

**CITY COUNCIL APPEAL
OF 1-YEAR EXTENSION TO APPROVED SITE PLAN**

CASE NUMBER: SP-2007-0560C(XT)

COUNCIL DATE: June 28, 2012

Postponed From: May 24, 2012

PROJECT NAME: Reagan National

ADDRESS: 1640 S IH 35

APPLICANT: Woodland I-35, L.P. (Billy Reagan, II)
P.O. Box 162327
Austin, TX 78716
(512) 926-7740

**AGENT/
APPELLANT:** Land Strategies (Paul W. Linehan)
1010 Land Creek Cove, Ste 100
Austin, TX 78746
(512) 328-6050

APPELLANTS South River City Citizens (Marc Davis)
TO COMMISSION: 1404 Alta Vista Ave
Austin, Texas 78704
(512) 656-2841

Patrick Roeder
1523 Chelsea Ln.
Austin, TX 78704
(512) 328-2695

CASE MANAGER: Donna Galati, 974-2733
Donna.Galati@austintexas.gov

APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance
Harper's Branch (Urban)

AREA: 2.297 acres

EXISTING ZONING: GR-CO-NP

PROPOSED USES: Administrative/Business Office
Printing and Publishing

LEGAL DESCRIPTION: 2.3 Acres of land out of the Santiago Del Valle Grant
C8i-05-0139

Description of Appeal:

An appeal to an administrative 1-year extension of previously approved site plan. [LDC Section 25-5-62].

- Extension of Released Site Plan by Director, LDC Section 25-5-62(A): An applicant may request that the director extend a site plan by filing an extension request with the director before the site plan expires.
- LDC Section 25-5-62-D: An interested party may appeal the director's decision under this section to the Land Use Commission.
- LDC Section 25-5-62-D: An interested party may appeal the Land Use Commission's decision on an appeal under this section to the council.

Proposed Development:

Construction of a 2-story (split level) 27,483 sq. ft. building with 5,000 sq. ft. Printing & Publishing and 22,483 sq. ft. Administrative/Business Office, parking, drives, detention & water quality, and utilities.

Staff's Determination of Extension:

- May 8, 2008 - The site plan for Reagan National was approved, and the expiration date was May 8, 2011.
- May 6, 2011 - An application for a 1-year extension (LDC 25-5-62) was submitted.
- January 5, 2012 - Staff denied the extension to approved site plan, and an appeal was filed by the applicant January 24, 2012.
- February 6, 2012 – Additional information is provided to the City, which satisfied the requirements to grant a 1-year extension to May 8, 2012.

In order to grant a 1-year administrative extension, the following requirements must be met.

- “(C) The director may extend the expiration date of a released administrative site plan one time for a period of one year if the director determines that there is good cause for the requested extension; and
- (1) the director determines that:
- (a) the site plan substantially complies with the requirements that apply to a new application for site plan approval;
 - (b) the applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed;
 - (c) the applicant constructed at least one structure shown on the original site plan that is suitable for permanent occupancy; **or**
 - (d) the applicant has constructed a significant portion of the infrastructure required for development of the original site plan;
- and”

Only a, b, c, or d of the above 25-5-62(C)(1) must be met in order to grant a 1- year administrative extension to a previously approved site plan. The applicant submitted

information (attached) demonstrating that the original application for site plan approval was filed with the good faith expectation that the site plan would be constructed.

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, October 3, 2007 (to October 3, 2012). Section 25-1 supersedes all other sections, including 25-5-63 (Extension of Released Site Plan by the Land Use Commission).

The application for a 2nd extension of the released site plan by the Land Use Commission was filed March 14, 2012 in order to extend the site plan from May 8, 2012 to October 3, 2012. This application, SP-2007-0560C(XT2), is in review with staff and can not be scheduled for Planning Commission unless the appeal is approved by Council, granting the 1-year extension.

Appellant Issues:

- The applicant/appellant to City Council asserts that Planning Commission erred in its review of extension criteria.
- The appellants to Planning Commission assert that neither a, b, c, or d of LDC 25-5-62(C)(1) have been met.

Land Use Summary:

The site is zoned GR-CO-NP.

PROJECT INFORMATION

| | | | |
|-------------------------|---|-----------------|----------|
| Site Area | 2.297 Acres | 100,057 sq. ft. | |
| Jurisdiction | Full Purpose | | |
| Traffic Impact Analysis | N/A | | |
| Capitol View Corridor | Not In View Corridor | | |
| Proposed Access | IH 35 & Woodland Ave (right-in left-out only) | | |
| | Allowed/Required | Existing | Proposed |
| Floor-to-Area Ratio | 1:1 | 0 | 0.27:1 |
| Building Coverage | 75% | 0 % | 20.34% |
| Impervious Coverage | 90% | 0% | 60.5% |
| Height | 60’ | 0 | 36’ |
| Parking | 70 | | 71 |

SURROUNDING CONDITIONS: Zoning/ Land Use

North: GO-CO-NP (office)

East: IH-35, then GO-NP

South: Woodland Ave, then GR-MU-CO-NP (Vacant)

West: SF-3-NP (Single Family)

Staff Recommendation: Grant the appeal, reversing Planning Commission's decision, because the director determined there is good cause for the requested extension [LDC 25-5-62(C)] and the director determined that the applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed [LDC 25-5-62-(C)(1)(b)].

Planning Commission Action March 27, 2012:

- Extension of Released Site Plan by Director, LDC Section 25-5-62-D: An interested party may appeal the director's decision under this section to the Land Use Commission.
- The commission granted the appeal (6-2, 1 absent), denying the extension on March 27, 2012.

City Council Action

- Regarding the Extension of Released Site Plan by Director, LDC Section 25-5-62-D: An interested party may appeal the Land Use Commission's decision on an appeal under this section to the council.
- The council may deny the appeal, denying the extension to May 8, 2012 or grant the appeal, determining the extension is valid.