

**CITY COUNCIL REVIEW SHEET OF AN APPEAL OF
PLANNING COMMISSION APPROVAL OF A SITE PLAN EXTENSION**

CASE NUMBER:	SP-2015-0543C(XT2)	PLANNING COMMISSION DATE:	7/25/23
PROJECT NAME:	Green Pastures	ADDRESS OF SITE:	811 W Live Oak Street
NEIGHBORHOOD:	Bouldin Creek	COUNCIL DISTRICT:	3
WATERSHED:	East & West Bouldin Creek	JURISDICTION:	Full-Purpose
APPLICANT/ OWNER:	AC 811 Live Oak LLC (Jeff Trigger) Mattie's at Green Pastures 811 W Live Oak Street		
AGENT:	Civil & Environmental Consultants (Chad Kimbell) 1221 S. MoPac Exp, Suite 350 Austin, TX 78746		
APPELLANTS:	Milena Boytchef 2304 S 3 rd Street Austin, TX 78704	Simon Eastwood 2302 S 3 rd Street Austin, TX 78704	

PROPOSED DEVELOPMENT:

The proposed development (*Exhibit A*) includes an existing restaurant/event center and historic structure, along with the construction of two hotel buildings consisting of approximately 100 hotel rooms, a support building, and associated parking and improvements on a 5.67-acre tract in the Bouldin Creek neighborhood. The existing historic structure will be relocated onsite.

SUMMARY STAFF RECOMMENDATION:

On July 25, 2023, the Planning Commission unanimously approved the request (*Exhibit B*) of a three-year extension to a previously approved site plan, from December 31, 2022 to December 31, 2025, based on the criteria from LDC Section 25-5-62.

Per LDC Section 25-5-63 - *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*)."

Per LDC Section 25-5-62 - *Extension of Released Site Plan by Director* - 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.

Interested parties, Milena Boytchef and Simon Eastwood, are appealing the Planning Commission's decision to approve the three-year extension, due to the reasons contained in their appeal submission (*Exhibit C*).

Staff recommends denial of the appeal. Pursuant to LDC Section 25-5-62, Staff finds that there is good cause for the requested extension and "the applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed." The applicant posted fiscal surety with the original site plan application. They also filed and paid review fees for the original application and five administrative corrections, the most recent being approved in December 2022. Additionally, the applicant has provided financial and legal documents demonstrating that they have made, and continue to make, a good faith effort to complete their project.

SUMMARY OF SITE PLAN:

LAND USE: The site is zoned Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan (GR-MU-CO-NP) and Community Commercial-Mixed Use-Historic Landmark-Conditional Overlay-Neighborhood Plan (GR-MU-H-CO-NP). See *Exhibit D*.

At the time the original site plan application (SP-2015-0543C) was submitted for review in November 2015, properties zoned as a historic landmark (H) or historic area (HD) combining district were exempt from the compatibility standards set forth in LDC Section 25-2-1051 through 25-2-1082. [Ordinance No. 20160922-080](#) later modified the compatibility standards and removed this exemption.

ENVIRONMENTAL: The site is located in the East and West Bouldin Creek watersheds and complies with all environmental regulations. Note, the applicant posted fiscal surety in the amount of approximately \$61,000 for erosion control in December 2016 with the original site plan application.

TRANSPORTATION: The proposed development must adhere to the recommendations contained in the recent Neighborhood Traffic Analysis (*Exhibit E*), including compliance with the Street Impact Fee program. This program will determine any additional offsets and fees to be paid at time of building permit. Note, the applicant paid a sidewalk fee-in-lieu in the amount of approximately \$35,000 in December 2016 with the original site plan application.

PREVIOUS APPROVALS

04/20/2017	Site Plan administrative approval. Permit expiration: 04/20/2020
03/24/2020	Various mayoral orders were passed in 2020 and 2021, which extended all permit and expiration dates during COVID. Permit expiration moved to 12/31/2021.
03/17/2022	One-year administrative extension approved. Permit expiration moved to 12/31/2022.
07/25/2023	Three-year extension approved by Planning Commission. Permit expiration moved to 12/31/2025.

PROJECT INFORMATION

SITE AREA	5.67 acres	
EXISTING ZONING	GR-MU-CO-NP and GR-MU-H-CO-NP	
	Allowed	Proposed
FLOOR-AREA RATIO	1:1	0.35:1
BUILDING COVERAGE	71%	19.9%
IMPERVIOUS COVERAGE	84.8%	46.8%

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>North</i>	ROW then SF-3-NP	Single-Family Residential (located across W. Live Oak St)
<i>South</i>	SF-6-NP	Single-Family and Duplex Residential
<i>East</i>	SF-3-NP	Single-Family Residential
<i>West</i>	GR-MU-CO-NP; MF-4-NP; SF-3-NP	Apartment/Condo and Single-Family Residential

ABUTTING STREETS

Street	Pavement Width	Classification
Oak Crest Ave	approx. 30'	Level 1
S 4 th St	approx. 30'	Level 1
W Live Oak St	approx. 35'	Level 2

NEIGHBORHOOD ORGANIZATIONS:

Austin Affordable Housing Corporation
 Austin Independent School District
 Austin Housing Authority
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bouldin Creek Neighborhood Association
 Bouldin Creek Neighborhood Plan Contact Team
 Bouldin Creek Zoning Committee
 Community Partnership for the Homeless
 Friends of Austin Neighborhoods

Homeless Neighborhood Association
 Housing Authority of Austin
 Neighborhood Empowerment Foundation
 Perry Grid 614
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 South Central Coalition

ATTACHMENTS

EXHIBIT A: Pages from Green Pastures site plan and engineering summary
 EXHIBIT B: Extension request
 EXHIBIT C: Appeal submission
 EXHIBIT D: Zoning map
 EXHIBIT E: Neighborhood Traffic Analysis