

03

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-91-0015(RCA)
Champion Commercial Development

Z. P. C. DATE: 03/01/11, 3/15/11

ADDRESS: 5617 FM 2222

AREA: 9.201 Acres

APPLICANTS: Champion Assets, Ltd.
(Josie Champion)

AGENT: Graves, Dougherty, Hearon & Moody, P.C.
(Michael Whellan)

NEIGHBORHOOD PLAN AREA: None

CAPITOL VIEW: No

WATERSHED: West Bull Creek

T.I.A.: Yes.

HILL COUNTRY ROADWAY: Yes

DESIRED DEVELOPMENT ZONE: No

EXISTING ZONING GR-CO, Community Commercial, Conditional Overlay, RR, Rural Residence.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the Restrictive Covenant Amendment to allow left turn access into the site from west bound RM 2222.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The Restrictive Covenant is associated with case number C14-91-0015, which was a zone change request for Tract "D" of the Champion properties. The zone change request was from SF-2, Single Family Residence, Standard Lot to GR-CO, Community Commercial, Conditional Overlay. The approved ordinance for the zone change request included a maximum building coverage of seventy thousand (70,000) square feet and prohibited various uses within the Community Commercial zoning district. The applicant also entered into a Restrictive Covenant that addressed additional items that were not in the approved ordinance such as, but not limited to, access, traffic improvements, landscaping and architectural restrictions. One of the items addressed under "Access" is that "There shall be no more than one driveway approach from (i) R. M. 2222, and no more than one driveway approach from (ii) Loop 360 [Capital of Texas Highway] to the Property sufficient to provide "right in" and "right out" vehicular access from the roadways to the Property".

In 2009/2010 the Texas Department of Transportation (TxDOT) began a major redesign and renovation of the intersection of RM 2222 and Loop 360. The agent for the property owner approached TxDOT with a request that their new design incorporate a left turn lane on the west bound lanes of RM 2222 prior to the intersection so that vehicles could access the property to the southeast. TxDOT said that they would research the request and subsequently agreed to the left turn lane. It was later brought to the attention of TxDOT that there was a Restrictive Covenant prohibiting such a turn lane and TxDOT withdrew their approval informing the agent that they would have to amend the Restrictive Covenant prior to TxDOT changing their plans and allowing the additional left turn lane.

The agent for the property made application with the City of Austin, under case number C14-91-0015 (RCA) to amend the Restrictive Covenant to delete the provision of “right in” and “right out” vehicular access from the roadways to the Property”. The City requested that the applicant provide a limited Traffic Impact Analysis (TIA) to update the TIA from 1991. The limited TIA update was preformed by HDR Engineering, Inc. and the conclusion was that “a westbound left-turn lane on RM 2222 be approved for construction to allow “left-turn in” access to the Champion Tract site”.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	GR-CO	Undeveloped
NORTH	GR-CO	Retail
SOUTH	PUD	Single Family Residence/The Courtyard
EAST	P	City of Austin Fire Station
WEST	LO	Office

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C814-75-002 The Courtyard	From I-SF-3 to PUD	Approved PUD [Vote: 7-0]	Approved PUD [Vote: 7-0]
C814-74-005 Cat Mountain Villas	From SF-3 to PUD	Approved PUD [Vote: 7-0]	Approved PUD [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Assoc.
- Austin Neighborhoods Council
- League of Bicycling Voters
- North Austin Neighborhood Alliance
- 2222 Property Owners Assoc.
- Long Canyon HOA
- Glen Lake Neighborhood Assoc.
- 2222 Coalition of Neighborhoods
- Courtyard HOA
- Middle Bull Creek Neigh. Assoc.
- Steiner Ranch Comm. Assoc.
- Comanche Trail Comm. Assoc.
- River Place Residential Assoc.
- Canyon Creek HOA

SCHOOLS:

Highland Park Elementary School
Lamar Middle School
McCallum High School

TRANSPORTATION COMMENTS RECEIVED:

See attached TIA Update Memo from the Transportation Reviewer

CITY COUNCIL DATE: March 3rd, 2011

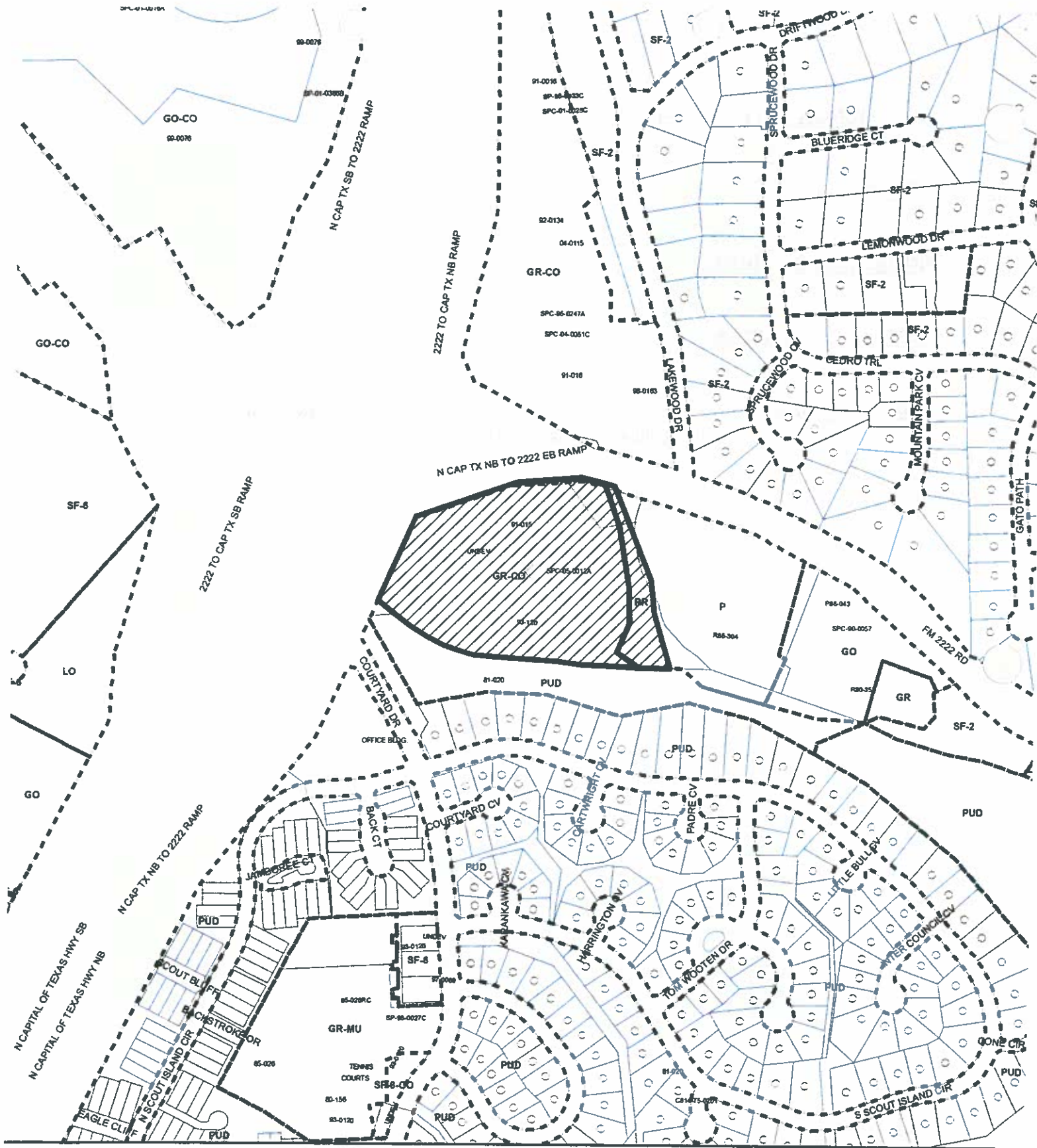
ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691

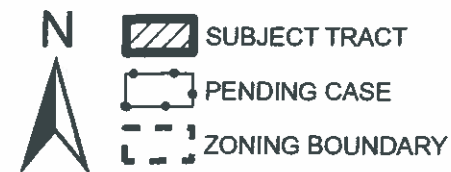


ZONING

ZONING CASE#: C14-91-0015(RCA)
 LOCATION: 5617 FM 2222 RD
 SUBJECT AREA: 9.201 ACRES
 GRID: G30
 MANAGER: CLARK PATTERSON



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 400'



ORDINANCE NO. 920507- B

ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 0.942 ACRE TRACT OF LAND OUT OF THE T. J. CHAMBERS GRANT, FROM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "RR" RURAL RESIDENCE DISTRICT; AND,

TRACT 2: 8.259 ACRE TRACT OF LAND OUT OF THE T. J. CHAMBERS GRANT, FROM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 5619-5719 F.M. 2222, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-91-0015, as follows:

TRACT 1: From "SF-2" Single Family Residence (Standard Lot) district to "RR" Rural Residence district.

0.942 acre tract of land out of the T. J. Chambers Grant, said 0.942 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

TRACT 2: From "SF-2" Single Family Residence (Standard Lot) district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

8.259 acre tract of land out of the T. J. Chambers Grant, said 8.259 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

locally known as 5619-5719 F.M. 2222, in the City of Austin, Travis County, Texas.

PART 2. That all of the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Development of Tract 2 shall not exceed a maximum of 70,000 square feet of building space.
2. Uses of Tract 2 shall be restricted to the range of permitted uses authorized in the "GR" Community Commercial district as set forth in Sec. 13-2-221 of the Austin City Code, with the exception of the following uses which shall be prohibited:

- | | |
|---------------------------------|---------------------------------------|
| (a) Automotive rentals, | (e) Exterminating services, |
| (b) Automotive repair services, | (f) Financial services, |
| (c) Automotive sales, | (g) Medical offices, |
| (d) Automotive washing | (h) Restaurant (drive-in, fast food), |
| (automatic or mechanical), | (i) Service station, |

- (j) Automotive washing (self service), (l) Off-site accessory parking.
 (k) Commercial off-street parking, and,

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

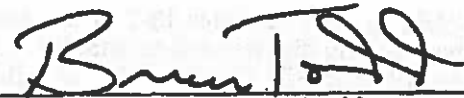
PART 4. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. That this ordinance shall become effective after the expiration of ten days following the date of its final passage.

PASSED AND APPROVED:

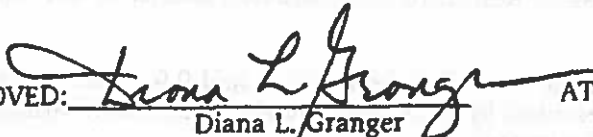
May 7, 1992

convention



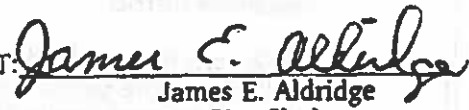
Bruce Todd
Mayor

APPROVED:



Diana L. Granger
Acting City Attorney

ATTEST:



James E. Aldridge
City Clerk

7May92
ME/jj

00004828330

285

DOC. NO.

92045794

Zoning Case No. C14-91-0015

RESTRICTIVE COVENANT

4:23 PM 7657

25.00 INDX

2 3 05/18/92

OWNERS AND
ADDRESSES:

JOSIE ELLEN CHAMPION, 6700 Lakewood Drive, Austin, Texas, 78731.
 JUANITA MEIER, 405 Almarion, Austin, Texas, 78746.
 MARY MARGARET ROBERSON, 3312 Southwestern, Dallas, Texas, 75225.

CONSIDERATION:

Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

4:23 PM 7657

3.00 RECM

2 3 05/18/92

PROPERTY:

Tract 1: 0.942 acre tract of land out of the T. J. Chambers Grant, said 0.942 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

920457.74-0004

Tract 2: 8.259 acre tract of land out of the T. J. Chambers Grant, said 8.259 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, their heirs, successors, and assigns.

ACCESS.

1. There shall be no more than one driveway approach from (i) R.M. 2222, and no more than one driveway approach from (ii) ~~Loop 360~~ [Capital of Texas Highway] to the Property sufficient to provide "right-in" and "right-out" vehicular access from the roadways to the Property. The driveway approaches shall conform with all applicable provisions of the Land Development Code and Transportation Criteria Manual relating to driveway approaches.

TRAFFIC IMPROVEMENTS.

2. No certificate of occupancy shall be issued by the City until the roadway improvements associated with the extension of the median along R.M. 2222 are completed to adequately prevent (i) left turns for westbound traffic entering the property, and (ii) left turns and left "U turns" for traffic exiting the property onto R.M. 2222.

WATER QUALITY CONTROLS.

3. Use of nitrogen and phosphorous fertilizers shall be prohibited on the Property, except when utilized in confined plant containers inside of enclosed buildings.
4. Use of lawn herbicides and pesticides shall be prohibited on the Property.

A 2005

1. From Documents, County Clerk, Travis County, Texas

initial

County Clerk

REAL ESTATE
TRAVIS COUNTY

11688 079

5. Disturbance of the native vegetation on hillrock and rock outcropping in and along the southern portion of the Property shall be prohibited.
6. Owners shall re-vegetate all disturbed soil surfaces on the Property subject to erosion with native grasses such as Little Bluestem.
7. Owners shall reserve and utilize water quality control systems within:
 - (i) the area being identified as the cross-hatched parcel of land in the "Exhibit C" as attached to this restrictive covenant; or,
 - (ii) a comparable sized area on the property to be approved by the City of Austin Department of Planning and Development and determined at the time an application for approval of a site plan is submitted.
8. Owners shall construct and maintain screening of sufficient density to insure capture of paper and plastic litter before run-off enters the water quality control systems.
9. Owners shall reserve certain areas along the north and west portions of the Property immediately adjacent to Loop 360 and R.M. 2222 for purposes of concentrating impervious cover.
10. Owners shall utilize native grasses such as Little Bluestem as filter strip on the Property to
 - (i) break down the carbon (petro-chemical) compounds from parking lots, and
 - (ii) trap or filter out particulate matter.
11. Owners shall construct and maintain two sedimentation basins on the Property operating in series using grasses such as Switchgrass and Bushy Bluestem as liners. Owners shall also utilize sand filters in conjunction with said sedimentation.
12. Owners shall construct and maintain a detention pond with a minimum volume of two acre feet on the Property. The detention pond shall be lined with grasses such Switchgrass and Bushy Bluestem and other appropriate native vegetation for the purpose of reducing the rate of stormwater discharge to the rate of discharge without improvements constructed on the Property.
13. Owners shall design
 - (i) drainage systems to further enhance sheet flow discharge from the Property through grass filter strips, and
 - (ii) discharge systems from sedimentation basins and detention ponds to prevent erosion of the Bull Creek bank.
14. Owners shall utilize grass filter strips on the Property
 - (i) before the discharge enters the sedimentation and detention ponds, and
 - (ii) after the discharge leaves the said ponds but before it enters Bull Creek.
15. Owners shall utilize temporary erosion controls in all areas of construction activity on the Property.

LANDSCAPING.

16. Prior to issuance of a certificate of occupancy by the City of Austin, the Owners shall construct and maintain a landscape plan on the property to be approved by the City of Austin Department of Planning and Development and determined at the time an application for approval of a site plan is submitted.

APR 01 2005

Page 2 of 5

1. Denis Dr. Fr. ... 1. G. ... 1. ... 1. ...

REAL PROPERTY
TRAVIS COUNTY TEXAS

11688 6798

17. Owners shall insure that the existing vegetation remains undisturbed along Bull Creek.
18. Owners shall maintain all native grass areas on the Property by routinely mowing said grass areas, particularly the areas used as grass filter strips.
19. Owners shall landscape the natural terrain of the Property in a manner that will mitigate cut and fill and other erosion activities and preserve the existing vegetation on the Property.

BUILDING AND ARCHITECTURAL RESTRICTIONS.

20. Facades of the buildings on the Property will be constructed of at least 75% masonry.
21. Buildings constructed on the Property shall have pitched roofs. All ventilating, air conditioning, and other mechanical equipment shall be (i) prohibited from being placed on building roofs unless placed beneath the pitched portions, and (ii) screened from visibility from the public right-of-way.
22. All outside lighting constructed on the Property shall be screened or shielded away from the adjoining and nearby properties so that light source is not directly visible to said properties. The reflected light resulting from direct illumination on the Property shall not exceed 0.4 foot candles across the eastern property line of the Property.

OPERATIONAL RESTRICTIONS.

23. Owners shall solicit end users for the Property (i) who will generate a minimal amount of additional traffic after 12:00 a.m., and (ii) whose peak hour traffic begins after 9:00 a.m..

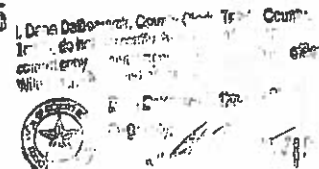
PLANNING COMMISSION REVIEW.

24. Prior to the issuance of a building permit, the Planning Commission shall review all applications for approval of a site plan(s) for development of the Property or any portion of the Property.

RESERVATION OF RIGHT OF WAY.

25. Owner shall reserve (i) 150 feet of right-of-way from the existing center line of RM 2222, and 250 feet of right-of-way from the existing center line of Loop 360, for future right-of-way, pursuant to Section 13-5-8 of the Austin City Code. No structure shall be erected nor shall improvements be made within the reserved right-of-way as determined by the Transportation and Public Safety Department, except as otherwise authorized by the City of Austin.
26. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

APR 04 2005



27. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
28. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
29. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified. When the context requires, singular nouns and pronouns include the plural.

Josie Ellen Champion
JOSIE ELLEN CHAMPION

Date: April 2, 1992.

Juanita Meier
JUANITA MEIER

Date: April 20, 1992.

Mary Margaret Roberson
MARY MARGARET ROBerson

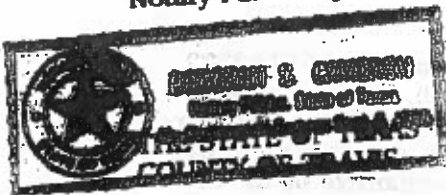
Date: April 6, 1992.

THE STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 2 day of April, 1992, by JOSE ELLEN CHAMPION.

[Signature]
Notary Public Signature

Type or Print Name of Notary
My Commission Expires: _____



This instrument was acknowledged before me on this the 2 day of April, 1992, by JUANITA MEIER.

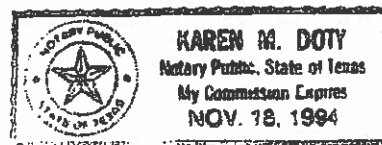
[Signature]
Notary Public Signature

Type or Print Name of Notary
My Commission Expires: _____

I, Karen M. Doty, Notary Public, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original instrument as the same was presented to me for recording.

APR 6 4 2005

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11688 0800

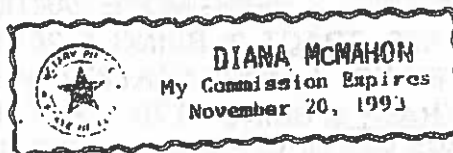
THE STATE OF TEXAS
COUNTY OF ~~TRAVIS~~ DALLAS

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§

This instrument was acknowledged before me on this the 6 day of April, 1992,
by MARY MARGARET ROBERSON.

Diana McMahon
Notary Public Signature

Type or Print Name of Notary
My Commission Expires: _____



After Recording, Please Return to:

City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767

Attention: Joe Jimenez, Legal Assistant

APR 6 4 2005

Page 5 of 5

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

1 686 0801

Deena D. Bonner, County Clerk, Travis County,
Texas. Commission Expires 09/01/2005.
NOTARY PUBLIC



CITY OF AUSTIN, TEXAS

ORDINANCE NO. 96 0613-J

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR DEVELOPMENT OF FIVE (5) TRACTS OF LAND: TRACT 1: BEING 153.75 ACRES, MORE OR LESS, OUT OF JAMES JETT SURVEY NO. 1, BEING MORE PARTICULARLY DESCRIBED IN CITY APPLICATION NO. C-81-87-020; TRACT 2: BEING A 20.59 ACRES, MORE OR LESS, OUT OF JAMES JETT SURVEY NO. 1, MORE PARTICULARLY DESCRIBED IN CITY APPLICATION NO. C-81-87-021; TRACT 3: BEING 49.70 ACRES, MORE OR LESS, OUT OF JAMES JETT SURVEY NO. 1, MORE PARTICULARLY DESCRIBED IN CITY APPLICATION NO. C-81-87-022; TRACT 4: BEING 9 ACRES, MORE OR LESS, OUT OF T.J. CHAMBERS SURVEY, MORE PARTICULARLY DESCRIBED IN CITY APPLICATION NO. C-81-87-023; AND TRACT 5: BEING 26 ACRES, MORE OR LESS, OUT OF THE JAMES JETT SURVEY NO. 1 AND THOMAS JEFFERSON CHAMBERS GRANT, MORE PARTICULARLY DESCRIBED IN CITY APPLICATION NO. C-81-87-024; GRANTING A SPECIAL EXCEPTION UNDER DIVISION 3 OF ARTICLE V OF CHAPTER 13-1, ARTICLE 1 OF CHAPTER 13-7, AND ARTICLE V OF CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992, AS AMENDED; IMPOSING WATER QUALITY PROTECTIONS ON DEVELOPMENT OF THE PROPERTY; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, 2-2-7, 13-1-301 AND 13-1-302 OF THE AUSTIN CITY CODE OF 1992, AS AMENDED; ESTABLISHING AN EXPIRATION DATE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That a special exception from the Austin City Code of 1992, as amended, is granted for development on the Champion property, (the "Property") more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes; provided that the following conditions are met:

(1) The development of the Property must comply with the provisions of the Austin City Code in effect on December 8, 1993 including (the Lake Austin Watershed Ordinance) with the exception that development of the Property shall provide additional water quality control as set forth in (2) below.

(2) For any development of the Property, applicant shall construct properly engineered water-quality controls, including at minimum, water-quality filtration ponds with full sedimentation chambers as described in the City of Austin Environmental Criteria Manual. The ponds shall be sized to capture the first one-half (.50) inch of stormwater plus one-tenth (.10) of an inch for each additional 10% of impervious cover above 20% from the contributing drainage areas of the project which include impervious cover. In the event that any cut and fill variances necessary for the construction of these ponds are not granted the applicant shall not be required to comply with this paragraph (2). Detention of the 2-year storm will not be required.

CITY OF AUSTIN, TEXAS

(3) Any agreements, restrictions, covenants, or other legal documentation necessary to construct and maintain the water quality controls required by conditions (1) and (2) above shall be reviewed by the City Law Department prior to execution, and shall include a provision requiring written City approval prior to termination or assignment.

(4) Prior to the issuance of a certificate of occupancy or return of fiscal security for development on all or part of the Property, construction of the water-quality controls required by conditions (1) and (2) above shall be completed, as determined by City of Austin inspection, for the portion of the Property for which a Certificate of Occupancy or return of fiscal security is requested.

(5) The set-backs from Loop 360 and RR 2222 required by the Hill Country Roadways Ordinance (No. 860116-J) shall be reduced from 100 feet to 25 feet.

PART 2. Tracts 4 and 5 (excluding that portion of Tract 5 not made subject to zoning ordinance No. 930513-R). The exception granted herein shall apply to any "project" as that term is defined in Section 481.142, Texas Government Code, commenced on Tracts 4 and 5 (excluding that portion of Tract 5 not made subject to zoning ordinance No. 930513-R) within ten years by the filing and approval of an application for preliminary subdivision (if applicable) and by the filing and approval of a site plan. In the event that said subdivision and site plan approval are not obtained within the ten year period, all subsequent permits for a "project" shall be governed by the Austin City Code in effect at the time of the filing of the development application.

Tracts 1, 2, 3, and that portion of Tract 5 not made subject to zoning ordinance 930513-R. The exceptions granted herein shall apply to any "project" as that term is defined in Section 481.142, Texas Government Code, commenced on Tracts 1, 2, and 3, and that portion of Tract 5 not made subject to zoning ordinance 930513-R within six years by the filing of an application for preliminary subdivision plan or any other development permit. Provided, however, that any application filed within six years will be subject to expirations contained in the Austin City Code in effect as of December 8, 1993. In the event that said development permit is not filed within the six year period, all subsequent permits for a "project" shall be governed by the Austin City Code in effect at the time of the filing of the development application.

Notwithstanding the foregoing, should the owners elect, applications filed during the first six years from the effective date of this Ordinance may be governed by the provisions of state law and the Austin City Code in effect at the time of the filing of said applications.

PART 3. Unless otherwise specifically provided in this Agreement, during the term of Part 2 above, all applications relating to development of the Property will be governed solely by the Lake Austin Watershed Ordinance and other applicable ordinances, rules or other regulations in effect on December 8, 1993 immediately prior to the enactment of City of Austin Ordinance No. 931209-H, (the "Bull Creek Ordinance"). Such development applications shall include, but not be limited to, all applications for subdivisions preliminary plans and final plats, resubdivisions or replats, site plans, site development permits, and zoning and rezoning (only to the extent that zoning and rezoning ordinances affect size, lot dimensions, lot coverage or building size), relating to the Subject Property, and all revisions and amendments thereto (other than applications for building or construction permits for structures intended for human occupancy or habitation, which applications will be governed by the laws, ordinances, rules or regulations adopting solely the

CITY OF AUSTIN, TEXAS

provisions of uniform building, fire, plumbing or mechanical codes promulgated by a nationally recognized code organization or local amendments to such codes enacted solely to address imminent threats of destruction of property or injury to persons in effect as of the date of the application for the applicable building or construction permit).

During the term of Part 2 above it is expressly agreed that the Property may be subdivided and resubdivided under the requirements of the Lake Austin Watershed Ordinance so that each Tract may be comprised of one or more separate tracts without compliance with any ordinance, rule, regulation or other permitting or approval requirement adopted after December 8, 1993, including specifically, but without limitation, the Comprehensive Watersheds Ordinance (Ordinance No. 860508-V) as the same has been codified and amended, which ordinance was not applicable by exemption to the Property on December 8, 1993, and that further resubdivisions or replatting of the Property during the term of Part 2 will not trigger the necessity of compliance with the Comprehensive Watersheds Ordinance or any other ordinance, regulation or rule in effect after December 8, 1993, except with respect to all applications for building or construction permits for structures intended for human occupancy or habitation, which applications will be governed by the laws, ordinances, rules or regulations adopting solely the provisions of uniform building, fire, plumbing or mechanical codes promulgated by a nationally recognized code organization or local amendments to such codes enacted solely to address imminent threats of destruction of property or injury to persons in effect as of the date of the application for the applicable building or construction permit.

During the term of Part 2 above, the total amount of impervious cover that may be constructed within Tracts 1, 2, and 3, and that portion of Tract 5 not made subject to Zoning Ordinance No. 930513-R will be the maximum impervious cover permitted by the Lake Austin Watershed Ordinance and other ordinances governing such tracts prior to the enactment of the Bull Creek Ordinance, and the amount of impervious cover will not be restricted to an amount less than that permitted by those ordinances.

PART 4. That the approval of this special exception does not constitute approval of any development permit nor does it constitute a commitment to any specified land use, intensity of land use, or utility services.

PART 5. That the requirements imposed by Sections 13-1-301 and 13-1-302 of the Austin City Code of 1992, as amended, (Land Development Code) regarding notice and hearing requirements and procedures for a Special Exception are hereby waived.

PART 6. That the requirement imposed by Sections 2-2-3, 2-2-5 and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the Austin City Council.

CITY OF AUSTIN, TEXAS

PART 7. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the City Charter of the City of Austin.

PASSED AND APPROVED:

June 13, 1996.

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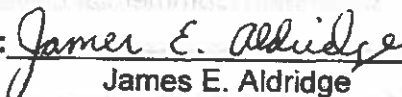
Bruce Todd
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk

HCN/alch\COUNCIL\CHAMPION.ORD



Date: March 11, 2011
To: Clark Patterson, Case Manager
CC: Kathy Hornaday, P.E., PTOE
HDR Engineering, Inc.
Reference: Champion Commercial Development, C14-91-0015(RCA)

The Transportation Review Section has reviewed the Traffic Impact Analysis (TIA) update for the Champion Commercial Development dated December 3, 2010 and updated on March 9, 2011 by Kathy Hornaday, P.E. of HDR Engineering, Inc. This TIA update was provided in support of a restrictive covenant amendment (RCA) to allow left-turn access into the site from RM 2222. The restrictive covenant currently restricts the site to one driveway approach on RM 2222 and one driveway approach on Loop 360 (Capital of Texas Highway). Currently, both driveways are restricted to right-in, right-out access only.

BACKGROUND

The Champion Commercial Development is located at the southeast corner of Loop 360 and R.M. 2222. This property is referred to as Parcel D in the TIA prepared for Champion Tract Parcels D and E, dated February 1991, by John McInturff of WHM Transportation Engineering Consultants, Inc. (1991 Champion TIA).

The 1991 Champion TIA assumed 90,000 square feet of retail (shopping center use, ITE code 820) on Parcel D. The current development plan proposes two possible land use mixes. One proposal consists of 3,000 square feet of convenience market (Open 16 hours, ITE Code 852) and 53,810 square feet of shopping center (ITE Code 820). The other proposal consists of 3000 square feet of convenience market (Open 16 hours, ITE Code 852) and 53,810 square feet of specialty retail (ITE Code 814). The final build-out of the project is expected in the year 2015.

The Texas Department of Transportation (TXDOT) is currently reconstructing RM 2222. The reconstruction project includes widening of RM 2222, a left-turn lane for eastbound traffic turning onto Lakewood Drive, and removal of the dedicated right-turn lane from northbound Capital of Texas Highway to eastbound RM 2222. A signal will also be installed at Lakewood Drive and RM 2222. The widening of RM 2222 will provide sufficient width to accommodate a left turn lane into this site from RM 2222 (See Exhibit A – Roadway Exhibit).

ANALYSIS SCENARIOS

Two scenarios were analyzed. The first scenario assumed the conditions of the existing restrictive covenant, which is, only right-in, right-out access is allowed on RM 2222. In scenario one, traffic from westbound RM 2222 have two options to enter the site:

1. Take a u-turn at the intersection of RM 2222 and Loop 360 Southbound Frontage Road (SBFR) to access the site from the RM 2222 driveway.

2. Take a left-turn onto Loop 360 Southbound Frontage Road (SBFR), make a u-turn at Courtyard Drive, and access the site from the driveway on the Loop 360 Northbound Frontage Road (NBFR).

The second scenario assumed the conditions of this request for restrictive covenant amendment. In scenario two, a left turn bay provides left-turn access into the site for traffic from westbound RM 2222.

TRIP GENERATION

As previously mentioned, two possible land use mixes are proposed. One proposal consists of 3,000 square feet of convenience market and 53,810 square feet of shopping center. The other proposal consists of 3000 square feet of convenience market and 53,810 square feet of specialty retail. Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the first proposal will generate approximately 5,579 unadjusted average daily trips (ADT), and the second proposal will generate approximately 3,380 unadjusted ADT.

During the weekday morning peak period (7A.M. – 9 A.M.), the first proposal will generate approximately 201 vehicle trips, and the second proposal will generate approximately 84 vehicle trips. During the weekday evening peak period (4 P.M. – 6 P.M.), the first proposal will generate approximately 328 vehicle trips, and the second proposal will generate approximately 254 vehicle trips.

Tables 1 and 2 below show the trip generation by land use for the proposed development:

Table 1. Trip Generation: 24-Hour Unadjusted

LAND USE		ITE Code	Size	ADT		
				Total	Total	Total
Proposal One	Shopping Center	820	53,810 SF	4,539	2,270	2,270
	Convenience Market (Open 16 hours)	852	3,000 SF	1,040*	520**	520**
Total Proposal One				5,579	2,790	2,790
Proposal Two	Specialty Retail	814	53,810 SF	2,340	1,170	1,170
	Convenience Market (Open 16 hours)	852	3,000 SF	1,040*	520**	520**
Total Proposal Two				3,380	1,690	1,690

* = PM Peak = 10% of 24 hour volume

** = Estimated assuming same directional distribution as ITE Code 851 (24 hour Convenience Market)

Table 2. Trip Generation: AM and PM Peak Periods

Table 2. Trip Generation: AM and PM Peak Periods										
					AM Peak			PM Peak		
LAND USE		ITE Code	Size		Total	Enter	Exit	Total	Enter	Exit
Proposal One	Shopping Center	820	53,810 SF	Unadjusted	107	65	42	420	206	214
	Convenience Market (Open 16 hours)	852	3,000 SF		94	47	47	104	51	53
					Pass-By	0	0	0	196 (37%*)	96 (37%*)
Total Proposal One				Adjusted	201	112	89	328	161	167
Proposal Two	Specialty Retail**	814	53,810 SF	Unadjusted	0	0	0	150	66	84
	Convenience Market (Open 16 hours)	852	3,000 SF		94	47	47	104	51	53
					Pass-By	0	0	0	0	0
Total Proposal Two				Adjusted	94	47	47	254	117	137

* The 1991 Champion TIA assumed a 53% pass-by trip reduction.

* In the analysis, the AM Peak Hour of Generator for Specialty Retail was used for a conservative analysis. See TIA Update for detail.

ASSUMPTIONS

1. Traffic growth rates were estimated by the consultant based on the TXDOT Annual Average Daily Traffic Maps.

Table 3. Growth Rates per Year	
Roadway Segment	%
All Roadways	2.5%

2. The proposed site driveway on RM 2222 will align with the existing driveway to a retail center on the north side of RM 2222 (Parcel E according to the 1991 Champion TIA). Traffic counts were not available for the existing driveway to the north so traffic generation for the existing retail center was estimated base on the existing land uses on the site (See Tables 4 and 5).

Table 4. Champion Parcel E Trip Generation: 24-Hour Unadjusted					
LAND USE	ITE Code	Size	ADT		
			Total	Enter	Exit
Quality Restaurant	931	14,600 SF	1,313	657	657
High Turnover (Sit-down) Restaurant	932	8,330	1,059	530	530
Shopping Center	820	4,070 SF	848	424	424
Total			3,220	1610	1610

Table 5. Champion Parcel E Trip Generation: AM and PM Peak Periods									
				AM Peak			PM Peak		
LAND USE	ITE Code	Size		Total	Enter	Exit	Total	Enter	Exit
Quality Restaurant	931	14,600 SF	Unadjusted	0	0	0	109	73	36
High Turnover (Sit-down) Restaurant	932	8,330		96	50	46	93	55	38
Shopping Center	820	4,070 SF		23	14	9	74	36	38
Subtotal Unadjusted				119	64	55	276	164	112
Pass-By				0	0	0	162	92	70
Total Adjusted				119	64	56	114	72	42

3. No reductions were taken for internal capture or transit use.

EXISTING AND PLANNED ROADWAYS

Loop 360 (Capital of Texas Highway) – Loop 360 forms the western border of the site and is a four-lane divided major arterial between RM 2222 and lake Austin. The Austin Metropolitan Area Transportation Plan (AMATP) proposes to upgrade Loop 360 to a six-lane expressway by 2025. The Annual Average Daily Traffic Counts (AADT) counts are what could be expected during a normal workday of a given week. The AADT collected by TxDOT on this segment of Loop 360 was 45,000 in 2009. According to the Austin 2009 Bicycle Plan Update that was approved by Austin City Council in June 2009, Loop 360 is a segment of bicycle network recommended for the City of Austin. A wide shoulder bicycle facility exists and is recommended in the Bicycle Plan. Driveway access (right-in, right-out) is proposed on Loop 360.

RM 2222 – RM 2222 forms the northern border of the site. TXDOT is currently reconstructing RM 2222 from Loop 360 to east of Lakewood Drive. The final (typical) cross section will be four lane divided with

a center left turn lane with 5' shoulders and 5' sidewalks in each direction. A signal will be installed at Lakewood Drive and RM 2222. The AADT collected by TxDOT on this segment of RM 2222 was 27,000 in 2009. According to the Austin 2009 Bicycle Plan, RM 2222 is a segment of bicycle network recommended for the City of Austin. A wide shoulder bicycle facility is recommended in the Bicycle Plan. Driveway access (right-in, right-out, and left in) is proposed on RM 2222.

Lakewood Drive – Lakewood Drive is located east of the site, north of RM 2222. The City of Austin recently completed the project to raise the low water crossing on Lakewood Drive. Lakewood Drive is a two lane neighborhood collector from RM 2222 to Loop 360. According to the Austin 2009 Bicycle Plan, no bicycle facilities are existing or recommended on Lakewood Drive.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA update analyzed 4 intersections, of which 2 are currently signalized. The levels of service remained the same for all four intersections with the addition of the left-turn movement. With the addition of the left-turn movement, the projected delays remained the same or improved except at two intersections. These two intersections were RM 2222 and 360 SBFR (increased delay of 0.3 second during the PM Peak) and RM 2222 and Champion Tract Driveway (increased delay of 0.3 second in the AM and PM Peak). The land use mix that generates the most traffic was used in the intersection analysis. For the AM Peak, the land use mix that includes specialty retail was used in the intersection analysis. For the PM Peak, the land use mix that includes shopping center was used in the intersection analysis. Existing and projected levels of service are as follows (Table 6), assuming that all improvements indicated in the TIA update are built:

Table 6: Intersection Level of Service				
Intersection	AM Peak		PM Peak	
	No Left Turn	With Left Turn	No Left Turn	With Left Turn
RM 2222 and 360 SBFR*	F	F	F	F
RM 2222 and 360 NBFR*	F	F	F	F
RM 2222 and Champion Tract Driveway	A	A	A	A
RM 2222 and Lakewood Drive**	B	B	B	B

* = SIGNALIZED

** = PROPOSED SIGNAL

QUEUE ANALYSIS

Generally, the 95th-percentile queue is an engineering estimation of the longest queue length that is expected 95 percent of the time during the traffic peak hours. The 95 percentile queue length is used to determine storage lengths or capacities at intersections. Table 7 is a summary of the queue analysis for the requested left-turn movement.

Table 7: Champion Commercial Development RM 2222 Driveway Left-Turn Lane Queue Analysis Results					
AM Peak			PM Peak		
Delay (sec/veh)	LOS	95th Percentile Queue Length (ft.)	Delay (sec/veh)	LOS	95th Percentile Queue Length (ft.)
24.5	C	19*	13.3	B	17*

* Typical vehicle length is approximately 20 feet. One hundred (100) feet of left-turn storage length is provided in the current median design.

SIGHT DISTANCE

The proposed driveway location will align with the existing driveway to the retail center on the north side of RM 2222 (Parcel E per the 1991 Champion TIA). The required stopping sight distance for a design speed of 45 MPH is 360 feet. Clear sight distance from the driveway back to the Loop 360/RM 2222 Northbound Frontage Road intersection of about 510 feet is provided at the proposed driveway location.

RECOMMENDATIONS

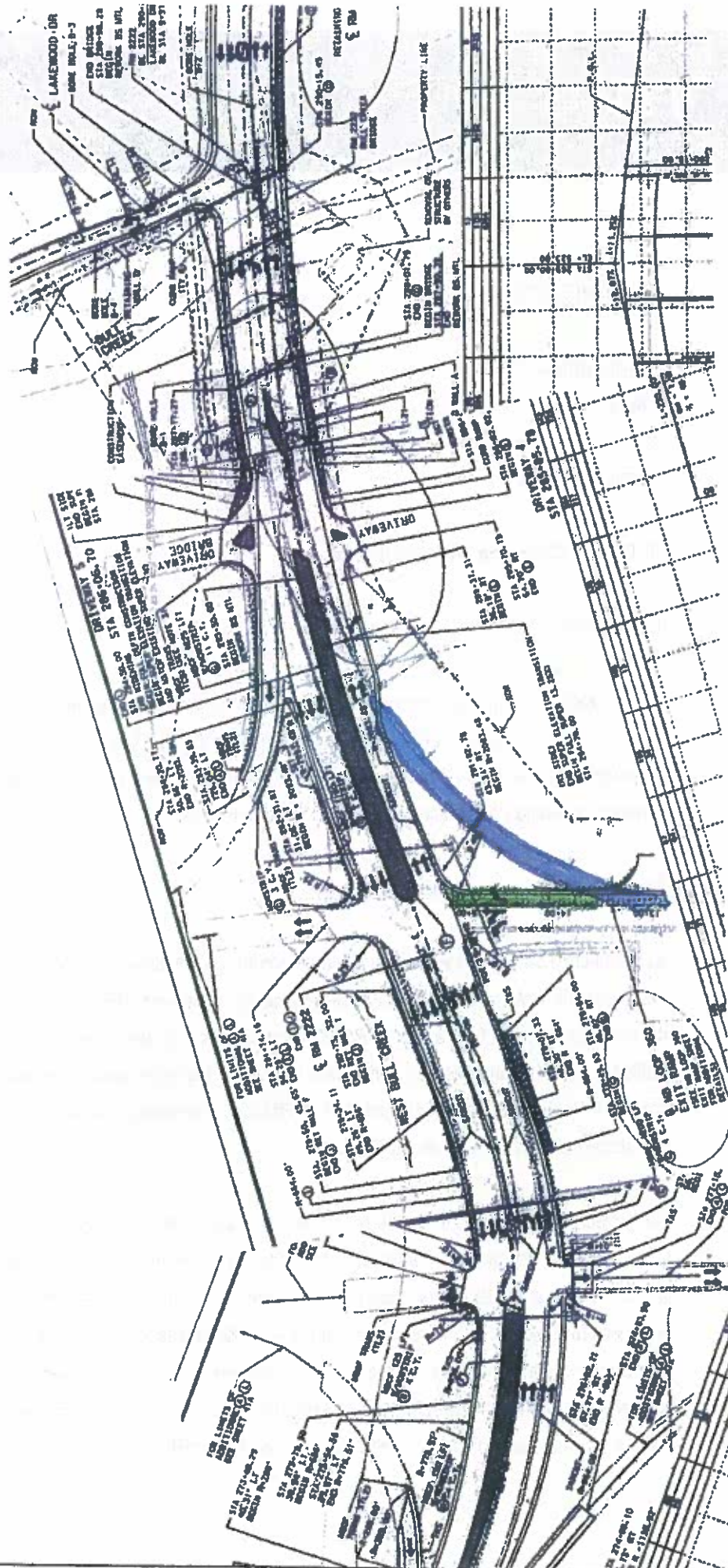
- 1) Left-turn access into the site from westbound RM 2222 is recommended for this site. Roadway and driveway improvements should be provided in accordance with the assumptions in the TIA update.
- 2) Three copies of the final version of the TIA Update incorporating all corrections and additions must be submitted prior to final reading of the zoning case.
- 3) The City of Austin, subject to approval by TxDOT, reserves the right to make changes to the median, including closure, if required due to land use change, change in driveway volume or to provide protection for life or property on or adjacent to the roadway.
- 4) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA Update, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.


Candace Craig
Sr. Planner - Transportation Review Staff
Planning and Development Review Department

3.01.11

Exhibit A: Roadway Exhibit



PREVIOUS CONDITION
CURRENT CONDITION

December 3, 2010

George Zapalac
City of Austin
505 Barton Springs Road, 2nd Floor
Austin, TX 78704

SUBJECT: Champion Tract TIA Update

Dear George:

At your request, HDR has conducted an analysis of several area intersections, as well as the proposed Champion Tract driveway on RM 2222, east of Capital of Texas Highway (Loop 360), in Austin, Texas. The purpose of this analysis is to determine whether left-turn access into the site would be feasible without adversely affecting intersection operations in the vicinity of the site.

Project History and Analysis Assumptions

At present, the driveway is approved as a right-in/right-out only driveway. TxDOT is currently reconstructing this section of RM 2222, which will result in available pavement width to provide a left-turn lane for this driveway, as shown in Figure 1. The RM 2222 project also includes providing a left-turn lane for eastbound traffic turning left onto Lakewood Drive, and it removes the large-radius northbound right-turn lane at the Loop 360 Northbound Frontage Road (NBFR)/RM 2222 intersection. A signal will also be installed at the intersection of Lakewood Drive and RM 2222.

The project, which consists of 56,810 square feet of shopping center, is anticipated to be completed in 2015. (Trip generation information is enclosed.) In addition to the project driveway located on RM 2222, a right-in/right-out only driveway (not depicted) will be constructed on the Loop 360 NBFR. This study will compare two scenarios. Scenario One assumes that the RM 2222 driveway is right-in/right-out only, while Scenario Two assumes that left-turns in are allowed. For Scenario One, it is assumed that traffic entering the site from either the north on Lakewood Drive or from the west on RM 2222 would travel west on RM 2222 and make a u-turn at the Loop 360 Southbound Frontage Road (SBFR)/RM 2222 intersection, or head south on

Loop 360 and make a u-turn at Courtyard Drive to access the second site driveway on the Loop 360 NBFR. In all cases, it is assumed that left-turns out at this driveway would not be allowed. A right-turn deceleration lane is also proposed at this driveway location.

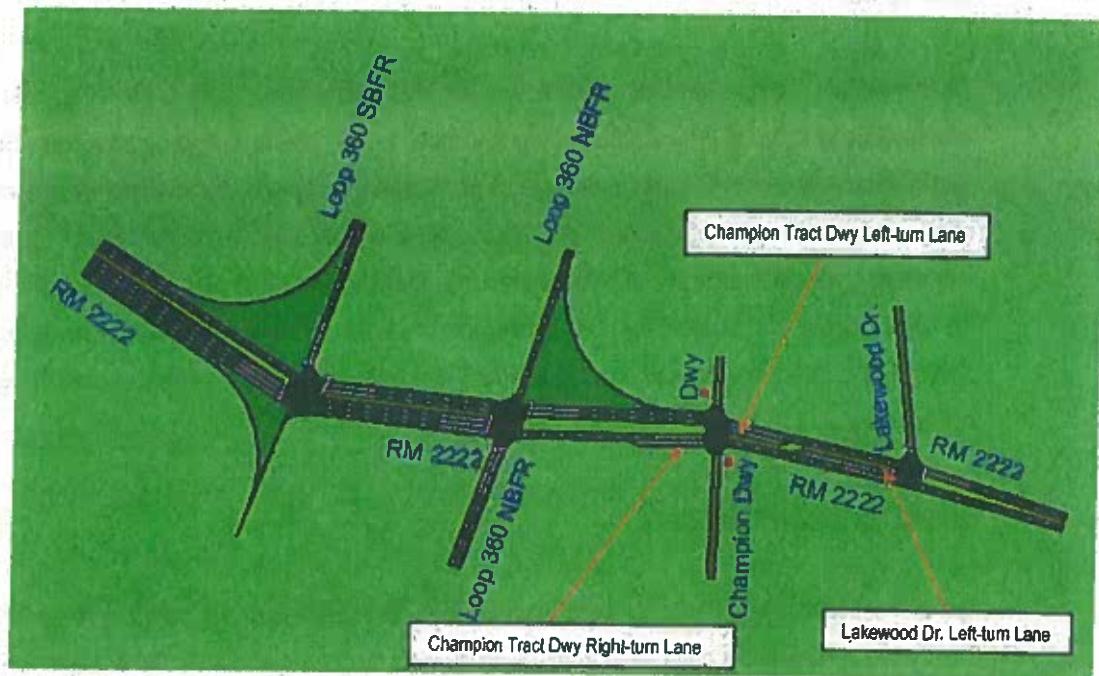


Figure 1
RM 2222 Proposed Lane Configuration

The intersections of interest include the following:

1. Loop 360 and RM 2222 (two intersections)
2. Champion Driveway and RM 2222
3. Lakewood Drive and RM 2222

As shown in Figure 1, the Champion Tract driveway on RM 2222 will be aligned with an existing driveway to a retail center on the north side of RM 2222. This driveway is a right-in/right-out only driveway. Counts were not available for this location; therefore, traffic to and from this retail center was estimated given the land use present on the site, which includes 14,600 square feet of quality restaurant, 8,330 square feet of high turnover restaurant, and 4,070 square feet of shopping center. (Trip generation information is enclosed.) The retail center also has an access driveway (not depicted) on Loop 360 Northbound Frontage

Road, north of RM 2222. For clarification, the 2007 turning movement counts used for this analysis do include traffic generated by this retail center, since it was occupied at that time; however, counts for the driveway itself are not available. Therefore, traffic from this retail center was not added to the intersections listed above.

Field review of the roadway network indicates that the posted speed limit is 45 MPH. The signalized intersections of Loop 360/RM 2222 are currently under TxDOT control during construction. However, the City of Austin will take over signal operations upon completion of construction. Therefore, signal timing and phasing information was obtained from the City in order to analyze 2015 traffic conditions. The signal timing and phasing were not optimized in order to provide a straight comparison of the two scenarios. In addition, the signal timing and phasing for the intersection of Lakewood Drive/RM 2222 were developed using SYNCHRO to determine optimal operations. Once this was done, signal timing and phasing was fixed for both scenarios.

Results and Recommendations

The intersections listed previously were modeled for both scenarios during both the AM and PM peaks. Distribution spreadsheets and output from the SYNCHRO model are enclosed and are summarized below. As shown in Table 1, providing left-turn access at the Champion Tract Driveway on RM 2222 does not adversely affect delay and level of service (LOS) at the intersections of interest.

Table 1
Intersection Analysis Results

Intersection	AM Peak				PM Peak			
	No Left Turn		With Left Turn		No Left Turn		With Left Turn	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
Loop 360 SBFR	76.0	E	75.0	E	398.1	F	398.6	F
Loop 360 NBFR	59.1	E	58.3	E	91.3	F	87.6	F
Champion Tract Driveway	0.3	A	0.3	A	0.6	A	0.8	A
Lakewood Dr.	11.1	B	11.1	B	13.6	B	13.6	B

An equally important area of interest is the operational characteristics of the left-turn lane itself. The City requested that data be provided regarding the delay experienced by drivers waiting to turn left onto the Champion Tract driveway, as well as the anticipated queue lengths during the peak hours. The estimated left-turn volumes for the AM and PM peaks are 13 vehicles and 75 vehicles, respectively. As shown in Table 2, during the AM peak, left-turning traffic is expected to experience 15.4 sec/veh of delay, which is LOS C. During the PM peak, delay is expected to be 12.9 sec/veh, which is LOS B. The 95th percentile queue lengths are 3 feet and 13 feet for the AM and PM peaks, respectively. For reference, a typical vehicle is approximately 20 feet in length; therefore, the results indicate that an appropriate queue is anticipated.

Table 2
Champion Tract RM 2222 Driveway
Left-turn Lane Delay, LOS, and Queue Length Results

	AM Peak			PM Peak		
	Delay (sec/veh)	LOS	Queue Length (ft.)	Delay (sec/veh)	LOS	Queue Length (ft.)
Champion Tract Driveway	15.4	C	3	12.9	B	13

One other operational characteristic of interest is the critical gap for the westbound left-turn maneuver at the Champion Tract Driveway. This is the time required for a vehicle to make a left-turn from the lane into the Champion Tract Driveway, which is estimated as 4.1 seconds. While no direct data is available regarding the number of gaps in the opposing traffic (RM 2222) stream, the signal at Loop 360 NBFR/RM 2222 will meter eastbound RM 2222 traffic and create gaps in the traffic stream as demonstrated by the delay and queue length analysis results above.

Given the results of this analysis, I respectfully request that a westbound left-turn lane on RM 2222 be approved for construction to allow "left-turn in" access to the Champion Tract site. Please feel free to contact me if you have any questions regarding this information.

Sincerely,

Kathleen Hornaday

Kathleen A. Hornaday, P.E., PTOE

Senior Project Manager

cc: Terry Bray/Michael Whellan; Graves Dougherty Heaton & Moody

Enclosures



Patterson, Clark

From: Guernsey, Greg
Sent: Tuesday, February 22, 2011 8:31 AM
To: Patterson, Clark; Rusthoven, Jerry
Subject: Fwd: Proposed Change to 360/2222

FYI

Sent from my iPhone

Begin forwarded message:

From: Sherry Scott <[REDACTED]>
Date: February 19, 2011 1:13:53 PM EST
To: <bbaker5@austin.rr.com>, <sbald@sbcglobal.net>, <gregorytbourgeois@gmail.com>, <prseeger@austin.rr.com>, <crbanks@hotmail.com>, <donna.zap@gmail.com>, <dora.anguiano@ci.austin.tx.us>, <greg.guernsey@ci.austin.tx.us>
Subject: Proposed Change to 360/2222

Please register my opposition to the proposed right-in/right-out only traffic pattern change at the southeast corner of 360 and 2222.

I live in the Lakewood neighborhood and commute to downtown for work.

This intersection is extremely busy, and the proposed change would increase the risk of accident too much to be acceptable.

Thank you for your consideration.

--

Cheers,
Sherry B. Scott
7211 Lakewood Dr. #132
Austin, TX 78750

2/22/2011

Patterson, Clark

From: Anguiano, Dora
Sent: Wednesday, February 16, 2011 8:53 AM
To: Patterson, Clark
Subject: FW: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

From: Lauren Mathews [mailto:lauren.mathews@cityofhouston.org]
Sent: Tuesday, February 15, 2011 5:44 PM
To: bbaker5; sbald; gregorytbourgeois; prseeger; crbanks; donna.zap; Anguiano, Dora; Guernsey, Greg
Subject: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

To the Zoning and Platting Commission Members:

I live in the Lakewood subdivision near the 360 & 2222 intersection. ☐ I have read the application to amend the restrictive covenant on 5617 FM 2222 and I am STRONGLY OPPOSED to the requested amendment. ☐

The traffic in this area is very heavy and there are numerous impediments already in place that prevent traffic from flowing smoothly. ☐ For example, there is no left turn permitted from eastbound 2222 on to Bull Creek. ☐ There are double solid yellow lines in the pavement indicating no left turn, there is a "no left turn" sign on the eastbound side of 2222, and there is a "no left turn" sign on Bull Creek. Additionally, due to the construction of the bridge at that intersection, traffic has been narrowed to one lane, and additional signs have been put in place temporarily re-directing the flow of traffic. Despite all of the foregoing, drivers frequently stop traffic while waiting to turn left on to Bull Creek. ☐

Another example is the exit from the Siena restaurant on to 2222. ☐ ☐ Until recently, drivers were permitted to make left turns out of this parking lot on to eastbound 2222. ☐ Because there is no center turn lane, drivers would often pull part way out onto 2222 and block the westbound traffic while waiting for an opening in traffic to proceed east on 2222. ☐ These drivers would block not only the westbound traffic on 2222, they caused unnecessary confusion to the eastbound 2222 drivers who would try to avoid the "sitting" car by moving into the other eastbound lane. ☐ Unfortunately, the other eastbound lane is being used not only for the continuing eastbound traffic but also the traffic that is merging onto eastbound 2222 from southbound 360. ☐

These are just two examples in that area in which neither the proper signs nor the proper road markings did much to alleviate the hazard that is inherent when there is no median present.

Finally, this covenant was in place prior to the Applicant's purchase of the property. ☐ Applicant had full knowledge of this covenant and that it was a "part of the deal" when the deal was made. ☐ There is no harm to the Applicant by keeping the original terms of the purchase in place now. ☐ I urge you to deny Applicant's request to amend the restrictive covenant. ☐

Thank you for your consideration of our neighborhood.

M. Lauren Mathews
6906 Dogwood Hollow
Austin, Texas 78750

Patterson, Clark

From: Guernsey, Greg
Sent: Wednesday, February 16, 2011 5:53 AM
To: Patterson, Clark
Cc: Rusthoven, Jerry
Subject: Fwd: C14-91-0015(RCA)

Sent from my iPhone

Begin forwarded message:

From: Frank Whigham <ffw@mail.utexas.edu>
Date: February 14, 2011 10:49:47 AM CST
To: <bbaker5@austin.rr.com>, <sbald@sbcglobal.net>, <gregorytbourgeois@gmail.com>, <prseeger@austin.rr.com>, <crbanks@hotmail.com>, <donna.zap@gmail.com>, <dora.anguiano@ci.austin.tx.us>, <greg.guernsey@ci.austin.tx.us>
Subject: C14-91-0015(RCA)
Reply-To: ffw@mail.utexas.edu

To the members of the Zoning and Platting Commission:

I am writing to **very strongly oppose** any change in the current status of the access agreement for the commercial property ("Champion Tract 4" – CT4) located on the southeast corner of the 2222/360 intersection. Allowing left turns from 2222 west into CT4 or from CT4 into 2222 west, illegal entry to CT4 or 2222 east from the Bull Creek Market, or the removal of the planned solid barrier on 2222 at this location would greatly increase both congestion and danger for those of us who use this route to commute to work in Austin. There is no reasonable alternative route that does not take a lot longer to get to central Austin, and if cars are allowed to back up traffic to turn left at this location, there will be frequent slowdowns and greatly increased danger of accidents.

The expensive new bridge was billed as working to make travel safer through the Bull Creek flood-risk area. No business-based changes should be allowed that erase this gain and greatly increase problems by adding commercial-access provisions that increase daily danger (not just dangers associated with occasional and comparatively rare flooding) and traffic slowdown.

Thank you very much.

~Frank Whigham
7100 Coachwhip Hollow
Austin TX 78750

Patterson, Clark

From: Guernsey, Greg
Sent: Wednesday, February 16, 2011 5:48 AM
To: Patterson, Clark
Cc: Rusthoven, Jerry
Subject: Fwd: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

Sent from my iPhone

Begin forwarded message:

From: Jason Rios <[REDACTED]>
Date: February 14, 2011 1:41:58 PM CST
To: undisclosed-recipients;;
Subject: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

Dear Zoning and Platting Commission Board,

I am writing to express my sincere opinion and belief that the restrictive covenant outlined in Case # C14-91-0015(RCA) should NOT be amended or removed. The current restriction allowing only right-in and right-out traffic from the property's driveways is the best way to help ensure the safety of all motorists involved while still respecting the needs of any developing entity or business that utilizes the property. Removing or amending this restriction would increase traffic congestion, especially on the newly renovated 2222 roadway, and it would create serious traffic hazards on both 2222 and highway 360.

As a concerned resident who lives in this neighborhood (Northwest Hills) and drives on these roadways regularly, I strongly oppose this amendment.

Sincerely,

--

Jason Rios
jason@jasonrios.com
512.789.9829

Patterson, Clark

From: Guernsey, Greg
Sent: Wednesday, February 16, 2011 5:43 AM
To: Patterson, Clark
Cc: Rusthoven, Jerry
Subject: Fwd: Opposition to left turn access on 2222 and 360

Sent from my iPhone

Begin forwarded message:

From: nancy hatchett <nancyhatchett@ci.austin.tx.us>
Date: February 14, 2011 11:01:41 PM CST
To: <bbaker5@austin.rr.com>, <sbald@sbcglobal.net>, <gregorytbourgeois@gmail.com>, <prseeger@austin.rr.com>, <crbanks@hotmail.com>, <donna.zap@gmail.com>, <dora.anguiano@ci.austin.tx.us>, <greg.guernsey@ci.austin.tx.us>
Subject: Opposition to left turn access on 2222 and 360

I oppose the application to remove the right-in/right-out-only restriction for Tract 4 development because it creates a serious traffic safety and traffic flow issue in that area. I drive that road twice a day every day during rush hour and this will not only endanger my safety driving through that area, but will impede traffic flow and cause delays. This is yet another traffic nightmare in the making that Austin already has too many of.

This scenario creates unnecessary traffic conflicts and decreased traffic safety for local residents and everyone who travels on RM 2222. Not only does this pose a danger to vehicles traveling east on RM 2222 but also to vehicles entering RM 2222 from the exit from northbound Loop 360. Second, vehicles waiting to turn left from westbound RM 2222 will be stacking up as they wait for a break in the eastbound traffic flow. The number of vehicles which can queue up to turn left will be limited by the new traffic signal to be installed at Lakewood Drive. Vehicles waiting to turn left could block the left lane of RM 2222 and possibly block the intersection at Lakewood, particularly during rush hour traffic. Third, the driveway to Tract 4 will be directly across RM 2222 from the driveway to the Bull Creek Market. It is inevitable that some vehicles will attempt to cut across RM 2222's westbound lanes to turn left onto eastbound RM 2222.

There are no benefits to the public or to area residents from the proposed changes to the covenant. The provisions of the covenant were designed to provide some mitigation for the negative effects of the intensive commercial zoning approved for Tract 4. As far as the surrounding

neighborhoods are concerned, the owners made a deal with the City to obtain their zoning, and now they are trying to renege on their part of the deal. I ask that the City honor the commitment made to area residents back when the zoning was approved and put citizen safety above the financial aspects of this transaction.

That area of 2222 and 360 has already been overdeveloped and the quality of life in the neighborhoods has decreased. Let's not add yet another problem to that area.

Thank you.

N P Hatchett
Lakewood Subdivision Resident

Patterson, Clark

From: Guernsey, Greg
Sent: Wednesday, February 16, 2011 5:19 AM
To: Patterson, Clark; Rusthoven, Jerry
Subject: Fwd: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

Sent from my iPhone

Begin forwarded message:

From: Lauren Mathews <laurenmathews@gmail.com>
Date: February 15, 2011 5:43:38 PM CST
To: bbaker5 <bbaker5@austin.rr.com>, sbald <sbald@sbcglobal.net>, gregorytbourgeois <gregorytbourgeois@gmail.com>, prseeger <prseeger@austin.rr.com>, crbanks <crbanks@hotmail.com>, "donna.zap" <donna.zap@gmail.com>, "dora.anguiano" <dora.anguiano@ci.austin.tx.us>, "greg.guernsey" <greg.guernsey@ci.austin.tx.us>
Subject: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

To the Zoning and Platting Commission Members:

I live in the Lakewood subdivision near the 360 & 2222 intersection. I have read the application to amend the restrictive covenant on 5617 FM 2222 and I am STRONGLY OPPOSED to the requested amendment.

The traffic in this area is very heavy and there are numerous impediments already in place that prevent traffic from flowing smoothly. For example, there is no left turn permitted from eastbound 2222 on to Bull Creek.

There are double solid yellow lines in the pavement indicating no left turn, there is a "no left turn" sign on the eastbound side of 2222, and there is a "no left turn" sign on Bull Creek. Additionally, due to the construction of the bridge at that intersection, traffic has been narrowed to one lane, and additional signs have been put in place temporarily re-directing the flow of traffic. Despite all of the foregoing, drivers frequently stop traffic while waiting to turn left on to Bull Creek.

Another example is the exit from the Siena restaurant on to 2222. Until recently, drivers were permitted to make left turns out of this parking lot on to eastbound 2222. Because there is no center turn lane, drivers would often pull part way out onto 2222 and block the westbound traffic while waiting for an opening in traffic to proceed east on 2222. These drivers would block not only the westbound traffic on 2222, they caused unnecessary confusion to the eastbound 2222 drivers who would try to avoid the "sitting" car by moving into the other eastbound lane.

Unfortunately, the other eastbound lane is being used not only for the continuing eastbound traffic but also the traffic that is merging onto

eastbound 2222 from southbound 360.

These are just two examples in that area in which neither the proper signs nor the proper road markings did much to alleviate the hazard that is inherent when there is no median present.

Finally, this covenant was in place prior to the Applicant's purchase of the property. Applicant had full knowledge of this covenant and that it was a "part of the deal" when the deal was made. There is no harm to the Applicant by keeping the original terms of the purchase in place now. I urge you to deny Applicant's request to amend the restrictive covenant.

Thank you for your consideration of our neighborhood.

M. Lauren Mathews
6906 Dogwood Hollow
Austin, Texas 78750

Patterson, Clark

From: Anguiano, Dora
Sent: Tuesday, February 15, 2011 9:19 AM
To: Patterson, Clark
Subject: FW: Opposition to left turn access on 2222 and 360

From: nancy hatchett [mailto:nancyhatchett@austintx.com]
Sent: Monday, February 14, 2011 11:02 PM
To: bbaker5@austin.rr.com; sbald@sbcglobal.net; gregorytbourgeois@gmail.com; prseeger@austin.rr.com; crbanks@hotmail.com; donna.zap@gmail.com; Anguiano, Dora; Guernsey, Greg
Subject: Opposition to left turn access on 2222 and 360

I oppose the application to remove the right-in/right-out-only restriction for Tract 4 development because it creates a serious traffic safety and traffic flow issue in that area. I drive that road twice a day every day during rush hour and this will not only endanger my safety driving through that area, but will impede traffic flow and cause delays. This is yet another traffic nightmare in the making that Austin already has too many of.

This scenario creates unnecessary traffic conflicts and decreased traffic safety for local residents and everyone who travels on RM 2222. Not only does this pose a danger to vehicles traveling east on RM 2222 but also to vehicles entering RM 2222 from the exit from northbound Loop 360. Second, vehicles waiting to turn left from westbound RM 2222 will be stacking up as they wait for a break in the eastbound traffic flow. The number of vehicles which can queue up to turn left will be limited by the new traffic signal to be installed at Lakewood Drive. Vehicles waiting to turn left could block the left lane of RM 2222 and possibly block the intersection at Lakewood, particularly during rush hour traffic. Third, the driveway to Tract 4 will be directly across RM 2222 from the driveway to the Bull Creek Market. It is inevitable that some vehicles will attempt to cut across RM 2222's westbound lanes to turn left onto eastbound RM 2222.

There are no benefits to the public or to area residents from the proposed changes to the covenant. The provisions of the covenant were designed to provide some mitigation for the negative effects of the intensive commercial zoning approved for Tract 4. As far as the surrounding neighborhoods are concerned, the owners made a deal with the City to obtain their zoning, and now they are trying to renege on their part of the deal. I ask that the City honor the commitment made to area residents back when the zoning was approved and put citizen safety above the financial aspects of this transaction.

That area of 2222 and 360 has already been overdeveloped and the quality of life in the neighborhoods has decreased. Let's not add yet another problem to that area.

Thank you.

N P Hatchett
Lakewood Subdivision Resident

2/22/2011

Patterson, Clark

From: Anguiano, Dora
Sent: Monday, February 14, 2011 1:43 PM
To: Patterson, Clark
Subject: FW: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

From: jasonarios@gmail.com [mailto:jasonarios@gmail.com] **On Behalf Of** Jason Rios
Sent: Monday, February 14, 2011 1:42 PM
To: undisclosed-recipients
Subject: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

Dear Zoning and Platting Commission Board,

I am writing to express my sincere opinion and belief that the restrictive covenant outlined in Case # C14-91-0015(RCA) should NOT be amended or removed. The current restriction allowing only right-in and right-out traffic from the property's driveways is the best way to help ensure the safety of all motorists involved while still respecting the needs of any developing entity or business that utilizes the property. Removing or amending this restriction would increase traffic congestion, especially on the newly renovated 2222 roadway, and it would create serious traffic hazards on both 2222 and highway 360.

As a concerned resident who lives in this neighborhood (Northwest Hills) and drives on these roadways regularly, I strongly oppose this amendment.

Sincerely,

--
Jason Rios
jason@jasonrios.com
512.789.9829

Patterson, Clark

From: Anguiano, Dora
Sent: Monday, February 14, 2011 10:53 AM
To: Patterson, Clark
Subject: FW: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

From: Gregory A. Gaynier [mailto:gregaynier@austin.rr.com]
Sent: Monday, February 14, 2011 10:51 AM
To: bbaker5@austin.rr.com; sbald@sbcglobal.net; gregorytbourgeois@gmail.com; prseeger@austin.rr.com; crbanks@hotmail.com; donna.zap@gmail.com; Anguiano, Dora; Guernsey, Greg
Subject: Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

To All:

I am a concerned resident of the Lakewood Subdivision and a frequent driver on both Loop 360 and RM 2222. I am strongly against any modification to C14-91-0015(RCA). Allowing a left turn from west bound RM 2222 between the Bull Creek overpass and Loop 360 is down right stupid. It will create a major traffic problem for all drivers entering the interchange. The safety and convenience of the many drivers must out way the small convenience of the few drivers who may use whatever development happens there.

This is more ridiculous then the traffic light at the private entrance of Rob Roy on Loop 360, and the traffic congestion it creates. Please do not allow this to happen. NO, NO, NO!

Greg Gaynier
Home: 512.343.6251
Work: 512-231-0060
Cell: 512-589-8873
Email: ggaynier@austin.rr.com
Web Site: www.401kadvisorsaustin.com

Patterson, Clark

From: Anguiano, Dora
Sent: Monday, February 14, 2011 10:52 AM
To: Patterson, Clark
Subject: FW: C14-91-0015(RCA)

From: Frank Whigham [mailto:frank.whigham@austintx.gov]
Sent: Monday, February 14, 2011 10:50 AM
To: bbaker5@austin.rr.com; sbald@sbcglobal.net; gregorytbourgeois@gmail.com; prseeger@austin.rr.com; crbanks@hotmail.com; donna.zap@gmail.com; Anguiano, Dora; Guernsey, Greg
Subject: C14-91-0015(RCA)

To the members of the Zoning and Platting Commission:

I am writing to **very strongly oppose** any change in the current status of the access agreement for the commercial property ("Champion Tract 4" -- CT4) located on the southeast corner of the 2222/360 intersection. Allowing left turns from 2222 west into CT4 or from CT4 into 2222 west, illegal entry to CT4 or 2222 east from the Bull Creek Market, or the removal of the planned solid barrier on 2222 at this location would greatly increase both congestion and danger for those of us who use this route to commute to work in Austin. There is no reasonable alternative route that does not take a lot longer to get to central Austin, and if cars are allowed to back up traffic to turn left at this location, there will be frequent slowdowns and greatly increased danger of accidents.

The expensive new bridge was billed as working to make travel safer through the Bull Creek flood-risk area. No business-based changes should be allowed that erase this gain and greatly increase problems by adding commercial-access provisions that increase *daily* danger (not just dangers associated with occasional and comparatively rare flooding) and traffic slowdown.

Thank you very much.

~Frank Whigham
7100 Coachwhip Hollow
Austin TX 78750

Patterson, Clark

From: Rye, Stephen
Sent: Wednesday, February 09, 2011 8:34 AM
To: Patterson, Clark
Subject: FW: Opposition to Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

From: Guernsey, Greg
Sent: Tuesday, February 08, 2011 8:09 PM
To: Rye, Stephen
Cc: Rusthoven, Jerry
Subject: FW: Opposition to Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

FYI

From: Mike Murff [mailto:████████████████████@████████████████████]
Sent: Tuesday, February 08, 2011 7:40 PM
To: bbaker5@austin.rr.com; sbald@sbcglobal.net; gregorytbourgeois@gmail.com; prseeger@austin.rr.com; crbanks@hotmail.com; donna.zap@gmail.com; Anguiano, Dora; Guernsey, Greg
Subject: Opposition to Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222

Zoning and Planning Commission:

As a resident of a development adjoining the RM2222 / Loop 360 intersection, I oppose Case # C14-91-0015(RCA), Application to amend restrictive covenant, 5617 FM 2222. The amendment would create unnecessary traffic conflicts and decrease traffic safety.

Thanks for your support.

Mike Murff

6701 Lakewood Point Cove, Austin