ZONING AND PLATTING COMMISSION SITE PLAN EXTENSION REVIEW SHEET

<u>CASE NUMBER:</u> <u>PROJECT NAME:</u> C	SPC-05-0012A(XT3)ZAP Hhampion Commercial Development (Part 1)	EARING DATE: A)	Jan 29, 2019 (PP on 12/18/18)
ADDRESS OF SITE: WATERSHED:	1 6 5	COUNCIL DIST JURISDICTION	
<u>APPLICANT/</u> OWNERS:	Clark Meyer, Champion Assets Ltd. & C 1207 Mountain View Drive Pflugerville, TX 78660	•	Assets, Ltd. 512) 351-6362
AGENT:	Joel Wixson, Kimley-Horn & Associates 10814 Jollyville Road Austin, TX 78759	s, Inc. (5	512) 418-1771
CASE MANAGER:	Anaiah Johnson <u>Anaiah.Johnson@austintexas.gov</u>	(512) 974-2932

EXISTING ZONING: GR-CO / RR

PROPOSED DEVELOPMENT:

The applicant is requesting a three year extension to a previously approved site plan. The approved site plan includes a General Retail Sales and Food Sales structure (2-story, 48,710 sq ft) and a General Retail Sales structures (1-story, 8,100 sq ft) with associated site improvements. The approved site plan is a land use only site plan (or "A-plan") on a Hill Country Roadway. Currently, no site development has begun, as the construction site plan (or "B-plan") is under review by staff. This hearing is only for the extension request to the previously approved land use site plan (or "A-plan"). The construction site plan (or "B-plan) is currently in review and will be presented to Commission at a different hearing.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval to extend this site plan permit by three years, from November 15, 2017 to November 15, 2020 based on LDC Section 25-5-62(C)(1)(b) (code sections provided below). The applicant has included a letter explaining details of the efforts made toward obtaining all site plans; this is included in this backup.

25-5-63(C) Extension of released site plan by the Land Use Commission: "the Land Use Commission may extend the expiration date of a released site plan beyond the date established by this chapter if the Land Use Commission determines that the request complies with the requirements for extension by the director under 25-5-62 (*Extension of Released Site Plan by Director*)."

25-5-62(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;

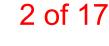
(b) the applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed;

(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"

SPC-05-0012A(XT3)

Champion Commercial Development (Part A)



SUMMARY OF SITE PLAN:

LAND USE: The site is zoned GR-CO (Community Commercial – Conditional Overlay) and RR (Rural Residence). The applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed.

ENVIRONMENTAL: All environmental comments have been cleared.

TRANSPORTATION: All transportation comments have been cleared.

PREVIOUS APPROVALS

01/17/2006	Site Plan Zoning and Platting Commission approval, permit expiration 1/17/209
05/27/2009	One year extension administrative approval, permit expiration 1/17/2010
08/04/2009	Eight year extension Zoning and Platting Commission approval, permit expiration
	11/15/2017 (extension approval appealed to Council; appeal denied by Council on

11/05/2009)

The current 3-year extension application was submitted October 31, 2017, prior to the site plan's expiration date of November 15, 2017.

PROJECT INFORMATION

SITE AREA	400,801 sq ft	9.20 acres
EXISTING ZONING	GR-CO / RR	
	Allowed/Required	Proposed
FLOOR-AREA RATIO	1:1	0.142:1
BUILDING COVERAGE	75%	10.6%
IMPERVIOUS COVERAGE	90%	38.4%
PARKING	207	208

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
Site	GR-CO / RR	General Retail Sales and Food Sales
North	FM 2222 then GR-CO	Vacant
South	PUD	Vacant
East	Р	Safety Services
West	N Capital of Texas	Professional Office
	Hwy then LO	

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
FM 2222 RD	100 feet (varies)	Approx. 75 feet (varies)	Major Arterial and County Road
N Capital of Texas Highway	750 feet (varies)	Approx. 200 feet (with medians / divisions)	US and State Highways

NEIGHBORHOOD ORGANIZATIONS:

2222 Coalition of Neighborhood Associations, Inc. Austin Independent School District Austin Neighborhoods Council Bike Austin Bull Creek Foundation

SPC-05-0012A(XT3)

Champion Commercial Development (Part A)

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Canyon Creek HOA Courtyard Homeowners Association Friends of Austin Neighborhoods Glenlake Neighborhood Association Lakewood Homeowners Association Long Canyon Homeowners Association Long Canyon Phase II & LLL Homeowners Association, Inc. Mountain Neighborhood Association (MNA) Northwest Austin Civic Association Northwest Austin Coalition NW Austin Neighbors NW Austin Working Group Preservation Austin **River Place HOA** SEL Texas Shepherd Mountain Neighborhood Association Sierra Club, Austin Regional Group Steiner Ranch Community Association

TNR BCP - Travis County Natural Resources



Kimley»Horn

November 19, 2018

Zoning and Platting Commission City of Austin P.O. Box 1088 Austin, Texas 78767

Re: Request Letter – Champion Commercial Development (Part A) 6015 N Capital of Texas Highway / 5617 FM 2222, Austin, Texas City of Austin Case #SPC-05-0012A (XT3)

To Whom It May Concern:

Please accept this Request Letter for a site plan extension of three years for the above referenced project. The Champion Commercial Development project is located on a 8.99-acre site which is located at the northeast corner of FM 2222 and Capital of Texas Highway in the City of Austin.

The property owners have entered into a development agreement with East Avenue Development to pursue a site development permit for commercial development in compliance with the current entitlements. East Avenue Development has engaged a local architect, engineer, and landscape architect to prepare site development plans.

The Part A Site Plan, released on March 9, 2007, includes 56,810 SF in two commercial buildings and the associated surface parking and on-site infrastructure improvements. The property is subject to a Compromise Settlement Agreement effective June 13, 1996 which establishes the watershed and code requirements for the site and therefore no modifications are anticipated. Since the site plan release, portions of FM 2222 and Capital of Texas Highway have been improved including the commercial driveways. Portions of the property were conveyed by the landowner to TxDOT in order for the road and utilities to be improved. An updated tree and topographic survey, Environmental Resource Inventory (ERI), and separate floodplain analysis have also been completed. The proposed Part B plan incorporates these elements into the design and will provide onsite water quality treatment.

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Kimley»Horn

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The applicant has made a good faith effort to develop the site. A site plan has been submitted and remains under plan review with city staff. On behalf of the owner we request this extension to **November 15, 2021** in order for the site plan review, land use commission hearing, and permitting process to be completed.

Please contact me at 512-418-1771 if any additional information is required.

Sincerley,

KIMLEY-HORN AND ASSOCIATES, INC.

Joel Wixson, P.E.





2222 Coalition of Neighborhood Associations, Inc. (2222 CONA) PO Box 28397 Austin, Tx 78755

December 10, 2018

To the Zoning and Platting Commission, Board Members and City Staff

Re: Champions Tract 4 Site Plan Extension (Case # SPC-05-0012A(EXT3))

Please accept this **Letter of Opposition** for the above referenced case that is otherwise known as "Champions Tract 4". I am offering this letter of opposition on behalf of 2222 Coalition of Neighborhood Associations, Inc (2222 CONA) which represents directly or indirectly many neighborhoods along the RM2222/620/360 corridor located in northwest Austin.

2222 CONA representatives have been tracking this case and its extensions since before this partial site plan was submitted over 13 years ago. By filing the partial site plan, the applicant was granted entitlements provided by the 1996 Settlement Agreement between the City and applicant. These entitlements represent building standards that were considered inferior in 1996 and have deviated even further from current code through applicant delays and city approved extensions.

It is our position that the applicant has had ample opportunity to build with their entitlements. The 1996 Settlement Agreement granted the applicant 10 years to claim their entitlements. Applicant delays and city granted extensions currently have us 22 years removed from the Settlement Agreement and the applicant is now asking for an additional 3-year extension. Lengthy repeated extensions result in both severe deviation from current code as well as uncertainty by staff, applicants and neighbors on how to find and interpret codes and ordinances pertinent to the case.

Repeated extension cases are required to come before the Land Use Commission because they should be rare. Extensions should be granted based on extenuating hardship on the applicant and not a gratuitous action to avoid code enhancements. 2222 CONA requests that you **deny the extension** just as we did 9 years ago when we argued that 13 years was ample time for the applicant to claim their entitlements.

By denying the extension, **Case # SPC-05-0012A** will no longer be active in accordance with the Determination of Regulations dated 8/1/2017. Any new project filings for this property will therefore be subject to current code.

Sincerely,

Tom R. Sm. ty

Tom R. Smith 2222 CONA – President and Board Member president@2222cona.org

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December 13, 2018

To: Members of the Zoning and Platting Commission and City Staff

Re: Champion's Tract 4 Site Plan Extension // Case #SPC-05-0012A (EXT3)

Please accept this letter of opposition in the above referenced matter on behalf of the Courtyard Homeowners Association. Our community consists of over 300 family households, a tennis /swim club, and small office building. We are located at the SE corner area of FM 2222 and Highway 360 in District 10.

The applicant is requesting a third extension on a site plan that has already been active for thirteen (13) years. Applicant delays and city granted extensions have allowed the applicant to carry forward entitlements from 1993. Now they want another three years (2021) to come up with a plan that would result in new development built to almost thirty (30) year old standards. Would you want to buy a new 2019 vehicle that was built using 1993 safety standards and technology? Or, perhaps schedule an operation today with a surgeon who only has the knowledge about your illness and equipment that was available in 1993. Please recognize this request for what it is – an effort to retain their ability to someday build something using very old outdated standards.

The thought of applying outdated and inadequate regulations to this Tract 4 property is of great concern to us. One of the most serious concerns relates to the watershed regulations which have been updated more than once over the years to reflect lessons-learned and climate change. The impact is even more acute, as this property is directly adjacent to Bull Creek where it feeds into Lake Austin.

We are not asking the Commission to prevent development. Denying the extension will simply cause this particular site plan to expire. The developer will still be able to build on this land but will do so according to current code, ensuring that best practices are followed. We ask that you help protect our community and water supply by voting against the extension.

Sincerely,

Leslie Craven Courtyard HOA, President



Jester Homeowners Association Austin, Texas

December 13, 2018

To the Zoning and Platting Commission, Board Members and City Staff

Re: Champions Tract 4 Site Plan Extension (Case # SPC-05-0012A(EXT3))

Please accept this Letter of Opposition for the above referenced case that is otherwise known as "Champions Tract 4". Jester Estates represents 900 homes located in northwest Austin. By filing the partial site plan, the applicant was granted entitlements provided by the 1996 Settlement Agreement between the City and applicant. These entitlements represent building standards that were considered inferior in 1996 and have deviated even further from current code through applicant delays and city approved extensions.

It is our position that the applicant has had ample opportunity to build with their entitlements. The 1996 Settlement Agreement granted the applicant 10 years to claim their entitlements. Applicant delays and city granted extensions currently have us 22 years removed from the Settlement Agreement and the applicant is now asking for an additional 3-year extension. Lengthy repeated extensions result in both severe deviation from current code as well as uncertainty by staff, applicants and neighbors on how to find and interpret codes and ordinances pertinent to the case.

Repeated extension cases are required to come before the Land Use Commission because they should be rare. Extensions should be granted based on extenuating hardship on the applicant and not a gratuitous action to avoid code enhancements. Jester HOA requests that you deny the extension. By denying the extension, Case# SPC-05-0012A will no longer be active in accordance with the Determination of

Regulations dated 8/1/2017. Any new project filings for this property will therefore be subject to current code.

Sincerely, DocuSigned by: Diana Miller Dia Mac Willer President Jester Home Owner's Association

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December 14, 2018

Re: Opposition to Champion Tract 4 Site Plan Extension (Case # SPC-05-0012A (EXT3))

On behalf of many neighbors, we oppose the extension of the applicant's expiration date. Neighbors rely on the Zoning and Platting Board to equitably make recommendations on the Title 25 code, which is supposed to ensure City regulations are fairly enforced. Neighbors are held to measurable standards and deadlines under Title 25 and believe it is only fair that other developers/owners are as well.

Neighbors understand that commissioners frequently make recommendations on complex cases and there is a need to balance owner requests versus the City code. But this case is simple. The site plan expired. We support the owner's right to develop the property, but the owner does not have the right to circumvent the intent or rules of law any more than the rest of us do.

Date Requested	Reason	Expiration Date	Cumulative Years			
1996	Champion Settlement Agreement	2006				
2005	Site plan approved	2009	3			
2009	Granted one-year admin extension.	2010	10			
First extension	No reason documented.					
2010	Granted 8-year extension.	Nov 15, 2017 Expired	18			
Second extension	Reason was intersection redesign.					
October 15, 2017	Requested 3-year extension.	2020	21			
Third extension requested	No reason documented.					

The City should be measured on how effectively it enforces the code, not how many exceptions it grants.

We ask you deny the extension. If this extension is granted, neighbors will not perceive this as "fair play".

Linda Bailey President Lake Austin Collective

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December 13, 2018

Mr. Anaiah Johnson City of Austin – Development Services Department 505 Barton Springs Road, 4th Floor Austin, TX 78704

Re: Letter of Opposition SPC-05-0012A(EXT3), Champion Tract 4

Dear Mr. Johnson:

Please accept this as a letter of **opposition** for the above-referenced site plan extension for the Part A site plan for the Champion Tract 4. The Westminster Glen Estates neighborhood represents more than 200 households in District 10.

The applicant is requesting an extension on a site plan that has already been active for 13 years. Applicant delays and city granted extensions have allowed the applicant to carry forward entitlements from 1993. The most concerning of which relate to watershed regulations which have been updated more than once over that timeframe to reflect lessons-learned and climate change. The impact is even more acute, as the property is directly adjacent to Bull Creek where it feeds into Lake Austin.

Denying the extension will cause the site plan to expire. The developer will still be able to build on this land but will do so according to current code, ensuring that best practices are followed. We ask that you help protect our community and water supply by voting against the extension.

Sincerely,

Relat

Linda Salomon Westminster Glen Estates HOA – President and Board Member



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2222 Coalition of Neighborhood Associations, Inc. (2222 CONA) PO Box 28397 Austin, Tx 78755

December 10, 2018

To the Zoning and Platting Commission, Board Members and City Staff

Re: Champions Tract 4 Site Plan Extension (Case # SPC-05-0012A(EXT3))

Please accept this **Letter of Opposition** for the above referenced case that is otherwise known as "Champions Tract 4". I am offering this letter of opposition on behalf of 2222 Coalition of Neighborhood Associations, Inc (2222 CONA) which represents directly or indirectly many neighborhoods along the RM2222/620/360 corridor located in northwest Austin.

2222 CONA representatives have been tracking this case and its extensions since before this partial site plan was submitted over 13 years ago. By filing the partial site plan, the applicant was granted entitlements provided by the 1996 Settlement Agreement between the City and applicant. These entitlements represent building standards that were considered inferior in 1996 and have deviated even further from current code through applicant delays and city approved extensions.

It is our position that the applicant has had ample opportunity to build with their entitlements. The 1996 Settlement Agreement granted the applicant 10 years to claim their entitlements. Applicant delays and city granted extensions currently have us 22 years removed from the Settlement Agreement and the applicant is now asking for an additional 3-year extension. Lengthy repeated extensions result in both severe deviation from current code as well as uncertainty by staff, applicants and neighbors on how to find and interpret codes and ordinances pertinent to the case.

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By denying the extension, **Case # SPC-05-0012A** will no longer be active in accordance with the Determination of Regulations dated 8/1/2017. Any new project filings for this property will therefore be subject to current code.

Sincerely,

Tom R. Sm. ty

Tom R. Smith 2222 CONA – President and Board Member president@2222cona.org

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City of Austin Planning and Development Review Department P.O. Box 1088, Austin, Texas 78767

DETERMINATIONOF REGULATIONS

Findings

This determination is made under City Code 25-1-541 in response to a claim that the project identified below is vested to earlier regulations and entitled to be reviewed under those regulations. The determination may be reconsidered once at the request of the applicant.

Project Name: Champion Commercial Development Address: 6015 FM 2222 Rd (previously 5617) Case No. SPC-05-0012B Date of Application: 7/31/2017 Date of Determination: 8/1/2017 Signature:

Date:

(x) Approved

8/2017

Item C-05

Primary Grounds: Continuing project; meets settlement agreement with part a revision and extension from Land Use Commission

Findings:

(1) The 2005 site plan application remains active and is governed by the terms in Part 2 of Ordinance No. 960613-J. The Part B site plan for the Hotel, which is the application that this determination applies to, can be accepted for review. However, in order to claim entitlements under the ordinance, the 2005 site plan must be revised and must stay active to use entitlements under Ordinance No. 960613-J because, per Part 2, applications submitted outside the 10-year window are subject to current code.

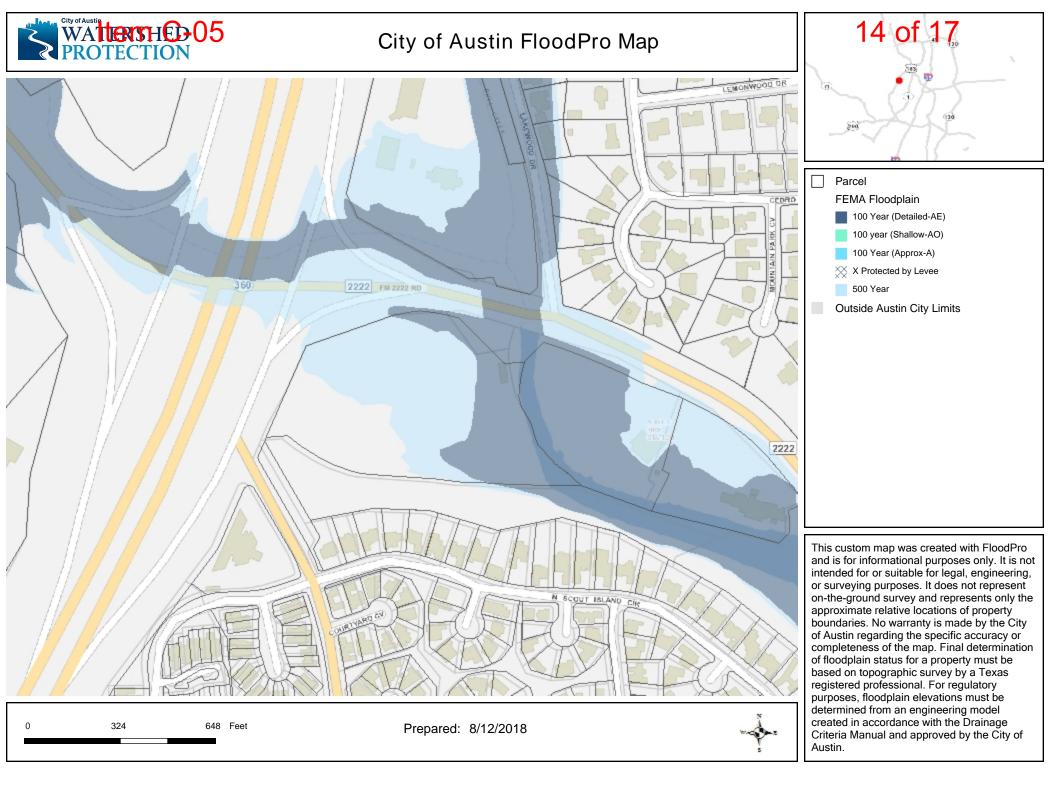
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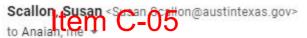
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Champions Tract 4 Historical timeline

94	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
	l Settlemen reement	nt			10 y	ear expi	l ration or	l entitlem	nents	l 	 									1	1	1	1	1		
1	Part A ->	Land Us	e Only						2	ite Plan Retail	A [3 yr - e	xpires 1/	09												
	Cases: SBC-05- SBC-05- SBC-05-	-0012A(Site P Retail	- Ext 1	1 yr											
		-0012A(Site P Retail					8 yr - ex	kp 11/17						
																						Site F Retail		3 yr -	exp 11/2	2020
I	Part B ->	Constru	ction El	ement																	Si	te Plan E Hotel	3- 1	L yr		
(Cases: SBC-05- SBC-202		R																				Site Plar		1 yr	









Hi Tony, I am happy to discuss this project with you.

There is a settlement agreement associated with this property. The Part A site plan and the proposed project of the hotel do not match. In my determination of regulations, the only way the settlement agreement can be honored is for the part A to remain active. Thus the extension. The second part of the scenario is that the part A must be revised and approved with the new use.

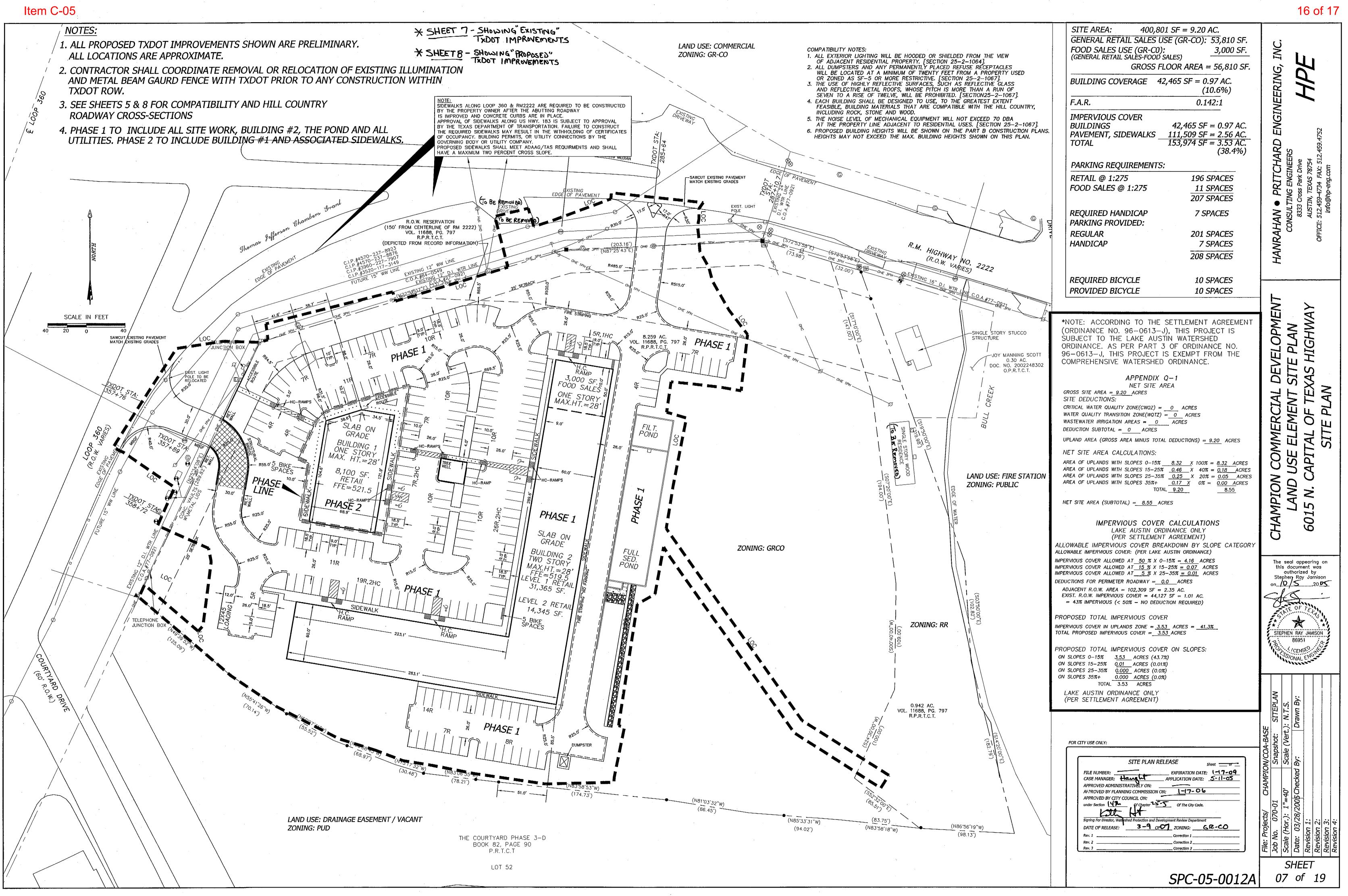
If the part A expires, then the project is current code as the settlement agreement parameters are only met by the filing of the original part A, and it remaining active. The revision and extension are discretionary by the Land Use Commission, both of which would need to be approved for the settlement to be viable.

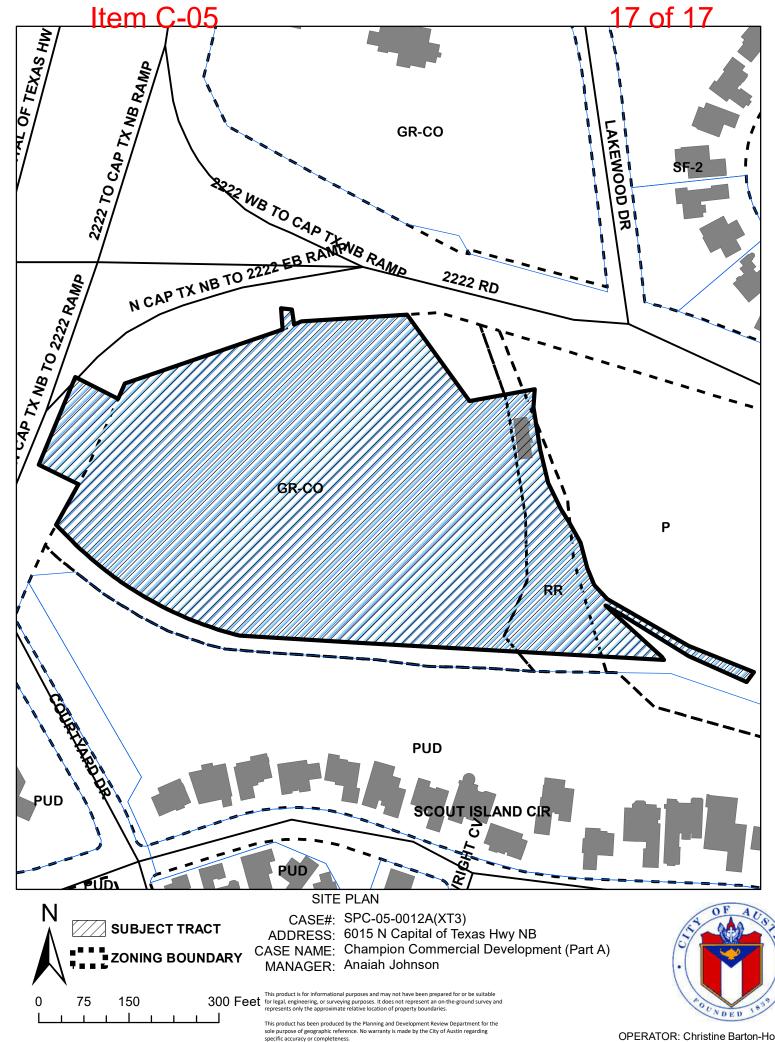
They could proceed with the a part B that matches the original part A as an option as well.

Please feel free to call me if this is confusing....it is to me!

Susan Scallon, PLA Evnironmental Polilcy Program Manager City of Austin Development Services Department One Texas Center, 505 Barton Springs Road, Office 410 Office: 512-974-2659







OPERATOR: Christine Barton-Holmes