

**ZONING & PLATTING COMMISSION SITE PLAN
EXTENSION REVIEW SHEET**

CASE NUMBER: SP-2014-0495B(XT3) **ZAP HEARING DATE:** January 31, 2024

PROJECT NAME: Terrace Section 5 Block A Lot 3

ADDRESS OF SITE: 3000 Via Fortuna, Austin, Texas **COUNCIL DISTRICT:** 8

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Barton Creek **JURISDICTION:** Full-Purpose

**APPLICANT/
OWNER:** Terrace 5 LP
100 Congress Avenue, Suite 1450
Austin, TX 78701

AGENT: Attn: Richard T. Suttle, Jr. (512) 435-2300
Armbrust & Brown PLLC
100 Congress Avenue, Suite 1300
Austin, TX 78701

CASE MANAGER: Randall Rouda (512) 974-3338
randall.rouda@austintexas.gov

PROPOSED DEVELOPMENT:

The applicant is requesting a five-year extension to a previously approved site plan for the development of a seven-story office building. The start of construction was delayed primarily by Covid related concerns. A change in ownership, along with due diligence considerations in light of recent market changes also contributed to post-Covid delays. Those concerns appear to have been resolved and the applicant is now ready to secure building permits and begin construction upon approval of the requested Extension.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval to extend this site plan permit by five years, from June 24, 2024 to June 24, 2029 based on the case meeting criteria from LDC Section 25-5-62(C)(1)(a).

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

SUMMARY OF SITE PLAN:

LAND USE: The site is zoned PUD (C-1 Office). All site calculations are within the allowed amount.

ENVIRONMENTAL: All environmental comments have been cleared.

TRANSPORTATION: All transportation comments have been cleared.

PREVIOUS APPROVALS

6/18/2015 Site Plan administrative approval. Permit expiration: 6/12/2018

9/17/2018 One year administrative extension to 6/12/2019

11/12/2019 Five year extension to June 12, 2024

PROJECT INFORMATION

SITE AREA	7.7 acres /339,060 sq.ft.	
EXISTING ZONING	PUD	
	Allowed	Proposed
HEIGHT	100 feet	100 Feet
BUILDING COVERAGE	24%	24%
IMPERVIOUS COVERAGE	44%	44%

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>North</i>	PUD	Undeveloped
<i>South</i>	SF-3	Undeveloped
<i>East</i>	PUD	Undeveloped
<i>West</i>	PUD	MoPAC Expressway, Undeveloped

ABUTTING STREETS

Street	Pavement Width	Classification
South MoPAC Expwy	Varies	Regional Mobility

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
Austin Neighborhoods Council
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Preservation Austin
SEL Texas
Save Barton Creek Association
Save our Springs Alliance
South Central Coalition
TNR – BCP Travis County Natural Resources

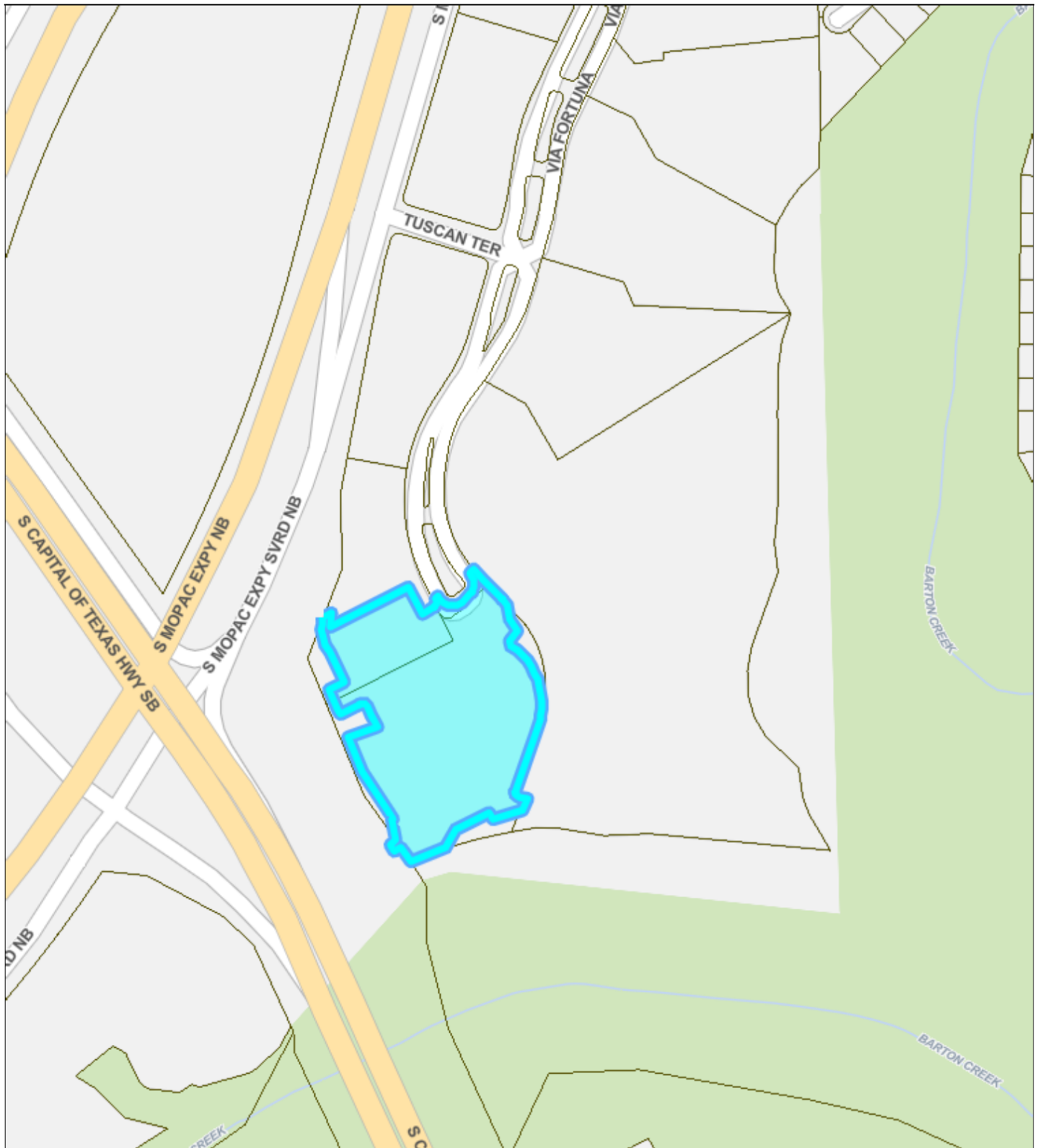
Applicant's Justification For Extension of Time

The basis for an additional five year extension is due to the following reasons:

- COVID-19 Related Project Delays: The last extension request was granted prior to the onset of the COVID-19 pandemic which caused significant delays between 2020 and 2022 that pushed back the anticipated date of project completion.
- Acquisition & Market Conditions: Terrace Five LP (the "Owner") purchased the Property in January 2023 with the intention of preparing building permits and moving towards construction. Since the acquisition of the Property market conditions have changed significantly requiring the Owner to spend additional time exploring tenant

demand for office space as well as alternatives to obtain financing for the construction of the Project. It is anticipated that these efforts along with the lengthy process of securing building permits will extend beyond the current June 12, 2024 expiration date necessitating the approval of an extension of the application by the Planning Commission.

- Eliminating Redundancy of City Review: The site development permit for the Project is for the "Part B" construction permit that accompanies the approved "Part A" land use site plan that was approved as part of the Terrace PUD. Due to the nature by which this Project was established, State law provides assurances for projects that maintain grandfathering rights. If this site plan application was resubmitted it would be reviewed under the approved PUD Ordinance 870430-G according to the rules and regulations in effect on February 12, 1986. Therefore in order to reduce redundant and unnecessary review by City staff, we hereby request a five year extension of the site development permit



1: 4800

Lot Lines

Lot Line



SP-2014-0495B(XT3)

3000 VIA FORTUNA



1/18/2024

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

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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August 1, 2023

Jose G. Roig
Director, Development Services Department
City of Austin
6310 Wilhelmina Delco Drive
Austin, Texas 78752

Re: Request for Site Plan Extension
Terrance Section Five Block A Lot 3 – SP-2014-0495B
3000 & 3020 Via Fortuna, Austin, Texas, 78746

Dear Mr. Roig:

On behalf of Terrace Five LP, please accept the attached application, site plan, and submittal documents as a formal request for a five-year extension of the site development permit for The Terrace Section Five, Block A, Lot 3 approved under Case No. SP-2014-0495B (the “Project”). The Project is located at 3000 & 3020 Via Fortuna in the City of Austin (the “Property”). The Project is part of the 109.25 acre Terrace PUD approved under Ordinance 870430-G and is being developed under the applicable covenants and restrictions associated with the PUD. Please see the approved Project Review Form submitted with this application.

The site development permit for the Project was issued on June 18, 2015, with an expiration date of June 12, 2018. The Project was granted an administrative 1 year extension to June 12, 2019, and on November 12, 2019 the Planning Commission granted a 5 year extension to June 12, 2024.

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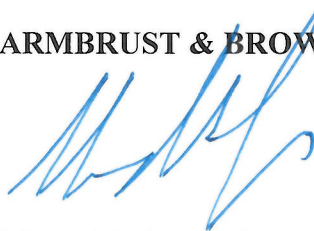
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Thank you in advance for your consideration of this request. Should you require additional information or have any questions regarding this matter, please feel free to contact me at (512) 435-2300.

Very Truly Yours,

ARMBRUST & BROWN, PLLC



Richard T. Suttle, Jr.

cc: Win Smith
Bennett Holcomb
Rod Arend
Amanda Morrow
Amanda Hendrix

