

**ZONING AND PLATTING COMMISSION
SITE PLAN EXTENSION REVIEW SHEET**

CASE NUMBER: SP-05-0568C(XT2) **CITY COUNCIL DATE:** December 19, 2009
ZAP COMM. DATE: September 15, 2009

PROJECT NAME: Southpark Meadows Shopping Center

ADDRESS: 9900 S. I-35 Svc. Road, SB

AREA: 192 acres

OWNER: SP Meadow South, Ltd. (Andy Pastor)
221 W. 6th Street, Ste. 1300
Austin, Texas 78701
(512) 682-5500

AGENT: Armbrust & Brown (Richard T. Suttle, Jr.)
100 Congress Avenue, Ste. 1350
Austin, Tx. 78704
Telephone: 512-435-2310

PROPOSED DEVELOPMENT: The development is a multi-use retail center. The parking and infrastructures have been completed. Most of the retail spaces have been built and pad sites for the remaining buildings are in place; Phase III exhibit are the buildings remaining to be built.

EXISTING ZONING: LO-CO, GR-CO, CS-CO, and CS-1. The zoning conditional overlay prohibited several uses on the tract. The site is complying with these requirements.

NEIGHBORHOOD ORGNIZATIONS:

- Austin Parks Foundation
- Austin Independent School District
- Austin Neighborhood Council
- Austin Southwest Association
- Barton Springs/Edwards Aquifer Conservation District
- Far South Austin Community Assn.
- League of Bicycling Voters
- Homeless Neighborhood Association
- Home Builders Association of Greater Austin
- Onion Creek Homeowners Association
- Park Ridge Owners Assn.
- Super Duper Neighborhood Objectors and Appealers Organization
- Terrell Lane Interceptor Association

WATERSHED: Slaughter Creek (Suburban)

APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance

CAPITOL VIEW: Not in View Corridor

T.I.A.: A TIA was submitted and approved with the site plan. The assumptions and conclusions are still valid.

SUMMARY STAFF RECOMMENDATION: The applicant is requesting a 3-year extension to the previously approved site plan. However, this site is subject to Project Duration under 25-1-535 (C. Desired Development Zone) and can only be extended a maximum five years from the initial submittal date, February 7, 2005. Section 25-1 supersedes all other sections, including 25-5-63 (Extension of Released Site Plan by the Land Use Commission). Staff recommends the approval until February 7, 2010.

ZONING AND PLATTING COMMISSION ACTION:

September 15, 2009: Commission approved the extension until February 7, 2010. (4-0 by consent, 1 off the dias, 2 absent).

Related Cases:

C14-04-0059, C14-04-0094, C14-04-0124 & 0126; Zoning for LO-CO, GR-CO, CS-CO

Sept. 19, 2006: C14-06-0161, Approved Staff recommendation of CS-1 of 15,534 Sq. Ft. (5-2)

March 6, 2007: SPC-06-0041A, Southpark Meadows Building 19 (Lil' Woodrows - Cocktail Lounge), Approved Staff Recommendation of Conditional Use Permit (by consent 8-0)

February 26, 2008: C14-2007-0253, Apprvd Staff recommendation of CS-1-CO (by consent 8-0)

CASE MANAGER: Sue Welch
Sue.Welch@ci.austin.tx.us

Telephone: 974-3294

PREVIOUS APPROVALS: The site plan was administratively approved on July 25, 2005 for three years. An one-year Administrative Extension was granted in 2008, extending the expiration date until July 27, 2009. This site is subject to Project Duration under 25-1-535 (C. Desired Development Zone) and can only be extended a maximum five years from the initial submittal date, February 7, 2005. Section 25-1 supersedes all other sections, including 25-5.

PROJECT INFORMATION: 192 acres

EXIST. ZONING: LO-CO, GR-CO, CS-CO, and CS-1

MAX. HEIGHT ALLOWED: 40-60'

PROPOSED HEIGHT: 20'-30'

OVERALL IMPERV. CVRG.: 78.07%

REQUIRED PARKING: 5669

PROVIDED PARKING: 6435 spaces

Proposed Access: Access from existing driveways for Southpark Meadows Shopping Center, along Cullen Road, Turk, Slaughter Lane and IH-35.

A COMPARISON OF THE APPROVED PROJECT WITH CURRENT REGULATIONS:

COMPREHENSIVE WATERSHEDS ORDINANCE: This project complies with the Comprehensive Watersheds Ordinance for Suburban Watersheds.

HILL COUNTRY ROADWAY ORDINANCE: This site is not located within a Hill Country Roadway Corridor.

SUMMARY COMMENTS ON SITE PLAN:

LAND USE: This large mixed use site consists of 192 acres, and is currently zoned LO-CO, GR-CO, CS-CO, and CS-1 (Specs and Lil' Woodrows) and is in the Desired Development Zone. The project included 91 phases, 78 have been completed and accepted by the City (approximately 85.71% of the site). The infrastructure and parking has been completed, and the only remaining buildings to be built are depicted in the Building Vacancies Exhibit - the pads have been constructed. There are many uses on the site including office, financial services, retail, theater, medical office, furniture sales, indoor sports and recreation, bar, liquor sales, and several restaurants.

ENVIRONMENTAL: This site is located in the Slaughter Watershed and subject to Suburban Watershed regulations. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. There are no Critical Environmental Features on this site. All environmental comments have been cleared.

TRANSPORTATION: Access from existing driveways for Southpark Meadows Shopping Center, along Cullen Road, Turk, Slaughter Lane and IH-35. This site is in compliance the approved Traffic Impact Analysis.

SURROUNDING CONDITIONS:**Zoning/ Land Use**

North: Slaughter Lane, then GR-CO & CS-CO (retail and gas station)

South: Old San Antonio Road, then CS-MU-CO (vacant)

West: GR-CO, SF-6 (under construction) and GR-MU-CO/MF-2-CO (apartments)

East: IH-35, Turk and Cullen Lane, then GR-CO shopping center

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
Slaughter Lane	120'	90'	Major Arterial
IH 35	varies	35' (frontage rd)	Highway
Cullen Road/Turk	60'	2@30'	Minor



SUBJECT TRACT



ZONING BOUNDARY

CASE#: SP-05-0568C(XT2)
 ADDRESS: 9900 S. IH 35 Sv. Rd. SB
 GRID: F-12 & 13, G-12 & 13
 MANAGER: Sue Welch

OPERATOR: S. Welch

This map has been produced by site plan review for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.





SOUTHPARK MEADOWS RETAIL CENTER
135 W SLAUGHTER LN - PHASE D
9500 S IH-35 SERVICE ROAD SOUTHBOUND - PHASE A, B, & C
9900 S IH-35 SERVICE ROAD SOUTHBOUND - PHASE E

OVER SITE PLAN



CA
Cunningham | Allen
Engineers - Surveyors

3183 Bee Coven Road, Suite 202
Austin, Texas 78748-0819

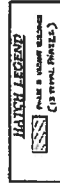
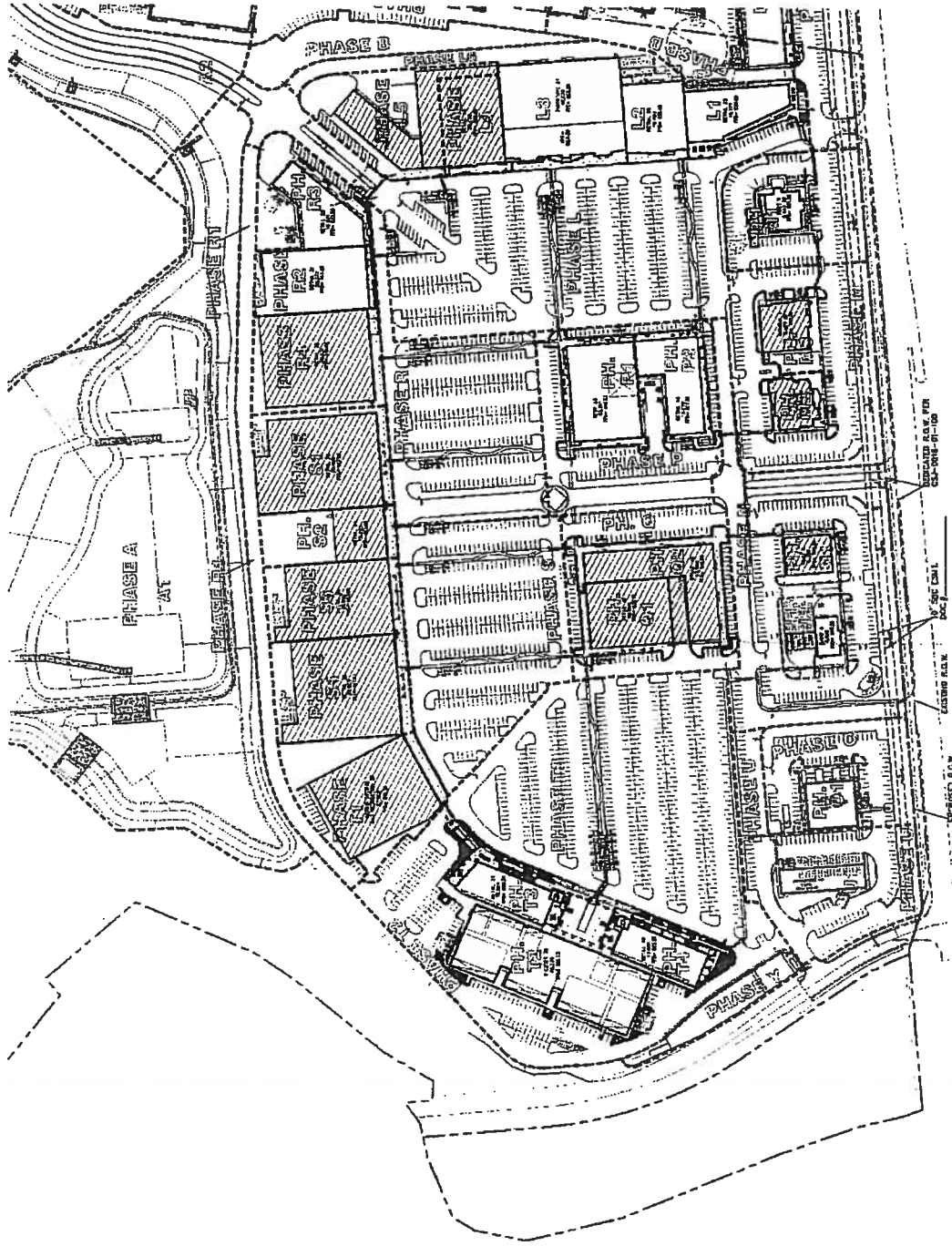
Tel: (512) 327-2844
Fax: (512) 327-2873



CA
Cunningham | Allen
Engineers • Surveyors

3103 Elm Canyon Road, Suite 222
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SOUTHPARK MEADOWS RETAIL CENTER



CA

Cunningham Allen, Inc.
Engineers • Surveyors
Tel: (512) 372-3546
www.cunningham-allen.com
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BUILDING VACANCIES EXHIBIT

RECEIVED

SEP 28 2009

ARMBRUST & BROWN, L.L.P.

Planning & Development Review

ATTORNEYS AND COUNSELORS

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512-435-2300

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RICHARD T. SUTTLE JR.
(512)435-2310
RSUTTLE@ABASUTIN.COM

September 28, 2009

VIA HAND DELIVERY

Mr. Greg Guernsey, Director
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

Re: Southpark Meadows Retail Center, SP-05-0568C(XT2) (the "Application"),
Notice of Appeal

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of SP Meadow South, Ltd. (the "Applicant"), in the above-referenced matter. Pursuant to Section 25-5-63(D) of the City of Austin Land Development Code (the "Code"), the Applicant hereby appeals the Land Use Commission's decision of the six and a half (6½) month site plan extension to the City Council. Forty-five of the 58 buildings, as well as all of the parking, drainage, water quality, water, wastewater, and storm sewer infrastructure shown on the original site plan have been completed and occupied. Additional time is needed in order to construct the 13 remaining buildings.

The following information is provided in compliance with Article 7, Division 1, of Chapter 25-1 of the Code, for a Notice of Appeal.

1. The name, address, and telephone number of the appellant is:

SP Meadow South, Ltd., c/o Andy Pastor, 221 W. 6th Street, Suite
1300, Austin, Texas 78701, ph. (512) 682-5500.

2. The name, address, and telephone number of the agent for the appellant is:

Armbrust & Brown, L.L.P., c/o Richard T. Suttle, Jr., 100
Congress Avenue, Suite 1300, Austin, Texas 78701,
ph. (512) 435-2310.

3. The decision being appealed is described as follows:

The Land Use Commission extended the site plan application for six and a half (6½) months from July 27, 2009 to February 7, 2010. The Applicant requested that the site plan be extended for three years from July 27, 2009 to July 27, 2012.

The Land Use Commission and City staff used project duration as the basis for the limited site plan extension date. However, project duration and site plan extensions are unrelated topics within the Code.

In addition, City staff's report concurs that the approved project complies substantially with current regulations. In addition, the applicant has constructed a significant portion of the infrastructure required for development of the original site plan and the traffic impact analysis is valid.

4. The date of the decision was September 15, 2009.
5. The Applicant is the property owner and therefore an interested party.
6. The reasons the appellant believes the decision does not comply with the requirements of this title and the basis for this appeal are as follows:

Project duration was provided as the reason for limiting the request for the site plan extension; however, this is a separate topic from the site plan extension. The Land Use Commission and City staff did not base the extension request on the merits of the site plan or extension requirements listed in Section 25-5-62(C) of the Code. By utilizing the criteria for "good cause" from this section of the Code, the Application meets all five of the criteria, described as follows:

- a. The site plan substantially complies with requirements applicable to a new application. City staff's attached review memorandum compares the approved project to current regulations and states that it complies with the Comprehensive Watershed Ordinance and is not located within a Hill Country Roadway Corridor.
- b. The applicant filed the original application with good faith expectations that the site plan would be constructed. All of the parking, drainage, water quality, water, wastewater, and storm sewer infrastructure have been constructed. Forty-five of the 58 buildings have been completed and occupied, while only 13 buildings remain to be constructed.
- c. The applicant constructed at least one structure on the original site plan that is suitable for permanent occupancy. All of the parking, drainage,

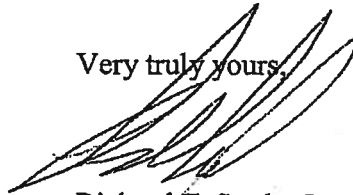
water quality, water, wastewater, and storm sewer infrastructure have been constructed. Forty-five of the 58 buildings have been completed and occupied, while only 13 buildings remain to be constructed.

- d. The applicant has constructed a significant portion of the infrastructure required for development of the original site plan. All of the parking, drainage, water quality, water, wastewater, and storm sewer infrastructure have been constructed. Forty-five of the 58 buildings have been completed and occupied, while only 13 buildings remain to be constructed.
- e. The TIA submitted with the site plan application is valid. City staff's attached review memorandum confirms this.

Upon receipt of this letter and pursuant to Section 25-1-188 we hereby request a public hearing to be scheduled with the City Council.

Thank you for your attention to this matter and please do not hesitate to contact me if you need further information regarding this appeal.

Very truly yours,



Richard T. Suttle, Jr.

Enclosure

cc: Andy Pastor
Will Marsh
Ruben Lopez
Amanda Morrow
Lynn Ann Carley

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SEP 28 2009



City of Austin Watershed Protection and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SP-05-0568C(XT2)DATE APPEAL FILED September 28, 2009PROJECT NAME Southpark Meadows Shopping
CenterYOUR NAME Richard T. Suttle, Jr.PROJECT ADDRESS 9900 S. IH 35 Svc Road,
SouthboundSIGNATURE YOUR ADDRESS 100 Congress Avenue,
Suite 1300, Austin, TX 78701APPLICANT'S NAME Andy PastorYOUR PHONE NO. (512) 435-2300 WORKCITY CONTACT Greg Guernsey() HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☒ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Planning Commission public hearing on (date) _____
- ☐ I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☐ I am the record owner of property within 500 feet of the subject site.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- ☐ Administrative Disapproval/Interpretation of a Site Plan
- ☐ Replacement site plan
- ☐ Planning Commission Approval/Disapproval of a Site Plan
- ☒ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision.
- ☐ Other: _____

Date of Decision: _____
 Date of Decision: _____
 Date of Decision: _____
 Date of Decision: September 15, 2009
 Date of Decision: _____
 Date of Decision: _____

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

The decision regarding the site plan expiration date was based on Project Duration
and not the requirements from Section 25-5-62 of the Land Development Code, as is
stated in Section 25-5-63(C).

(Attach additional page if necessary.)

Applicable Code Section: Section 25-5-63(C) and 25-5-62