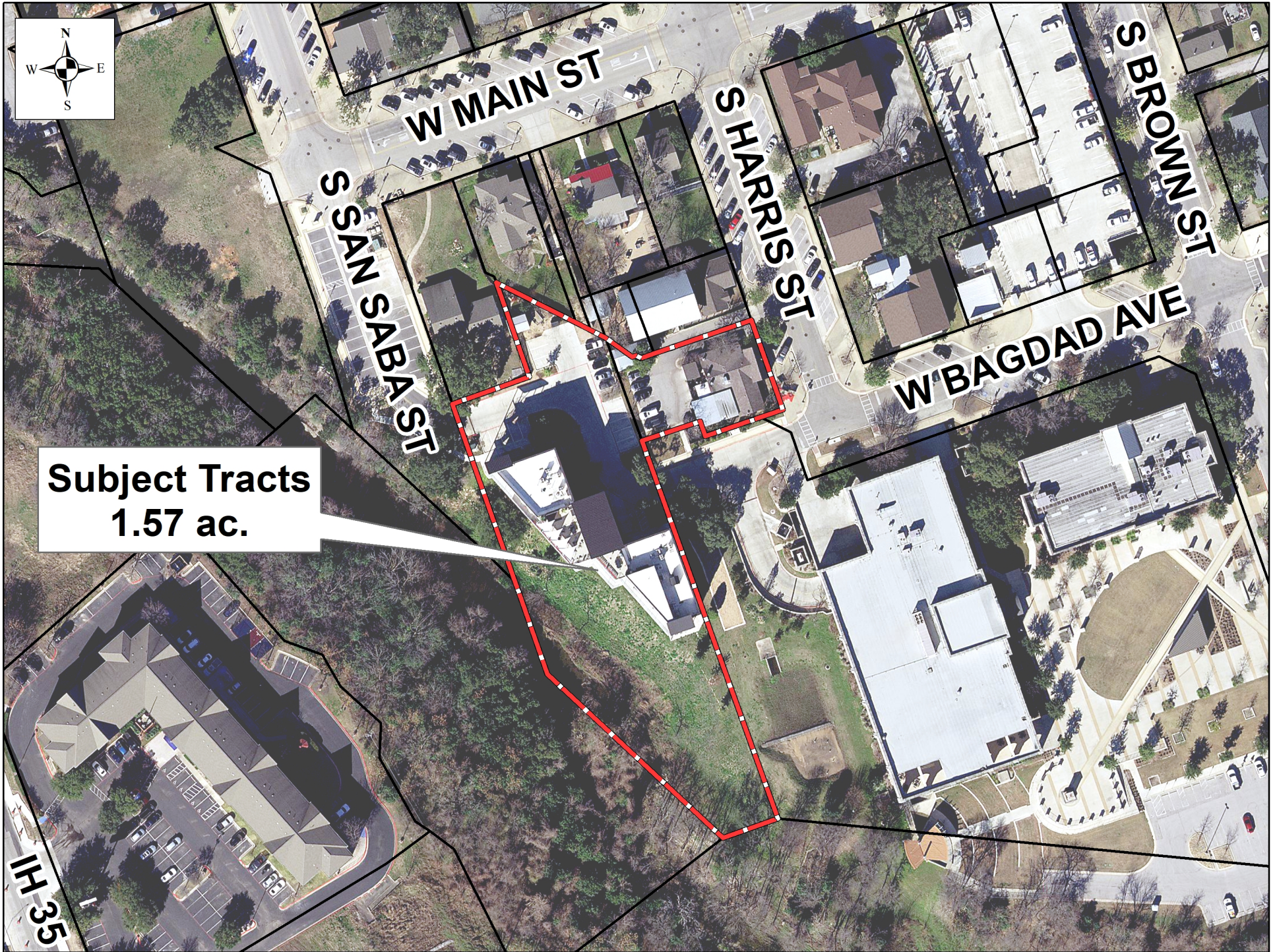
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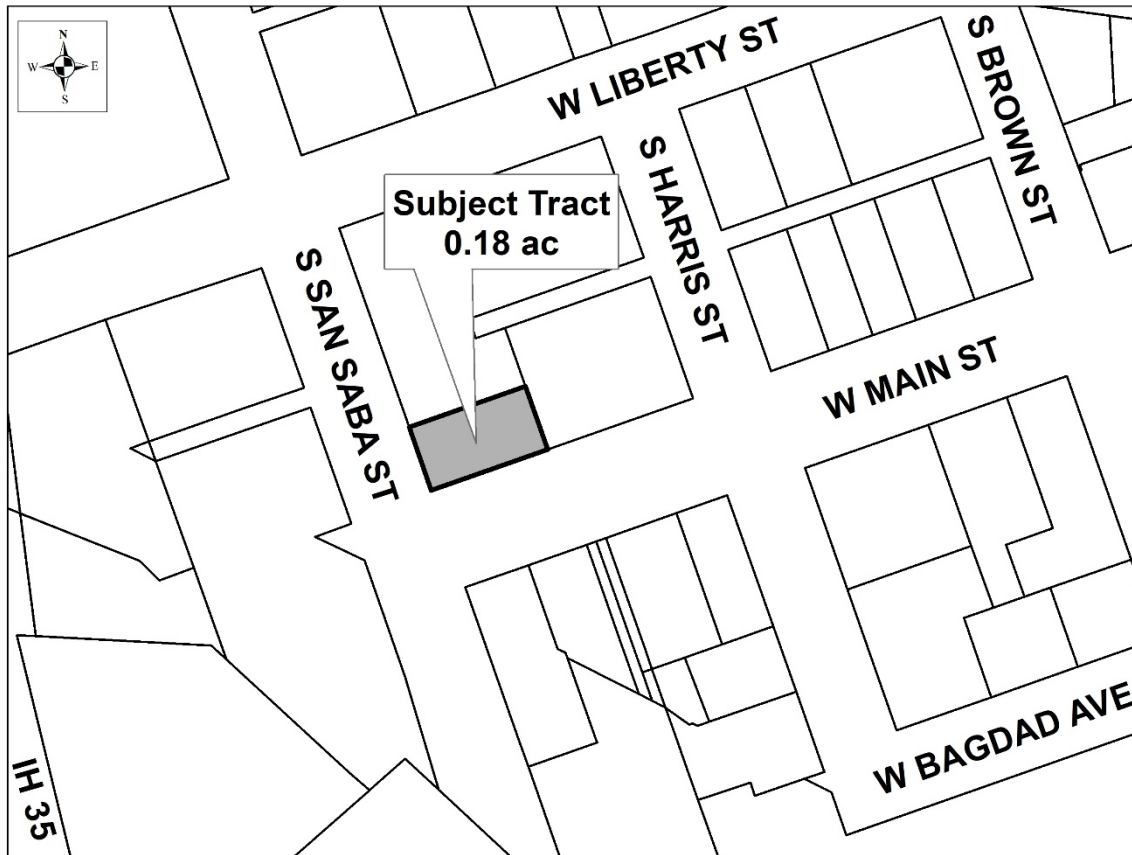
Subject Tracts  
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**SPECIAL EXCEPTION REQUEST**  
**410 Main St.**  
**Finley's Round Rock**



**SPECIAL EXCEPTION REQUEST:** To allow outdoor amplified live music at a restaurant/bar.

**BACKGROUND:** The zoning code provides a special exception process for amplified live music in the **MU-2 (Mixed-Use Downtown Medium Density)** zoning district. The restaurant/bar is Finley's Round Rock, which contains a fenced outdoor patio on the east side of the building. The proposal is to have live music performed in the evenings and on weekends during the restaurant's normal operating hours. The number of musicians will be limited to three. Proposed outdoor amplified live music hours of operation are:

- Thursday - Friday: 6pm – 10pm
- Saturday: 12pm – 10pm
- Sunday: 12pm – 7pm

The City's noise ordinance is in effect and is enforced by the Police Department in response to citizen complaints. The ordinance sets daytime and nighttime maximum sound levels for both residential and

**SPECIAL EXCEPTION REQUEST**  
**410 Main St.**  
**Finley's Round Rock**

commercial & industrial districts. The **MU-2** district is categorized as commercial & industrial.

The noise ordinance also contains specific regulations for outdoor music venues in the **MU-1 (Mixed-Use Historic Commercial Core)** zoning district. These regulations include restrictions on hours of operation and decibel levels, a requirement for a permit, and possession of a decibel meter on-site. While these regulations do not apply in the MU-2 district, they have been adapted to serve as conditions of approval for this special exception.

A special exception to allow this use requires a review of the location and intensity of the use, to ensure its appropriateness at this location. Conditions can be applied with approval of the special exception.

DATE OF REVIEW:	August 11, 2020
OWNERS:	An Pham
APPLICANT:	Ryan Sabrsula
DESCRIPTION:	Round Rock Original Subdivision Lots 6-9 parts, Block 26, also known as 410 W. Main St.
ZONING:	MU-2 (Mixed-Use Downtown Medium Density)
LAND USE:	Restaurant/bar
LOCATION:	West of Harris St. and Bagdad Ave.
ADJACENT LAND USE:	North: MU-2 (Mixed-Use Downtown Medium Density) – vacant South: MU-2 (Mixed-Use Downtown Medium Density) – office, salon, school East: MU-2 (Mixed-Use Downtown Medium Density) –office West: MU-2 (Mixed-Use Downtown Medium Density) – vacant
GENERAL PLAN POLICY:	Downtown Mixed Use
SPECIAL EXCEPTION CRITERIA:	The requested special exception shall be reviewed by the ZBA according to specific criteria described in Section 10-53 of the Zoning and Development Code.



**SPECIAL EXCEPTION REQUEST**  
**410 Main St.**  
**Finley's Round Rock**

1) Consistent with Zoning Ordinance:

The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this chapter and the use shall meet all the minimum standards established in this chapter for this type of use.

2) Consistent with General Plan:

The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.

3) Compatible with surrounding area:

The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

4) Harmonious with character and scale of surrounding area:

The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.

5) Impacts minimized:

The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting uses in the area and in the city.

6) Effect on natural environment:

The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.

**STAFF RECOMMENDATION:**

Approval of the special exception, with appropriate conditions, including specific noise regulations, applied. Recommended conditions are contained in Exhibit 'B'.

**EXHIBIT 'A'**

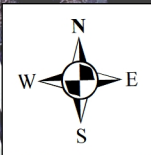


## **EXHIBIT 'B'**

### **Recommended Conditions:**

- (a) *Restrictions on time, decibel levels and number of musicians.*
  - (1) "Permitted hours" shall mean the times set forth below:
    - a. From 6:00 p.m. to 10:00 p.m. on Thursday and Friday;
    - b. From 12:00 p.m. to 10:00 p.m. on Saturday.
    - c. From 12:00 p.m. to 7:00 p.m. on Sunday.
  - (2) During permitted hours, owner and/or tenant shall not operate sound equipment in excess of 80 decibels as measured at the property line of the business.
  - (3) During permitted hours, owner and/or tenant shall not allow more than three (3) musicians to perform outdoor amplified music at any one time.
  - (4) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment in excess of the decibel limits or to exceed the limitation on the number of musicians set out in this section.
- (b) *Decibel meter required.*
  - (1) It shall be a violation for the owner and/or tenant of an outdoor music venue to operate sound equipment without possessing an amplified sound permit and a decibel meter located on-site which has been approved by the chief of police (or his/her designee).
  - (2) The chief of police (or his/her designee) may inspect an outdoor music venue to verify whether an approved decibel meter is located on-site.
- (c) *Posting required.*
  - (1) The outdoor music venue shall post the Order of the Zoning Board of Adjustment inside the business so that it is visible to the general public.
- (d) *Registration requirements.*
  - (1) The owner and/or tenant shall provide to the chief of police (or his/her designee) the following information:
    - a. The name, address, telephone number, and title of the individual responsible for the operation of the outdoor music venue;
    - b. The business name, address, and telephone number of the outdoor music venue;
    - c. The name, address, and telephone number of the business's registered agent on file with the Texas Secretary of State;
    - d. A statement that the outdoor music venue has an approved decibel meter on-site; and
    - e. A copy of the recorded Order of the Zoning Board of Adjustment.
- (e) *Revocation of Permission for Outdoor Live Music.*
  - (1) The chief of police shall revoke the permission granted by the Order of the Zoning Board of Adjustment if the owner and/or tenant has been found guilty of violating any provisions of this section three times in a 12-month period.
  - (2) The owner and/or tenant shall be prohibited from applying for a special exception for outdoor live music one year from the date of revocation.





W LIBERTY ST

S BROWN ST

S HARRIS ST

Subject Tract  
0.18 ac

S SAN SABA ST

W MAIN ST

W BAGDAD AVE

IH 35

