PLANNING COMMISSION SITE PLAN
EXTENSION REVIEW SHEET

CASE NUMBER: SP-2013-0026(CXT2)  PC HEARING DATE: November 12, 2019
PROJECT NAME: Grove Retail Center

ADDRESS OF SITE: 5900 E Riverside Drive  COUNCIL DISTRICT: 3
WATERSHED: Country Club East (Suburban) JURISDICTION: Full Purpose

APPLICANT/OFFICIAL DECISIONMAKER: Self Directed IRA Services, Inc. (512) 971-1616
OWNERS: Custodian FBO David Beseda IRA
600 Congress Avenue, Ste. 400
Austin, TX 78701

AGENT: Mirza Baig, PSCE, Inc.
2205 W Parmer Lane, Ste. 201
Austin, TX 78727 (512) 238-6422

CASE MANAGER: Anaiah Johnson (512) 974-2932
Anaiah.Johnson@austintexas.gov

EXISTING ZONING: ERC

PROPOSED DEVELOPMENT:
The applicant is requesting a five-year extension to a previously approved site plan. The approved site plan includes a 7,204 sq. ft. retail building and a 1,444 sq. ft. retail building with an associated drive-through, with parking, drives, drainage, water quality, and utilities. The original site plan was submitted with the good faith expectation that the site plan would be constructed by the original expiration date; however, the applicant encountered an unforeseen financial hardship, which has now been overcome. The applicant is now ready to begin construction as soon as all required permits and extensions are secured.

SUMMARY STAFF RECOMMENDATION:
Staff recommends approval to extend this site plan permit by five years, from March 7, 2018 to March 7, 2023 based on LDC § 25-5-62(C)(1)(b) (code sections provided below), provided that the remaining transportation review comments are addressed via the revision process, in order to properly mitigate for traffic impacts under the requirements of LDC § 25-5-62(C)(2) (code sections provided below); the remaining transportation review comments are included in this backup. The applicant has provided a letter explaining details of the unforeseen delays; this letter 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

(2) The director determines that:
(a) if a traffic impact analysis was submitted with the application for site plan approval:
   (i) the assumptions and conclusions of the traffic impact analysis are valid; or
   (ii) if the assumptions and conclusions are not valid, the applicant has submitted an addendum to the traffic impact analysis that demonstrates that traffic impacts will be adequately mitigated; or
(b) if a traffic impact analysis was not submitted with the application for site plan approval, the applicant demonstrates that traffic impacts will be adequately mitigated."

SUMMARY OF SITE PLAN:
LAND USE: The site is zoned ERC (East Riverside Corridor), and the land use is General Retail Sales (Convenience) and Restaurant (Limited).
ENVIRONMENTAL: All environmental comments have been cleared.
TRANSPORTATION: All remaining transportation comments will be addressed via revisions process.

PREVIOUS APPROVALS
03/07/2014 Site Plan administrative approval, permit expiration 03/07/2017
01/12/2018 One year extension administrative approval, permit expiration 03/07/2018
The current five-year extension application was submitted March 6, 2018, prior to the site plan’s expiration date of March 7, 2018.

PROJECT INFORMATION

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<tr>
<th>SITE AREA</th>
<th>50,224 sf</th>
<th>1.153 acres</th>
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<tbody>
<tr>
<td>EXISTING ZONING</td>
<td>ERC</td>
<td>Proposed</td>
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<tr>
<td>FLOOR-AREA RATIO</td>
<td>1:1</td>
<td>0.1721:1</td>
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<tr>
<td>BUILDING COVERAGE</td>
<td>90%</td>
<td>17.21%</td>
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<td>IMPERVIOUS COVERAGE</td>
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<td>PARKING</td>
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EXISTING ZONING AND LAND USES

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<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
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<tr>
<td>Site</td>
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<td>Vacant</td>
</tr>
<tr>
<td>North / East</td>
<td>ERC</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>E Riverside Drive then ERC</td>
<td>Vacant</td>
</tr>
<tr>
<td>West</td>
<td>Grove Boulevard then ERC</td>
<td>Vacant</td>
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</table>

ABUTTING STREETS

<table>
<thead>
<tr>
<th>Street</th>
<th>Right-of-Way Width</th>
<th>Pavement Width</th>
<th>Classification</th>
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<tbody>
<tr>
<td>Grove Boulevard</td>
<td>90 feet</td>
<td>Approx. 60 feet (with median)</td>
<td>Major Arterial</td>
</tr>
<tr>
<td>E Riverside Drive</td>
<td>120 feet</td>
<td>Approx. 80 feet (with median)</td>
<td>Major Arterial</td>
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NEIGHBORHOOD ORGANIZATIONS:
Austin Independent School District
Austin Innercity Alliance
Austin Neighborhoods Council
Bike Austin
Carson Ridge Neighborhood Association
Crossing Gardens Home Owners Association (The)
Del Valle Community Coalition
Del Valley Independent School District
East Austin Conservancy
East Riverside / Oltorf Neighborhood Plan Contact Team
El Concilio Mexican-American Neighborhoods
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Montopolis Community Alliance
Montopolis Neighborhood Plan Contact Team (MNPCT)
Neighborhood Empowerment Foundation
Pleasant Valley
Preservation Austin
Riverside Farms Road Neighborhood Assn
SEL Texas
Sierra Club, Austin Regional Group
Southeast Austin Neighborhood Alliance
Tejana Bilingual Community
March 6, 2018

City of Austin Planning Commission
c/o Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas 78704

RE: SP-2013-0026C(XT2)
Site Plan Extension Request for SP-2013-0026C (the “Site Plan”)
Grove Retail Center, 5900 E. Riverside Drive

Dear Commissioners:

On behalf of the owner of the property covered by the above-referenced Site Plan, please accept this Planning Commission Site Plan Extension Request (the “Request”). The Site Plan was approved and released on March 7, 2014, with an expiration date of March 7, 2017. The expiration date was administratively extended for one year pursuant to LDC § 25-5-62 (“Extension of Released Site Plan by Director”) to March 7, 2018, as indicated by SP-2013-0026C(XT1). As advised in the letter in which the City granted the administrative extension, we are submitting this Request prior to March 7, 2018.

We are requesting this extension to allow for additional time to begin construction. The Site Plan qualifies for an extension under LDC § 25-5-63 (“Extension of Released Site Plan by the Land Use Commission”) because there is good cause for the requested extension and because the applicant filed the original application for site plan approval with the good faith expectation that the Site Plan would be constructed.

The Site Plan was approved in 2014, but construction was delayed due to unforeseen financial hardship. The original hardship has been overcome, and the property owner, engineer, architect, and many other parties have been expending substantial resources to help ensure the prompt commencement of construction upon the issuance of all required City permits.

Your approval would ensure that years of work by City staff and many other people will result in the productive development of land that is currently undeveloped. The resulting construction would more strongly support our local tax base than if the property remained vacant, and the development would also benefit the property’s future retail tenants, their employees, and the many people whose needs they would serve.
For these reasons, we respectfully request this extension. Thank you for your consideration, and please let me know if you have any questions or require any additional information.

Sincerely,

Nikelle S. Meade
October 30, 2019

City of Austin Planning Commission  
c/o Anaiah M. Johnson, MPA  
Principal Planner, Land Use Review – Site Plan  
City of Austin Development Services Department  
One Texas Center  
505 Barton Springs Road, 4th Floor  
Austin, Texas 78704

RE: SP-2013-0026C(XT2)  
Site Plan Extension Request for SP-2013-0026C (the “Site Plan”)  
Grove Retail Center, 5900 E. Riverside Drive

Dear Mr. Johnson:

The letter is to clarify our prior application for extension of the above-referenced site plan. You noted that the prior application did not state the number of years we are requesting. We are requesting that the site plan be extended for a period of 5 years.

The Site Plan was approved and released on March 7, 2014, with an expiration date of March 7, 2017. The expiration date was administratively extended for one year pursuant to LDC § 25-5-62 (“Extension of Released Site Plan by Director”) to March 7, 2018. This Request is to extend the site plan for a period of five years from March 7, 2018 to March 7, 2023.

Again, thank you for your consideration of this request, and please let me know if you have any questions or require any additional information.

Sincerely,

Nikelle S. Meade
STAFF REPORT:
This report includes all staff comments received to date concerning your most recent site plan submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated site plan submittal.

The site plan will be approved when all requirements from each review discipline have been addressed. However, until this happens, your site plan is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Development Services Department, P.O. Box 1088, Austin, Texas 78767.

UPDATE DEADLINE (LDC 25-5-113):
It is the responsibility of the applicant or their agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is December 3, 2019.** Otherwise, the application will automatically be denied. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

UPDATE SUBMITTALS:
*An informal update submittal is required. You must submit the distribution to the case manager. A formal update submittal is required. Please bring a copy of this report with you upon submittal to Intake.*

Updates may be submitted between the hours of 8:30 am and 4:00 pm. Updates submitted after 3 pm may be processed on the following business day.

**Please submit 2 copies of the plans and 2.0 copies of a letter** that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer’s name if intended for a specific reviewer. **No distribution is required for Planner 1 and only the letter is required for Austin Water Utility Development Services.**

**Please note:** if Austin Water rejects a plan on Update 2, a fee is due at or before resubmittal. Please contact Intake for the fee amount.

REVIEWERS:
Site Plan : Anaiah Johnson
Transportation Planning : Natalia Rodriguez
ATD Engineering Review - Amber Mitchell - 512-974-5646

Site Plan Review - Anaiah Johnson - 512-974-2932

ATD1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required.  

Construction of the 7’ raised bike lanes along Grove Blvd and E Riverside Drive as depicted on the site plan will be required for mitigation. A memo will be issued regarding this requirement.  

Update: Improvements are depicted on plan per the CPO and Active Transportation’s feedback; comment cleared. The Mitigation memo will be emailed to the applicant and added to the permit file.  

Re:TR1&3: This update also clears ATD’s comments for TR1 and TR.

PLANNING COMMISSION PHASING OR EXTENSION

SP1. – SP4. Comment cleared.

SP5. FYI – Any changes required by any other reviewer must be completed through a correction or revision – no changes are allowed with this extension (XT) application.  

U1, U2, & U3: Comment pending approval by all other review disciplines.

SP6. Comment cleared.

U2 NEW COMMENTS

SP7. Contact this reviewer once Transportation Review has gone informal so we can schedule the case for Commission.

U3: Comment pending Commission hearing. Hearing is scheduled for November 12, 2019.

Transportation Planning - Natalia Rodriguez - 512-974-3099

(U3) This application will move forward to Land Use Commission with conditions. All transportation comments must be addressed prior to approval of any future applications or inspections. Please coordinate with the Case Manager for the extension request. Due to the conditional approval, the site plan extension application approval will be for sheets associated with SP-2013-0026C(R1). The new sheets with the transportation improvements, mitigation, and changes in land use will be completed as a site plan correction or revision.

TR1. E Riverside Drive has been identified in Austin’s Corridor Mobility Program. Staff is on coordination with Lizzy Smith (Lizzy.Smith@austintexas.gov, 974-2856) Bryan Golden (Bryan.Golden@austintexas.gov) from the Corridor Planning Office and the Austin Transportation Department to determine the required cross-section for Riverside Drive. The planting zone, street trees, and clear zone may need to be relocated to accommodate vehicular, pedestrian, and bicycle improvements. Staff will provide comments separately. Find additional information about the Corridor Mobility Program here: https://data.austintexas.gov/stories/s/Corridor-Mobility-Program/gukj-e8fh/. FYI – the license agreement may need to be revised (or re-recorded) after further review.

U3: Comment not cleared. Please address the following for the revised site plan:

1. Revise the plans to the sheets approved by CPO and the Bicycle Program. Final approval from CPO and Bicycle Program may be required once the correction or revision is submitted.
2. Show a smooth transition between the existing sidewalk and the proposed bicycle plane on Riverside Drive (i.e. add angled concrete to remove the 90 degree between the existing and proposed concrete).

3. Show the details on the plans for the curb ramps at the intersection and driveway layout for the CPO improvements (i.e. show the modified details on the plans that were provided from CPO and Bicycle Program. Do not remove the shown COA signed details).

4. See TR6 for additional requirements within the ROW associated with the license agreement.

5. All other comments from U2 have been addressed.

TR2. Land Use Commission may extend the expiration date of a released administrative site plan if the director determines that the site complies with LDC 25-5-62. Sec 25-5-63. It does not appear that a traffic impact analysis was submitted with SP-2013-0026C. Therefore, the application must demonstrate that traffic impacts will be adequately mitigated. A signed TIA Determination Worksheet was not completed with the initial application. Please contact Scott James (Scott.James@austintexas.gov) for a signed TIA Determination Worksheet and to determine traffic mitigations in accordance with Ordinance No. 20170302-077.

U3: Comment not cleared. Bicycle facility and pedestrian improvements along Riverside Drive and Grove Boulevard are required as mitigation as a condition for the extension request. A revision or correction is required for the shown bicycle and pedestrian infrastructure improvements that will be reviewed and approved by DSD, ATD, CPO, and the bicycle program (i.e. bicycle lanes, curb ramp improvements, sidewalk widening, markings, etc.) FYI – a site plan correction or revision is required for the required improvements and the proposed change of land use.

TR3. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Grove Boulevard. The site plan application proposes to revise the curb location for on-street parking on Grove Boulevard which may impact the bicycle and vehicular movements within the right-of-way. Staff is in communication with the Austin Transportation Department to review the proposed on-street parking and bicycle facility improvements. ATD may provide additional comments and requirements for right-of-way dedication, bicycle facility construction, or on-street parking removal in accordance with LDC 25-6-55, LDC 25-6-101, ERC 3.3.2.B.3, and ERC 3.4.3. Please review the Bicycle Master Plan for more information.

U3: Comment not cleared. The bicycle lanes are proposed to be constructed as mitigation. Please provide the updated sheets that were approved by the Bicycle Program. Additionally, the curb and gutter along Grove Boulevard are proposed to be extended to allow for the bicycle facilities and on-street parking. See TR8 for the newly proposed on-street vehicle parking on Grove Boulevard. Pending a correction or revision to show the bicycle facility construction.

Additional comments based on the information and revised plans provided with Update 1:

TR5. Any raised islands in crossings must be cut through level with the street or have curb ramps at both sides and a level area at least 48 in. long in the part of the island intersected by the crossings. [ANSI 406.11 - 406.14] Revise the LOC and existing median to provide the ADA route across Grove Boulevard and E Riverside Drive.

U3: Comment not cleared. A pedestrian crossing is shown across Grove Boulevard. Pending a correction or revision to construct the pedestrian refuge island.

TR6. Riverside Drive is a core transit corridor and requires approved shade street trees to be planted at an average spacing no greater than 30 feet on center. Please clarify if a license agreement was recorded with the original and/or revised site plan application. It does not appear that the shade street trees are proposed on the landscape sheet. The license agreement may need to be revised for the Corridor Mobility Program improvements.

U3: Comment not cleared. Per the applicant, a license agreement was not approved with the original application and a license agreement is not in review. The required street trees along Riverside Drive have been proposed to be located within the property along instead of within the planting zone; therefore, the applicant has requested AEC. Please submit the AEC letter for review and
approval. The following is required as a condition of the extension approval and are pending a correction or revision:

1. AEC approval with the associated notes and callouts on the plans.
2. Dimension the tree spacing on the landscape sheet.
3. Certain CPO and bicycle facility improvements within the ROW (pavers and terra-cotta colored concrete) require a license agreement. A license agreement will be required based on the required improvements as a condition of the extension.

TR7. Revise the bicycle parking detail to the current City of Austin detail (City of Austin standard detail #710S-1 or S-2, and 710S-6C, approved 2012).

U3: Comment not cleared. The detail is shown on the plans. Pending correction or revision to show the bicycle detail.

TR8. There is a hatched symbol over a portion of the sidewalk on Riverside Drive east of the proposed driveway and it is unclear if this section is proposed for construction. The symbol is different than the sidewalks west of the driveway. Please clarify and revise the sidewalk symbol, if necessary.

U3: Comment not cleared. Pending correction or revision to remove the hatching and revise the sidewalks along Riverside Drive and Grove Boulevard.

TR9. Approval of the Austin Transportation Department (ATD) is required for the following improvements within the right-of-way on Grove Boulevard:
   a. On-street parking within the right-of-way
   b. Median break
   c. Relocation of the curb and gutter for the on-street parking and bicycle lane improvements

Please coordinate with ATD Project Manager (Amber.Michell@austintexas.gov) to determine if the improvements within the right-of-way are allowed. A revision or correction will be required for all proposed improvements and ATD approval is required as a condition of the extension request.

END OF REPORT