

ZONING CHANGE REVIEW SHEET**CASE:** C14-2017-0067 – Champion Tract 1C**Z.A.P. DATE:** August 15, 2017
September 5, 2017
September 19, 2017
October 17, 2017
December 5, 2017**ADDRESS:** 6500 FM 2222 Road**DISTRICT AREA:** 10**OWNER/APPLICANT:** Champion, Meier Assets, Ltd. (Terry Bray)**AGENT:** Ambrust & Brown, L.L.P (Richard Suttle)**ZONING FROM:** LR-CO **TO:** CS-CO**TOTAL AREA:** 13.882 acres (604,700 sq. ft.)**SUMMARY STAFF RECOMMENDATION:**

Staff recommends general commercial services - conditional overlay (CS-CO) combining district zoning. Staff recommends limiting the property to 1,048 daily trips, per the existing conditional overlay. Additionally, staff recommends prohibiting uses which are prohibited in the limited office (LO) district, with the exception of convenience storage; and making conditional the uses that are conditional in the LO district, as listed below.

Prohibited uses:

Short -Term Rental
Agricultural Sales and Services
Alternative Financial Services
Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Bail Bond Services
Building Maintenance Services
Business or Trade School
Business Support Services
Campground
Commercial Blood Plasma Center
Commercial Off-Street Parking
Construction Sales and Services
Consumer Convenience Services
Consumer Repair Services
Drop-Off Recycling Collection Facility
Electronic Prototype Assembly
Electronic Testing
Equipment Repair Services

Equipment Sales
Exterminating Services
Financial Services
Food Preparation
Food Sales
Funeral Services
General Retail Sales (Convenience)
General Retail Sales (General)
Hotel-Motel
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Monument Retail Sales
Outdoor Entertainment
Outdoor Sports and Recreation
Pawn Shop Services
Pedicab Storage and Dispatch
Personal Improvement Services
Pet Services
Plant Nursery

Printing and Publishing
 Research Services
 Restaurant (General)
 Restaurant (Limited)
 Service Station
 Theater
 Vehicle Storage
 Veterinary Services

Custom Manufacturing
 Limited Warehousing and Distribution
 Indoor Crop Production
 Guidance Services
 Hospital Services (General)
 Maintenance and Service Facilities
 Transitional Housing
 Transportation Terminal

Conditional Uses:

Off-Site Accessory Parking
 Personal Services
 Club or Lodge
 College and University Facilities
 Community Recreation (Private)
 Community Recreation (Public)
 Congregate Living
 Group Home, Class II
 Hospital Services (Limited)
 Private Secondary Educational Facilities
 Residential Treatment

ZONING AND PLANNING COMMISSION ACTION:

August 15, 2017	<i>POSTPONED TO SEPTEMBER 5, 2017 AT THE REQUEST OF THE NEIGHBORHOOD</i>
September 5, 2017	<i>POSTPONED TO SEPTEMBER 5, 2017 AT THE REQUEST OF THE APPLICANT</i>
September 19, 2017	<i>POSTPONED TO OCTOBER 17, 2017 AT THE REQUEST OF THE APPLICANT</i>
October 17, 2017	<i>POSTPONED TO DECEMBER 5, 2017 AT THE REQUEST OF THE APPLICANT</i>
December 5, 2017	<i>SCHEDULED FOR ZONING AND PLATTING COMMISSION</i>

ISSUES:

In 1996, a Compromise Settlement Agreement (Exhibit D) was reached between the owners of the property and the City of Austin. This agreement states that applications related to land development, including zoning applications such as this one, will be regulated by the Lake Austin Watershed Ordinance, which was in effect at the time, and not by later ordinances. These regulations primarily impact the amount of impervious cover which can be allowed on the property.

The property is a former skeet shooting range, and once had significant lead deposits remaining from this former use. The existing conditional overlay specifies that this lead be cleaned up prior to the approval of a site plan. City of Austin staff have evaluated the site and analytical reports provided by

the applicant and have determined that the site is in compliance with State regulations and no additional cleanup is necessary.

The applicant has been meeting with the surrounding neighborhoods and has had discussions about drafting a private restrictive covenant. The City of Austin will not be involved in these discussions nor will the City ultimately be a party to such an agreement.

DEPARTMENT COMMENTS:

The subject property is a 13.882 acre (604,700 sq ft), single platted lot at the northeast side of the junction of City Park Road and FM 2222. The current zoning is neighborhood commercial-conditional overlay (LR-CO). The existing conditional overlay limits retail development to 40,000 square feet and specifies that prior to site plan approval, clean up of lead deposits on the property must be completed. In addition, it limits all tracts contained in the ordinance to 6,500 daily trips (see Exhibit E, property is referred to as Tract 2 and Tract 1C.).

The applicant is requesting a zoning change to CS-CO, and has stated that they would like to develop the site with a convenience storage facility. The applicant has been in discussion with surrounding neighbors; one outcome of these discussions is that the applicant has agreed to request prohibition on all land uses with the exception of convenience storage.

West Bull Creek runs along the spine of the property, primarily along the northeast property line. From the southwest property line closest to FM 2222, the property slopes down to the creek, then sharply upwards on the northeast side of the creek, with an elevation change of approximately 60 feet from the creek to the northeast property line.

A large portion of the property is located within the City of Austin fully developed 100-year floodplain. In current code, the property is also within the Critical Water Quality Zone (CWQZ) and Transition Zone. However, according to the 1996 Compromise Settlement Agreement (Exhibit D), the Lake Austin Watershed Ordinance is in effect, and no subsequent watershed regulations will apply. Therefore, site development on the property will be regulated by the Lake Austin Watershed Ordinance only.

There is a large bulge-shaped section of TxDOT-owned right of way between the property and FM 2222; currently this section is not actively used. There is an existing driveway for the TxDOT-owned portion, opposite City Park Road.

The property is adjacent to an arterial roadway with a high traffic volume. FM 2222 is designated as a Hill Country Roadway, which will reduce the development potential for the property. The property is in the low intensity zone, which limits Floor-to-Area Ratio based on slopes, and maximum height (28ft) on the site, although under certain circumstances development bonuses may be granted by the Zoning and Platting Commission (LDC §25-2-1128). Additional requirements of the Hill Country Roadway Ordinance will include a vegetative buffer along FM 2222, and that at least 40% of the site must be left in a natural state. Because of the Hill Country Roadway status, any site plan for this property will require approval from the Zoning and Platting Commission. In addition, the property is constrained topographically, thus limiting buildable area.

Surrounding uses for the property include undeveloped, commercial, and single family to the north, office to the south, undeveloped and multifamily to the east, a strip of TxDOT-owned right of way to the west, then undeveloped land across FM 2222 where there is an approved zoning case for MF-4.

Although there is some diversity of uses in the greater area, such as a commercial area to the northwest, the area is predominantly residential, with limited retail or services.

All factors considered, staff finds that convenience storage would be an acceptable land use for the property. First, commercial services are limited in this predominantly residential area, and there is potential to develop this site into a neighborhood-serving commercial use, thus reducing vehicle miles traveled to storage facilities elsewhere. Second, from a transportation perspective, convenience storage generates few daily trips along this high volume roadway, thus minimizing potential traffic impacts. Third, the property is located within a floodplain, and the proposed use presents minimal danger in the event of a flood.

In discussions with the applicant, staff sought a zoning category that would allow convenience storage as a permitted use. General commercial services (CS) is the most restrictive zoning district in which convenience storage is permitted. However, CS allows many uses which may not be desirable in this location. The applicant requested prohibition of all uses with the exception of the proposed convenience storage use.

Staff recommends rezoning the property to general commercial services (CS), and amending the conditional overlay to add prohibited uses. However, staff recommends against limiting the property to a single land use for a number of reasons. First, there are three uses which, as a policy, are not recommended for restriction in any district – religious assembly, local utility services, and telecommunication tower. Second, limiting a property to one or very few uses preempts the Council's legislative function and therefore is considered an improper condition of zoning. Third, such a limit has the potential to set an undesirable precedent for other properties in the neighborhood and in other areas of the City. As an alternative, staff recommends setting the same use restrictions as those of the limited office (LO) district, one of the least intensive nonresidential districts; to prohibit all uses that are prohibited in the LO district, with the exception of convenience storage; and make conditional the uses that are conditional in the LO district.

In sum, staff recommends CS-CO zoning. The conditional overlay would maintain in part the existing CO; and limiting the property to 1,048 daily trips –the number remaining from the original allocation of 6,500 trips (See Exhibit E - Ordinance # 0000309-80), minus those used by site plans SPC-01-0016A and SP-01-0387B, minus 100. These 100 trips could be allocated in the future for one or more small projects on one of the original Champion tracts. Further, the conditional overlay would prohibit uses that are prohibited in the limited office (LO) district, with the exception of convenience storage; and make conditional uses that are conditional within the LO district.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Undeveloped
<i>North</i>	MF-1-CO, LR, SF-2	Undeveloped, Commercial, Single Family
<i>South</i>	GO-CO	Office
<i>East</i>	MF-1-CO	Undeveloped, Multifamily
<i>West</i>	FM 2222, then LR-CO, MF-4-CO, GO-CO	TxDOT ROW, FM 2222, then Undeveloped

NEIGHBORHOOD PLANNING AREA: None

TIA: No, however a TIA may be required at the time of site plan.

WATERSHED: West Bull Creek

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

<i>Community Registry Name</i>	<i>ID</i>
2222 Coalition Of Neighborhood Associations Inc	425
Austin City Park Neighborhood Association	180
Austin Heritage Tree Foundation	1340
Austin Independent School District	742
Bike Austin	1528
Bull Creek Foundation	475
Bull Creek Homeowners Assn	184
Canyon Creek H.O.A.	1564
Friends Of Austin Neighborhoods	1530
Glenlake Neighborhood Association	161
Lakewood Homeowners Assn	98
Long Canyon Homeowners Assn	269
Long Canyon Phase II & LLL Homeowners Assn Inc	416
Mountain Neighborhood Association (MNA)	1260
Northwest Austin Coalition	1554
River Place HOA	1463
Seltexas	1363
Shepherd Mountain Neighborhood Association	1566
Sierra Club Austin Regional Group	1228
Steiner Ranch Community Association	762
TNR BCP - Travis County Natural Resources	1596

SCHOOLS: Highland Park Elementary, Lamar Middle School, McCallum High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2015-0160 Champions Tract #3 6409 City Park Rd	GO-CO to GO-MU	05-17-16- Apvd MF-4-CO w/the following conds: 1. Height is restricted to no more than 53'; 2. Daily vehicular trips are limited to 2,100; 3. Dwelling units are limited to no more than 325; 4. Development is prohibited within 100' of the southern property line; 5. Endorsement of the Staff recommendation	11-10-16- Apvd MF-4-CO on 3rd Rdg – Ordinance #20161110-043

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
		for signal improvements as identified in the TIA memo w/the additional improvements to signal timing at the intersection of West Courtyard and Loop 360, not to exceed \$5k, and adding a turn lane on City Park Rd approaching RM 2222 intersection	
C14-2015-0057 Champions Tract #3 6409 City Park Rd	GO-CO to GO-MU	Case expired 11-4-15 without being placed on ZAP Agenda. See C14-2015-0160	N/A
C14-2010-0163 Austin Cribs 6320 City Park Rd	DR to LR	01-18-11- Apvd LR-CO	02-17-11 – Apvd LR-CO; trips limited to 500 per day; drive in services is prohibited as an accessory use.
C14-05-0158 – Champion Tract – City Park Road West; City Park Road	LR-CO and DR to GO- CO and LR- CO	11/1/2005 – Apvd GR-MU-CO	Case Expired – did not have 3 rd reading within 360 days of 1 st reading.
C14-02-0181 – Champion Tract – City Park Road West, 6404 City Park Rd	DR and LR- CO to GR- MU	1/14-2003 – Apvd LR-CO; ROW dedication.	12/2/2004 – Zoning change denied.
C14-01-0019 Champion Tract 1, 2, 1-A FM222		04-10-01- Apvd Staff Rec Of SF-2 W/Conds (Tr 1 &3); Tr 2 To Remain SF-2-Co W/New CO & Removing CO Re: Vehicle Trips	07-19-01- Apvd SF-2-CO (1&3); W/CONDS (CO for min lot widths – 30 ft and 50 ft, setback of 25 ft on north property line)
C14-97-0162 Jester Village Two 6601 Jester Blvd	LR to GR- CO	01-13-98 - Apvd Staff Alt Rec of GR W/Conds; Allow GR-CO w/Restaurant Except For Fast Food (2&3); Dry Clean (1) & Permitted Uses For Remainder	02-26-98- APVD GR-CO w/conditions, (restricted uses) Ordinance 980226-E

RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-05-0159 – Champion Tract – Tract 1; 3502 ½ FM 2222	MF-1-CO, LR-CO, GO-CO, SF-2 to MF-1-CO, GR-CO, GO-CO, SF-2-CO	11/01/2005 – Apvd MF-1- CO, GR-MU-CO, GO- MU-CO, SF-2.	Case Expired – did not have 3 rd reading within 360 days of 1 st reading.
C14-99-0076 CHAMPION TRACT (148 ACRES) [TRACTS 1B, C, & D] FM 2222 Rd	DR and SF-2 to MF-1 and GO	08-31-99- APVD (TR 1B): MF-1-CO W/SF-6 Site Dev Regs w/40' Height Limitation; (TR 1C & 1D): staff rec Of GR-MU- CO & reduce vehicle trips as Set Out in TIA By 12.5%.	03-09-00 - Apvd 3rd Rdg; 1) 200' setback deleted; 2) tract 1B zoned MF-1-CO; 3) tract 1D zoned GO-CO Ordinance No. 00309-80

SUBDIVISION:

The property is platted as Lot 1, Block A, Champion Sr Subdivision. Case number C8-02-0081.0A.
Recordation number 200300123.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Average Daily Trips (on RM 2222)
RM 2222	Varies	MAD-4	Major Arterial	31,000

TR1. No additional right-of-way is needed at this time.

TR2. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

TR3. RM 2222 is not listed in the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014.

TR4. Capital Metro bus service is not available along RM 2222.

TR5. There are no existing sidewalks along RM 2222.

CITY COUNCIL DATE:

September 28, 2017

ACTION: APPROVED POSTPONEMENT REQUEST BY STAFF
TO OCTOBER 12, 2017.

October 12, 2017

ACTION: POSTPONEMENT REQUEST BY STAFF TO
NOVEMBER 9, 2017.

February 1, 2018

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Scott Grantham**PHONE:** 512-974-3574**EMAIL:** scott.grantham@austintexas.gov

BASIS FOR RECOMMENDATION*1. Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed zoning is compatible with the surrounding land uses, which include single family, multifamily and commercial. Because the general commercial services (CS) base zone may allow for unwanted uses close to residential development, the recommendation includes a conditional overlay which would severely restrict land uses.

2. Zoning should allow for reasonable use of the property.

The property is constrained by its steep topography and geographic features, as well as the Hill Country Roadway Overlay, making development of the property challenging. The proposed rezoning will offer one potential development path.

3. The proposed zoning should promote consistency and orderly planning.

The proposed rezoning will allow for commercial development along an arterial roadway, allowing for the location of more intense uses closer to an arterial and less intense uses further away from the arterial.

4. The proposed zoning should be consistent with the purpose statement of the district sought.

The purpose of the district sought is to allow for convenience storage. The proposed rezoning supports this by expressly permitting this land use, and prohibiting other land uses that are allowed in general commercial services (CS) and not in neighborhood commercial (LR) zoning.

EXISTING CONDITIONS***Site Characteristics***

There is a large bulge-shaped section of TxDOT-owned right of way between the property and FM 2222; this section is not currently being used. There is an existing driveway for the TxDOT-owned portion, opposite City Park Road.

West Bull Creek runs along the spine of the property, primarily along the back portion of the property. From the southwest property line closest to FM 2222, the property slopes down to the creek, then sharply upwards on the northeast side of the creek, with an elevation change of approximately 60 feet from the creek to the northeast property line. A large portion of the property is located within the City of Austin fully developed 100-year floodplain.

Impervious Cover

According to GIS, steep slopes cover ½ of the site; commercial development on slopes is limited:

- (1) 50% impervious cover allowed on slopes 15% or less.
- (2) 15% impervious cover allowed on slopes 15-25%.
- (3) 5% impervious cover allowed on slopes 25-35%.

[Ref. Section 9-10-384]

Construction of buildings and roadways is limited on steep slopes. [Section 9-10-394-396]

Comprehensive Planning – Kathleen Fox – 512-974-7877

This zoning case is located on the northwest side of FM 2222 Road, and across the street from City Park Road. This undeveloped property is approximately 13.88 acres in size and is not located within the boundaries of an area with an adopted neighborhood plan. Surrounding land uses includes undeveloped land to the north, east and west, and a small office building to the south. The proposed use is convenience/self-storage.

Connectivity

There are no public sidewalks, or a Cap Metro transit stops within walking distance from this property. The Walkscore for this area is 29/100, meaning most errands require a car.

Imagine Austin

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve ‘*complete communities*’ across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. On page 107 in Chapter 4 of the IACP it states, “*While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.*”

The following IACP policies are also applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Analysis and Conclusions

Although this project is not located by a designated Activity Corridor or Activity Center, FM 2222 is a heavily traveled arterial road, which contains myriad of office parks, residential subdivisions and multi-family apartment complexes. The proposed project would contribute to making this area a more “complete community” (where people can live, work and play) by adding a commercial use, although these types of facilities do not activate an area with pedestrian friendly activities. Based on this project adding a commercial use in the area, but not being a pedestrian friendly, this proposal appears to be partially supported by the Imagine Austin Comprehensive Plan.

Site Plan - Ramon Rezvanipour - 512-974-9148

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.

- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

- SP 4. The site is subject to compatibility standards. Along the northwest property line, the following standards apply:
- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
 - For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
 - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
 - A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted.

- SP 5. FYI – This site is located within the Scenic Roadways Overlay and the Hill Country Roadways Overlay. Additional comments may be generated during the site plan review process.

Hill Country Roadway

- SP 6. The site is located within 1,000 feet of RM 2222 and within a Hill Country Roadway Corridor. The site is located within the low intensity zone of RM 2222. The site may be developed with the following maximum floor-to-area ratio (FAR):

<u>Slope</u>	<u>Maximum FAR</u>
0-15%	0.20
15-25%	0.08
25-35%	0.04

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along RM 2222. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Maximum height is 28 feet. [LDC 25-2-1124]

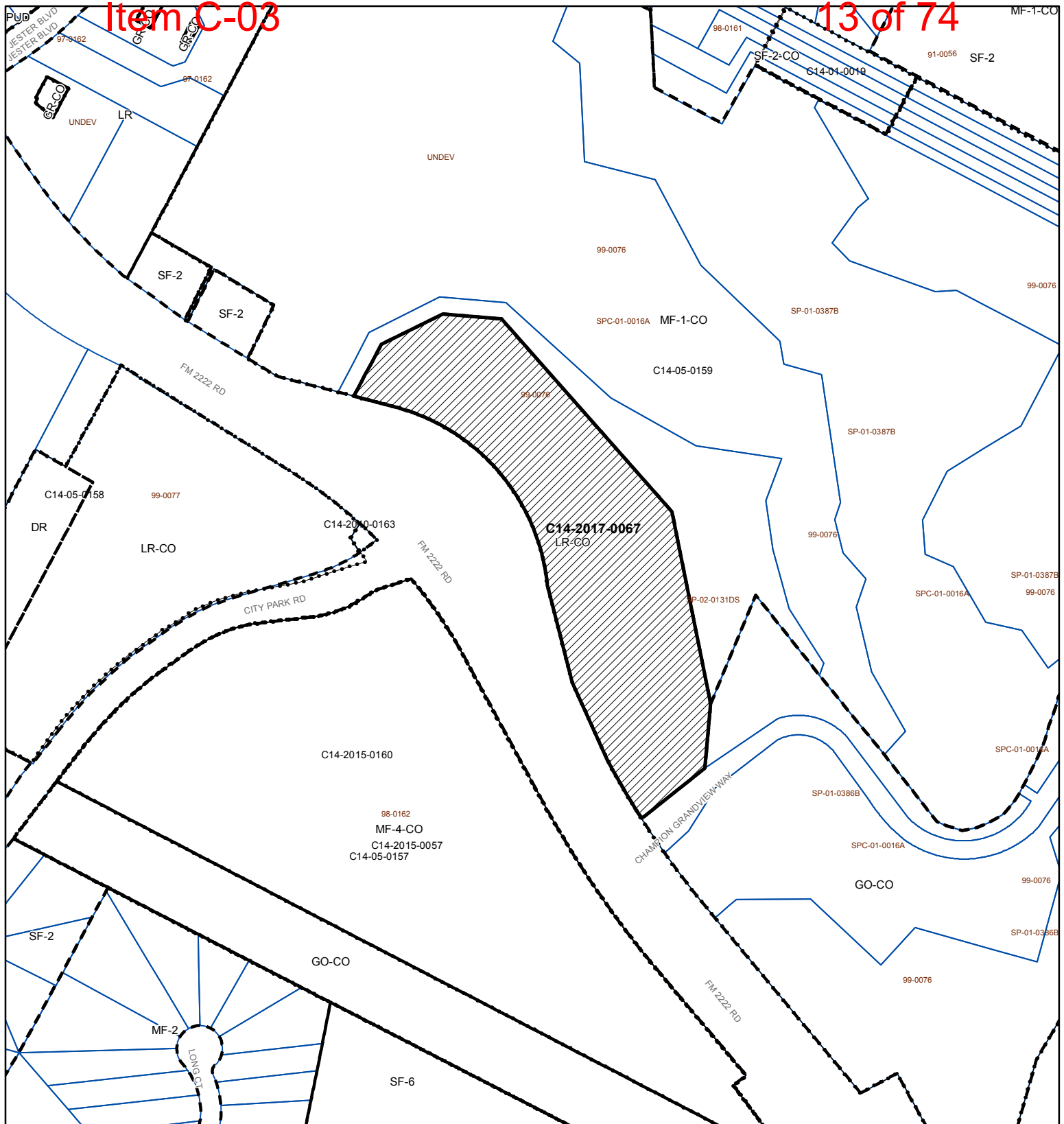
Environmental – Atha Phillips - 512-974-6303

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Lake Austin River Basin.

2. According to floodplain maps there is a floodplain within or adjacent to the project location.
3. According to GIS, there are several Critical Environmental Features on site which include several rim rocks and possible wetlands that have not been identified.
4. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876.
5. Cut and fill is limited to four feet.
6. Erosion and sedimentation controls are required per current code.
7. If utilizing an on-site waste water system, Sec. 9-10-421 apply that limit the design of the system on slopes.

Water Utility – Neil Kepple – 512-972-0077

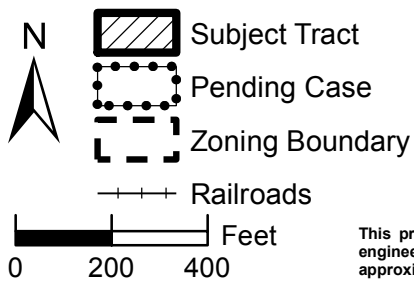
FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.



ZONING

Case#: C14-2017-0067

Exhibit A

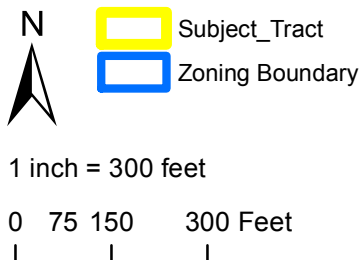
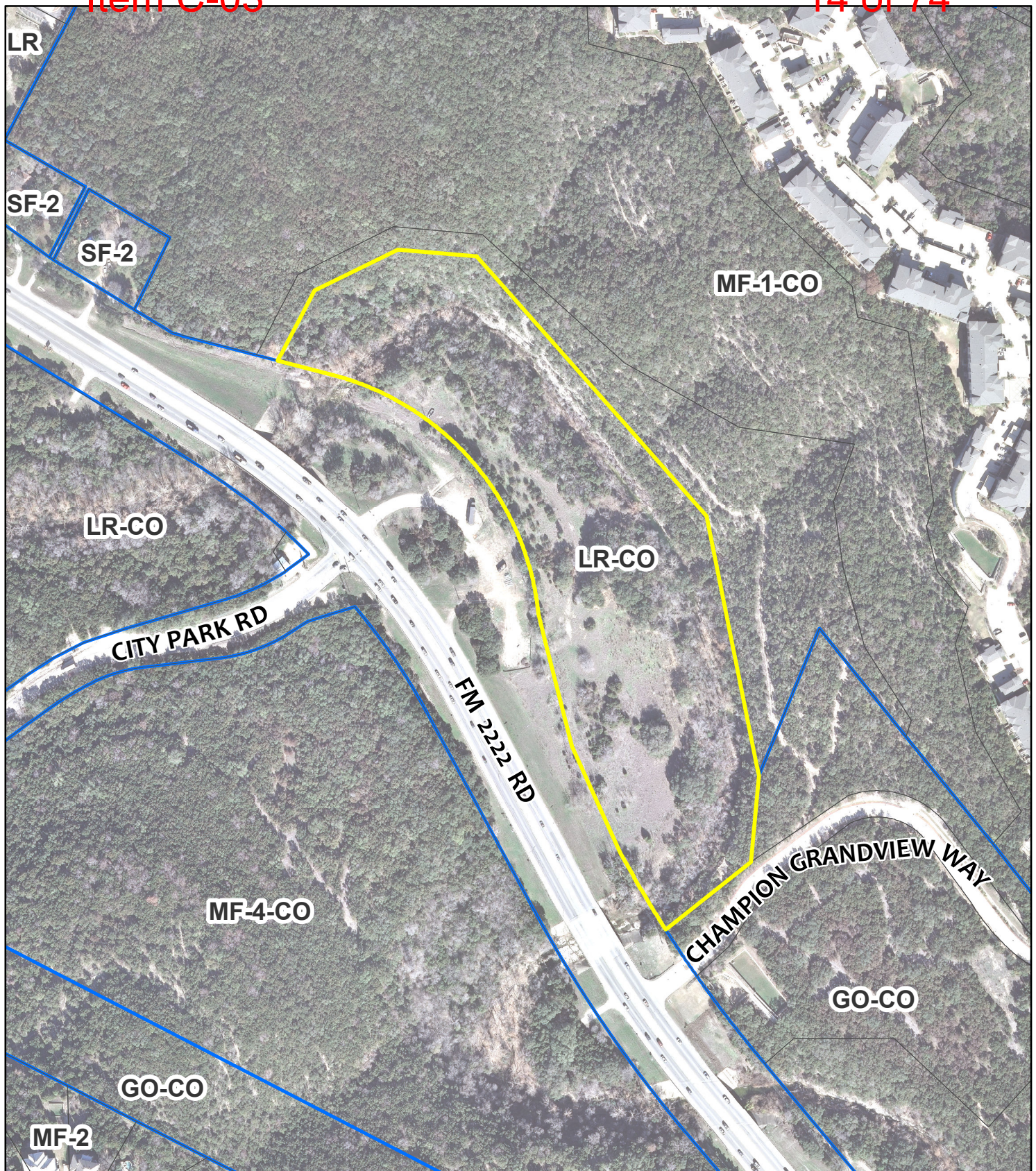


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 6/1/2017



Zoning and Vicinity

Exhibit B

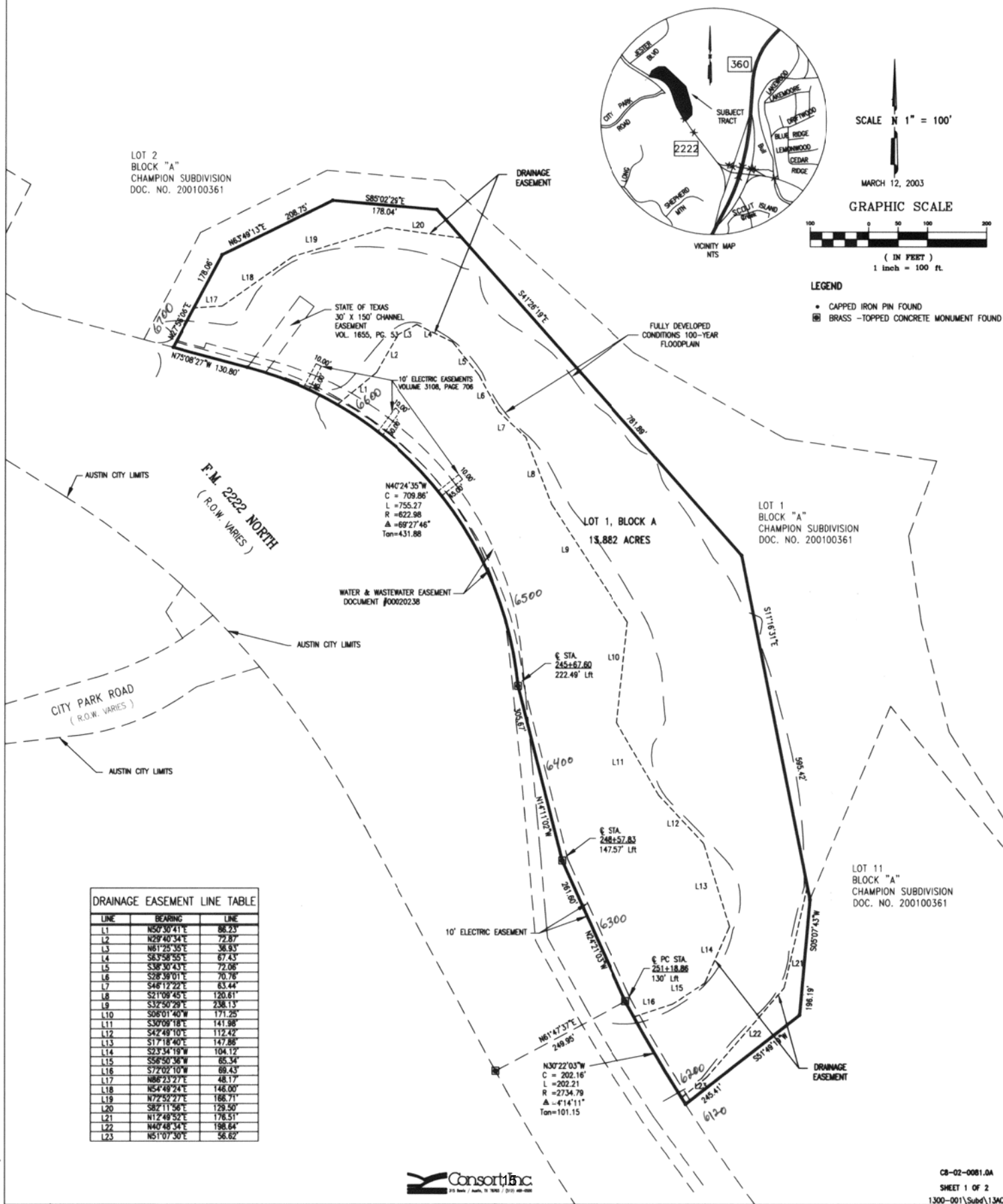
Zoning Case#: C14-2017-0067
 Address: 6500 FM 2222 Road
 Subject Area: 13.882 acres
 Case Manager: Scott Grantham

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



CHAMPION 'SR' SUBDIVISION

Exhibit C



Item C-03

16 of 74

CHAMPION SR SUBDIVISION

STATE OF TEXAS)
COUNTY OF TRAVIS)

NOTES:

THAT CHAMPION LEGACY PARTNERS, L.P., ACTING HEREIN BY AND THROUGH CHAMPION HERITAGE ENTERPRISES, LLC, ITS GENERAL PARTNER, THROUGH MARY MARGARET CHAMPION ROBERSON, ITS PRESIDENT AND CHAMPION-MEIER ASSETS, LTD., ACTING HEREIN BY AND THROUGH CHAMPION-MEIER MANAGEMENT, TRUST, ITS GENERAL PARTNER, THROUGH ALMA JUANITA CHAMPION MEIER, ITS TRUSTEE AND CHAMPION ASSETS, LTD., ACTING HEREIN BY AND THROUGH CHAMPION MANAGEMENT TRUST, ITS GENERAL PARTNER, THROUGH JOSIE ELLEN CHAMPION, ITS TRUSTEE, OWNERS OF THAT CERTAIN 13.882 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, A PORTION OF SAID 13.882 ACRE TRACT OF LAND HAVING BEEN CONVEYED TO CHAMPION LEGACY PARTNERS, L.P. BY DEED OF RECORD IN DOCUMENT NO. 2001143485 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PORTION OF SAID 13.882 ACRE TRACT HAVING BEEN CONVEYED TO CHAMPION-MEIER ASSETS, LTD. BY DEEDS OF RECORD IN DOCUMENT NOS. 2001045661 AND 200045662 OF SAID OFFICIAL PUBLIC RECORDS AND A PORTION OF SAID 13.882 ACRE TRACT HAVING BEEN CONVEYED TO CHAMPION ASSETS, LTD. BY DEEDS OF RECORD IN DOCUMENT NOS. 2001010217 AND 2001010218 OF SAID OFFICIAL PUBLIC RECORDS, DO HEREBY SUBDIVIDE SAID 13.882 ACRES OF LAND IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS "CHAMPION SR SUBDIVISION", AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS HEREON, NOT OTHERWISE LABELED WITH PRIOR RECORDING INFORMATION, SUBJECT TO ANY EASEMENTS PREVIOUSLY GRANTED BUT NOT RELEASED, PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE AND TITLE 25 OF THE AUSTIN CITY CODE.

CHAMPION ASSETS, LTD.

CHAMPION-MEIER ASSETS, LTD.

CHAMPION LEGACY PARTNERS, L.P.
BY: CHAMPION HERITAGE ENTERPRISES, LLC,
GENERAL PARTNER

BY: Josie Ellen Champion
JOSIE ELLEN CHAMPION, TRUSTEE
OF THE CHAMPION MANAGEMENT
TRUST, GENERAL PARTNER
6700 LAKEWOOD DR.
AUSTIN, TX 78731

BY: Alma Juanita Champion Meier
ALMA JUANITA CHAMPION MEIER
TRUSTEE OF THE CHAMPION-MEIER
MANAGEMENT TRUST,
GENERAL PARTNER
405 ALMARION
AUSTIN, TX 78746

BY: Mary Margaret Champion Roberson
MARY MARGARET CHAMPION ROBERSON
PRESIDENT
3312 SOUTHWESTERN
DALLAS, TX 75225

1. ALL WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF AUSTIN AND STATE HEALTH DEPARTMENT PLANS AND SPECIFICATIONS. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF AUSTIN, WATER AND WASTEWATER DEPARTMENT, FOR REVIEW.
2. THIS LOT SHALL NOT BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM.
3. PRIOR TO CONSTRUCTION ON THIS LOT, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUNOFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATE BY THE USE OF ONSITE PONDING OR OTHER APPROVED METHODS.
4. THIS SUBDIVISION IS LOCATED IN THE WEST BULL CREEK WATERSHED, WHICH IS CLASSIFIED AS A SUBURBAN WATER SUPPLY WATERSHED.
5. PRIOR TO CONSTRUCTION ON THIS LOT, EXCEPT DETACHED SINGLE FAMILY, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
6. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON THIS LOT, PURSUANT TO SECTION 25-8-181, AND THE ENVIRONMENTAL CRITERIA MANUAL.
7. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
8. DEVELOPMENT OF THIS LOT IS HEREBY RESTRICTED TO USES OTHER THAN RESIDENTIAL.
9. WATER QUALITY CONTROL REQUIREMENTS FOR THIS LOT ARE AS SPECIFIED IN THE COMPROMISE SETTLEMENT AGREEMENT IN CAUSE NO. 94-07160, DISTRICT COURT OF TRAVIS COUNTY, TEXAS, AND JUDICIAL DISTRICT.
10. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS WITHIN ELECTRIC EASEMENTS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR OF OBSTRUCTIONS. AUSTIN ENERGY WILL PERFORM ALL WORK IN COMPLIANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
11. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES TO SERVE THIS PROPERTY ONLY.
12. WHEN CONSTRUCTION IS LOCATED ADJACENT TO EXISTING ELECTRIC FACILITIES, THE OWNER SHALL COMPLY WITH ALL PUBLISHED CITY OF AUSTIN SAFETY REGULATIONS, AS OUTLINED IN THE ELECTRIC CRITERIA MANUAL. FAILURE TO COMPLY WITH THESE SAFETY REGULATIONS WILL RESULT IN THE LIABILITY OF AUSTIN ENERGY TO PROVIDE SERVICE TO THE PROPERTY. ALL COSTS BECAUSE OF THE OWNER'S FAILURE TO COMPLY WITH THE CITY OF AUSTIN PUBLISHED STANDARDS WILL BE CHARGED TO THE OWNER.
13. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, VEGETATION AND TREE PROTECTION MEASURES FOR ELECTRIC UTILITY WORK REQUIRED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT ONLY. THIS ELECTRIC UTILITY WORK SHALL ALSO BE INCLUDED WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
14. ALL OCCUPIED FINISHED FLOOR ELEVATIONS SHALL BE 1.0 FOOT MINIMUM ABOVE ANY ADJACENT 100-YEAR FREQUENCY FLOOD LEVEL. NO FILL SHALL BE PLACED IN A 100-YEAR FLOOD PLAIN EXCEPT BY SEPARATE PERMIT.
15. FOR A MINIMUM TRAVEL DISTANCE OF 25' FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.

STATE OF TEXAS)
COUNTY OF TRAVIS)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 28th DAY OF April, 2003 A.D. BY JOSIE ELLEN CHAMPION, TRUSTEE OF THE CHAMPION MANAGEMENT TRUST, GENERAL PARTNER OF CHAMPION-MEIER ASSETS, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID TRUST AND SAID LIMITED PARTNERSHIP.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 28th DAY OF April, 2003 A.D.

Isabella E. Cuvello
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission expires: _____



STATE OF TEXAS)
COUNTY OF TRAVIS)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 28th DAY OF April, 2003 A.D. BY ALMA JUANITA CHAMPION MEIER, TRUSTEE OF THE CHAMPION-MEIER MANAGEMENT TRUST, GENERAL PARTNER OF CHAMPION-MEIER ASSETS, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID TRUST AND SAID LIMITED PARTNERSHIP.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 28th DAY OF April, 2003 A.D.

Isabella E. Cuvello
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission expires: _____



STATE OF TEXAS)
COUNTY OF TRAVIS)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 5th DAY OF May, 2003 A.D. BY MARY MARGARET CHAMPION ROBERSON, PRESIDENT OF CHAMPION HERITAGE ENTERPRISES, LLC, A TEXAS LIMITED LIABILITY COMPANY, GENERAL PARTNER OF CHAMPION LEGACY PARTNERS, L.P., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND SAID LIMITED PARTNERSHIP.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 5th DAY OF May, 2003 A.D.

Roy D. Smith
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission expires: Aug. 13, 2006



APPROVED FOR ACCEPTANCE:

THIS SUBDIVISION IS LOCATED IN THE FULL PUBLIC JURISDICTION OF THE CITY OF AUSTIN ON THIS THE 7th DAY OF May, 2003 A.D.

Joe Amisgo
MIKE HOLTZ, DIRECTOR

WATER/VED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, DANA DEBAUNOIR, CLERK OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 12th DAY OF May, 2003 A.D. AT 2:29 O'CLOCK P.M., ONLY RECORDED ON THE 12th DAY OF May, 2003 A.D. AT 2:29 O'CLOCK P.M., PLAT RECORDS OF SAID COUNTY AND WRITE-IN DOCUMENT NUMBER 20030013 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK, THIS 12th DAY OF May, 2003 A.D.

DANA DEBAUNOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

J. Baran
DEPUTY



I, ROY D. SMITH, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 13 OF THE AUSTIN CITY CODE OF 1981 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.
1214 W. 5TH STREET - SUITE A
AUSTIN, TEXAS 78703

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR



FLOOD PLAIN NOTE:

THE 100-YEAR FLOOD PLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON. A PORTION OF THE PROPERTY DESCRIBED HEREIN IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN AS IDENTIFIED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP ON PANEL NO. 48453C 0200C FOR THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, DATED JUNE 16, 1993.

I, STEVEN BLAKE KING, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STAND POINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 13 OF THE AUSTIN CITY CODE OF 1981 AS AMENDED, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Steven Blake King
STEVEN BLAKE KING
REGISTERED PROFESSIONAL ENGINEER NO. 64039
CONSORT INC.
315 BOWIE ST., AUSTIN, TX. 78703



Tract 2: 20.59 acres, more or less, out of the James Jett Survey No. 1, Travis County, Texas, Travis County Tax Plat No. 1 4218 08 18, referred to in Application for Land Status Determination No. C81-87-021, the legal description of such tract contained in such application being adopted herein as if fully restated.

Tract 3: 49.70 acres, more or less, out of the James Jett Survey No. 1, Travis County, Texas, Travis County Tax Plat No. 1 4218 08 18, referred to in Application for Land Status Determination bearing City of Austin filing No. C81-87-022, the legal description of such tract contained in such application being adopted herein as if fully restated.

Tract 4: 9 acres, more or less, out of the T. J. Chambers Survey, Travis County, Travis County Tax Plat No. 1 3912 06 01, referred to in Application for Land Status Determination bearing City of Austin filing No. C81-87-023, the legal description of such tract contained in such application being adopted herein as if fully restated.

Tract 5: 26 acres, more or less, out of the James Jett Survey No. 1 and the Thomas Jefferson Chambers Grant, Travis County, Texas, Travis County Tax Plat No. 1 4211 04 08 (pieces being located on 13418, 14218, 14312) referred to in Application for Land Status Determination bearing City of Austin filing No. C81-87-024, the legal description of such tract contained in such application being adopted herein as if fully restated.

2. Future development of the Subject Property, insofar as such development is within the regulatory and permitting authority of the City, will be governed by the following:

a. Unless otherwise specifically provided in this Agreement, during the term of this agreement all applications relating to development of the Subject Property will be governed solely by the applicable ordinances, rules or other regulations in effect for the subject property on December 8, 1993 immediately prior to the enactment of City of Austin Ordinance No. 931209-H, (the "Bull Creek Ordinance") , including the Lake Austin Watershed Ordinances by virtue of the fact that the tracts were "legal tracts." Such development applications shall include, but not be limited to, all applications for subdivision preliminary plans and final plats, resubdivision or replats, site plans, site development permits, zoning and rezoning (only to the extent that zoning and rezoning ordinances affect lot size, lot dimensions, lot coverage or building size), and all other permits and approvals required for the development of 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 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).

b. During the term of this Agreement, it is expressly agreed that the Subject Property may be subdivided and resubdivided so that each Tract may be comprised of one or more separate tracts or lots, under the requirements of the Lake Austin Watershed Ordinance 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 Subject Property on December 8, 1993, and that further resubdivisions or replatting of the Subject Property will not trigger the necessity of compliance with the Comprehensive Watersheds Ordinance or any other ordinance, regulation or rule not in effect on 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).

c. During the term of this Agreement, 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 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.

d. The City will not require a new boundary survey as a condition for rezoning of Tracts 1, 2 and 3.

6.10 + 1.5
6.10

e. During the term of this Agreement, Tracts 4 and 5 will be permitted to be developed to the maximum extent of impervious cover and building square footage permitted by the Lake Austin Watershed Ordinance and other ordinances in effect on December 8, 1993, and by zoning ordinance No. 920507-B relating to such Tract 4 and zoning ordinance No. 930513-R relating to Tract 5. The restrictive covenant entered into in connection with the enactment of Ordinance 920507-B will be and is hereby amended to delete the following provisions thereof:

"12. Owners shall construct and maintain a detention pond with a minimum volume of two acre feet on the Property. The detention pond will be lined with grasses such (as) 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"; and

"5. Disturbance of the native vegetation on hillrock and rock outcropping in and along the southern portion of the Property shall be prohibited."

The Champions or their successors in interest shall be permitted to grade the said "hill rock and rock outcropping" to the surrounding natural level.

The aforementioned restrictive covenants will be removed in exchange for the following Agreements as set forth in the Special Exceptions Ordinance, to-wit:

A. For any development on the Property, applicant shall construct property 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 subparagraph 2. e. A. Detention of the 2-year storm will not be required.

B. Any agreements, restrictions, covenants, or other legal documentation necessary to construct and maintain the water quality controls required hereby 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.

C. 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 hereby shall be completed, as determined by City of Austin inspection, for the portion of the subject property for which a Certificate of Occupancy or return of fiscal is requested.

f. During the term of this Agreement approvals of site plans for the Subject Property will be approved with necessary variances or other provisions reducing the set backs from Loop 360 and RR 2222 required by the Hill Country Roadways Ordinance (No. 860116-J) to twenty-five feet.

3. The provisions of this Agreement will not be affected by any transfer or ownership of all or any part of the Subject Property. The rights and duties expressed herein will run with the land, and shall be binding upon, will be for the benefit of, will be assigned by, and will be enforceable by, the Champions and the subsequent owner(s) of the Subject Property, or any part thereof, and their respective successors and assigns.

4. In consideration for the dismissal of the claims in the lawsuit described below, during the term of this Agreement the City will not impose or require any filing, review, inspection, construction or notification fees with respect to any application for the processing or

approval of any subdivision preliminary plans and final plats, resubdivisions or replats, site plans or site development permits, zoning or rezoning for the development of the Subject Property, and all such fees are hereby expressly waived by the City.

5. During the term of this Agreement, the City will follow established regulations and procedures for any legislative actions (including, but not limited to, zoning or rezoning) related to the Subject Property to the extent that such regulations are not inconsistent with the Lake Austin Watershed Ordinance and this Agreement; provided, however, in the event any such legislative action results in requirements or conditions that are contrary to, in addition to, or in any manner inconsistent with, the provisions hereof, the owner(s) of the Subject Property, or any part thereof, may elect any one or more of the following with respect to any such ordinances, rules, regulations or other requirements sought to be imposed on the development or use of the Subject Property: (i) enforcement of any state law applicable to the development of the subject property, including without limitation, Sections 481.142, et seq., TEX. GOV'T CODE; (ii) assertion of all claims for attorneys' fees, court costs, temporary taking damages, permanent taking damages or other damages that were asserted or could have been asserted in the lawsuit described below and any such claims that may arise hereafter; and (iii) assertion of any other legal or equitable rights or claims that might exist with respect to the City's actions regarding the Subject Property.

6. 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

within ten years by the filing 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 and 3 and the portion of Tract 5 not made subject to zoning ordinance No. 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 3, or that portion of Tract 5 not made subject to zoning ordinance No. 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.

7. Nothing in this Agreement will prevent the City and the owner(s) of the Subject Property, or any part thereof, from making agreements regarding the development or use of the Subject Property, or any part thereof owned by such party, in addition or contrary to the

provisions hereof by agreement; provided, any such agreement must be in writing and executed by the City and the owners of the portions of the Subject Property affected thereby, and further provided that any such agreement shall expressly reference this Agreement.

8. The Champions and the City agree to submit to the Court in Cause No. 94-07160, in the 353rd District Court of Travis County, Texas, a proposed Agreed Order in the form attached hereto as Exhibit A and to request the Court to enter the Agreed Order in accordance with the settlement set forth in this Agreement.

9. Notwithstanding anything herein to the contrary, in the event of any conflict between any provision of this Compromise Settlement Agreement and the Special Exceptions Ordinance, the parties hereto agree that the Special Exceptions Ordinance shall control.

10. The City and the Champions warrant that the parties executing this Agreement have the all requisite authority to bind the parties and are executing the Agreement within the scope of and in accordance with such authority.

11. Unless expressly stated otherwise in this Agreement, the provisions hereof are binding on all successors, agents, employees, representatives and assigns of the City and the Champions.

12. This Agreement is made in settlement of disputed claims and causes of action, and the provisions hereof are not to be construed as an admission of liability by any party, which liability is hereby denied; nor is this Agreement or any proceeding in the lawsuit between the parties to be considered as res judicata, collateral estoppel or binding in any manner on persons or entities not parties hereto or otherwise entitled to the benefits by the express provisions

hereof.

EXECUTED to be effective the 11th day of July, 1996.

Josie Ellen Champion
JOSIE ELLEN CHAMPION

Juanita Champion Meier
JUANITA CHAMPION MEIER

MARY MARGARET CHAMPION ROBERSON

CITY OF AUSTIN

By: Alice Glasco
Printed Name: ALICE GLASCO
Its: _____

STATE OF TEXAS

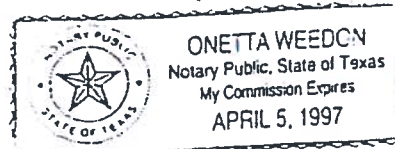
COUNTY OF TRAVIS

§
§
§

BEFORE ME, the undersigned authority, appeared JOSIE ELLEN CHAMPION, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 11th day of July, 1996, to certify which witness my hand and official seal.

Onetta Weedon
Notary Public, State of Texas
My Commission Expires: _____
Printed Name: _____



STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

BEFORE ME, the undersigned authority, appeared JUANITA CHAMPION MEIER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

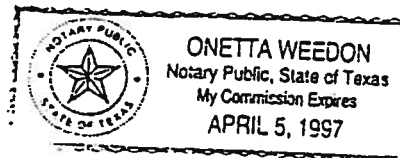
SUBSCRIBED AND SWORN TO BEFORE ME on the 11th day of July, 1996, to certify which witness my hand and official seal.

Onetta Weedon

Notary Public, State of Texas

My Commission Expires: _____

Printed Name: _____



STATE OF TEXAS

§

COUNTY OF DALLAS

§

§

BEFORE ME, the undersigned authority, appeared MARY MARGARET CHAMPION ROBERSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____, 1996, to certify which witness my hand and official seal.

Notary Public, State of Texas

My Commission Expires: _____

Printed Name: _____

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

BEFORE ME, the undersigned authority, appeared Nice Gleaso,
_____, for the City of Austin, known to me to be the person whose name
is subscribed to the foregoing instrument and acknowledged to me that he executed the same for
the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 27th day of
June, 1996, to certify which witness my hand and official seal.

Carol Kaml

Notary Public, State of Texas

My Commission Expires: _____

Printed Name: _____

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.

§
§
§



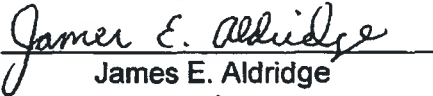
Bruce Todd
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk

HCN/aic/H:\COUNCIL\CHAMPION.ORD

Exhibit E**ORDINANCE NO. 000309-80**

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

THREE TRACTS OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO MULTI-FAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT FOR TRACT ONE, NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT FOR TRACT TWO AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT THREE, LOCALLY KNOWN AS 5800-6802 F.M. 2222 ROAD AND 6100-6712 CAPITAL OF TEXAS HIGHWAY NORTH (LOOP 360), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in File C14-99-0076, as follows:

Tract 1: From Development Reserve (DR) district and Single Family Residence Standard Lot (SF-2) district to Multi-Family Residence Limited Density-Conditional Overlay (MF-1-CO) combining district.

A 98.467 acre tract of land out of the James Jett Survey No. 1 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

Tract 2: From Single Family Residence Standard Lot (SF-2) district to Neighborhood Commercial-Conditional Overlay (LR-CO) combining district.

A 13.93 acre tract of land out of the James Jett Survey No. 1 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance;

Tract 3: From Development Reserve (DR) district and Single Family Residence Standard Lot (SF-2) district to General Office-Conditional Overlay (GO-CO) combining district.

A 28.794 acre tract of land out of the James Jett Survey No. 1 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance, (the "Property")

commonly known as Tracts 1B, 1C and 1D, locally known as 5800-6802 F.M 2222 Road and 6100-6712 Capital of Texas Highway North, (Loop 360), in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

PART 2. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property and the property described in Exhibits E, F, and G, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 6,500 adjusted trips per day.

PART 3. The property identified as Tract 1 within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Development shall comply with the Townhouse and Condominium Residence (SF-6) site development regulations and performance standards, except as provided for in Subpart 2.
2. A building or structure may not exceed a height of 40 feet above ground level.

PART 4. The property identified as Tract 2 within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Retail development may not exceed 40,000 square feet of gross floor area.
2. Prior to site plan approval, clean-up of lead deposits on the property must be completed.

PART 5. The property identified as Tract 3 within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Office development may not exceed 230,000 square feet of gross floor area.
2. Prior to site plan approval, clean-up of lead deposits on the property must be completed.

PART 6. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements.

PART 7. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 8. This ordinance takes effect on March 20, 2000.

PASSED AND APPROVED

March 9, 2000

§
§
§ Kirk Watson

Kirk Watson
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk

98.467 ACRES - 1B
ZONING TRACT II-REVISED
CHAMPION FAMILY TRACT

C14-99-0076
FN. NO. 99-345 (MJJ)
NOVEMBER 30, 1999
BPI JOB NO. 395-02.98

DESCRIPTION

OF A 98.467 ACRE TRACT OR PARCEL OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 260 ACRE TRACT OF LAND CONVEYED TO C.C. CHAMPION ET. AL. BY PARTITION DEED OF RECORD IN VOLUME 482, PAGE 527 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 98.467 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the westerly line of Capital of Texas Highway North (Loop 360 - R.O.W. varies), same being the northerly line of said 260 acres and the southeasterly corner of The Overlook at Jester Section Two, a subdivision of record in Book 90, Pages 124-125 of the Plat Records of Travis County, Texas;

THENCE, along the westerly line of Capital of Texas Highway North, being the easterly line hereof, the following four (4) courses and distances:

- 1) S37°07'34"W, a distance of 303.59 feet to an angle point;
- 2) S16°02'28"W, a distance of 441.39 feet to an angle point;
- 3) S05°06'38"W, a distance of 314.45 feet to an angle point;
- 4) S01°06'51"E, a distance of 286.11 feet to the southeasterly corner hereof;

THENCE, leaving the westerly line of Capital of Texas Highway North, over and across said 260 acres, the following twenty-six (26) courses and distances:

- 1) S61°22'42"W, a distance of 25.89 feet to an angle point;
- 2) S66°56'23"W, a distance of 20.20 feet to an angle point;
- 3) S57°01'15"W, a distance of 29.21 feet to an angle point;
- 4) S49°42'09"W, a distance of 35.48 feet to an angle point;
- 5) S41°39'01"W, a distance of 29.00 feet to an angle point;
- 6) S29°23'47"W, a distance of 22.18 feet to an angle point;
- 7) S28°02'01"W, a distance of 51.77 feet to an angle point;
- 8) S14°20'27"W, a distance of 33.18 feet to an angle point;

EXHIBIT A

FN 99-345 (MJJ)
NOVEMBER 30, 1999
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- 9) S22°46'11"W, a distance of 53.35 feet to an angle point;
- 10) S19°42'58"W, a distance of 51.25 feet to an angle point;
- 11) S24°25'52"W, a distance of 56.90 feet to an angle point;
- 12) S29°23'47"W, a distance of 88.73 feet to an angle point;
- 13) S30°31'07"W, a distance of 62.86 feet to an angle point;
- 14) S44°03'36"W, a distance of 53.50 feet to an angle point;
- 15) S61°22'42"W, a distance of 46.49 feet to an angle point;
- 16) S71°00'14"W, a distance of 44.50 feet to an angle point;
- 17) S80°42'40"W, a distance of 39.43 feet to an angle point;
- 18) N72°12'22"W, a distance of 49.02 feet to an angle point;
- 19) N63°38'32"W, a distance of 33.28 feet to an angle point;
- 20) N36°53'45"W, a distance of 877.18 feet to an angle point;
- 21) S24°25'59"W, a distance of 355.69 feet to an angle point;
- 22) N09°29'34"W, a distance of 595.42 feet to an angle point;
- 23) N39°39'22"W, a distance of 781.86 feet to an angle point;
- 24) N83°15'32"W, a distance of 178.04 feet to an angle point;
- 25) S65°36'11"W, a distance of 208.75 feet to an angle point;
- 26) S29°43'04"W, a distance of 180.07 feet to a point in the northerly line of R.M. 2222 (R.O.W. varies), for an angle point hereof;

THENCE, along the northerly line of R.M. 2222, the following three (3) courses and distances:

- 1) N73°25'00"W, a distance of 217.09 feet to the point of curvature of a non-tangent curve to the right;
- 2) Along said non-tangent curve to the right having a radius of 665.04 feet, a central angle of 02°45'13", an arc length of 31.96 feet and a chord which bears N72°02'23"W, a distance of 31.96 feet to the end of said curve;
- 3) N56°35'35"W, a distance of 106.50 feet to the southeasterly corner of the remainder of 1 acre of land conveyed to Mrs. D. W. Williams by deed of record in Volume 2507, Page 17 of said Real Property Records;

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NOVEMBER 30, 1999
PAGE 3 OF 4

THENCE, leaving the northerly line of R.M. 2222, along the easterly, northerly and westerly lines of said Williams tract, the following three (3) courses and distances:

- 1) N29°48'54"E, a distance of 177.10 feet to the northeasterly corner of said Williams tract;
- 2) N58°11'06"W, a distance of 208.70 feet to the northwesterly corner of said Williams tract;
- 3) S29°48'54"W, a distance of 171.29 feet to a point in the curving northerly line of said R.M. 2222, being the southwesterly corner of said Williams tract;

THENCE, along a non-tangent curve to the right having a radius of 1517.02 feet, a central angle of 00°22'42", an arc length of 10.02 feet and a chord which bears N56°22'01"W, a distance of 10.02 feet to the southeasterly corner of the remainder of 1 acre of land conveyed to L.W. Taylor et. ux. by deed of record in Volume 1946, Page 255 of said Real Property Records;

THENCE, leaving the northerly line of R.M. 2222, along the easterly and northerly lines of said Taylor tract, the following two (2) courses and distances:

- 1) N29°48'54"E, a distance of 170.97 feet to the northeasterly corner of said Taylor Tract;
- 2) N58°11'06"W, a distance of 208.70 feet to a point in the easterly line of Jester Village, a subdivision of record in Book 89, Page 305 of said Plat Records, same being the westerly line of said 260 acres, the northwesterly corner of said Taylor tract and the southwesterly corner hereof;

THENCE, along the westerly line of said 260 acres, being the easterly line of said Jester Village and the easterly line of a 3.81 acre tract of land conveyed to Beard Family Partnership by deed of record in Volume 12618, Page 566 of said Real Property Records, the following two (2) courses and distances:

- 1) N29°48'54"E, a distance of 918.44 feet to the common easterly corner of said Jester Village and said 3.81 acres;
- 2) N29°47'28"E, a distance of 403.84 feet to the northwesterly corner hereof;

THENCE, leaving the easterly line of said 3.81 acres, over and across said 260 acres, along the northerly line hereof, the following nine (9) courses and distances:

- 1) S59°48'01"E, a distance of 650.85 feet to an angle point;
- 2) S59°51'19"E, a distance of 100.31 feet to an angle point;

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FN 99-345 (MJJ)
NOVEMBER 30, 1999
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- 3) S59°58'51"E, a distance of 267.64 feet to an angle point;
- 4) S00°56'48"E, a distance of 238.12 feet to an angle point;
- 5) S60°08'07"E, a distance of 229.80 feet to an angle point;
- 6) N31°38'56"E, a distance of 203.64 feet to an angle point;
- 7) S59°58'51"E, a distance of 103.85 feet to an angle point;
- 8) S60°13'14"E, a distance of 348.56 feet to an angle point;
- 9) N29°46'46"E, a distance of 200.00 feet to a point in the southerly line of said The Overlook at Jester Section Two, being the northerly line of said 260 acres;

THENCE, S60°13'14"E, along the southerly line of said The Overlook at Jester Section Two, being the northerly line of said 260 acres, a distance of 973.72 feet to the POINT OF BEGINNING, containing an area of 98.467 acres of land, more or less, within these metes and bounds.

THE ABOVE DESCRIPTION IS BASED ON RECORD INFORMATION. IT DOES NOT REFLECT THE RESULTS OF AN ON-THE-GROUND SURVEY.

13.930 ACRES - 1⁴
ZONING TRACT IV
CHAMPION FAMILY TRACT

C14-99-0076 (GR-MU)
FN. NO. 99-129(MJJ)
MAY 3, 1999
BPI JOB NO. 395-02.98

DESCRIPTION

OF A 13.930 ACRE TRACT OR PARCEL OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 260 ACRE TRACT OF LAND CONVEYED TO C.C. CHAMPION ET. AL. BY PARTITION DEED OF RECORD IN VOLUME 482, PAGE 627 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 13.930 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a point in the westerly line of Capital of Texas Highway North (Loop 360 - R.O.W. varies), same being the northerly line of said 260 acres and the southeasterly corner of The Overlook at Jester Section Two, a subdivision of record in Book 90, Pages 124-125 of the Plat Records of Travis County, Texas;

THENCE, along the westerly line of Capital of Texas Highway North, the following twelve (12) courses and distances:

- 1) S37°07'34"W, a distance of 303.59 feet to a point;
- 2) S16°02'28"W, a distance of 441.39 feet to a point;
- 3) S05°06'38"W, a distance of 314.45 feet to a point;
- 4) S01°06'51"E, a distance of 603.26 feet to a point;
- 5) S05°05'53"W, a distance of 406.78 feet to a point;
- 6) S17°38'07"W, a distance of 370.27 feet to a point;
- 7) S31°58'24"W, a distance of 200.55 feet to a point;
- 8) S17°43'46"W, a distance of 282.13 feet to a point;
- 9) S55°14'05"W, a distance of 136.29 feet to a point;
- 10) N47°01'53"W, a distance of 164.83 feet to a point;
- 11) N26°59'56"W, a distance of 232.25 feet to a point;
- 12) S63°13'18"W, a distance of 125.29 feet to a point in the northerly line of R.M. 2222 (R.O.W. varies);

THENCE, along the northerly line of R.M. 2222, being the southerly line hereof, the following two (2) courses and distances:

- 1) N37°56'07"W, a distance of 711.23 feet to the point of curvature of a curve to the right;

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- 2) Along said curve to the right having a radius of 2734.79 feet, a central angle of $07^{\circ}29'06''$, an arc length of 357.27 feet and a chord which bears $N34^{\circ}27'57''W$, a distance of 357.01 feet to the POINT OF BEGINNING, and southeasterly corner hereof;

THENCE, continuing along the northerly line of R.M. 2222, being the southerly line hereof, the following five (5) courses and distances:

- 1) Continuing along said curve to the right having a radius of 2734.79 feet, a central angle of $04^{\circ}13'28''$, an arc length of 201.64 feet and a chord which bears $N28^{\circ}36'40''W$, a distance of 201.59 feet to the end of said curve;
- 2) $N22^{\circ}38'53''W$, a distance of 261.62 feet to a point;
- 3) $N12^{\circ}27'08''W$, a distance of 305.76 feet to the point of curvature of a non-tangent curve to the left;
- 4) Along said non-tangent curve to the left having a radius of 622.93 feet, a central angle of $69^{\circ}27'45''$, an arc length of 755.21 feet and a chord which bears $N38^{\circ}41'08''W$, a distance of 709.80 feet to the end of said curve;
- 5) $N73^{\circ}25'00''W$, a distance of 130.28 feet to the southwesterly corner hereof;

THENCE, leaving the northerly line of R.M. 2222, over and across said 260 acres, the following seven (7) courses and distances:

- 1) $N29^{\circ}43'04''E$, a distance of 180.07 feet to a point;
- 2) $N65^{\circ}36'11''E$, a distance of 208.75 feet to a point;
- 3) $S83^{\circ}15'32''E$, a distance of 178.04 feet to a point;
- 4) $S39^{\circ}39'22''E$, a distance of 781.86 feet to a point;
- 5) $S09^{\circ}29'34''E$, a distance of 595.42 feet to a point;
- 6) $S06^{\circ}54'40''W$, a distance of 196.19 feet to a point;
- 7) $S53^{\circ}36'16''W$, a distance of 246.01 feet to the POINT OF BEGINNING, containing an area of 13.930 acres of land, more or less, within these metes and bounds.

28.794 ACRES - 1D
ZONING TRACT III
CHAMPION FAMILY TRACT

C14-99-0076 (GO-MU)
FN. NO. 99-128 (MJJ)
MAY 3, 1999
BPI JOB NO. 395-02.98

DESCRIPTION

OF A 28.794 ACRE TRACT OR PARCEL OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 260 ACRE TRACT OF LAND CONVEYED TO C.C. CHAMPION ET. AL. BY PARTITION DEED OF RECORD IN VOLUME 482, PAGE 627 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 28.794 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a point in the westerly line of Capital of Texas Highway North (Loop 360 - R.O.W. varies), same being the northerly line of said 260 acres and the southeasterly corner of The Overlook at Jester Section Two, a subdivision of record in Book 90, Pages 124-125 of the Plat Records of Travis County, Texas;

THENCE, along the westerly line of Capital of Texas Highway North, the following four (4) courses and distances:

- 1) S37°07'34"W, a distance of 303.59 feet to a point;
- 2) S16°02'28"W, a distance of 441.39 feet to a point;
- 3) S05°06'38"W, a distance of 314.45 feet to a point;
- 4) S01°06'51"E, a distance of 286.11 to the POINT OF BEGINNING and northeasterly corner hereof;

THENCE, along the westerly line of Capital of Texas Highway North, being the easterly line hereof, the following nine (9) courses and distances:

- 1) S01°06'51"E, a distance of 317.15 feet to a point;
- 2) S05°05'53"W, a distance of 406.78 feet to a point;
- 3) S17°38'07"W, a distance of 370.27 feet to a point;
- 4) S31°58'24"W, a distance of 200.55 feet to a point;
- 5) S17°43'46"W, a distance of 282.13 feet to a point;
- 6) S55°14'05"W, a distance of 136.29 feet to a point;
- 7) N47°01'53"W, a distance of 164.83 feet to a point;
- 8) N26°59'56"W, a distance of 232.25 feet to a point;
- 9) S63°13'18"W, a distance of 125.29 feet to a point in the northerly line of R.M. 2222 (R.O.W. varies);

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THENCE, along the northerly line of R.M. 2222, being the southerly line hereof, the following two (2) courses and distances:

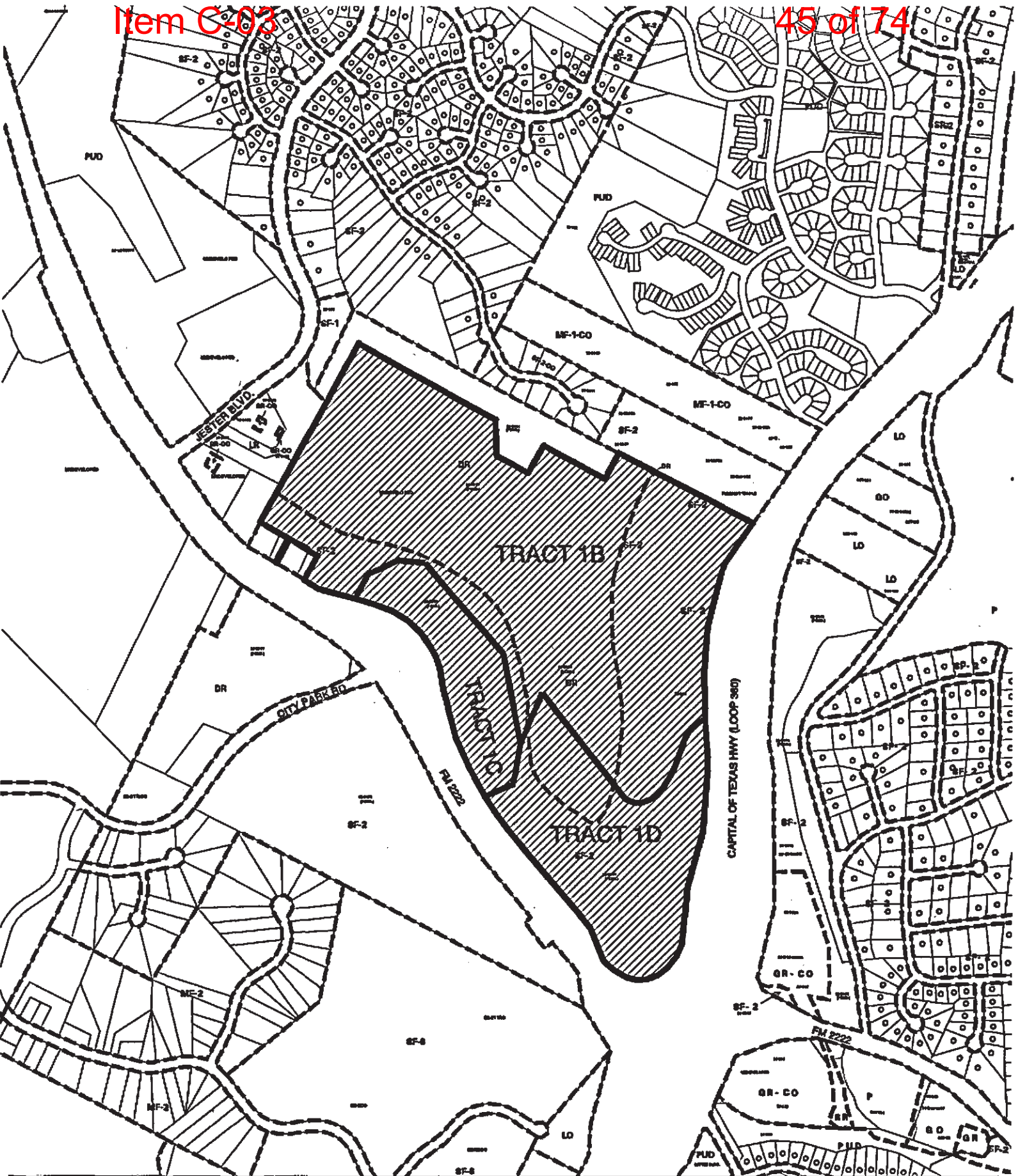
- 1) N37°56'07"W, a distance of 711.23 feet to the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 2734.79 feet, a central angle of 07°29'06", an arc length of 357.27 feet and a chord which bears N34°27'57"W, a distance of 357.01 feet to the end of said curve and the southwesterly corner hereof;

THENCE, leaving the northerly line of R.M. 2222, over and across said 260 acres, the following twenty-three (23) courses and distances:

- 1) N53°36'16"E, a distance of 246.01 feet to a point;
- 2) N06°54'40"E, a distance of 196.19 feet to a point;
- 3) N24°25'59"E, a distance of 355.69 feet to a point;
- 4) S36°53'45"E, a distance of 877.18 feet to a point;
- 5) S63°38'32"E, a distance of 33.28 feet to a point;
- 6) S72°12'22"E, a distance of 49.02 feet to a point;
- 7) N80°42'40"E, a distance of 39.43 feet to a point;
- 8) N71°00'14"E, a distance of 44.50 feet to a point;
- 9) N61°22'42"E, a distance of 46.49 feet to a point;
- 10) N44°03'36"E, a distance of 53.50 feet to a point;
- 11) N30°31'07"E, a distance of 62.86 feet to a point;
- 12) N29°23'47"E, a distance of 88.73 feet to a point;
- 13) N24°25'52"E, a distance of 56.90 feet to a point;
- 14) N19°42'58"E, a distance of 51.25 feet to a point;
- 15) N22°46'11"E, a distance of 53.35 feet to a point;
- 16) N14°20'27"E, a distance of 33.18 feet to a point;
- 17) N28°02'01"E, a distance of 51.77 feet to a point;
- 18) N29°23'47"E, a distance of 22.18 feet to a point;
- 19) N41°39'01"E, a distance of 29.00 feet to a point;

FN 99-128 (MJJ)
MAY 3, 1999
PAGE 3 OF 3

- 20) N49°42'09"E, a distance of 35.48 feet to a point;
- 21) N57°01'15"E, a distance of 29.21 feet to a point;
- 22) N66°56'23"E, a distance of 20.20 feet to a point;
- 23) N61°22'42"E, a distance of 25.89 feet to the POINT OF BEGINNING, containing an area of 28.794 acres of land, more or less, within these metes and bounds.



 1" = 800'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: JRUSTHOVEN 000309-80	CASE #: C14-99-0076 ADDRESS: CHAMPION TRACT SUBJECT AREA (acres): 141.191	ZONING EXHIBIT D DATE: 00-03 INTLS: TRC	CITY GRID REFERENCE NUMBER F30,F31

Item C-03

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13.499 ACRES
ZONING TRACT V-REVISED
CHAMPION FAMILY TRACT

014-99-0077
FN. NO. 99-346(MJJ)
NOVEMBER 30, 1999
BPI JOB NO. 395-02.98

DESCRIPTION

OF A 13.499 ACRE TRACT OR PARCEL OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 260 ACRE TRACT OF LAND CONVEYED TO C.C. CHAMPION ET. AL. BY PARTITION DEED OF RECORD IN VOLUME 482, PAGE 627 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 13.499 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a point in the westerly line of said 260 acres, being a point in the easterly line of that certain remainder of 12.51 acre tract of land conveyed to Henry R. Scholtz, et. ux. by deed of record in Volume 2681, Page 136 of said Deed Records, same being the northwesterly corner of that certain 1.906 acre tract of land conveyed to Frank and Kathey Gillispie by quitclaim deed of record in Volume 12524, Page 380 of the Real Property Records of Travis County, Texas;

THENCE, S61°10'58"E, leaving the westerly line of said 260 acres, along the northerly line of said 1.906 acres, a distance of 200.01 feet to the POINT OF BEGINNING and southwesterly corner hereof;

THENCE, leaving the northerly line of said 1.906 acres, over and across said 260 acres, along a portion of the westerly line hereof, the following two (2) courses and distances:

- 1) N29°24'45"E, a distance of 844.36 feet to an angle point;
- 2) N58°34'40"W, a distance of 94.59 feet to a point in the easterly line of said remainder of 12.51 acres, being an angle point hereof;

THENCE, N30°25'20"E, along the easterly line of said remainder of 12.51 acre tract, being a portion of the westerly line of said 260 acres and the westernmost line hereof, a distance of 349.46 feet to a point in the southerly right-of-way line of R.M. 2222 (R.O.W. varies), being the most northeasterly corner of said remainder of 12.51 acre tract for the northwesterly corner hereof;

THENCE, leaving the easterly line of said remainder of 12.51 acres, along the southerly line of R.M. 2222, being the northerly line hereof, the following three (3) courses and distances:

- 1) Along a curve to the left having a radius of 1757.02 feet, a central angle of 02°56'53", an arc distance of 90.41 feet and a chord which bears S55°07'08"E, a distance of 90.40 feet to the end of said curve;

EXHIBIT E

000309-80

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PAGE 2 OF 3

- 2) S56°35'35"E, a distance of 518.83 feet to the point of curvature of a curve to the right;
- 3) Along said curve to the right having a radius of 1407.89 feet, a central angle of 10°40'27", an arc distance of 262.29 feet and a chord which bears S51°15'21"E, a distance of 261.91 feet to the most northwesterly corner of that certain remainder of 0.27 acres of land conveyed to George Randall Baird by deed of record in Volume 5959, Page 1987 of said Deed Records, being the northernmost northeasterly corner hereof;

THENCE, leaving the southerly line of R.M. 2222, along the westerly and southerly lines of said remainder of 0.27 acre tract, being the irregular easterly line hereof, the following two (2) courses and distances:

- 1) S35°09'03"W, a distance of 52.60 feet to the southwesterly corner of said remainder of 0.27 acre tract for an angle point;
- 2) S33°31'40"E, a distance of 85.48 feet to a point in the southerly line of said remainder of 0.27 acre tract for an angle point hereof;

THENCE, leaving the southerly line of said remainder of 0.27 acres and continuing along the irregular easterly line hereof, the following seven (7) courses and distances:

- 1) S73°57'57"W, a distance of 151.64 feet to the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 950.00 feet, a central angle of 07°19'47", an arc distance of 121.53 feet and a chord which bears S77°37'51"W, a distance of 121.45 feet to the point of tangency of said curve;
- 3) S81°17'44"W, a distance of 93.74 feet to the point of curvature of a curve to the left;
- 4) Along said curve to the left having a radius of 582.77 feet, a central angle of 20°44'02", an arc distance of 210.89 feet and a chord which bears S70°55'43"W, a distance of 209.74 feet to the point of compound curvature;
- 5) Along said compound curve having a radius of 1604.11 feet, a central angle of 09°11'59", an arc distance of 257.57 feet and a chord which bears S55°57'43"W, a distance of 257.29 feet to the point of compound curvature;
- 6) Along said compound curve having a radius of 1286.75 feet, a central angle of 12°50'13", an arc distance of 288.29 feet and a chord which bears S44°56'36"W, a distance of 287.69 feet to the point of tangency of said compound curve;

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Item C-03

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FN 99-346(MJJ)
NOVEMBER 30, 1999
PAGE 3 OF 3

- 7) S38°31'29"W, a distance of 106.35 feet to a point in the northerly line of said 1.906 acres, being the southeasterly corner hereof;

THENCE, N61°10'58"W, along the northerly line of said 1.906 acres, being the southerly line hereof, a distance of 229.90 feet to the POINT OF BEGINNING, containing an area of 13.499 acres of land, more or less, within these metes and bounds.

THE ABOVE DESCRIPTION IS BASED ON RECORD INFORMATION. IT DOES NOT REFLECT THE RESULTS OF AN ON-THE-GROUND SURVEY.

3.157 ACRES
ZONING TRACT I
CHAMPION FAMILY TRACT

C14-98-0161 (SF-2)
FN. NO. 99-126 (MJJ)
MAY 3, 1999
BPI JOB NO. 395-02.98

DESCRIPTION

OF A 3.157 ACRE TRACT OR PARCEL OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 260 ACRE TRACT OF LAND CONVEYED TO C.C. CHAMPION ET. AL. BY PARTITION DEED OF RECORD IN VOLUME 482, PAGE 627 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.157 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a point in the westerly line of Capital of Texas Highway North (Loop 360 - R.O.W. varies), same being the northerly line of said 260 acres and the southeasterly corner of The Overlook at Jester Section Two, a subdivision of record in Book 90, Pages 124-125 of the Plat Records of Travis County, Texas;

THENCE, along the northerly line of said 260 acres, being the southerly line of said The Overlook at Jester Section Two and in part along the southerly line of The Replat of the Overlook at Jester Section One, a subdivision of record in Book 90, Pages 336-338 of said Plat Records, the following two (2) courses and distances:

- 1) N60°13'14"W, a distance of 1321.87 feet;
- 2) N59°58'51"W, a distance of 101.86 feet to the POINT OF BEGINNING and northeasterly corner hereof;

THENCE, leaving the southerly line of said The Replat of the Overlook at Jester Section One, over and across said 260 acres the following five (5) courses and distances:

- 1) S30°01'09"W, a distance of 144.49 feet to an angle point;
- 2) S31°38'56"W, a distance of 259.18 feet to the southeasterly corner hereof;
- 3) N60°08'07"W, a distance of 229.80 feet to the southwesterly corner hereof;
- 4) N00°56'48"W, a distance of 302.08 feet to an angle point;
- 5) N30°01'09"E, a distance of 145.15 feet to a point in the northerly line of said 260 acres, being the southerly line of said The Replat of the Overlook at Jester Section One and the northwesterly corner hereof;

EXHIBIT F

000309-80

FN 99-126(MJJ).

MAY 3, 1999

PAGE 2 OF 2

THENCE, S59°58'51"E, along the northerly line of said 260 acres, being the southerly line of said The Replat of the Overlook at Jester Section One and the northerly line hereof, a distance of 392.60 feet to the POINT OF BEGINNING, containing an area of 3.157 acres of land, more or less, within these metes and bounds.

000309-80

FIELD NOTES
FOR
JOSIE CHAMPION

C14-98-0162

45.208 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, BEING A PORTION OF THE JAMES JETT SURVEY NO. 1, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 254 ACRE TRACT OF LAND AS CONVEYED TO MRS. ALMA CHAMPION, MARY CHAMPION, NOW KNOWN AS MARY M. ROBERSON, ALMA J. CHAMPION, NOW KNOWN AS JUANITA MEIER, AND JOSIE E. CHAMPION BY INSTRUMENT OR RECORD IN CAUSE NUMBER 11062 OF THE PROBATE MINUTES OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point at the intersection of the South line of the said 254 acre tract, being in the East r.o.w. line of City Park Road, for the Southwest corner hereof;

THENCE with the East and Southeast r.o.w. line of City Park Road, the following courses:

N 39°47'59"E for a distance of 18.25 feet to an angle point;

N 38°31'29"E for a distance of 292.05 feet to a point of curve;

Along a curve to the right, whose radius is 1,225.75 feet, and whose chord bears N 44°56'36"E for a distance of 274.28 feet to a point of compound curve:

Along a curve to the right, whose radius is 1,544.11 feet, and whose chord bears N 55°57'43"E for a distance of 247.67 feet to a point of compound curve;

Along a curve to the right, whose radius is 522.77 feet, and whose chord bears N 63°29'14"E for a distance of 53.69 feet to a point of compound curve;

Along a curve to the right, whose radius is 381.97 feet, and whose chord bears N 76°01'34"E for a distance of 122.32 feet to a point of tangency;

N 85°14'24"E for a distance of 166.43 feet to a point of curve;

Along a curve to the left, whose radius is 381.97 feet, and whose chord bears N 72°19'21"E for a distance of 170.78 feet to a point of tangency;

N 59°24'17"E for a distance of 46.43 feet to a point of curve;

Along a curve to the right, whose radius is 472.18 feet, and whose chord bears N 73°22'55"E for a distance of 107.16 feet to a point at the intersection of the Southeast r.o.w. line of City Park Road with the new Southwest r.o.w. line of RM 2222, for the most Northerly corner hereof;

THENCE with the new Southwest r.o.w. line of RM 2222, the following courses;

Along a curve to the right, whose radius is 1,407.89 feet, and whose chord bears S 32°16'16"E for a distance of 283.26 feet to a point of tangency;

S 26°29'51"E for a distance of 508.04 feet to a point of curve;

Along a curve to the left, whose radius is 2,984.79 feet, and whose chord bears S 32°21'08"E for a distance of 608.93 feet to a point of tangency;

S 38°12'25"E for a distance of 420.57 feet to a point in the Northwest line of that certain 0.956 acre tract of land conveyed to Jones-Reynolds Joint Venture by deed recorded in Volume 7764, Page 826, Deed Records, Travis County, Texas, for a corner hereof;

EXHIBIT G

000309-80

FIELD NOTES
FOR
JOSIE CHAMPION

45.208 ACRE TRACT

PAGE 2

THENCE S 55°13'16"W for a distance of 49.61 feet to the Northwest corner of the said Jones-Reynolds tract, for an inside corner hereof;

THENCE S 34°46'44"E for a distance of 208.78 feet to a point, for the most Southerly corner of the said Jones-Reynolds tract, for an inside corner hereof;

THENCE N 55°13'16"E for a distance of 61.92 feet to a point in the new Southwest r.o.w. line of RM 2222, for a corner hereof;

THENCE with the new Southwest r.o.w. line of RM 2222, S 37°20'42"E for a distance of 249.36 feet to a point in the West r.o.w. line Loop 360, for a corner hereof;

THENCE with the West r.o.w. line of Loop 360, S 06°01'49"E for a distance of 245.20 feet to a point in the Southwest line of the said 254 acre tract, being the Northeast corner of Lot 2, Sheppard Mountain Phase One, as recorded in Plat Book 83, Pages 200A-200B, Plat Records, Travis County, Texas, for the most Southerly corner hereof;

THENCE with Southwest line of the said 254 acre tract, N 60°48'45"W at a distance of 1,755.00 feet pass, the Northwest corner of the said Lot 2, Shepherd Mountain Phase One, being the Northeast corner of Lot B, Shepherd Mountain Phase Two, as recorded in Plat Book 86, Pages 155D-156C, Plat Records, Travis County, Texas, and continue on for a total distance of 2,858.70 feet to an angle point, and N 60°45'08"W for a distance of 5.61 feet to the PLACE OF BEGINNING, and containing 45.208 acres of land, more or less.

This description was prepared from deed records only, and does not represent an on the ground survey.

AS PREPARED BY
DOUG SEELIG LAND SURVEYORS P.C.

DOUGLAS A. SEELIG
Registered Professional Land Surveyor No. 1908
3802 Manchaca Road
Austin, Texas 78704
October 22, 1998

Work Order No. 15646

000309-80

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2017-0067

Contact: Scott Grantham, 512-974-3574

Public Hearing: August 15, 2017, Zoning and Platting Commission
September 28, 2017, City Council

Bull Creek HOA - Mark Clardy, Pres
Your Name (please print)

7408 Creekside Dr + Surrounding Area
Your address(es) affected by this application w.f.n. HOA

Mark Clardy
Signature

Signature

Date

Daytime Telephone: *512-431-2004*

04-05-17

☐ I am in favor
☒ I object

Comments: *The proposed CS-CO zoning is not consistent with the general character of this area. Residents and multiple HOA groups have worked for years to ensure development is compatible with the predominantly home-oriented character. Changing the zoning to CS-CO will significantly degrade property values of both residential and commercial property in the area, and leave permanent non-reversible impact of non-compatible business + industry. Do NOT let this area become a P.O. Box 1088. As has been allowed near Planning & Zoning Department 2222 and 620. Deny the zoning request to ensure proper appropriate and consistent development takes place. Bull Creek*

Grantham, Scott

From: Dave Lapin [REDACTED]
Sent: Wednesday, September 20, 2017 9:47 AM
To: Marisa Lipscher; Kiolbassa, Jolene - BC; Greenberg, Betsy - BC; Aguirre, Ana - BC; Duncan, Jim - BC; Breithaupt, Dustin - BC; Denkler, Ann - BC; Evans, Bruce - BC; Flores, Yvette - BC; King, David - BC; Lavani, Sunil - BC; Trinh, Stephanie - BC
Cc: Grantham, Scott
Subject: Re: C14-2017-0067 Please DENY CS zoning

Dear ZAP Commissioners,

Shepherd Mountain Neighborhood Association opposes the application to rezone Champion Tract 1C to Commercial Services.

This designated Hill Country roadway has no other Commercial Services zoning, which is too intense a use for this environmentally-sensitive area.

Please do not set a bad precedent.

Please deny the request for CS zoning.

Thank you.
Dave

—

Dave Lapin
Member
Shepherd Mountain Neighborhood Association

Grantham, Scott

From: Marisa Lipscher [REDACTED]
Sent: Monday, September 18, 2017 7:57 PM
To: Kiolbassa, Jolene - BC; Greenberg, Betsy - BC; Aguirre, Ana - BC; Duncan, Jim - BC; Breithaupt, Dustin - BC; Denkler, Ann - BC; Evans, Bruce - BC; Flores, Yvette - BC; King, David - BC; Lavani, Sunil - BC; Trinh, Stephanie - BC
Cc: Grantham, Scott
Subject: C14-2017-0067 Please DENY CS zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Dear ZAP Commissioners,

Shepherd Mountain Neighborhood Association opposes the application to rezone Champion Tract 1C to Commercial Services. This designated Hill Country roadway has no other Commercial Services zoning, which is too intense a use for this environmentally-sensitive area. Please do not set a bad precedent. Deny the request for CS zoning.

Thank you.

--

Marisa B. Lipscher
President
Shepherd Mountain Neighborhood Association

Grantham, Scott

From: Sharon Edwards [REDACTED]
Sent: Monday, September 18, 2017 8:02 PM
Subject: C14-2017-0067 DENY CS zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Dear ZAP Members:

I ask that you **deny** the request to rezone Champion Tract 1C to Commercial Services.

CS zoning this close to residential is inappropriate for our neighborhoods. Furthermore, the developers [who do not yet own this tract at 2222 and City Park Road] say they would “upzone” the property and have *promised* to only use parts of the zoning they need to build storage units. There is nothing to prohibit them from future over-development as we have nothing to legally hold them to.

Your consideration of my request is greatly appreciated. I will closely monitor this situation.

Sincerely,

Sharon Edwards
[REDACTED]
[REDACTED]

Grantham, Scott

From: Family Paulos [REDACTED]
Sent: Monday, September 18, 2017 10:56 PM
To: Kiolbassa, Jolene - BC; Greenberg, Betsy - BC; Aguirre, Ana - BC; Duncan, Jim - BC; Breithaupt, Dustin - BC; Denkler, Ann - BC; Evans, Bruce - BC; Flores, Yvette - BC; King, David - BC; Lavani, Sunil - BC; Trinh, Stephanie - BC
Cc: Grantham, Scott
Subject: Rezoning of Champion Tract 1C (Case C14-2017-0067)

Follow Up Flag: Follow up
Flag Status: Flagged

I ask that the request to rezone Champion Tract 1C from LR to CS is denied. Commercial Services zoning is not compatible with the Hill Country Roadway Ordinance, and the current zoning of Limited Retail makes more sense as a neighbor to residential uses.

Susan Paulos
[REDACTED]
[REDACTED]

Grantham, Scott

From: Joseph Hang [REDACTED]
Sent: Monday, September 18, 2017 8:55 PM
To: Kiolbassa, Jolene - BC; Greenberg, Betsy - BC; Aguirre, Ana - BC; Duncan, Jim - BC; Breithaupt, Dustin - BC; Denkler, Ann - BC; Evans, Bruce - BC; Flores, Yvette - BC; King, David - BC; Lavani, Sunil - BC; Trinh, Stephanie - BC
Cc: Grantham, Scott
Subject: C14-2017-0067 Please DENY CS zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs:

Please deny the request to rezone Champion Tract 1C to Commercial Services. That land use is incompatible with the surrounding residential neighborhoods

Concerned neighbor
Joseph Hang
[REDACTED]
[REDACTED]

Grantham, Scott

From: Ibsen, Johanne (TAIS) [REDACTED]
Sent: Monday, September 18, 2017 8:16 PM
To: Jolene.Kiolbassa@austintexas.gov; Betsy.Greenberg@austintexas.gov;
Ana.Aguirre@austintexas.gov; Jim.Duncan@austintexas.gov;
Dustin.Breithaupt@austintexas.gov; Ann.Denkler@austintexas.gov;
Bruce.Evans@austintexas.gov; Yvette.Flores@austintexas.gov;
David.King@austintexas.gov; Sunil.Lavani@austintexas.gov;
Stephanie.Trinh@austintexas.gov
Cc: Steve Wolford; Grantham, Scott
Subject: C14-2017-0067 Please DENY CS zoning

Follow Up Flag: Follow up
Flag Status: Flagged

We are opposed to rezoning Champion Tract 1C to Commercial Services. The existing Limited Retail zoning is preferred as that would provide amenities that are useful to the surrounding residential neighborhoods.

No other storage unit along 2222 has the type of zoning this developer is requesting.

Tract 1C straddles the environmentally sensitive Bull Creek, is almost 100% flood plain and is subject to the Hill Country Roadway Ordinance. The tract's current LR zoning is the only type of, zoning that is most closely aligned with the HCRO rules. CS zoning this close to residential is inappropriate Please deny the CS zoning.

Thank you,
Johanne and Steve Wolford

Grantham, Scott

From: Edward Astrich [REDACTED]
Sent: Monday, September 18, 2017 8:03 PM
To: Eddie Astrich
Cc: Grantham, Scott
Subject: DENY Tract 1C zoning!

Follow Up Flag: Follow up
Flag Status: Flagged

Almost all of the surrounding neighborhoods and your very own SMNA officially oppose this rezoning.

Developers who do not yet own Tract 1C at 2222 & City Park Road (right next to Jester and visible / audible from our own Long Court cul de sac) would like to "upzone" the property and have made verbal promises to area neighborhoods that they will only use the parts of the zoning they need to build storage units and will "discard the rest." Since we do not have a way to get this set in stone, this leaves us very vulnerable to irresponsible future over-development.

To quote a neighbor, "Storage is a good place to park equity until land becomes more valuable."

This zoning would set a bad precedent: No other storage unit along 2222 has the type of zoning this developer is requesting.

Finally, Tract 1C straddles the environmentally sensitive Bull Creek, is almost 100% flood plain and is subject to the Hill Country Roadway Ordinance. The tract's current LR zoning is the only type of zoning that is most closely aligned with the HCRO rules.

Bottom line: CS zoning this close to residential is inappropriate and no win for neighborhoods. **We would be beholden to a developer / future owner keeping a verbal promise, and based on how things went with Tract 3, we know that cannot be relied upon.**

This designated Hill Country roadway has no other Commercial Services zoning, which is too intense a use for this property. Please do not set a bad precedent. Deny the request for CS zoning.

Respectfully,
Edward S Astrich Jr
[REDACTED]
[REDACTED]

Grantham, Scott

From: Cole [REDACTED]
Sent: Monday, September 18, 2017 7:47 PM
To: Grantham, Scott
Subject: C14-2017-0067 Please DENY CS zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Please deny this zoning request. What a terrible precedent to set in such a beautiful part of town. Limited retail would at least be useful to residents.

This request will ultimately just create an eyesore, create additional congestion at the 360/2222 interchange and be of next to no value to the residents of the area.



GABLES
RESIDENTIAL

*Taking Care of
the Way People Live*

October 6, 2017

Mr. Scott Grantham
City of Austin – Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: C14-2017-0067 Champion Tract 1C, zoning request from LR-CO to CS-CO

Dear Mr. Grantham:

My firm is the operator and JV-Owner of the Gables Grandview Apartments located at 6500 Champion Grandview Way. We have been a part of the community since 2003 with 432 homes and over 650 residents. Gables Grandview is also the closest residential property with views of the Champion Tract 1C.

The applicant is requesting a zoning change in order to construct a self-storage facility on Tract 1C taking access at the City Park Road and FM 2222 intersection. A self-storage facility is the least intensive commercial use and generates the fewest daily vehicle trips, which will greatly reduce the impact of a development at this location. Further, a self-storage facility has controlled hours of operation, minimal lighting needs, and will be a quiet neighbor, while also providing a much-needed neighborhood service for our residents. For these reasons, we are in **support** of the requested zoning change from LR-CO to CS-CO. Thank you for your consideration.

Sincerely,

Jennifer Wiebrand
Gables Residential – Vice President of Investments

From: [Tim Barber](#)
To: [Grantham, Scott](#)
Subject: 2222/City Park Road
Date: Wednesday, October 11, 2017 7:41:33 AM

Mr Grantham:

I'd like to add my support to the initiative to approve a storage unit facility as opposed to office building in the subject area. As a 17 year resident user of City Park Road, the increased residential development has put significantly more traffic at this intersection. An office facility with up to to potentially 1000 daily ins and outs would add potential accidents and pressure to an already dangerous intersection.

Respectfully,

Tim Barber
7200 Bowditch Dr.
Austin, Texas 78730

Sent from my Typewriter

From: [Linda Bailey](#)
To: [Kiolbassa, Jolene - BC](#); [Greenberg, Betsy - BC](#); [Aguirre, Ana - BC](#); [Duncan, Jim - BC](#); [Breithaupt, Dustin - BC](#); [Denkler, Ann - BC](#); [Evans, Bruce - BC](#); [Flores, Yvette - BC](#); [King, David - BC](#); [Lavani, Sunil - BC](#); [Trinh, Stephanie - BC](#)
Cc: [Grantham, Scott](#)
Subject: Champion Tract 1C - Deny CS zoning request
Date: Thursday, October 12, 2017 8:02:58 AM
Attachments: [page1image10832.png](#)

Zap Commissioners,

Please attend the public hearing and send an email to the ZAP Commissioners! **Subject:** C14-2017-0067 Please DENY CS zoning

This designated Hill Country roadway has no other Commercial Services zoning, which is too intense a use for this floodplain property. Please do not set a bad precedent. Deny the request for CS zoning.

Linda Bailey

Glenlake resident
District 10

From: [Ali Baucom](#)
To: [Grantham, Scott](#); [Kiolbassa, Jolene - BC](#); [Greenberg, Betsy - BC](#); [Aquirre, Ana - BC](#); [Duncan, Jim - BC](#); [Breithaupt, Dustin - BC](#); [Denkler, Ann - BC](#); [Evans, Bruce - BC](#); [Flores, Yvette - BC](#); [King, David - BC](#); [Lavani, Sunil - BC](#); [Trinh, Stephanie - BC](#)
Subject: C14-2017-0067 Please DENY CS Zoning
Date: Tuesday, October 17, 2017 9:19:49 AM

Zoning and Planning Commissioners,

As a resident of Shepherd Mountain (360/2222), I ask that you please deny the requested zoning increase of Champion Tract 1c to Commercial Services (CS) zoning. When considering the potential benefits and potential adverse effects of approving CS zoning, I believe that the adverse effects far outweigh the benefits and would burden a greater population than would benefit.

The existing Limited Retail zoning is compatible with current developments and the surrounding residential neighborhoods. 2222 being a Hill Country Roadway, I believe that the current Limited Retail zoning is most appropriate. Please support Austin in making intelligent growth decisions that benefit the most and adversely affect the fewest.

Thank you for your time and consideration. We rely on your advocacy and adherence to best practices when making decisions for our community. Have a wonderful week.

Best,
Ali

From: [Charles Bowen](#)
To: [Kiolbassa, Jolene - BC](#); [Greenberg, Betsy - BC](#); [Aguirre, Ana - BC](#); [Duncan, Jim - BC](#); [Breithaupt, Dustin - BC](#); [Evans, Bruce - BC](#); [Flores, Yvette - BC](#); [King, David - BC](#); [Lavani, Sunil - BC](#); [Trinh, Stephanie - BC](#); [Grantham, Scott](#); [Denkler, Ann - BC](#)
Subject: Request to be considered
Date: Wednesday, October 18, 2017 10:53:25 AM

October 18, 2017

Dear ZAP Commissioners,

Reference: The Re-zone application for Champion Tract 1C to Commercial Services C14-2017-0067

Our neighborhood urgently asks that you deny the request for CS zoning by the developer who is currently negotiating a restrictive covenant with 2222 CONA for the Champion Tract 1C.

My residence is part of the Shepherd Mountain Neighborhood. This neighborhood is served by 1 major road with an eastern outlet onto Capital of Texas Hwy/Hwy 360 and the western outlet is onto City Park Road. This road, W. Courtyard Drive, is narrow and has gradients/slopes of 25% to 15% which has caused the addition of speed bumps. This naturally lends itself to major and daily cut-thru traffic. A recent fatal accident at the intersection of 360 and W. Courtyard sent bumper to bumper traffic over W. Courtyard for 4 to 5 hours of that day.

My point is that the authorization of the proposed zoning as requested by the Developer will cause a major disruption in the safety and enjoyment of a neighborhood that has been in existence since late 1980's. Due to the already existing heavy traffic on FM2222 there will be a huge increase in traffic south on City Park Road then over W. Courtyard to access Hwy 360. Hwy 360 today carries huge traffic flow for more than 2 ½ hours in the morning then again 2 ½ hours in the afternoon. It appears to those of us affected by this proposed development that the Shepherd Mountain Neighborhood Association must be a part of the discussion and final plan for any change in the Champion Tract 1C to allow Commercial Services. We as existing taxpayers and a long time constituency of Austin should be allowed a voice in this decision. This consideration to intensify the negative effects on current residents and to impose additional burdens on this environmentally sensitive area must be based upon factors which already exist as a result of current established neighborhoods and the existing use of this already bypass-thru commuters.

Furthermore, there are raw land areas on the north side of Lake Austin that will impose major additional traffic environmental issues on City Park Road and those areas now have development plans being prepared to begin the permitting process and to develop, soon, these areas which have only City Park Road and W. Courtyard as outlets.

We understand that the applicant has been negotiating a restrictive covenant with 2222 CONA, however, Shepherd Mountain Neighborhood Association has not been invited to participate in any restrictive covenant drafts or negotiations.

The neighborhood of Jester is also heavily impacted by this rezoning case, and they also believe that this requested zoning is too intense a use for this already congested and environmentally-sensitive area.

Thank you for your consideration,
Mike Bowen

From: [Pat](#)
To: Jolene.Kiolbassa@austintexas.gov; Betsy.Greenberg@austintexas.gov; Ana.Aguiree@austintexas.gov; Jim.Duncan@austintexas.gov; Dustin.Breithaupt@austintexas.gov; Ann.Denkler@austintexas.gov; Bruce.Evans@austintexas.gov; Yvette.Flores@austintexas.gov; David.King@austintexas.gov; Sunil.Lavani@austintexas.gov; Stephanie.Trinh@austintexas.gov
Cc: [Grantham, Scott](#)
Subject: Champion Tract 1C; C14-2017-0067; Please Deny CS zoning
Date: Tuesday, October 17, 2017 4:42:29 PM

I am sending my strong request for you to deny rezoning of Champion Tract 1C to Commercial Services. The existing Limited Retail zoning is preferred as that would provide amenities that are useful to the surrounding residential neighborhoods. Also, I am concerned about CS zoning for this property, which would be too intense for this floodplain area.

FYI, I live in the Jester neighborhood.

Thank you!

Pat Bulla
7202 Foxtree Cove
Austin 78750

From: [Dale Bulla](#)
To: Jolene.Kiolbassa@austintexas.gov; Betsy.Greenberg@austintexas.gov; Ana.Aguiree@austintexas.gov; Jim.Duncan@austintexas.gov; Dustin.Breithaupt@austintexas.gov; Ann.Denkler@austintexas.gov; Bruce.Evans@austintexas.gov; Yvette.Flores@austintexas.gov; David.King@austintexas.gov; Sunil.Lavani@austintexas.gov; Stephanie.Trinh@austintexas.gov
Cc: [Grantham, Scott](#)
Subject: C14-2017-0067 Please deny CS Zoning
Date: Tuesday, October 17, 2017 5:01:46 PM

Dear Members of Austin Zoning and Platting Commission:

I am opposed to rezoning Champion Tract 1C to Commercial Services. I prefer Limited Retail zoning which would provide amenities useful to surrounding residential neighborhoods. Please deny the request to rezone Champion Tract 1C.

Thank you.

Sincerely,

Dale Bulla
Austin City Council District 10
Resident of Jester Neighborhood

I'd put my money on the sun and solar energy. What a source of power! I hope we don't have to wait 'til oil and coal run out before we tackle that.
- Thomas Alva Edison 1931

From: [Sandi Krutsinger](#)
To: jolene.Kiolbassa@austintexas.gov; Betsy.Greenberg@austintexas.gov; Ana.Aguirre@austintexas.gov; Jim.Duncan@austintexas.gov; Dustin.Breithaupt@austinTexas.gov; Ann.Denkler@austinTexas.gov; Bruce.Evans@austintexas.gov; Yvette.Flores@austintexas.gov; David.King@austintexas.gov; Sunil.Lavani@austintexas.gov; Stephanie.Trinh@austintexas.gov
Cc: [Grantham, Scott](#)
Subject: C14-2017-0067 Please DENY CS zoning
Date: Tuesday, October 17, 2017 2:55:48 PM

Please deny CS zoning to C14-2017-0067. This property is very close to residential property and the request to rezone the Champion Tract 1C is incompatible with the surrounding neighborhoods. The existing Limited Retail zoning is preferred as it would provide amenities that are useful to the surrounding residential neighborhoods.

Thank you.

Sandi Krutsinger
7208 Oak Shores Dr.
Austin, TX 78730

From: [Marisa Lipscher](#)
To: [Kiolbassa, Jolene - BC](#); [Greenberg, Betsy - BC](#); [Aguirre, Ana - BC](#); [Duncan, Jim - BC](#); [Breithaupt, Dustin - BC](#); [Denkler, Ann - BC](#); [Evans, Bruce - BC](#); [Flores, Yvette - BC](#); [King, David - BC](#); [Lavani, Sunil - BC](#); [Trinh, Stephanie - BC](#)
Cc: [Grantham, Scott](#)
Subject: C14-2017-0067 Please DENY CS zoning
Date: Tuesday, October 17, 2017 3:08:20 PM

Dear ZAP Commissioners,

Shepherd Mountain Neighborhood Association continues to oppose the application to rezone Champion Tract 1C to Commercial Services. It has come to our attention that the applicant has been negotiating a restrictive covenant with 2222 CONA, however, Shepherd Mountain Neighborhood Association has not been invited to participate in any restrictive covenant drafts or negotiations.

In addition to Jester, Shepherd Mountain is one of the neighborhoods most directly impacted by this rezoning case, and we believe that this requested zoning is too intense a use for this environmentally-sensitive area. Please do not set a bad precedent and deny the request for CS zoning.

Thank you.

Sincerely,

Marisa B. Lipscher

President

Shepherd Mountain Neighborhood Association

From: [Gillian McLean](#)
To: [Kiolbassa, Jolene - BC](#); [Greenberg, Betsy - BC](#); [Aguirre, Ana - BC](#); [Duncan, Jim - BC](#); [Breithaupt, Dustin - BC](#); [Denkler, Ann - BC](#); [Evans, Bruce - BC](#); [Flores, Yvette - BC](#); [King, David - BC](#); [Lavani, Sunil - BC](#); [Trinh, Stephanie - BC](#)
Cc: [Grantham, Scott](#)
Subject: [Released] C14-2017-0067 Please DENY CS Zoning
Date: Monday, October 16, 2017 10:32:27 AM

I am asking you please to deny the request to rezone Champion Tract 1C to Commercial Services. This designated Hill Country roadway has no other Commercial Services zoning , and I think such building are incompatible with the surrounding residential neighborhoods. Austin is a very special and beautiful place, and we rely upon the integrity of your Commission to keep it as such. To our minds, storage units belong in back streets out of sight.

Thank you for your attention.

Sincerely,
Gillian & Arthur McLean

From: [Ed Stillman](#)
To: [Grantham, Scott](#)
Subject: Re: C14-2017-0067 Champion Tract 1C, zoning request from LR-CO to CS-CO
Date: Wednesday, October 11, 2017 5:05:05 PM

Mr. Scott Grantham

City of Austin – Planning & Zoning Department

505 Barton Springs Road, 5th Floor

Austin, TX 78704

Re: C14-2017-0067 Champion Tract 1C, zoning request from LR-CO to CS-CO

Dear Mr. Grantham:

Please accept this as a letter of **support** for the above-referenced zoning case for the Champion Tract 1C changing the current zoning from LR-CO to CS-CO.

The applicant is proposing to develop a self-storage facility, which from a traffic perspective is the least intense commercial use that will generate the fewest daily vehicle trips at the City Park Road and FM 2222 lighted intersection.

The City Park Road and FM 2222 intersection is the primary entrance and exit to my neighborhood, therefore I am in **support** of this land use and requested zoning change.

Sincerely,

Ed Stillman

3200 Smoky Ridge

Austin TX 78730

Member of the Austin City Park Neighborhood Association

(Green Shores and Oak Shores Neighborhoods down City Park Road)

Ed Stillman

From:
To: [Kiolbassa, Jolene - BC](#); [Greenberg, Betsy - BC](#); [Aguirre, Ana - BC](#); [Duncan, Jim - BC](#); [Breithaupt, Dustin - BC](#); [Denkler, Ann - BC](#); [Evans, Bruce - BC](#); [Flores, Yvette - BC](#); [King, David - BC](#); [Lavani, Sunil - BC](#); [Trinh, Stephanie - BC](#)
Cc: [Grantham, Scott](#)
Subject: C14-2017-0067 Please DENY zoning change request
Date: Sunday, October 15, 2017 1:20:56 PM

ZAP Commissioners

Please deny the request to rezone Champion Tract 1C to Commercial Services. This designated Hill Country roadway has no other Commercial Zoning which is too intense a use for this floodplain property. The existing Limited Retail zoning is preferred as that is sufficient to provide any amenities that the surrounding residential neighborhoods.

Additionally, the existing road infrastructure will likely require an extensive and expensive overhaul to support the additional traffic the further development of Champions 1c will require.

Thank you for you time.

Barry Williams
Woods Of Greenshores resident
District 10

From:
To: [Kiolbassa, Jolene - BC](#); [Greenberg, Betsy - BC](#); [Aguirre, Ana - BC](#); [Duncan, Jim - BC](#); [Breithaupt, Dustin - BC](#); [Denkler, Ann - BC](#); [Evans, Bruce - BC](#); [Flores, Yvette - BC](#); [King, David - BC](#); [Lavani, Sunil - BC](#); [Trinh, Stephanie - BC](#)
Cc: [Grantham, Scott](#);
Subject: C14-2017-0067 Please DENY CS zoning
Date: Thursday, October 12, 2017 10:09:04 AM

Please deny the request to rezone Champion Tract 1C to Commercial Services.

The existing Limited Retail zoning is most appropriate as it provides for amenities that are useful to the surrounding residential neighborhoods. The proposed CS zoning is too intense a use for this floodplain property. Also, CS is incompatible with the surrounding residential neighborhoods.

Deny the request for CS zoning.

Marc Yagjian
8007 Two Coves
Austin, TX 78730
512 343-0484