ZONING AND PLATTING COMMISSION SITE PLAN
EXTENSION REVIEW SHEET
Information for Appeal to City Council

CASE NUMBER: SPC-05-0012A(XT2) CC DATE: 10-22-2009
ZAP COMMISSION DATE: 8-4-2009

PROJECT NAME: Champion Commercial Development (Part A)

ADDRESS: 6015 N. Capital of Texas Highway

AGENT: Graves Dougherty Hearon & Moody (Terry Bray)
401 Congress Avenue, Ste. 2200
Austin, TX 78701
(512) 480-5635

APPLICANT: Champion Assets, Ltd. (Josie Champion)
6700 Lakewood Dr.
Austin, TX 78731
(512) 345-1777

WATERSHED: Bull Creek (Water Supply Suburban)

AREA: 9.201A

EXISTING ZONING: GR-CO, RR

PROPOSED USE: Retail

NEIGHBORHOOD ORGANIZATION:
475-Bull Creek Foundation
520- Courtyard Homeowners Assn., Inc.
511- Austin Neighborhoods Council
1200- Super Duper Neighborhood Objectors and Appealers Assn.
269- Long Canyon Homeowners Assn.
1169- Lake Austin Collective
425- 2222 Coalition of Neighborhood Assns.
161- Glenlake Neighborhood Assn.
434- Lake Austin Business Owners
762- Steiner Ranch Community Assn.
53- North Austin Civic Assn.
989- The Courtyard Homeowners Assn.
416- Long Canyon Ph. II and III HOA
426- Riverplace Residential Community Assn.
98- Lakewood HOA
1037- Homeless Neighborhood Assn.
786- Homebuilders Assn of Greater Austin
APPLICABLE WATERSHED ORDINANCE: Lake Austin Watershed Ord. per Settlement Agreement Ord. 96-0613-J, Compromise Settlement Agreement 94-07160
CAPITOL VIEW: Not in View Corridor
ZONING AND PLATTING COMMISSION ACTION: 8-4-2009, Appvd. 8 yr extension(4-1); Applicant was requesting 10 year extension; Staff recommended 3 year extension
CASE MANAGER: Lynda Courtney, 974-2810

PROJECT INFORMATION:

EXIST. ZONING: GR-CO. RR
SITE AREA.: 9.201 A (18.9 A LOC)
EXIST. USE: Vacant
PROP. USE: Retail

SUMMARY COMMENTS ON THE SITE PLAN APPEAL:

The applicant requested a 10- year extension of an approved site plan. A previous administrative one-year extension has already been approved, extending the site plan to January 17, 2009 (Application for this extension was made prior to the date of expiration). Approval of this as requested by the applicant would extend the life of the site plan to January 17, 2019. This site plan is the “A” land use element that will require approval of a matching “B” part construction plan before construction may begin on the site. There are 2 2-story retail buildings at maximum 28’ height that will be constructed. The total square footage of buildings proposed is 56,810 with a floor-to-area ratio of .142:1, and the total of the proposed parking spaces is 208.

The terms of the settlement agreement allow for the continuation of the site plan regulations as long as the original site plan was approved within a ten year period after the settlement agreement was approved. The approved site plan is based on the maximum square footage for buildings and impervious cover permitted by the Lake Austin Watershed Ordinance and other ordinances in effect on December 8, 1993 and by zoning ordinance 920507B, which includes a restrictive covenant which addresses water quality controls and grading and reduction of Hill Country Roadway setbacks.

Staff recommended approval of the site plan extension request based on the terms of the settlement agreement, but proposed a three-year limitation on this second extension to allow for commission review and recommendation for health, safety and welfare issues within a similar time frame for other site plans not similarly governed by a settlement agreement.

Zoning and Platting Commission approved the extension of the site plan for a period of eight years.

The applicant filed an appeal of the Zoning and Platting Commission decision, requesting reversal of that decision and approval of the originally requested ten-year term of extension.

Representatives of CONA, the 2222 Coalition of Neighborhood Associations also filed an appeal of the Zoning and Platting Commission decision, requesting reversal of that decision and denial of any alternative extension period.
SITE PLAN EXTENSION REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-62, 63 of the Land Development Code states: "The Land Use Commission may extend the expiration date of a released site plan... if the Land Use Commission determines that the request complies with the requirements for extension by the director under Section 25-5-62."

The Director determines that:

1. The site plan substantially complies with the requirements that apply to a new application for site plan approval; **Staff response: This application complies with the requirements of this title. As part of the Settlement Agreement Ordinance 96-0613-J, regulations and requirements are spelled out as part of the zoning land use plan. This site plan complies with those requirements.**

2. The applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed; **Staff response: The applicant has stated that they filed the original site plan with the good faith expectation that the site plan would be constructed.**

3. The applicant constructed at least one structure shown on the original site plan that is suitable for permanent occupancy, or, the applicant has constructed a significant portion of the infrastructure required for the development of the original site plan; **Staff response: No construction has been initiated on this property. The terms of the settlement agreement allow for the continuation of the site plan regulations as long as the original site plan was approved within a ten year period after the settlement agreement was approved. This site plan met those requirements.**

4. If a Traffic Impact Analysis (TIA) was submitted with the application for site plan approval, the assumption and conclusions of the TIA are valid, or, if the assumptions and conclusions are not valid, the applicant has submitted an addendum to the TIA that demonstrates traffic will be adequately mitigated, or, if a TIA was not submitted with the site plan application for approval, the applicant demonstrates that the traffic impact will be adequately mitigated; **Staff response: No TIA addendum required.**
August 14, 2009

Ms. Victoria Li Via email and USPS  
Director, Watershed Protection and Development Review Department  
505 Barton Springs Road  
Austin, TX 78704

Mr. Greg Guernsey Via email and USPS  
Director, Planning and Development Review Department  
505 Barton Springs Road  
Austin, TX 78704

Subject: SPC-05-0012A(XT2)

Dear Ms. Li and Mr. Guernsey,

As President of 2222 Coalition of Neighborhood Associations (2222 CONA), I am requesting an appeal to the City Council of the approval of the Zoning and Platting Commission for an 8-year extension of the subject site plan. This approval was granted at the August 4, 2009 meeting of the Zoning and Platting Commission.

Enclosed is our Site Plan Appeal form.

Because of recent organizational changes, I am sending this to both of you to ensure that this appeal is submitted properly.

Thank you for your consideration. Please contact me if you have any questions or comments.

Sincerely,

[Signature]

Peter Torgimson  
President  
2222 Coalition of Neighborhood Associations, Inc.  
512-338-4722  
peter@prodigy.net

Enclosure

cc:  
Lynda Courtney (via email)  
George Zapalac (via email)
City of Austin Watershed Protection and Development Review Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO.  SPC-05-0012A(XT2)  
PROJECT NAME  Champion Commercial Development

PROJECT ADDRESS  6015 N. Capital of Texas Highway

APPLICANT'S NAME  Champion Assets, Ltd.  
CITY CONTACT  Lynda Courtney

DATE APPEAL FILED  August 14, 2009

YOUR NAME  Peter Torgrinson  
SIGNATURE  
YOUR ADDRESS  P. O. Box 28641, Austin, TX 78730

YOUR PHONE NO.  (512) 338-4722 WORK  (512) 338-4722 HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria:  (Check one)
- [ ] I am the record property owner of the subject property
- [ ] I am the applicant or agent representing the applicant
- [x] I communicated my interest by speaking at the Land Use Commission public hearing on (date) [August 4, 2009]
- [ ] I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria:  (Check one)
- [ ] I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- [ ] I am the record owner of property within 500 feet of the subject site.
- [x] I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)
- [ ] Administrative Disapproval/Interpretation of a Site Plan  Date of Decision: __________________
- [ ] Replacement site plan  Date of Decision: __________________
- [ ] Land Use Commission Approval/Disapproval of a Site Plan  Date of Decision: __________________
- [x] Waiver or Extension  Date of Decision: August 4, 2009
- [ ] Planned Unit Development (PUD) Revision  Date of Decision: __________________
- [ ] Other: __________________  Date of Decision: __________________

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

See attached statement.

(Attach additional page if necessary.)

Applicable Code Section:  See attached statement.
Site Plan Appeal

SPC-05-001A(XT2)

Champion Commercial Development

This appeal requests reversal by the City Council of the Zoning and Platting Commission decision on August 4, 2009 to approve an 8-year extension of the site plan, and further requests the City Council to deny any alternative extension period.

The property is subject to a Special Exception Ordinance No. 960613-J and a Compromise Settlement Agreement granting it special development rights, including the right to develop subject to the 1984 Lake Austin Watershed Ordinance instead of current developmental regulations. The period of this special exemption is 10 years beginning in 1996. A site plan for the property was submitted in 2005.

The applicant has chosen to not develop this property in the last 13 years and has requested that the Zoning and Platting Commission extend these rights for an additional 10 years. The Zoning and Platting Commission, at its August 4, 2009 meeting, approved an 8-year extension.

The subject property is especially sensitive because it is adjacent to Bull Creek, which is part of Austin's municipal water supply. The special privileges for this site plan regarding water quality are significantly inferior to current regulations. The City of Austin should not in any way facilitate the development of this tract under obsolete regulations, which is precisely what the applicant is requesting the City of Austin to do.

The applicant has had ample time to develop the property in the 13 years since the special privileges were granted. There is no compelling reason why these privileges should be further extended. Please deny any further extensions of the site plan.
August 5, 2009

VIA HAND DELIVERY
Ms. Victoria Li
Director, Watershed Protection and Review
One Texas Center
505 Barton Springs
Austin, TX 78704

VIA HAND DELIVERY
Mr. Greg Guernsey
Director, Neighborhood Planning & Zoning Department
One Texas Center
505 Barton Springs
Austin, TX 78704

Re: Site Plan Appeal of the decision on Champion Property – Site Plan Development Permit No. SPC-05-0012A (XT2) (the "Permit") at the Zoning and Platting Commission meeting on 8/04/09

Dear Victoria and Greg:

Our firm represents the owners of the property covered by the Permit. The current expiration date of the Permit is January 17, 2010. I am providing this letter on behalf of our clients, to request an appeal to City Council of the decision to deny the Applicants' request for a ten (10) year extension of the Permit at the August 4, 2009 Zoning and Platting Commission meeting. While we understand that Greg may be supervising site plans, the City of Austin web site, and this application, still state that site plans should be submitted to Director, Watershed Protection and Review (Victoria). Therefore, we are sending this appeal to both of you.

Enclosed is our Site Plan Appeal application, the Permit, application to Zoning and Platting Commission, and back-up materials for the Zoning and Platting Commission. Please call me if you have questions or need additional information. We appreciate your assistance with this matter.

Sincerely,

[Signature]
Peter J. Cesaro
PJC/lc
Enclosure

cc: Ms. Josie Champion (w/Site Plan Appeal form) (via e-mail)
Ms. Mary Margaret Roberson (w/Site Plan Appeal form) (via e-mail)
Mr. George Zapalac (w/Site Plan Appeal form) (via e-mail)
Brent Lloyd, Esq. (w/Site Plan Appeal form) (via e-mail)
Michael J. Whellan, Esq (w/Site Plan Appeal form) (via e-mail)
SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SPC-05-0012A (XT2) PROJECT NAME Champion Commercial Development

DATE APPEAL FILED August 5, 2009

YOUR NAME Michael Whelchel

SIGNATURE

YOUR ADDRESS 401 Congress Ave., St. 2200
Austin, Texas 78701

YOUR PHONE NO. (512) 480-5600 WORK ( ) HOME

PROJECT ADDRESS 6015 N. Capital of Texas Highway
APPLICANT’S NAME Champion Assets, Ltd.
CITY CONTACT Lynda Courtney and George Zapalac

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

☐ I am the record property owner of the subject property
☒ I am the applicant or agent representing the applicant
☐ I communicated my interest by speaking at the Land Use Commission public hearing on (date)

☐ I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
☐ I am the record owner of property within 500 feet of the subject site.
☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

☐ Administrative Disapproval/Interpretation of a Site Plan
☐ Replacement site plan
☐ Land Use Commission Approval/Disapproval of a Site Plan
☒ Waiver or Extension
☐ Planned Unit Development (PUD) Revision
☐ Other:

Date of Decision: __________________________
Date of Decision: __________________________
Date of Decision: __________________________
Date of Decision: August 4, 2009
Date of Decision: __________________________
Date of Decision: __________________________

* Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

See Attached.

(Append additional page if necessary.)

Applicable Code Section: See Attached.
Site Plan Appeal
SPC-05-0012A (XT2)

This appeal requests reversal of the Zoning and Platting decision on August 4, 2009, and further seeks a ten (10) year extension for this site plan. This site plan is currently scheduled to expire on January 17, 2010. This site plan is governed by a Compromise Settlement Agreement (included in case back-up) entered into between the Applicant and the City of Austin effective on June 13, 1996.

In 2005, Applicant requested 5-year and 10-year phasing of this site plan. City staff and the Zoning and Planning Commission recommended phasing. The city staff also stated that the site development application was filed in accordance with the Compromise Settlement Agreement and, therefore, the terms of the Compromise Settlement Agreement apply to this site plan or any new site plan for a similar project filed in the future. While City Council denied phasing in 2005, City Council Members and the City Attorney confirmed during the May 18, 2006 hearing that a site plan for similar project would be entitled to approval.

Today, the Applicant seeks a ten (10) year site plan extension to prevent unnecessary expenses by the City of Austin and the Applicant (Note: per the Compromise Settlement Agreement, the Applicant does not pay fees related to its site plan applications). The ten (10) year extension period also takes into account the planned TXDOT construction improvements, uncertainties related to construction, and current market conditions. As discussed at the May 18, 2006 City Council hearing, the only thing accomplished by denying the extension request is to make the Applicant file site plans more often because the same rules will be in effect. Denying the ten (10) year site plan extension request would have the City of Austin and the Applicant incur unnecessary expenses.
May 6, 2009

Ms. Lynda Courtney
Development Review, City of Austin
P.O. Box 1088
Austin, TX 78701

Re: Champion Property – Site Plan Development Permit No. SPC-05-0012A (XT)

Dear Lynda:

Our firm represents the owners of the property covered by the referenced permit. The current expiration date of the permit is January 17, 2010. I am providing this letter on behalf of our clients, to request that the expiration date of the permit be extended for ten years.

The proposed development for which the permit was issued has been delayed, in large part because of the delay in anticipated TxDOT reconstruction of FM 2222 and the Bull Creek Bridge and the current turmoil in the financial and commercial real estate markets. The TxDOT project has now received final approvals and is funded, and it is anticipated that construction will begin next year and be completed within approximately 25 months after commencement. Prospective tenants and users of the Champion Property project have not been willing to proceed while the TxDOT project was in limbo, and present market conditions likely will preclude new commercial development for many years. The 10-year extension should provide sufficient time for completion of the 2222 construction and appropriate marketing and development activities. These circumstances support and necessitate the requested expiration date extension.

Enclosed is a copy of the referenced permit, an application for extending the current expiration date, an excerpt from the transcript of the 2006 City Council hearing at which an earlier request for an extended expiration date was considered, and information regarding the TxDOT project. As you and I have discussed, and as the 1996 Compromise Settlement Agreement between the owners and the City of Austin specifies, the ordinances under which development of this property will occur and permits will be processed are set forth in that Agreement and will not change. In the event the current permit expires, the owners would be entitled to obtain a new permit for the proposed development, as was confirmed by City Attorney Terry to the City Council in 2006. Processing a new permit would involve substantial time and expense for both the owners and the City. Granting the requested extension of the expiration date will allow the current permit to continue and avoid unnecessary work.
May 6, 2009
Page 2

Please call me if you have questions or need additional information. We appreciate your assistance with this matter.

Sincerely,

Wm. Terry Bray
WTB/le
Enclosure

cc:  Ms. Josie Champion (w/enclo.) (via e-mail)
     Ms. Mary Margaret Roberson (w/enclo.) (via e-mail)
     Mr. George Zapalac (w/enclo.) (via e-mail)
     Brent Lloyd, Esq. (w/enclo.) (via e-mail)
     Michael J. Whellan, Esq (w/enclo.) (via e-mail)
December 10, 2008

Wm. Terry Bray
Graves, Dougherty, Hearon, & Moody
401 Congress Ave., Ste. 2200
Austin, TX 78701

RE: SPC-05-0012A (XT)-Champion Commercial Development

Dear Mr. Bray:

The City of Austin has approved your request for a one-time, one-year extension from January 17, 2009 to January 17, 2010 for your released site plan SPC-05-0012A. This one-year extension is granted in accordance with Section 25-5-62 of the Land Development Code, and after that no further extensions are allowed by administrative action.

And additional extension for this released site plan requires approval by the Planning Commission after a public hearing as specified in Section 25-2-63 of the Land Development Code. The request for an extension under 25-5-62 would have to be submitted prior to the new expiration date.

In addition, Sections 25-5-62(d) and 25-1-182 provide that the decision of the Director to extend the site plan may be appealed to 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.

This site plan complies with the requirements of the Compromise Settlement Agreement No. 94-07160 and of the Special Exception Ordinance No. 96-0613-I, which specify the rules and conditions of the approval of the site plan and its entitlements. No new rules or requirements are imposed as a result of this extension. Note: This is a Land Use site plan (Part A). A separate, unexpired application (Part B) must be in place for construction of the proposed development to occur.

If you have further questions or need assistance, you may call the Case Manager, Lynda Courtney, at 974-2810 or by email Lynda.Courtney@ci.austin.tx.us

Sincerely,

Lynda Courtney, fo
Victoria Lt, Director
Watershed Protection and
Development Review Department
City of Austin Watershed Protection and Development Review
505 Barton Spring • P.O. Box 1088 • Austin, Texas 78704

CITY OF AUSTIN
SITE PLAN DEVELOPMENT PERMIT

Permit No.: SPC-05-0012A  Expiration Date: January 17, 2009
Project Name: Champion Commercial Development (Land Use Element Site Plan)
Location Description: 6015 N. Capital of Texas Highway
Watershed: Bull Creek
Owner of Property: Josie Champion
Address: 6700 Lakewood Drive, Austin, Texas 78731  Ph. # (512) 345-1777
Owner's Representative: Hanrahan-Pritchard Engineering (Stephen Jamison)
Address: 8333 Cross Park Drive, Austin, Texas 78754  Ph. # (512) 459-4734
Legal Description: Tract 4: 9.201 Acre tract of land out of the Thomas Jefferson
Chambers Grant, comprised of a called 8.259 acre tract of land and a called 0.942 acre
tract of land both conveyed to Champion Assets LTD, Champion-Meier Assets LTD. &
Champion Legacy Partners LP and Being the same property described in that certain
Restrictive Covenant of Record in Volume 11688, Page 797 of the Real Property Records
of Travis County, Texas.

PERMIT IS HEREBY ISSUED FOR:

Land use only as indicated on associated plans. A separate application must be submitted &
approved for construction of proposed development.

The project is located in Bull Creek Watershed, and is subject to all watershed protection
regulations as set forth in Chapter 25 of the City of Austin Code of Ordinances. This project is
located within the City of Austin Full Purpose Jurisdiction.

CONDITIONS OF PERMIT

It is agreed that the proposed development shall be performed and completed in accordance with
the plans and specifications approved by the City of Austin Standard Specifications and Code
requirements, and State of Texas construction safety statutes. All development approved by this
permit is subject to the inspection and control of the City of Austin.

It is the responsibility of the permit holder to identify all utilities in the work area and to notify
each utility of the scope of work in the immediate area of the utilities.

ENGINEER'S CERTIFICATION: Inspection and a "Certification of Completion" by a Texas
Licensed Engineer is required for the development approved by this permit. No Certificate of
Occupancy may be approved until the Engineer's Certification is filed. The engineer is
responsible for the adequacy of the plans submitted with this application.

SPECIAL CONDITIONS:

Signature of Applicant

For Hanrahan-Pritchard Eng.  3-13-2007
Owner

Date

March 13, 2007

Permit Approved by City of Austin

Date
SITE PLAN APPLICATION

DEPARTMENTAL USE ONLY

Process/Project Assessment? Yes ☐ No ☒ Waiver ☐
Development Assessment? Yes ☐ No ☒

File Number (s) ____________________________
File Number ____________________________

PRIMARY PROJECT DATA

Consolidated Administrative Approval? Yes / ☒ No ☐
Small Project? Yes / ☐ No ☒
Basic Site Plan? Yes / ☐ No ☒
Consolidated Planning Commission Approval? Yes ? No ☒

Project Name: Champion Commercial Development

Project Street Address (or range): SE corner, 2222 Capitol of Texas Hwy 360
Zip: 78731

If project address cannot be defined, such as utility lines, provide the following information:

Along the Frontage Rd. ____________________________ Side of N S E W ____________________________ Frontage Road

Approximately Distance Direction From the Intersection with Cross Street

County: Travis Jurisdiction: Full Limited /2-Mile /5-Mile

PROPERTY DESCRIPTION

Provide either subdivision reference or brief legal description

1. Subdivision Reference

Name ____________________________ Approved ____________________________
Block(s) ____________________________ Lot(s) __ Approved __ Outlot __________
Plat Book ____________________________ Page Number ____________________________

X 2. Brief Legal Description 9.201 acre (See Doc. 2001143485 and

DEED REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER

Volume 2001143485 Page(s) 8 Square Ft. or Acres 9.201

FILE NUMBER ____________________________

Planning Commission Site Plan - (Non-Consolidated)
SITE AREA

Acres ______________________ or Sq.ft. ______________________

EXISTING ZONING  EXISTING USE  TRACT #  ACRES/SQ FT  PROPOSED USE
GR-CO  Vacant  N/A  8.259  Retail
RR  Vacant  N/A  0.942  Commercial

Utility or Storm Sewer Length: ______________________  Linear Feet

Watershed  Bull
WS Class  Water Supply Suburban

Is it subject to the Watershed Protection Regulations? YES / NO
In Aquifer Recharge Zone? YES / NO
On a Principal Roadway? YES / NO
On a Hill Country Roadway? YES / NO
Specify Principal or Hill Country Roadway: ______________________
Taking access to principal roadway? YES / NO
Is a TIA required? YES / NO
Trips per day: see prior worksheet - no change
Traffic Serial Zones: ______________________
Grid Number(s): 32-32-30
Tax Parcel Numbers: 015142404

RELATED CASES
Zoning Case? YES / NO
Restrictive Covenant? YES / NO
Subdivision? YES / NO
Land Status Report? YES / NO
Existing Site Plan? YES / NO

FILE NUMBERS
91-015; 93-120; Ord# 96-003; J
C81-87-023; J
SPC-05-0012A (KT)

LAND USE SITE PLAN DATA - as applicable
Subject to Compatibility Standards? YES / NO
In Combining District / Overlay Zone? (NCC, CVC, WO, etc.):

WAIVER / VARIANCE / BONUS/ ETC. - as applicable
1. Compatibility Standards Waiver Section(s)
2. PRA 200ft. Driveway Spacing Section(s)
3. Hill Country Section(s)
4. Waterfront Overlay District Section(s)
5. Off-Site or Remote Parking
6. Shared Parking Analysis
7. Alternative Landscape Compliance

OWNERSHIP INFORMATION
Planning Commission Site Plan - (Non-Consolidated)
Watershed Protection and Development Review Department
CITY OF AUSTIN

TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

PROJECT NAME: Champion Tract – Parcel D
LOCATION: Loop 360 and FM 2222 – Southeast Corner
APPLICANT: Mike McDonald

APPLICATION STATUS: ☑ DEVELOPMENT ASSESSMENT ☑ ZONING ☒ SITE PLAN

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ABUTTING ROADWAYS

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FOR OFFICE USE ONLY

A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.

A traffic impact analysis is NOT required. The traffic generated by the proposal does not meet or exceed the thresholds established in the Land Development Code.

X The traffic impact analysis has been waived for the following reason(s):

This site is subject to all conditions of the original TIA and RC requiring the restriction that the certificate of occupancy shall be issued by the City until the roadway improvements associated with the extension of the median along RM 2222 are completed to adequately prevent left turns for westbound traffic entering the property and left turns into left "U-Turns" for traffic exiting the property onto FM 2222. Applicant is also required to submit current cost estimates by the raised median and widening of FM 2222 adjacent to the frontage of the subject tract. The cost estimate requires TXDOT approval.

The traffic impact analysis has been waived because the applicant has agreed to limit the intensity to 2,000 vehicle trips per day.

A neighborhood traffic analysis will be prepared by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: Chas. DATE: May 3, 2005
DISTRIBUTION: FILL CAP. METRO
TRANS. Div. TXDOT
Travis Co./Williamson Co.

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application to Planning Therefore, this completed and reviewed form must accompany any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.
SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.

Signature

Name (Typed or Printed)

Firm

Date

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.

Signature

Name (Typed or Printed)

Firm

Date
ACKNOWLEDGMENT FORM
CONCERNING
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and/or
Zoning Conditional Overlays

I, [Name: Jerry Bray] (Printed name of applicant) have checked for subdivision plat notes, deed notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

9.201 Acre SE Corner, 22228 Capitol of Texas Hwy 360
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

[Signature: Jerry Bray] (Applicant's Signature) [Date: 10/09]

[Signature: Agent]
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<th>Partnership</th>
<th>Corporation</th>
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<td>If ownership is other than sole or community property, list the individuals, partners, principals, etc. below or attach a separate sheet.</td>
<td>Josie Champion</td>
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**OWNER INFORMATION**

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<td>Champion Assets Ltd.</td>
<td>Phone #</td>
<td>(512) 345-1777</td>
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**AGENT / PRINCIPAL CONTACT - if applicable**

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<td>Graves Dougherty</td>
<td>Phone #</td>
<td>(512) 480-5685</td>
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**DESIGNER / ENGINEER / LARCH / OTHER - Circle 1 or More**

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ACCOUNT NUMBER: 01-3912-0601-0000

PROPERTY OWNER:
CHAMPION ASSETS LTD & CHAMPION MEIER ASSETS LTD & CHAMPION LEGACY PARTNERS L P
6700 LAKESIDE DR
AUSTIN, TX 78731-1737

PROPERTY DESCRIPTION:
ABS 7 SUR 504 CHAMBERS T J ACR 8.9
11

ACRES 8.911 MIN% .00000 TYPE

SITUS INFORMATION: N CAPITAL OF TX HY

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR ENTITY
2008 AUSTIN ISD
   CITY OF AUSTIN (TRAV)
   TRAVIS COUNTY
   TRAVIS COUNTY HEALTHCARE DISTRICT
   ACC (TRAVIS)

TOTAL SEQUENCE 0

TOTAL TAX: *ALL PAID*
UNPAID FEES: * NONE *
INTEREST ON FEES: * NONE *
COMMISSION: * NONE *
TOTAL DUE --> *ALL PAID*

TAXES PAID FOR YEAR 2008 $7,546.81

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2008 EXCEPT FOR UNPAID YEARS LISTED ABOVE. The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of $10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 04/29/2009

Fee Paid: $10.00

Nelda Wells Spears
Tax Assessor-Collector

By: /s/ Henderson

HENDERJ printed on 04/29/2009 @ 11:20:24:35
IN OPPOSITION TO MR. BULLA’S APPEAL? AND IF NOT, MR. BULLA, WELCOME BACK. YOU CAN -- YOU CAN REBUT FOR THREE MINUTES.

CAN I HAVE SOME ASSISTANCE WITH THE REBUTTAL? IS THAT POSSIBLE? I'M NOT AS KNOWLEDGE ABOUT THE TXDOT ISSUES, BUT THERE IS OUR TXDOT REPRESENTATIVE WHO HAS CURRENT KNOWLEDGE OF THE BRIDGE STATUS AT THE LAKENOOD ENTRANCE.

GOOD EVENING, I'M CAROL (INDISCERNIBLE), THE TXDOT LIAISON FOR 2222 CONA. I SPOKE TO KATHY CRAB TWO DAYS AGO FOR AN UPDATE ON THIS PROJECT. SHE REITERATED TO ME AT THIS TIME THAT THE PROJECT IS HOPE TO BEGIN WITHIN ONE YEAR. THERE'S A POSSIBILITY IF THE ENVIRONMENTAL -- IF APPROVALS ARE DELAYED OR THE RIGHT-OF-WAY PURCHASE FROM THE CHAMPION PROPERTY IS DELAYED IT COULD BE AS LATE AS JANUARY 20 ON THE, BUT THEY'RE ANTICIPATING STARTING THE PROJECT WITHIN THE YEAR. THE PROJECT WOULD TAKE 15 TO 18 MONTHS TO COMPLETE. SO THAT IS THE CURRENT STATUS OF THE PROJECT. IT IS NOT GOING TO BE A FIVE TO 10 YEAR OUT KIND OF PROJECT. THEY EXPECT TO HAVE THE PROJECT FINISHED WITHIN A COUPLE OF YEARS. WELL, WITHIN 15 TO 18 MONTHS OF WHEN THEY STARTED IT, WHICH WILL HOPFULLY BE ONE YEAR FROM NOW. I WANT TO REITERATE TO YOU THAT WE ARE NOT OPPOSED TO THE CHAMPIONS DEVELOPING THIS PROPERTY. WE'RE LOOKING FORWARD TO THAT PROPERTY BEING DEVELOPED. THE ONLY PROBLEM THAT WE'RE HAVING IS WITH THE EXTENDED TIME OF PREFERENTIAL TREATMENT, AND NOT BEING BROUGHT UNDER CURRENT REGULATIONS. THEY ARE PERFECTLY -- IT'S PERFECTLY OKAY WITH US IF THEY DELAY THEIR PROJECT BY FIVE OR 10 YEARS. THE ONLY QUESTION IS WHETHER OR NOT THAT DELAY SHOULD CONTINUE THIS PREFERENTIAL TREATMENT UNDER THE RULING, SO THEY'RE NOT UNDER THE CURRENT CITY ORDINANCES AND REQUIREMENTS, PARTICULARLY FOR WATER PROTECTION. SO WE ARE NOT OPPOSED TO THEIR POSTPONING THEIR DEVELOPMENT, WE'RE SIMPLY OPPOSED TO THE EXTENSION OF THE PREFERENTIAL TREATMENT. THANK YOU.

AND I THINK EACH OF YOU ARE GETTING A COPY OF THE TCEQ REPORT DATED THIS SPRING SHOWING THAT THEY ARE CONTINUING TO BE IN VIOLATION.

Mayor Wynn: THANK YOU. SO COUNCIL, QUESTIONS? COMMENTS? I'LL CURRENTLY ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING? MOTION BY COUNCILMEMBER MCCRACKEN THAT I'LL SECOND TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR PLEASE AAAYE. OPPOSED? MOTION TO CLOSE THE PLEERS PUBLIC HEARING PASSES ON A VOTE OF SIX TO ZERO. QUESTIONS, COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: QUESTION OF STAFF. IT MAY BE LEGAL, I DON'T KNOW. YOU CAN DECIDE WHEN YOU GET UP THERE. IF AS I UNDERSTAND IT, AS PREVIOUSLY BRIEFED, AND JUST TO CLARIFY THE STATEMENT THAT WAS MADE BY THE APPLE LANT WHO JUST SPOKE, IT DOESN'T MAKE ANY DIFFERENCE ABOUT WHICH -- THE WATER QUALITY REGULATIONS THAT APPLY NOW WILL APPLY SUBSEQUENTLY AFTER THE SITE PLAN IS REFILLED, IF IT'S REFILLED FOR THE SAME RETAIL PURPOSE.

THAT IS CORRECT.

Leffingwell: SO IF YOU CONTINUE TO REFILL ON A THREE OR FOUR YEAR BASIS WITH EXTENSIONS THEY WILL STILL BE UNDER THE SAME WATER QUALITY REGULATIONS IN 2019 IF THAT'S WHEN THIS PROJECT IS BUILT AS IF THEY ARE TODAY.

THAT'S CORRECT.

Leffingwell: SO BASICALLY THE ONLY THING ACCOMPLISHED BY DENYING THIS IS TO MAKE THE APPLICANT, THE DEVELOPER FILE SITE PLANS MORE OFTEN. HE STILL HAS THE SAME RULES AND REGULATIONS IN PLACE. IS THAT CORRECT?

YOU ARE CORRECT.

Leffingwell: DO THE APPELLANTS UNDERSTAND THAT?

Mayor Wynn: MR. BULLA?
MY UNDERSTANDING IS THAT THE RULES THEY'RE UNDER NOW ARE NOT CURRENT REGULATIONS, THEY'RE NOT CURRENT RULES.

Leffingwell: THAT'S CORRECT.

SO OUR POSITION IS IF THEY WANT TO DEVELOP THE LAND UNDER THE SPECIAL PRIVILEGES, THEY SHOULD GO ON AND DEVELOP THE LAND AND NOT KEEP THESE OLD WATER QUALITY RULES GOING ON INDEFINITELY INTO THE FUTURE.

Leffingwell: BUT YOU UNDERSTAND THAT THEY CAN DO THAT.

WELL, I GUESS THE COUNCIL CAN DECIDE WHETHER THEY CAN DO IT OR NOT.

Leffingwell: NO, THE COUNCIL DOESN'T DECIDE, IS THAT CORRECT? ALL THEY HAVE TO DO IS REFILE THE FLIGHT PLAN -- FLIGHT PLAN. [ LAUGHTER ]

SPOKEN LIKE A TRUE PILOT. [ LAUGHTER ]

Leffingwell: THE SITE PLAN. ALL THEY HAVE TO DO IS REFILE THE SITE PLAN AND IT'S AUTOMATIC CONTINUATION OF THEIR DEVELOPMENT UNDER THE OLD WATER QUALITY RULES.

THAT'S RIGHT. THAT'S WHAT OUR CONCERN IS, YES. THE CONCERN IS THAT THE OLD RIGHTS CONTINUE ON AND ON AND ON AND BY GRANTING EXTENSION AFTER EXTENSION.

Leffingwell: BUT ALL THEY HAVE TO DO TO AVOID HAVING TO GET AN EXTENSION IS TO REFILE THE SITE PLAN AGAIN. IT'S THE SAME THING. IT JUST HAPPENS MORE OFTEN.

IN THREE OR FOUR YEARS WHEN THE CLOVER LEAF GOES IN AT 360 THAT WILL CHANGE THE WHOLE SITE PLAN ANYWAY.

Dunkerley: NOT THE USE.

Mayor Wynn: ACTUALLY, MS. TERRY, COULD YOU CONFIRM COUNCILMEMBER LEFFINGWELL'S POINT IS THAT WHETHER THEY HAVE PHASING OR NOT TECHNICALLY, BECAUSE OF THE EXISTING RIGHTS THAT CURRENTLY THE OWNER-DEVELOPER-APPLICANT HAVE, THOSE COULD IN FACT BE CONTINUED TECHNICALLY INDEPENDENT OF THIS ACTION.


Mayor Wynn: I HAVE A QUESTION FOR MR. WHELLAN. SO MR. WHELLAN, BASED ON THE INFORMATION FROM THE CITY ATTORNEY, YOU KNOW, YOU ALL HAVE THE ABILITY ESSENTIALLY TO CONTINUE THIS PROJECT FOR A VERY LONG TIME BASED ON JUST REFILING A SITE PLAN. SO BASED ON THAT, WHY ARE YOU MAKING THE REQUEST.
THE REQUEST WAS MADE WHEN WE REALIZED THAT TxDOT'S PLANS REALLY AIN'T STABLE. THEY ARE NOT - EVEN MR. BULLA RECOGNIZE THAT HAD THEY'RE STILL WORKING ON THE FLYOVER AND THE EXIT RAMPS AND ENTRANCE RAMPS, AND IF -- WHEN AND IF WE WERE -- IF WE HAD TO DO THAT, IF WE HAD TO COME BACK IN THREE YEARS OR FOUR YEARS WITH THE SAME SITE PLAN, THE COSTS WILL NOT BE OURS. THERE WILL BE SOME COST. WE'LL HAVE TO GET IT REDONE AND RESTAMPED BY THE ENGINEERS, BUT IF WE FILE THE EXACT SAME ONE AS THE CITY ATTORNEY HAS JUST NOTED, IT WILL BE APPROVED. THE COST WILL BE YOURS, THE COST WILL BE THE CITIES. THE COST FOR NOTICE, THE FEES THAT ARE REQUIRED, THE STAFF REVIEW AGAIN WILL BE THE CITY'S. THE IDEA HERE WAS TO ALLOW FLEXIBILITY AND MARKET CONDITIONS TO ULTIMATELY MATCH UP. YOU KNOW, THAT WAS REALLY ALL THAT WAS GOING ON. IF THERE'S A CONCERN FOR SOME REASON ABOUT THE TIME FRAME, I COULD SEE INSTEAD OF FIVE AND 10 YEARS IF THERE'S A CONCERN ABOUT THAT TO BE FIVE AND NINE YEARS, THAT'S FINE. OR FIVE AND EIGHT YEARS. BUT REALLY AGAIN GIVEN TxDOT'S FLUX IS REALLY WHAT WAS DRIVING TO SOME EXTENT AND THE COST OBVIOUSLY FOR BOTH THE CHAMPIONS AND FOR THE CITY.

Mayor Wynn: THANK YOU, MR. WHELLAN. MAYOR PRO TEM? MR. WHELLAN.

Thomas: MR. BULLA WAS TALKING ABOUT THE CLEANUP AND THE LETTER THAT YOU RECEIVED ON THE JANUARY. HAS THERE BEEN ANY IMPROVEMENT? HAVE YOU CLEANED IT UP?

I'VE GOT TO BE HONEST WITH YOU, I HAVE ABSOLUTELY NO IDEA WHAT HE IS TALKING ABOUT. WE HAVE A CERTIFICATE OF COMPLETION ON THE TRACT THAT IS OWNED BY THE CHAMPIONS, WE HAVE A CERTIFICATE OF COMPLETION FROM THE TCEQ FROM THE TCEQ. I DIDN'T REALIZE THAT THIS IS THIS WAS AGAIN GOING TO COME UP YET ANOTHER TIME EVEN THOUGH WE'VE SHARED THIS INFORMATION WITH THEM. THE LETTER HE'S CIRCULATING IS AN UNSIGNED LETTER FROM DEALING WITH THE VCP SITE. AND I JUST HAVE NOT HAD A CHANCE TO READ IT. BUT I WILL TELL YOU THAT THEY ARE FOLLOWING -- THERE IS A PIECE OF IT THAT IS A SEPARATE LOT WHERE THE GUNSHOT USED TO GO UP ON THE RIDGE, AND THE WHOLE PROPERTY WAS PUT INTO THE VOLUNTARY CLEANUP PROGRAM. THAT PIECE UP ON THE LEDGE IS NOT OWNED BY THE CHAMPIONS. I THINK IT'S STILL OWNED BY JPI OR GABLES AND IT HAS BEEN SUBMITTED TO THE VOLUNTARY CLEANUP PROGRAM, WHICH MEANS WE HAVE TO FULLY APPLY WITH TCEQ REGULATIONS. I'M NOT SURE WHETHER THAT TRACT HAS GOTTEN A CERTIFICATE OF COMPLETION. THE CHAMPION TRACT, WHICH IS THE SKEET RANGE, WHICH IS THE FLAT PIECE, DOES HAVE A CERTIFICATE OF COMPLETION FOR THAT TRACT. I'LL BE HAPPY TO DIG UP MORE INFORMATION ABOUT THAT AND CIRCULATE IT. IT IS NOT PART OF TRACT 4, IT'S NOT PART OF THIS CASE. IT IS AND HAS BEEN SUBMITTED TO THE VOLUNTARY CLEANUP PROGRAM. WE WILL CONTINUE TO COMPLY. YOU HAVE TO ONCE YOU'VE SUBMITTED YOUR PROPERTY TO THE VCP. IT'S GOING TO COMPLY. I DON'T KNOW WHAT ELSE TO SAY.

Thomas: CAN I ASK MR. BULLA A QUESTION? DID YOU UNDERSTAND WHAT HE WAS SAYING ABOUT THE COMPLETION BECAUSE THE LETTER THAT WE GOT WAS SAYING THAT IT WASN'T, BUT HE SAYS HE HAS A CERTIFICATE OF COMPLETION? WERE YOU AWARE OF THAT?

YES, BUT THERE ARE CERTAIN SPECIFICATIONS FOR MAINTENANCE, AND THAT'S WHAT THE TCEQ IS REFERRING TO, THAT THE MAINTENANCE HAS NOT BEEN DONE.

Thomas: OKAY, THE MAINTENANCE.

THEY HAVE TO MAINTAIN THOSE SILT FENCES, THEY HAVE TO MAINTAIN THE STUFF TO PREVENT THE LEAD SHOT FROM COMING DOWN. AND IT'S ALL PART OF THE SAME WATERSHED. THIS TRACT THAT WE'RE TALKING ABOUT, THEY'RE FLOWING RIGHT INTO WEST BULL CREEK. IT'S NOT UNRELATED IN MY OPINION.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER MCCRACKEN.

Thomas: YOU'VE GOT SOMETHING ELSE.

LET ME CLARIFY. THEY DO HAVE A PERMIT, BUT THERE ARE TWO PERMITS, AND ONE IS CONDITIONAL AND THE OTHER IS WHAT?

Mayor Wynn: UNCONDITIONAL. [ LAUGHTER ]
Dunkerly: WELL I WON'T BE SUPPORTING GRANTING THE APPEAL BECAUSE I THINK IT'S REALLY -- REALLY -- REALLY NOT -- I THINK IT'S -- MAKES MORE SENSE TO JUST GRANT, GO AHEAD AND GRANT THE PHASING IN ORDER TO PREVENT THE REFILED AND REFILED AND REFILED OF THE SAME SITE PLAN TO ACHIEVE PHASING AT A COST OF STAFF TIME AND DOLLARS. SO I WON'T -- YOU KNOW, IT'S REALLY NO DIFFERENCE IN THE OUTCOME. SO I'LL BE VOTING NO.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: RELUCTANTLY I'M GOING TO BE SUPPORTING THE MOTION AS WELL. I HAVE TO SAY I'M A A LITTLE BIT ACE APPOINTED IN BOTH -- A LITTLE BIT DISAPPOINTED IN CREATING THIS CONTROVERSY WHEN IN MY OPINION IT WAS TOTALLY UNNECESSARY.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? I SHARE YOUR THOUGHTS, COUNCILMEMBER. THERE BEING NO MORE COMMENTS, WE HAVE A MOTION AND A SECOND ON THE TABLE TO -- TO GRANT THE APPEAL. UPHOLD THE APPEAL. FURTHER COMMENTS? MAYOR PRO TEM?

Thomas: GRANT THE APPEAL, OKAY. WHO WANTS THE APPEAL?

MR. BULLA'S APPEAL OF THE -- OF THE ZONING AND PLATTING COMMISSION --

[INDISCERNIBLE]

Thomas: I'M LIKE COUNCILMEMBER LEFFINGWELL, I DON'T KNOW WHY WE ARE AT THIS POINT. WE TALKED ABOUT THIS EARLIER. BUT -- BUT OKAY. I THINK THAT I'M READY TO VOTE. MARES UNDERSTOOD. FURTHER COMMENTS? ALL THOSE IN FAVOR OF COUNCILMEMBER MCCRAKEN'S MOTION, PLEASE SAY AYE. AYE.

Mayor Wynn: OPPOSED?

Dunkerly: NO.

Mayor Wynn: MOTION TO GRANT THE APPEAL PASSES ON A -- I BELIEVE ON A 4-2 VOTE WITH MAYOR PRO TEM AND COMING COUNCILMEMBER DUNKERLY VOTING NO AND COUNCILMEMBER KIM OFF THE DAIS, THANK YOU VERY MUCH. COUNCIL, THAT TAKE US TO OUR LAST ITEM OF THE EVENING, WHICH IS ITEM NO. 61, ----Original Message----
Bray, Terry

From: Bobby Ramthun [BRAMTHU@dot.state.tx.us]
Sent: Friday, April 17, 2009 2:52 PM
To: Bray, Terry
Cc: 'josie champion'; Whellan, Michael; Cesaro, Peter J.; Terry McCoy
Subject: RE: champion - bdot 2222 project
Attachments: ATT00002; project schedule.pdf

Terry,

Please see the attached preliminary project schedule. This represents our best estimate for the expected duration of the remaining project milestones and is subject to change. Once construction begins, we estimate it to take approx. 25 months to complete the entire project. Let us know if you have any questions or need further explanation of anything shown on the attached.

Bobby Ramthun
Transportation Engineer
N. Austin Area Office
Phone:(512) 997-2243
Fax:(512) 997-2260
bramthu@dot.state.tx.us

Some things you should keep to yourself... like trash. Don't Mess with Texas means don't litter. Learn more at www.dontmesswithtexas.org

>>> "Bray, Terry" <TBray@ordhm.com> 4/13/2009 2:25 PM >>>
any update yet on final schedule? thanks - terry

From: Bray, Terry
Sent: Tuesday, March 24, 2009 9:38 AM
To: 'Bobby Ramthun'
Cc: josie champion; Whellan, Michael; Terry McCoy
Subject: RE: champion - bdot 2222 project

that works just fine, thanks for the help! terry

From: Bobby Ramthun [mailto:BRAMTHU@dot.state.tx.us]
Sent: Tuesday, March 24, 2009 9:12 AM
To: Bray, Terry
Cc: josie champion; Whellan, Michael; Terry McCoy
Subject: Re: champion - bdot 2222 project

Mr. Bray,

You are correct, no action is needed on your end regarding the notice you received. I'm still working on determining a comprehensive project schedule. I should have something finalized in the next two weeks. The start construction date is directly influenced by the completion of the right of way acquisition and utility adjustments, as I am still working on getting estimated time lines for each. I hope this is acceptable and does not delay any needed extension requests to the city. I will provide the construction schedule to you when complete.

Bobby Ramthun
Transportation Engineer
N. Austin Area Office
Phone:(512) 997-2243
## Estimated Project Schedule for RM 2222 at Bull Creek

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Mr. Bray,

You are correct, no action is needed on your end regarding the notice you received. I'm still working on determining a comprehensive project schedule. I should have something finalized in the next two weeks. The start construction date is directly influenced by the completion of the right of way acquisition and utility adjustments, as I am still working on getting estimated time lines for each. I hope this is acceptable and does not delay any needed extension requests to the city. I will provide the construction schedule to you when complete.

Bobby Ramthun
Transportation Engineer
N. Austin Area Office
Phone:(512) 997-2243
Fax:(512) 997-2280
bramthu@dot.state.tx.us

Use caution when driving through work zones. Find more information and public service announcements regarding work zone safety at http://www.txdot.gov/safety/tips/work_zones.htm

>>> "Bray, Terry" <TBray@gdhm.com> 3/23/2009 7:44 AM >>>

we received a txdot notice that txdot needs possession by 4/13. as our tracts are vacant i do not believe that you need any action by the champions - is that correct. also, our city site plan expires in jan 2010, and i expect that we will need an extension as we cannot market the property during construction. please send me the latest estimate of the construction schedule, especially the likely start and completion dates. we appreciate your continuing assistance - thanks terry

Wm. Terry Bray
512.480.5635 (direct line)
512.480.5835 (direct fax)
bray@gdhm.com

GRAYEES DOUGHERTY REARDN & NOBBY
401 Congress Avenue, Suite 2200
Austin, Texas 78701
Phone 512.480.5800
www.gdhn.com

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Texas Department of Transportation
P.O. Drawer 15426 • Austin, Texas 78761-5426 • (512) 832-7000
March 13, 2009

Certified Mail 7007 2560 0000 3211 3504
Relocation Assistance Program
Parcel 1
ROW CSJ2100-01-049
Travis County
RM 2222 From: 1,222 Ft. West of Loop 360 To 1,063 Ft. West of Lakewood Dr.
Champion Assets, Ltd., Champion-Meler Assets, Ltd., and Champion Legacy Partners, L.P.
6700 Lakewood Dr.
Austin, TX 78731-1737

Dear Property Owners:

By letter to you dated September 8, 2008, you were advised that you would not be required to move from the above-designated property for at least (90) days and would receive an additional notice in writing of the actual date by which you must vacate the property. Accordingly, notice is hereby given that physical possession of the acquired property is required by April 13, 2009. Due to an aggressive construction schedule, no extensions of time will be considered. This action is necessary to enable various utility companies the means to begin relocating their respective facilities from the right-of-way beginning as soon as the improvements are removed. If you are aware of any hidden or underground improvements existing in said right-of-way, such as sprinkler systems, backflow preventers, fire loops, septic systems, etc., that our records may not reflect, please be advised these improvements will be severed at the right of way line once the utility adjustments begin. Please note that any fencing affected by this ROW acquisition will need to be removed by the above date.

Our files, along with a visual inspection of the parcel, indicate that no personal property is involved, and that you will not be displaced. It is strongly recommended that you review the contents of the "Relocation Assistance" brochure that was previously provided to you, should you have any questions regarding your entitlement of relocation benefits.

If further information is needed in the above regard, please contact Mike Galloway at (512) 832-7126.

Sincerely,

J. Terren Everson, P.E.
Engineer of Toll Road Development

The Texas Plan
Reduce Congestion • Enhance Safety • Expand Economic Opportunity • Improve Air Quality
Increase the Value of Our Transportation Assets

An Equal Opportunity Employer
see below - and attached is the current txdot construction schedule. i suspect that there will be little opportunity for
development while txdot is rebuilding the bridge and roads. the s/e site plan now expires in jan. 2010, and an
additional extension likely will be necessary. thus i recommend that we apply for the extension now. i have mentioned
this to ms. r and ms. c, and i believe there is agreement for moving forward with this. i am working on, and will send to
all of you in the next week or so, a draft of an application package for an additional extension. regards to all, terry

---

From: Bobby Ramthun [mailto:BRAMTHU@dot.state.tx.us]
Sent: Friday, April 17, 2009 2:52 PM
To: Bray, Terry
Cc: 'josie champion'; Whellan, Michael; Cesaro, Peter J.; Terry McCoy
Subject: RE: champion - txdot 2222 project

Terry,

Please see the attached preliminary project schedule. This represents our best estimate for the expected duration of the
remaining project milestones and is subject to change. Once construction begins, we estimate it to take approx. 25
months to complete the entire project. Let us know if you have any questions or need further explanation of anything
shown on the attached.

Bobby Ramthun
Transportation Engineer
N. Austin Area Office
Phone:(512) 997-2243
Fax:(512) 997-2280
bramthu@dot.state.tx.us

Some things you should keep to yourself... like trash. Don't Mess with Texas means don't litter. Learn more at
www.dontmesswithtexas.org

>>> "Bray, Terry" <TBray@gdhm.com> 4/13/2009 2:25 PM >>>
any update yet on final schedule? thanks - terry

---

From: Bray, Terry
Sent: Tuesday, March 24, 2009 9:38 AM
To: 'Bobby Ramthun'
Cc: josie champion; Whellan, Michael; Terry McCoy
Subject: RE: champion - txdot 2222 project

that works just fine, thanks for the help! terry

---

From: Bobby Ramthun [mailto:BRAMTHU@dot.state.tx.us]
Sent: Tuesday, March 24, 2009 9:12 AM
To: Bray, Terry
Cc: josie champion; Whellan, Michael; Terry McCoy
Subject: Re: champion - txdot 2222 project
City of Austin
P.O. Box 1088, Austin, Texas 78767

RECEIPT

Receipt No.: 5281959  Payment Date: 05/07/2009  Invoice No.: 5286773

Payer Information
Company/Facility Name: Graves, Dougherty, Hearon & Moody
Payment Made By: Wm. Terry Bray
   401 Congress Avenue, Suite 2200 Austin, Texas 78701
Phone No.: (512) 480-5635

Payment Method: Check
Payment Received: $0.00
Amount Applied: $0.00
Cash Returned: $0.00
Comments: fees waived per settlement agreement

Additional Information
Department Name: Watershed Protection & Development Review
Receipt Issued By: Rosemary Ramos

Receipt Details

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Total $0.00