



**City of Austin Planning and  
Development Review Department**

505 Barton Springs Road • P.O. Box 1088 • Austin, Texas 78767-8835

February 7, 2012

Paul W. Linehan  
Land Strategies, Inc.  
1010 Land Creek Cove, Suite 100  
Austin, Texas 78746

RE: SP-2007-0560C(XT) Reagan National

Dear Mr. Linehan:

The City of Austin, has approved your request for a one-year extension from May 8, 2011 to May 8, 2012 for the released site plan SP-2007-0560C – Reagan National Site Plan.

Based on additional information submitted concerning this extension request, this one-year extension is granted in accordance with Section 25-5-62 of the Land Development Code from May 8, 2011 to May 8, 2012. No further extensions are allowed by administrative action.

Any additional extension for this released site plan requires approval of the Planning Commission after a public hearing as specified in Section 25-5-63 of the Land Development Code. The request for an additional extension to be granted in accordance with Section 25-5-63 would have to be received prior to the new expiration date. Under Project Duration (25-1-535(C)(3), the site plan can only be extended to a maximum of five years from initial submittal date of **October 3, 2007**. No other extensions will be allowed under Project Duration for projects in the Desired Development Zone.

In addition, Sections 25-5-62(d) and 25-1-182 provides that the decision of the Director to extend the site plan may be appealed to the Planning Commission, provided an interested party files a completed notice of appeal no later than 20 days after an administrative decision. During this 20-day period, no development authorized by this site plan may occur, nor may any construction occur until any pending appeal that may be filed is resolved.

If you have any questions, please contact the Case Manager, Donna Galati at 974-2733.

Sincerely,

Donna Galati, Case Manager  
Planning and Development Review Department

xc: Environmental Inspection Division

**Galati, Donna**

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**From:** Guernsey, Greg  
**Sent:** Monday, February 06, 2012 11:06 AM  
**To:** Galati, Donna  
**Subject:** Reagan Site Plan  
**Importance:** High  
FYI

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**From:** Billy Reagan [mailto:billyreagan@reaganusa.com]  
**Sent:** Monday, February 06, 2012 10:41 AM  
**To:** Guernsey, Greg  
**Cc:** Nikelle Meade  
**Subject:**  
**Importance:** High

Greg,

Thank you for meeting with my land planner and engineer Paul Linehan and Jim Schissler, last week to discuss our request for extension of our site plan for the property at Woodland and IH-35. I appreciate your consideration of our request to extend.

Following the meeting, the engineers explained that you are in need of additional information showing that we intended to construct the office building on this property per the site plan. They have said you wanted to know if architects had been hired, drawings done, etc. The answer is yes.

Before we even filed the site plan application we began the process of identifying an architect, a structural engineer, a sound proofing consultant, and contractors. Just after the site plan application was filed we retained Alison Gardner of Brown McCarroll to identify and interview architects and coordinate the architect selection process. We interviewed 5 different architecture firms (Noack Little, Michael Hsu Design Office, Lake Flato, Burton Baldridge, and LZT Architects) and selected Noack Little right before the site plan was approved. We negotiated a contract, and they started work immediately completing our space programming and making the preparations necessary to begin building design work. We also interviewed several structural engineers to assist with the building design and help address the difficult topography of the site. Ultimately, the design work was put on hold when the CTRMA condemnation process changed and it became clear that we may have to construct more quickly and for less money than anticipated.

We also retained Terracon to begin environmental and soil testing work on the property, which work is completed.

Finally, Paul said that you have requested additional information about how the condemnation process affected this property. The reason we planned to construct the buildings shown in the site plan for this property is that we were notified by TxDoT and CTRMA that our then-current corporate headquarters would be closed and condemned within 2 years. In our immediate response to this news, we began the work necessary to develop this tract, the first step of which was the subject site plan. Since the Code provision requires us to show that at the time we applied for the site plan we fully intended to build what the site plan called for, I believe the information about the condemnation shows that we absolutely intended at the time we filed and all along that we would build the offices called for in the site plan.

I know Mr. Linehan has provided a lot of information, dates, etc. to you already about the condemnation process. If there is additional information you want in this regard, please let me know and I will get it to you.

4/20/2012

Again, we resolved the condemnation issues and secured the funding from it in March of last year, just before the site plan expired. We are anxious to move forward with our plan so that we can start construction as soon as possible. As soon as we have the extension, we will be able to get the building plans completed and filed. But, if we are to have any hope of completing that process before the "1-year" extension we're requesting expires this May, we need to have the extension as soon as possible.

So, again, I appreciate your work on this and help. We really feel that a 1-year extension in this case is justified and reasonable. And, this will likely be our only extension of this plan because our "project" expires this October per the city's interpretation of grandfathering.

Thank you, Greg. Let me know what other information you need.

Billy Reagan  
President  
Reagan Advertising of Austin  
Main (512) 926-7740  
Reaganusa.com

# LAND STRATEGIES INC.

PAUL LINEHAN & ASSOCIATES

December 27, 2011

Attn: Donna Galati  
City of Austin  
Planning & Development Review Dept.  
505 Barton Springs Road, 4<sup>th</sup> Floor  
Austin, Texas 78704

Re: Reagan National  
Site Plan Extension Request - SP-2007-0560C(XT)

Dear Donna:

The following information is provided in response to your request to show good faith for the Site Plan Extension request for the Reagan National site plan, case number SP-2007-0560C(XT). You have asked us to provide additional information showing that at the time the site plan application was filed the owner ("Reagan") intended to construct the site plan, as per Section 25-5-62(C)(1) of the City code.

The dates and actions below reflect a timeline of events from the date of the original site plan approval through the submittal of current site plan extension request. This timeline shows that the property owner "filed the original application for site plan approval with the good faith expectation that the site plan would be constructed" in that it clearly shows that at the time the site plan was filed, Reagan was in the planning stage for relocation of its corporate headquarters for the site.

- **Fall 2006.** TxDOT announces the Manor Expressway project.
- **Spring 2007.** TxDOT begins notifying property owners of potential property acquisitions and availability of funding for immediate acquisitions.
- **June 2007.** In anticipation of TxDOT's acquisition of the existing Reagan corporate headquarters at Highway 290 East, Reagan retained engineers to develop a site plan for the new corporate headquarters facility.
- **October 2007.** Reagan files an application for a site plan for the corporate headquarters.
- **May 9, 2008.** Original site plan approval date. [Three-year life, set to expire May 8, 2011]
- **November 2008.** National economic downturn delays the Manor Expressway project and TxDOT and CTRMA funding for the Highway 290 East property acquisition. The Highway 290 East/Manor Expressway project is put on hold.
- **June 2009.** CTRMA secures funding to continue the Manor Expressway project and to resume property acquisitions.
- **October 2009.** Discussions resume between CTRMA and Highway 290 East property owners concerning property acquisitions.
- **October 2009 - August 2010.** Negotiations occur between Reagan and CTRMA concern property acquisition and relocation of the existing Reagan headquarters at Highway 290 East. Once negotiations are completed, due to TxDOT and CTRMA funding deadlines, condemnation is expedited and Reagan and other owners are required to expedite the sale of the Highway 290 East properties, expedite the move-out, and expedite the relocation.

DEVELOPMENT / PLANNING CONSULTANTS & LANDSCAPE ARCHITECTURE

1010 LAND CREEK COVE, SUITE 100 • AUSTIN, TEXAS 78746 • (512) 328-6050 • FAX: (512) 328-6172

- **October 2010.** Relocation plan to move Reagan from Highway 290 East to the proposed site at Woodland and IH-35. Note that in addition to the new office location, Reagan had to relocate to a separate approximately 20,000 square foot printing/publication warehouse off-site.
- **Fall 2010.** In anticipation of starting construction, Reagan cleared the site to remove debris, brush, and elements of a homeless camp from the property.
- **January 2011.** Relocation agreement signed between Reagan and CTRMA.
- **February 2011.** CTRMA acquires the Reagan property and pays Reagan relocation funds. Reagan vacates the property and moves into a temporary space.
- **March 2011.** Reagan retains a land planner and engineer to apply for the extension of the approved site plan.

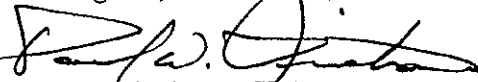
We have spent the last four to five months working with City staff and Austin Water Utility staff primarily regarding the wastewater line and a wastewater easement, to ensure that the site plan meets current regulations regarding utilities (addressing Section 25-5-62(C)(1)(a) of the City code). This took a great amount of time, but we reached a consensus with Austin Water Utility staff, and are ready to move forward with a Site Plan Correction to address the Austin Water Utility-driven plan changes, as well as other minor changes approved by other City reviewers on the Site Plan Extension request. However, we cannot process a Site Plan Correction until we obtain approval of the Site Plan Extension.

In short, since the development of this site depended upon the need for Reagan to relocate its corporate headquarters, following being forced to relocate by condemnation, Reagan has done all it has been empowered to do to develop the site. Reagan still fully expects to construct the site plan and permanently relocate its corporate headquarters to this site. They have diligently pursued development of the site, and the delays in starting development have been completely outside of their control.

We believe the above information meets the good faith requirement of Section 25-5-62 of the City code, since the site plan was filed in anticipation of quickly building a corporate headquarters on the site and relocating to the site. Further, even if you do not agree that the good faith requirement has been met, with the updated work being required by Austin Water Utility, we believe the site plan extension request also meets the alternative finding in Section 25-5-62 of the City code, that it substantially complies with the requirements that apply to a new application for site plan approval. Therefore, with at least one of the two requirements having been met, extension of the approved site plan is warranted.

We need to continue moving this Site Plan Extension forward through approval, so please feel free to contact me with any questions or should you require additional information to make your determination regarding "good faith" on the part of the applicant.

Best regards, and warm wishes for the New Year,



Paul W. Linehan, ASLA  
President



**City of Austin Planning & Development Review**  
505 Barton Springs Road • P.O. Box 1088 • Austin, Texas 78767-8835

January 5, 2012

Paul Linehan  
Land Strategies, Inc.  
1010 Land Creek Cove, Suite 100  
Austin, TX 78746

Subject: Extension request for approved site plan Reagan National, SP-2007-0560C(XT).

Dear Mr. Linehan,

Your request submitted December 27, 2011 for an extension of a released site plan has been reviewed by staff. We do not find that the justification submitted meets the criteria for an extension in Sec. 25-5-62 of the City Code.

The CTRMA negotiations mentioned in your letter refer to another site on US Highway 290 and do not directly affect how or when this site plan would be constructed. Clearing brush, debris, and elements of a homeless camp do not require an approved site plan. Additional work with the Austin Water Utility to update design information was not done until after the original site plan expiration date. No building permits or pre-construction meetings with an Environmental Inspector have been initiated over the past 3 years with this site plan, despite the fact that according to your Update #1 response letter, funding was available. For these reasons, staff can not grant a 1-year extension based on a good faith expectation according to 25-5-62-C-1-b.

It is understood that the Water Utility design information was provided to the Water Utility to ensure that the site plan meets current regulations regarding utilities. However, in order to address 25-5-62-C-1-a ("the site substantially complies with the requirements that apply to a new application for site plan approval"), the Heritage Tree on site will need to meet current Heritage Tree regulations.

According to 25-5-62 (D), the applicant or an interested party may appeal the director's decision under this section to the Land Use Commission, provided that a completed notice of appeal is filed no later than 20 days after an administrative decision. A copy of this decision is being furnished to all interested parties registered for this case.

If you have any questions, please contact me at 974-2733.

Sincerely,



Donna Galati  
Senior Planner  
Site Plan/ Case Manager  
Planning & Development Review Department

xc: Greg Guernsey  
George Zapalac  
Patrick Roeder  
Brian & Karlina Talenti  
Heidi Schrab  
Sarah Campbell  
Chance Carlin  
Julia Hilder