

PLANNING COMMISSION SITE PLAN EXTENSION REVIEW SHEET

CASE NUMBER:

SP-2007-0377C (XT2)

PC DATE: May 14, 2013

PROJECT NAME:

Palm Square Shopping Center

ADDRESS:

6000 F.M. 969 Road

WATERSHED:

Walnut Creek (Suburban)

AREA:

7.68 Acres (LOC 6 acres)

EXISTING ZONING: CS—MU-CO-NP, CS-1-MU-CO-NP

APPLICANT:

Morning star Project, LLC (Trung Hoang Le)

12207 Meadow Lane Court

Stafford, TX 77477 (281)788-8229

AGENT:

Moncada Consulting (Phil Moncada)

1301 S. IH 35 Austin, TX 78741 (512) 627-8815

PROPOSED USE: Retail-restaurant shopping center – Partially built in the 1980's and never completed, with an existing 30,672 square foot building, existing detention ponds, existing utilities, two proposed retail buildings, 10,500 and 10,016 square feet, parking, and other associated improvements.

NEIGHBORHOOD ORGANIZATION:

1258 - DelValle Community Coalition

15 - Cavalier Park Neighborhood Association

1037 - Homeless Neighborhood Association

980 - Lincoln Garden Association

1322 - Senate Hills Homeowners Association

1200 - Super Duper Neighborhood Objectors and Appealers Organization

497 – M.E.T.S.A. Neighborhood Association

Pecan Springs/Springdale neighborhood Assocaition

1213 - East MLK Combined Neighborhood Association

CAPITOL VIEW:

Not in View Corridor

T.I.A.:

Not required

APPLICABLE WATERSHED ORDINANCE:

Comprehensive Water Ordinance (Ordinance No. 860508-V).

SUMMARY STAFF RECOMMENDATION: The applicant is requesting a three-year extension to the previously approved and extended site plan (from September 25, 2012 to September 25, 2015).



This site is governed by regulations to the subdivision filed on August 2, 1985. The original application for site plan approval was filed with the good faith expectation by the applicant that the development shown on the site plan would be constructed but economic downtown caused the partially-built project to be abandoned and sold; significant infrastructure contemplated by the original site plan has been constructed, and the current owner intends to complete the project. Staff recommends approval of a 3-year extension, to September 25, 2015.

PREVIOUS APPROVALS: Previous site plans SP-95-0401C and SP-07-0061C expired. SP-2007-0377C was approved on September 25, 2008 and administratively extended in 2011 for one year, to September 25, 2012.

PLANNING COMMISSION ACTION:

5-14-2013:

CASE MANAGER: Lynda Courtney Telephone: 974-2810

Lynda.courtney@austintexas.gov

PROJECT INFORMATION: 7.68 Acres (LOC 6 acres)

EXIST. ZONING: CS-CO-NP, CS-1-NP

MAX. BLDG. CVRG ALLOWED: 95% PROPOSED BLDG. CVRG: 54187 sq. ft. (20%)

MAX. IMPERV. CVRG.: 95% **PROPOSED IMP. CVRG**: 221124 Sf, (84.4%)

MAX HEIGHT ALLOWED: 60' PROPOSED HEIGHT: 16' PROVIDED PARKING: 295

LEGAL DESCRIPTION: Bearden Subdivision, Lots C,D

COMPARISON OF THE APPROVED PROJECT WITH CURRENT REGULATIONS:

The approved project complies with calculations for all current zoning requirements. The layout of the existing improvements was determined by a 2008 Planning Commission Compatibility variance that reduced the 25' setback to 15' on the north property line, and a Board of Adjustment ruling that exempted the project from certain Commercial Design Standards requirements.

SUMMARY COMMENTS ON SITE PLAN:

LAND USE: The existing/ proposed development consists of a shopping center with three buildings (retail and restaurant uses), parking, detention ponds and other associated improvements. There are two phases; phase one has been constructed consisting of a 30,672 sf building, utilities, and the detention ponds. Phase two will complete the parking and the construction of the two remaining buildings. The tract is zoned CS-MU-CO-NP and CS-1-MU-CO-NP, with the conditional overlay declaring a list of uses to be conditionally permitted(Automotive sales, agricultural sales and services, construction sales and services, equipment sales, adult oriented businesses, campground, commercial blood plasma center, convenience storage, vehicle storage, equipment repair services, kennels, and limited warehousing and distribution). The site plan is complying with the zoning restriction.

ENVIRONMENTAL: This site is located in the Walnut Creek watershed. Detention ponds have been built in Phase I of the site plan and maintained by the owner.

TRANSPORTATION: There is one driveway exit on FM 969, one on Regency Drive, and a joint use access drive from the frontage road of US Highway 183 across land adjacent to the



north. A traffic impact analysis was not required to be submitted with the application for site plan approval. All transportation comments have been cleared.

SURROUNDING CONDITIONS: Zoning/Land Use

North: CS-CO, NP, Undeveloped lot, and SF-2-NP, single family residential

East: Regency Drive, then SF-2, Single family residential

South: FM 969, then CS-CO-NP, Motel

West: US Highway 183

Street	<u>R.O.W.</u>	Surfacing	Classification
FM 969	100'	65'	Arterial
US Hwy 183	400'		Highway

REVIEW AND EVALUATION CRITERIA FOR COMMISSION EXTENSION

The Land Use Commission may extend the expiration date of this site plan if it finds that the site plan satisfies the criteria set forth in subsection (c) of Section 25-5-62. The Director shall make **any one** of the following findings:

- 1) A) The site plan substantially meets the standards that apply to new applications for site plan approval filed on the same day the request for extension is filed under this section.
 - B) The original application for site plan approval was filed with the good faith expectation by the applicant that the development shown on the site plan would be constructed.
 - C) At least one structure shown on the original site plan and suitable for permanent occupancy has been constructed, or
 - D) Significant infrastructure required for development contemplated by the original site plan has been constructed.
- 2) If a TIA was required to be submitted with the application for the original site plan, the assumptions and conclusions of that TIA are valid for the revised site plan; or, if those assumptions and conclusions are not now valid, the applicant has submitted an addendum to the TIA that demonstrates traffic impacts will be adequately mitigated.
- 3) If the TIA was not previously required, the applicant has demonstrated that traffic impacts will be adequately mitigated.
- 4) The Director has determined there is good cause for the requested extension.

If any interested parties register before the public hearing or speak at the public hearing, there will be a 14 day appeal period following the decision made by the Land Use Commission on the site plan [Section 25-1-182, 25-5-62].

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SURVEYOR: WATERLOG SURVEYOR P.O. BOX 160176 AUSTIN, TEXAS 76716-0176 (512) 481-9602

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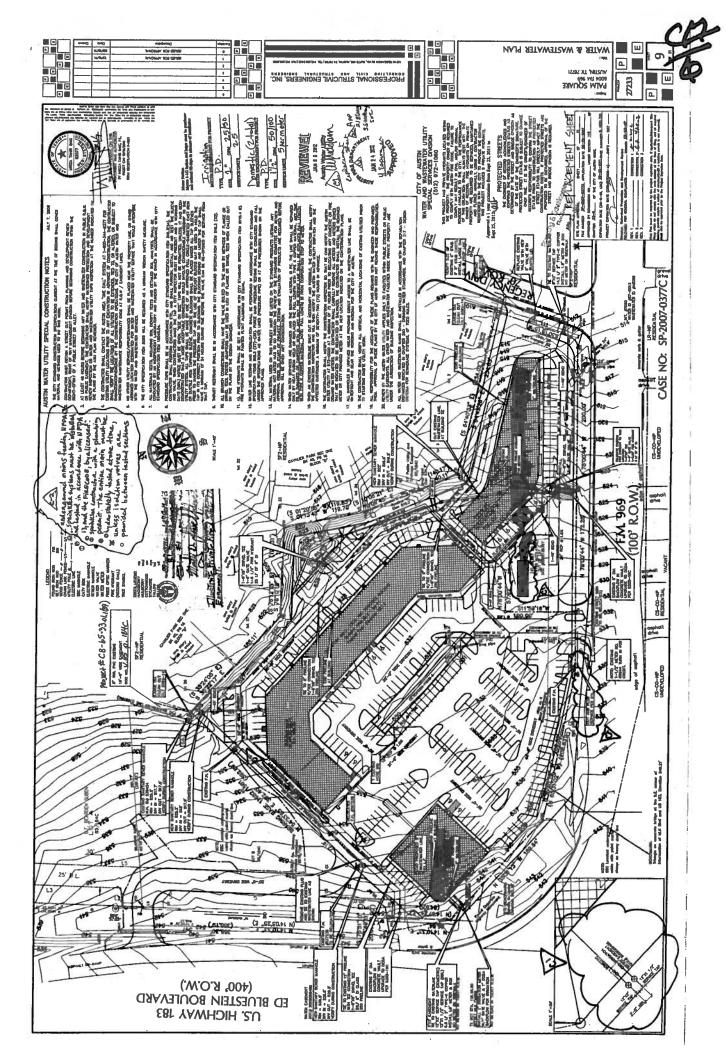
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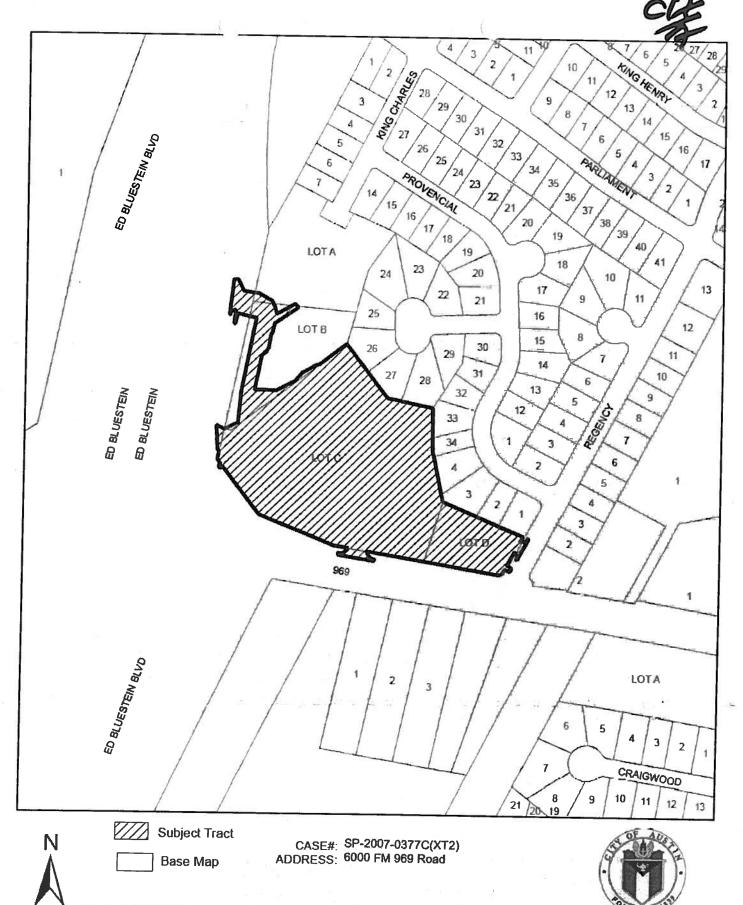
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This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Moncada Consulting

P.O. Box 684594



Phone: (512) 474-7377 Fax: (512) 474-4923

August 27, 2012

Watershed Protection and Development Review Dept City of Austin P.O. Box 1088 Austin, Texas 78767

RE: 6004 FM 969 Road – Site Plan Extension Request SP-2007-0377C (XT)

A site plan extension to the above referenced project is respectfully requested.

This site has gone thru various Owners since it was initially approved in the late 1980's. The economic downturn that the country experienced in 2008 led to a demise of the partnership with the previous Owner's. My client, Trung Hoang Le, has known Jennifer Tran one of the previous owners, since she was a young child. Our clients are working in good faith and have secured additional funding and are hoping to move forward with this project. We had another on-site preconstruction meeting on 9/1/11 at the request of Lyle Adair since we now have a new contractor on site. After the pre-construction meeting was held all temporary erosion controls were reestablished at the site. We respectfully request a three year administrative extension to continue with improvements to this site. This will be the first shopping center to be constructed in this area in over 30 years.

We currently have CS-1 Zoning for almost 6,000 square feet with the remaining 48,000 square feet proposed for retail space with a CS-CO-NP. My client has numerous entitlements associated with this site including a 1704 Determination. We also received a waiver from Sub Chapter E requirements associated with existing building and site improvements that include detention facilities and a 30,000 s.f. slab with steel structure in place. We also have a Joint Use Access Drive for lots A, B, C and D that provide access to the North Bound US 183 Ramp. In addition, we completed an off-site wastewater tie-in for a portion of the site and have provided a current Fire Line Easement that was missed during the original site plan approval. We have also expended money to revise our landscaping plans to remove trees from an existing water line easement, this was also an error on the original site plan approval.

Our client has been negotiating with two tenants that we hope will be the anchor business for this proposed development. Your attention and support of this request is greatly appreciated. Let me know what other information you might need to help us move this forward.

Respectfully,

Phil Moncada
Agent for the project

SCARNED

CITY OF AUSTIN – PLANNING AND DEVELOPMENT REVIEW DEPARTMENT SITE PLAN APPLICATION – MASTER COMMENT REPORT

CASE NUMBER:

SP-2007-0377C(XT2)

REVISION #:

00

UPDATE:

U0

CASE MANAGER:

Michelle Casillas

PHONE #:

974-2024

PROJECT NAME:

Palm Square Shopping Center

LOCATION:

6000 FM 969 RD

SUBMITTAL DATE: REPORT DUE DATE:

September 19, 2012 October 17, 2012

FINAL REPORT DATE: October 23, 2012

6 DAYS HAVE BEEN ADDED TO THE UPDATE DEADLINE

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, Planning and Development Review Department, P.O. Box 1088, Austin, Texas 78704.

UPDATE DEADLINE (LDC 25-5-113):

It is the responsibility of the applicant or his/her agent to update this site plan application. The final update to clear all comments must be submitted by the update deadline, which is March 2, 2013. 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.

EXTENSION OF UPDATE DEADLINE (LDC 25-1-88):

You may request an extension to the update deadline by submitting a written justification to your case manager on or before the update deadline. Extensions may be granted for good cause at the Director's discretion.

UPDATE SUBMITTALS:

An informal update submittal is required. You must submit the distribution to the case manager.

Please submit 3 copies of the plans and 3 copies of a letter that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer's name that are intended for specific reviewers. No distribution is required for the Planner 1 and only the letter is required for Austin Water Utility.

REVIEWERS:

Planner 1: Rosemary Ramos

Drainage Construction: Danielle Guevara

Fire For Site Plan: James Reeves

Site Plan: Michelle Casillas



Site Plan Review - Michelle Casillas - 974-2024



SP 1. **SP 1.** SP 25-5-63 EXTENSION OF RELEASED SITE PLAN BY THE LAND USE COMMISSION.

- (A) An applicant may request that the Land Use Commission extend the expiration date of a released site plan if the expiration date was previously extended under Section 25-5-62 (Extension Of Released Site Plan By Director).
- (B) The Land Use Commission shall hold a public hearing on a request to extend the expiration date of a released site plan under this section before it may act on the request. The director shall give notice under Section <u>25-1-132(A)</u> (Notice Of Public Hearing) of the public hearing.
- (C) 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 Section <u>25-5-62</u> (Extension Of Released Site Plan By Director).
- (D) An interested party may appeal the Land Use Commission's decision under this section to the council.
- SP 2. If the extension request is approved by the Land Use Commission the new expiration date will be September 25, 2015.
- SP 3. Please demonstrate and provide documentation on how B, C & D are being met.
 - A) The site plan substantially meets the standards that apply to new applications for site plan approval filed on the same day the request for extension is filed under this section.
 - (B) The original application for site plan approval was filed with the good faith expectation by the applicant that the development shown on the site plan would be constructed.
 - (C) At least one structure shown on the original site plan and suitable for permanent occupancy has been constructed, or
 - (D) The applicant has constructed a significant portion of the infrastructure required for development of the original site plan
- SP 4. Please clarify whether any improvements have been started or completed since the last extension approval.
- SP 5. Any changes requested, will require a correction. SP6, 7 & 8 were requested on the last extension submittal, but this reviewer does not see the changes to the site plan submitted.
- SP 6. A zoning ordinance was approved (Ordinance No. 20071129-064) after the site plan was permitted. Please show the new zoning district boundaries, for the CS-1-MU-CO-NP and CS-MU-CO-NP zoning areas on the site plan sheet.
- SP 7. Please ensure the zoning designation is updated throughout the plan set.

SP 8. Please clarify whether any uses are changing.



- SP 9. Have you contacted Andy Halm regarding the license agreement for trees and mitigation within easements?
- SP10. According to the applicants summary letter has the code violation been addressed? (Pending site visit.)
- SP11. Contact this reviewer once all comments have been addressed and corrections have been made to schedule for land use commission.

Water Quality Review - Danielle Guevara, P.E. - 974-3011

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

No Water Quality comments.

Environmental Review - Brad Jackson - 974-3410

No comments.

Fire For Site Plan Review - James Reeves - 974-0193

October 22, 2012 INFORMAL UPDATE

UPDATE 0

- 1. Provide a post indicator valve in the underground sprinkler lead-in. A wall post indicator valve or exterior door with direct access to riser room will be accepted as alternate.
- Provide the following note on the Water Plan: Underground mains feeding NFPA 13 sprinkler systems must be installed and tested in accordance with NFPA 13, and the Fire Code, by a licensed sprinkler contractor with a plumbing permit. The entire main must be hydrostatically tested at one time, unless isolation valves are provided between tested sections.
- 3. Provide hydrant flow test to verify that adequate fire flow is available. Hydrant flow tests may be requested at 974-0197.

Flood Plain Review - David Marquez - 974-3389





Cleared

Transportation Review - Ivan Naranjo - 974-7649 - 10/10/12

TR1. This site is under construction. The Transportation Review Section has no objections to the requested site plan extension.

Austin Water Utility Review - Neil Kepple - 972-0077

WW1. Austin Water Utility plan approval is valid until January 25th 2015. No utility review is required at this time for the extension.

Drainage Construction Review - Danielle Guevara- 974-3011

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DC 1. Please confirm that the 24-hour, Type III SCS rainfall distribution was used.

Electric Review - David Lambert - 322-6109

- EL 1. FYI: Don Pleasant at ph. 505-7223 is the initial Austin Energy contact for electric service design.
- EL 2. FYI: Any relocation of existing electric facilities shall be at developer's expense.
- EL 3. Comments clear.

End of Report

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: http://www.amlegal.com/austin_tx/.

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the case manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

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If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Contact: Michelle Casillas, 512-974-2024 or

Elsa Garza, 512-974-2308

Case Number: SP-2007-0377C(XT2)

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Nyai Butte 512-9	512-928-1293
	e number
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Mail comment forms to:	
City of Austin	
Planning and Development Review Department	
Atur. Michelle Cashids D O Box 1089	
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Nina L. Batts
5206 King Charles Dr.
Austin, Texas 78724
Email: ccbninethel@netzero.net

Phone: 512-928-1393

October 15, 2012

City of Austin Planning and Development Review Dept. Attn: Michelle Casillas P.O. Box 1088 Austin, Texas 78767-1088

Re: Case: SP-2007-0377C(XT2) Property: Palm Square Shopping Center 6000 FM 969 Road.

Dear Ms. Casillas

I have called and emailed you regarding the extension on the Palm Square Shopping Center as stated above. This shopping center has been in non-completion for at least twenty-five years. The shopping center seemed to have changed owners several times. It seems that each time the owner's construction dates are changed and extended. We as a neighborhood are tired of this eye-sore. This building is causing extreme water run-off onto the residential properties behind it. There are rodents that are coming out of the overgrown vegetation. There are extreme piles of dirt that are standing and causing dust to blow into the neighborhood causing allergy problems. There are large holes that should be a health concern because they are holding water and causing an infestation of mosquitoes (West Nile Virus). We have attempted on several occasions to meet with the City Code Compliance and see what our options are. We are at a place of confusion on what type of political pull does the owners' have with the city? We are concerned as to why they are constantly given extensions with no regard to the homeowners that have been looking at this for so many years. They live in other neighborhoods so this eyesore does not affect their aesthetic view every day of every year.

We are pleading with the City of Austin that they not allow this extension. We want to have advance notice of the hearing so that we as a neighborhood can come out and voice our concerns. We are minorities but we want to maintain our neighborhood just as those in the more affluent neighborhoods in Austin. Should I get a petition signed by the homeowners in the neighborhood or would attendance at the hearing be more affective. Please advise me and thank you so much for your time and effort regarding this matter.

Sincerely,

Vina L. Batts

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: http://www.amlegal.com/austin_tx/.

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the case manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2007-0377C(XT2)
Contact: Michelle Casillas, 512-974-2024 or
Elsa Garza, 512-974-2308

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P. O. Box 1088

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Elsa Garza, 512-974-2308

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Telephone number

512-928-2115

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Name (please print)

5718 E. MUK 1R BLVO AUSTIN 1872 Address(es) affected by this application (Street, City, ZIP Code)

3600 CARLA DR., AUSTIN TX 18754 Mailing address (Street, City, ZIP Code)

Signature

Comments:

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