

**Zoning Ordinance Approval**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 69**  
**AGENDA DATE: Thu 01/13/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0115 - Champion Tract 5 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5618-5628 FM 2222, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive, 6201-6203 and 6401-6713 Capital of Texas Highway North (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on December 2, 2004. Vote: 6-1, J. Goodman - off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Josie Champion. Agent: Graves, Dougherty, Hearon and Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-04-0115

**REQUEST:**

Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 5618-5628 FM 2222, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive and 6201-6203 and 6401-6713 Capitol of Texas North from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning.

**DEPARTMENT COMMENTS:**

Council approved GR-MU-CO on first reading. The changes to the existing zoning ordinance and conditional overlay are as follows:

- Delete the trip limit.
- Delete the square footage limit.
- Revise Part 2 subparagraph 2 to clarify that the restriction applies to the 75 foot area from the bluff (Revised language with addition italicized: Along the eastern property line, a building or structure may not be constructed or maintained within 75 feet of a slope with a gradient of 25% or more *adjacent to the flood plain of Bull Creek* (generally identified as the bluff).
- Delete Part 2, subparagraph 4 and replace with language that allows vehicular traffic onto Lakewood Drive for residential uses (Revised language: Vehicular access from the property to Lakewood Drive is prohibited for any use).
- Delete Part 2 subparagraph 6 (the cut and fill prohibition if in excess of 4 feet).
- Modify Part 2 subparagraph 9 to provide that "No structure may exceed 28 feet above ground level if within 100 feet of the eastern property line and 45 feet above ground level elsewhere on the property.

In Part 2 subparagraph 10, delete the prohibition against financial services.

The Zoning and Platting Commission recommended the rezoning request with conditions. However, Staff recommended denial of the request, because an updated Traffic Impact Analysis (T.I.A.) amendment was not submitted.

**APPLICANT:** Josie Champion

**AGENT:** Graves, Dougherty, Hearon and Moody (Michael Whellan)

**DATE OF FIRST READING/VOTE:**

December 2, 2004 – Approved community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning (Vote: 7-0).

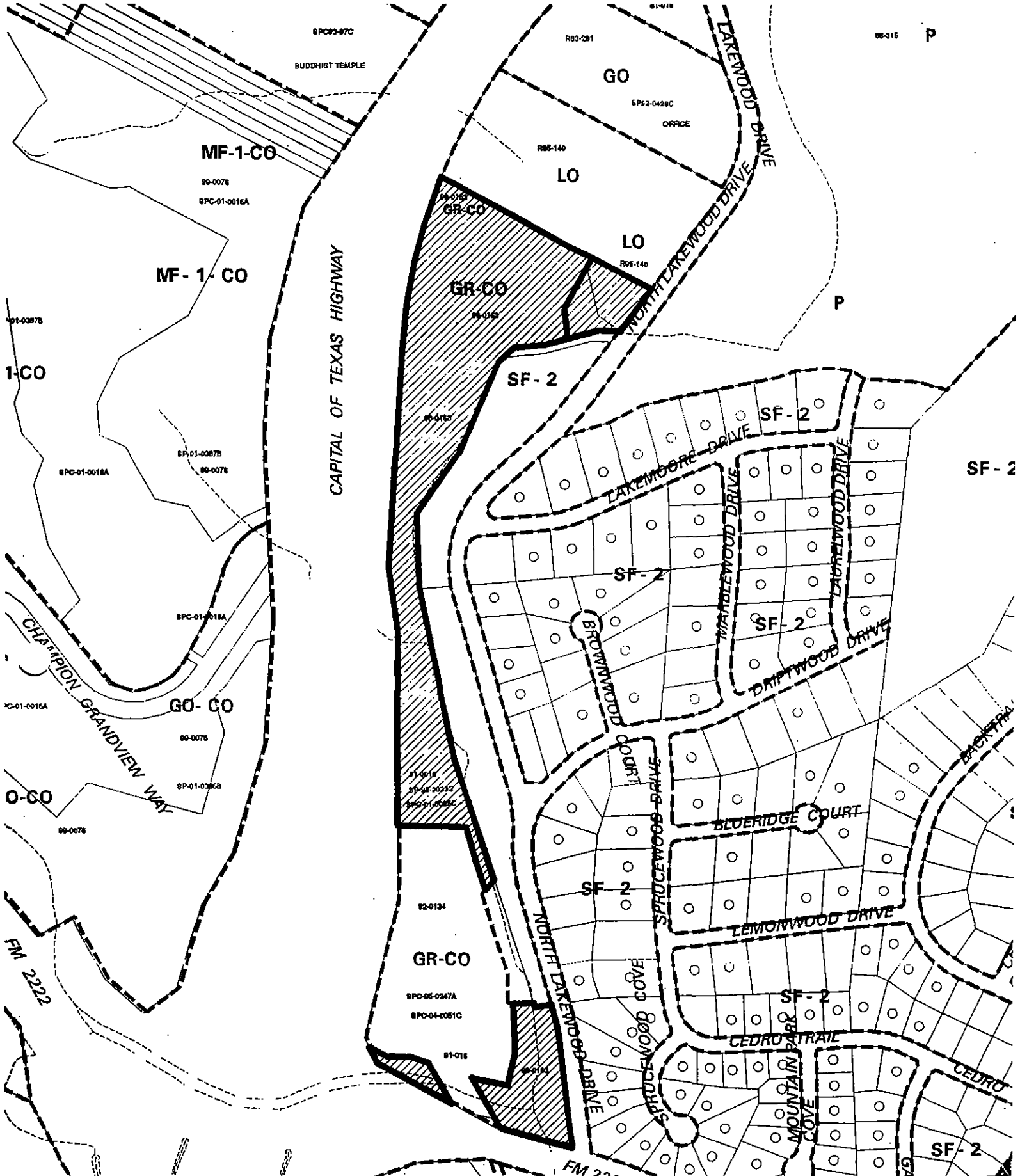
**CITY COUNCIL DATE:**




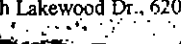
December 2, 2004 – Approved GR-MU-CO with conditions.

January 13, 2005 -

**ASSIGNED STAFF:** Glenn Rhoades

**PHONE:** 974-2775  
glenn.rhoades@ci.austin.tx.us



<p><b>SUBJECT TRACT</b> </p> <p><b>PENDING CASE</b> </p> <p><b>ZONING BOUNDARY</b> </p> <p><b>CASE MGR: G. RHOADES</b></p> <p>1" = 400'</p>	<p align="center"><b>ZONING</b></p> <p><b>CASE #: C14-04-0115</b></p> <p><b>ADDRESS:</b> 15618-5628 FM 2222, 6200-6203 North Lakewood Dr., 6702-6710 North Lakewood Dr., 6201-6203 and 6401-6713 Capitol of Texas Hwy.</p> <p><b>SUBJECT AREA</b> </p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p align="center"><b>G30</b></p>
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5618-5628 F.M. 2222 ROAD, 6200-6320 NORTH LAKEWOOD DRIVE, 6702-6710 NORTH LAKEWOOD DRIVE, 6201-6203 AND 6401-6713 CAPITAL OF TEXAS HIGHWAY NORTH, FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

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 district from community commercial-conditional overlay (GR-CO) combining district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in File C14-04-0115, as follows:

A tract of land out of the James Jett Survey No. 1 and the T.J. Chambers Grant, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibits A-1, A, B, and C incorporated into this ordinance, (the "Property")

locally known as 5618-5628 F.M. 2222 Road, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive, 6201-6203 and 6401-6713 Capital of Texas Highway North, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Along the eastern property line a building or structure may not be constructed or maintained within 75 feet of a slope with a gradient of 25 percent or more that is adjacent to the flood plain of Bull Creek (generally identified as the bluff).
2. A 50 foot wide undisturbed vegetative buffer shall be provided and maintained along the eastern property line. Development within the buffer shall comply with the screening requirements of Section 25-2-1027 (*Visual Screening*) of the City Code, Section 2.9.2 (*Special Screening Standards for Hill Country Sites*) and Appendix A

1 (Special Revegetation Criteria for Hill Country Roadway Sites), of the Environmental  
Criteria Manual. Restoration and replacement of destroyed or diseased vegetation is  
3 permitted as necessary.  
4

5 3. Vehicular access from the Property to Lakewood Drive is prohibited. All vehicular  
6 access to the Property shall be from other adjacent public streets or through other  
7 adjacent property.  
8

9 4. Highly reflective materials may not be used on the Property.  
10

11 5. The noise level of mechanical equipment may not exceed 70 DBA at the eastern  
12 property line.  
13

14 6. A building or structure may not exceed a height of 28 feet above ground level.  
15

16 7. The following uses of the Property are prohibited:  
17

18 Automotive sales	Automotive rentals
19 Automotive repair services	Automotive washing (of any type)
20 Commercial off-street parking	Off-site accessory parking
Service station	Exterminating services
22 Restaurant (limited)	

23  
24 8. Drive-in service is prohibited as an accessory use to a restaurant use.  
25

26 9. Exterior lighting shall be hooded or shielded so that the light source is not directly  
27 visible from adjacent property.  
28

29 Except as specifically restricted under this ordinance, the Property may be developed and  
30 used in accordance with the regulations established for the community commercial (GR)  
31 base district and other applicable requirements.  
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3 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

4  
5 **PASSED AND APPROVED**

6  
7  
8  
9 \_\_\_\_\_, 2005

§  
§  
§

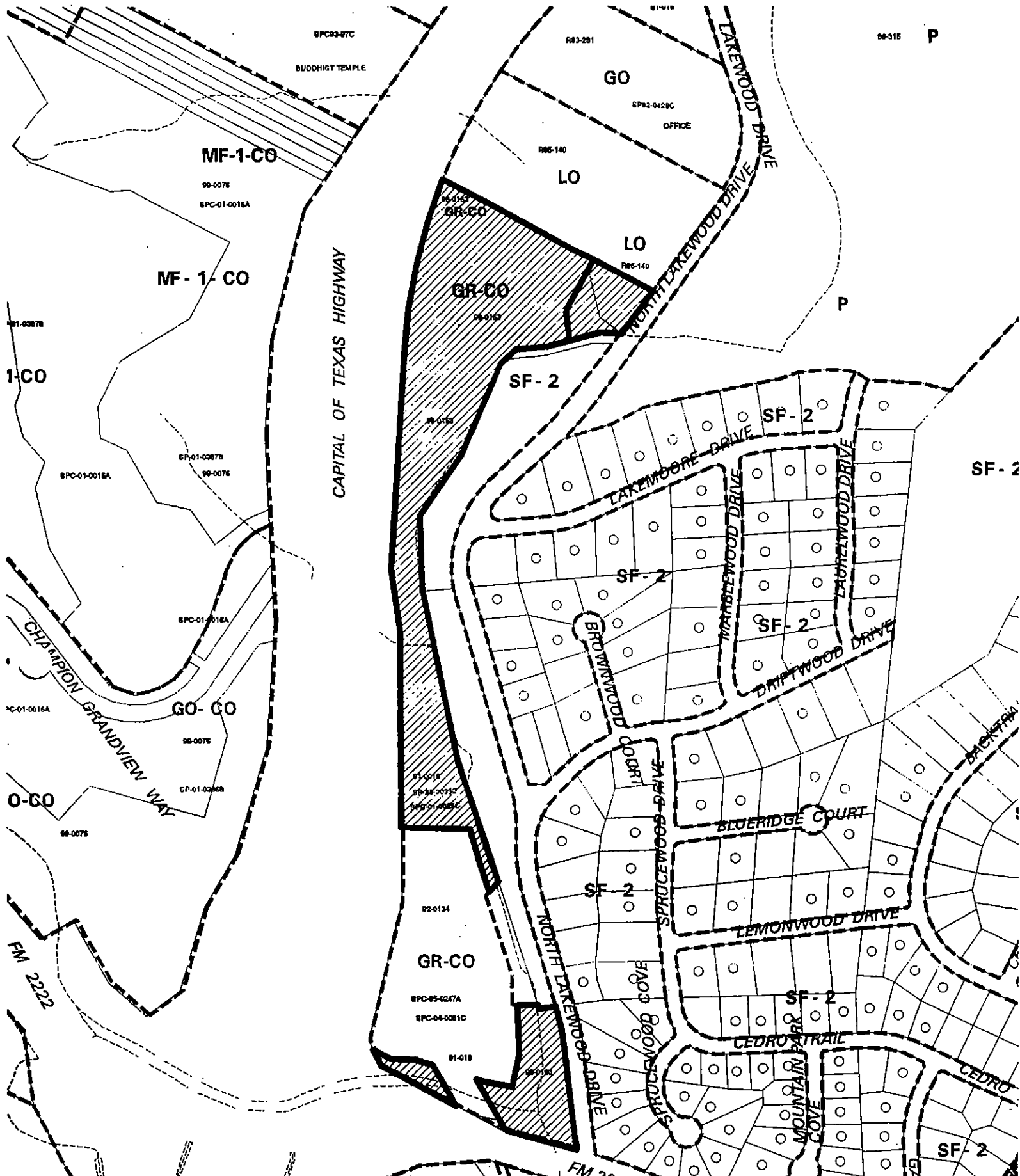
10 \_\_\_\_\_  
11 Will Wynn  
12 Mayor

13  
14 **APPROVED:** \_\_\_\_\_

15 David Allan Smith  
16 City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk



SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: G. RHOADES

CASE #: C14-04-0115

ADDRESS: 5618-5628 FM 2222, 6200-6203 North Lakewood Dr., 6702-6710 North Lakewood Dr., 6201-6203 and 6401-6713 Capitol of Texas Hwy.

SUBJECT AREA

ZONING

CITY GRID  
 REFERENCE  
 NUMBER  
 G30

INTLS:



## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0115

**Z.A.P. DATE:** October 19, 2004

**C.C. DATE:** November 4, 2004  
December 2, 2004  
January 13, 2005

**ADDRESS:** 5618-5628 FM 2222, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive and 6201-6203 and 6401-6713 Capitol of Texas North

**OWNERS:** Josie Champion

**AGENT:** Graves, Dougherty,  
Hearon, Moody (Michael Whellan)

**ZONING FROM:** GR-CO

**TO:** GR-MU-CO

**AREA:** 14.75 acres

### **SUMMARY STAFF RECOMMENDATION:**

Without a Traffic Impact Analysis (T.I.A.) amendment, staff recommends denial of the request for GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay combining district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

October 19, 2004 – Commission recommended the following changes to the existing ordinance:

- Delete the trip limit.
- Delete the square footage limit.
- Revise Part 2 subparagraph 2 to clarify that the restriction applies to the 75 foot area from the bluff (Revised language with addition italicized: Along the eastern property line, a building or structure may not be constructed or maintained within 75 feet of a slope with a gradient of 25% or more *adjacent to the flood plain of Bull Creek* (generally identified as the bluff).
- Delete Part 2, subparagraph 4 and replace with language that allows vehicular traffic onto Lakewood Drive for residential uses (Revised language: Vehicular access from the property to Lakewood Drive is prohibited for any use more intense than SF-6).
- Delete Part 2 subparagraph 6 (the cut and fill prohibition if in excess of 4 feet).
- Modify Part 2 subparagraph 9 to provide that "No structure may exceed 28 feet above ground level if within 100 feet of the eastern property line and 45 feet above ground level elsewhere on the property.
- In Part 2 subparagraph 10, delete the prohibition against financial services and fast food.

Vote: 7-2, Hammond and Doninsi – nay.

### **ISSUES:**

C14-04-0115 – (located on the east side of Loop 360 at the northeast intersection of FM 2222 and Loop 360) – The previous case (C14-99-0063) rezoned the property to GR-CO. The CO limited the property to 782 vehicle trips per day and a limit of 6,000 square feet for any building or structure. There were additional limits on uses and design standards that are not a part of the new request. The applicant in this case is requesting to change the zoning to GR-MU-CO, in order to add mixed use, delete the trip limit and delete the 6,000 square foot building limit.

### **DEPARTMENT COMMENTS:**

At the October 19, 2004 hearing, there will be 3 cases related to the subject tract. 2 of the 3 cases share a 6,500 vehicle trip limit. The case numbers and the requests are as follows:

- C14-03-0140 (located at the southeast corner of City Park Road and 2222) – This case was also previously considered by Council on March 25, 2004 and approved on first ordinance reading (Vote: 4-3, J. Goodman, R. Alvarez and D. Slusher – nay). The request when the case was first considered by Council was for GO-CO, to delete the 6,500 vehicle trip limit. The applicant has amended the request to GO-MU. In addition to deleting the 6,500 vehicle trip limit, the applicant wishes to delete the existing restriction that limits the property to 30,000 square feet of office development.
- C14-02-0181 (located on the south side of 2222 at the northwest corner of the intersection of FM 2222 and City Park Road) - This applicant in this case is requesting to delete the shared 6,500 vehicle trip per day limit in addition, GR the applicant wishes to delete the restriction that limits the property to 4,000 square feet of retail.
- C14-04-0116 – (located on the north side of FM 2222 at the northwest intersection of Loop 360 and FM 2222) – This case is comprised of 2 past zoning cases, C14-98-0161 and C14-99-0076. Case C14-98-0161 changed the zoning to SF-2-CO. The conditional overlay limited trips to 6,500 per day. Case C14-99-0076 changed the zoning to MF-1-CO, GO-CO and LR-CO. The conditional overlay limited the property to 6,500 vehicle trips per day and limited office square footage to 230,000 square feet and retail square footage to 40,000 square feet. There were additional conditions regarding clean up of the property that are not a part of the new request. The applicant is now requesting a change to MF-1-CO, GO-MU-CO and GR-MU-CO. In addition, the applicant is requesting to delete the 6,500 vehicle trip limit and the restrictions on square footage.

On February 19, 2004, the applicants for this zoning case filed a lawsuit against the City. They claim, in part, that the application of City zoning ordinances enacted in 2000 violates a 1996 settlement agreement with the City because of the trip count limitation on this tract as well as three other tracts. They seek declarations consistent with their position, as well as damages for breach of contract and inverse condemnation. That case is styled *Josie Ellen Champion, Champion Assets, Ltd., A Texas Limited Partnership, Alma Juanita Champion Meier, Champion-Meier Assets, Ltd., a Texas Limited Partnership, Mary Margaret Champion Roberson, and Champion Legacy Partners, Ltd., a Texas Limited Partnership v. City of Austin*, Cause No. GN400513, in Travis County District Court

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Strip Shopping Center
<i>North</i>	LO and GO	Office
<i>South</i>	GR-CO	Restaurant
<i>East</i>	SF-2	Single Family
<i>West</i>	Not Zoned	Loop 360

**AREA STUDY:** Bull Creek Study**TIA:** N/A**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

#098 – Lakewood Homeowners Association

#439 – Concerned Citizens for P&amp;B of 2222

#180 – Austin City Parks Neighborhoods

#475 – Bull Creek Foundation

#184 – Bull Creek Homeowners Association

#608 – Jester Homeowners Association

#382 – Shepherd Mountain Homeowners Association

#965 – Old Spicewood Springs Rd. N.A.

#426 – River Place Residential Community Association

#434 – Lake Austin Business Owners

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-97-0162	LR to GR	Approved staff rec. of GR-CO for tracts 1, 2 and 3. Tract one limited to Dry Cleaning as only GR use plus all LR uses. Tracts 2 and 3 limited to Restaurant (general) as only GR use plus all LR uses (Vote: 9-0). 1/13/98	Approved P.C. rec. (Vote: 7-0). 2/26/98.
C14-98-0161	DR to SF-2-CO	Approved SF-2-CO (Vote: 8-0). 8/31/98. See attached ordinance	Approved SF-2-CO (Vote: 5-0). 3/9/99.
C14-98-0162	SF-2 to GO-CO	Approved GO-CO (Vote: 8-0). 8/31/98. See attached ordinance	Approved GO-CO (Vote: 5-0). 3/9/99.
C14-99-0076	DR and SF-2 to MF-1-CO and GO-CO	Approved MF-1-CO and GO-CO (Vote: 5-2-1). 8/31/98. See attached ordinance.	Approved MF-1-CO and GO-CO (Vote: 5-0). 3/9/99
C14-99-0077	DR to LR-CO	Approved GR-CO (Vote: 7-1) 8/31/98. See attached ordinance	Approved LR-CO (Vote: 5-0). 3/9/99.

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>
RM 2222	240'	80'	Major Arterial
Loop 360	Varies	Varies	Major Arterial

**CITY COUNCIL DATE:** November 4, 2004

December 2, 2004

**ORDINANCE READINGS:** 1st

**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

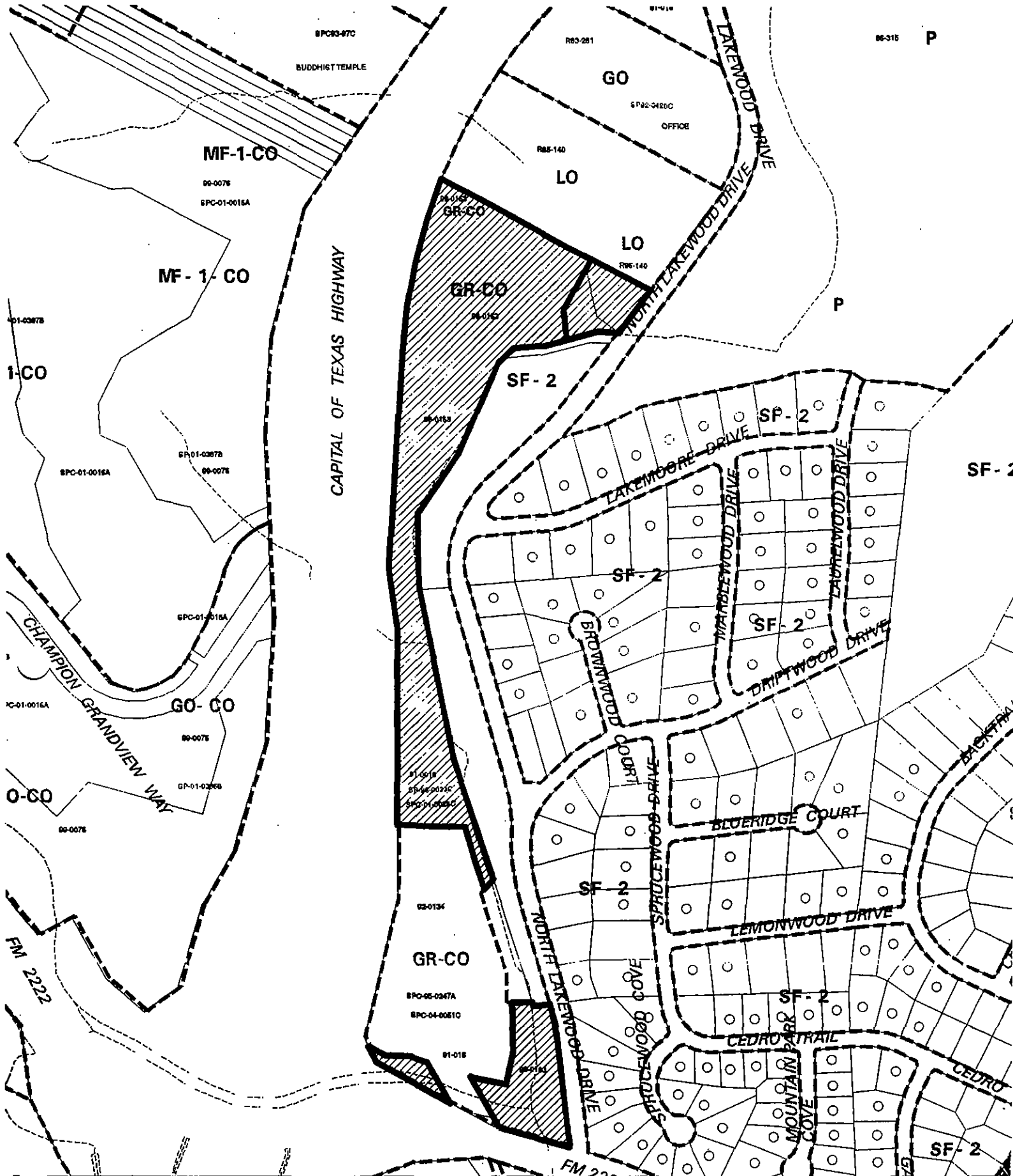
**ACTION:** Postponed at the request of the  
Neighborhood (Vote: 7-0).





Approved GR-MU-CO on first reading  
(Vote: 7-0).

2<sup>nd</sup>

3<sup>rd</sup>

**PHONE:** 974-2775



<p><b>SUBJECT TRACT</b> </p> <p><b>PENDING CASE</b> </p> <p><b>ZONING BOUNDARY</b> </p> <p><b>CASE MGR: G. RHOADES</b></p>	<p align="center"><b>ZONING</b></p> <p><b>CASE #: C14-04-0115</b></p> <p><b>ADDRESS:</b> 5618-5628 FM 2222, 6200-6203 North Lakewood Dr., 6702-6710 North Lakewood Dr., 6201-6203 and 6401-6713 Capital of Texas Hwy.</p> <p><b>SUBJECT AREA</b> </p> <p><b>INTLS:</b></p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p align="center"><b>G30</b></p>
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1"=400'



## **STAFF RECOMMENDATION**

Without a Traffic Impact Analysis (T.I.A.) amendment, staff recommends denial of the request for GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay combining district zoning.

## **BASIS FOR RECOMMENDATION**

With the absence of a Traffic Impact Analysis amendment, staff cannot recommend the proposed zoning change.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a retail shopping center.

### **Transportation**

RM 2222 is classified in the Bicycle Plan as a Priority 2 bike route. (Route #419)

Capital of Texas Highway is classified in the Bicycle Plan as a Priority 1 bike route. (Route #9)

There are no existing sidewalks along RM 2222 or Loop 360

### **Impervious Cover**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

### **Environmental**

According to flood plain maps, there is flood plain in the project location. Offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements are necessary to serve each lot and land use. The landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specification.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the eastern 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.
- 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. Additional design regulations will be enforced at the time a site plan is submitted.



The site/A portion of the site is located within 1,000 feet of Loop 360 & RM 2222 and within a Hill Country Roadway Corridor. The southern portion of the tract is located within the high intensity zone with the remainder of the tract located within the moderate intensity zoning of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

Slope	Maximum FAR high / moderate intensity
0-15%	0.30 / 0.25
15-25%	0.12 / 0.10
25-35%	0.03 / 0.05

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along both roadways. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of Loop 360 or RM 2222 the maximum height is 28 feet, and beyond 200 feet the maximum height is 53 feet in the high intensity zone and 40 feet in the moderate intensity zone.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Zoning & Platting Commission



## MEMORANDUM

**To:** Glenn Rhoades, Case Manager  
Neighborhood Planning and Zoning Department

**From:** George Zapalac  
Watershed Protection and Development Review Department

**Date:** September 30, 2004

**Subject:** Champion Tract Zoning Cases  
C14-02-0181, C14-03-0140, C14-04-0115, C14-04-0116

The following information is provided regarding traffic issues related to the Champion Tract zoning cases.

### **Background**

Zoning cases were originally filed on these properties in 1998, and a traffic impact analysis (TIA) was prepared which analyzed all four tracts. An update to the TIA was submitted in 1999. Based on the assumptions of that TIA, the project would have generated a total of 14,808 trips per day (unadjusted). The TIA indicated that most of the affected intersections could achieve an acceptable level of service with various road improvements, including the expansion of RM 2222 to 6 lanes between Loop 360 and City Park Rd. When the case was heard by Council, the zoning was approved with a limitation of 6500 vehicle trips per day on all four tracts and without the expansion of RM 2222.

In 2002 and 2003, the owner filed new applications on two of the tracts to request that the limitation of 6500 trips per day be increased. These cases were heard by Council on March 25, 2004, and approved on first reading with instructions to staff to return on second and third readings with a proposal for an alternative trip limitation. Subsequently, the owner filed new zoning applications for the remaining two tracts requesting to remove the trip limitation on those tracts as well.

Staff did not originally recommend the applicant's request to remove the trip limitation because Council had previously imposed it and the applicant had provided no new information to justify an increase in the number of trips. Staff recommended that the applicant provide an updated TIA to evaluate the effect of the increased traffic. At the March 25 meeting, Council did not require

the applicant to prepare a TIA but asked staff to provide further analysis of the traffic to determine an appropriate limitation on the number of trips. Council also asked the staff to look into adding additional capacity to RM 2222 to accommodate traffic growth in the area. In the absence of a new TIA, previous studies can provide a basis for an alternative recommendation.

#### **Regional Development Study: RM 2222/Bull Creek/West Bull Creek Watershed Area**

This study, prepared by the City in November, 1993, analyzed long-term growth trends for the Bull Creek Watershed, a major contributor of traffic to RM 2222. One conclusion of the study was that the existing 4-lane roadway had insufficient capacity to accommodate full build-out of all the development that had already been approved by the City at the time. It was estimated that a 4- to 6-lane parkway or expressway would eventually be needed to accommodate projected travel demand in the corridor. As of 1992, traffic volumes along the section of RM 2222 between RM 620 and Loop 360 ranged from 13,000 -- 16,000 vehicles per day. By 2002, those volumes had increased to 28,000 -- 37,000 vehicles per day. Capacity of the road is 31,500 -- 39,000 vehicles per day, meaning that it is currently operating at 89 - 95 percent of capacity.

#### **Previous Champion Tract Traffic Impact Analysis**

The TIA prepared for the Champion Tract in 1999 was based on the following land use and traffic assumptions. All traffic numbers are adjusted to compensate for internal trips between different land uses and for pass-by traffic that is already on the abutting streets.

Tract	Land Use	Size	24-hour Traffic	AM Peak	PM Peak
1	General Office	350,000 sf	3,854	546	522
	Multi-family	570 units	3,779	291	354
	Shopping Center	60,000 sf	2,945	71	269
	Single-family	11 units	136	17	14
2	Restaurant	6,000 sf	469	33	39
	Single-family	3 units	41	12	5
3	General Office	30,000 sf	526	72	113
4	Restaurant	6,000	469	33	39
	Total		12,219	1075	1355

The TIA determined that the level of service at affected intersections could be improved with the following improvements:

Location	Improvement	Total Cost	Applicant's Share (%)	Applicant's Cost
Loop 360 & RM 2222	Eastbound and westbound through lanes; northbound left turn lane	\$377,126	14	\$52,798
Loop 360 & Lakewood	Dual left turn lane; shared through/right on Lakewood	55,014	6	3,301
Loop 360 & West	Left turn, left/through shared land, right turn lane on West Courtyard	35,895	5	1,795

Courtyard				
City Park Rd. & RM 2222	Eastbound and westbound through lanes; dual left turn lanes and through/right shared lane	\$332,630	16	\$53,221
Jester Blvd & RM 2222	Eastbound and westbound through lanes.	303,143	6	18,189
Total		\$1,103,808		\$129,304

These cost figures have not been reviewed by TXDOT and have not been updated since they were prepared in 1999.

Council did not adopt these recommendations with the original zoning case and chose instead to limit the amount of traffic to 6,500 trips per day.

### **Recommendations**

If Council wishes to change the original condition of approval on this property, staff recommends the following:

1. The applicant should post fiscal surety for the improvements identified in the original traffic impact analysis as listed above. The cost estimates should be updated and reviewed by TXDOT, and the fiscal should be posted prior to third reading of the zoning.
2. Council should initiate an amendment to the Austin Metropolitan Area Transportation Plan and the CAMPO plan to add two lanes to RM 2222 between Loop 360 and City Park Rd.
3. Development of the tract should be limited to an intensity that will not exceed or significantly vary from the projected traffic conditions assumed in the 1999 traffic impact analysis. Such assumptions include peak-hour trip generation, traffic distribution, roadway conditions, and other traffic characteristics.

Please contact me at 974-2725 if you have any questions.

*George Zapalac*

George Zapalac  
Watershed Protection and Development Review Department

**ORDINANCE NO. 000309-79**

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

**A TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1 AND THE T. J. CHAMBERS GRANT, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 5618-5628 F.M. 2222 ROAD, 6200-6320 NORTH LAKEWOOD DRIVE, 6702-6710 NORTH LAKEWOOD DRIVE, 6401-6713 CAPITAL OF TEXAS HIGHWAY NORTH AND 6201-6203 CAPITAL OF TEXAS HIGHWAY NORTH, 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 district from Single Family Residence Standard Lot (SF-2) district to Community Commercial-Conditional Overlay (GR-CO) combining district on the property described in File C14-98-0163, as follows:

A 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 Exhibits A-1, A, B, and C incorporated into this ordinance, (the "Property")

commonly know as Tract 5, locally known as 5618-5628 F.M. 2222 Road, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive, 6401-6713 Capital of Texas Highway North and 6201-6203 Capital of Texas Highway North, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

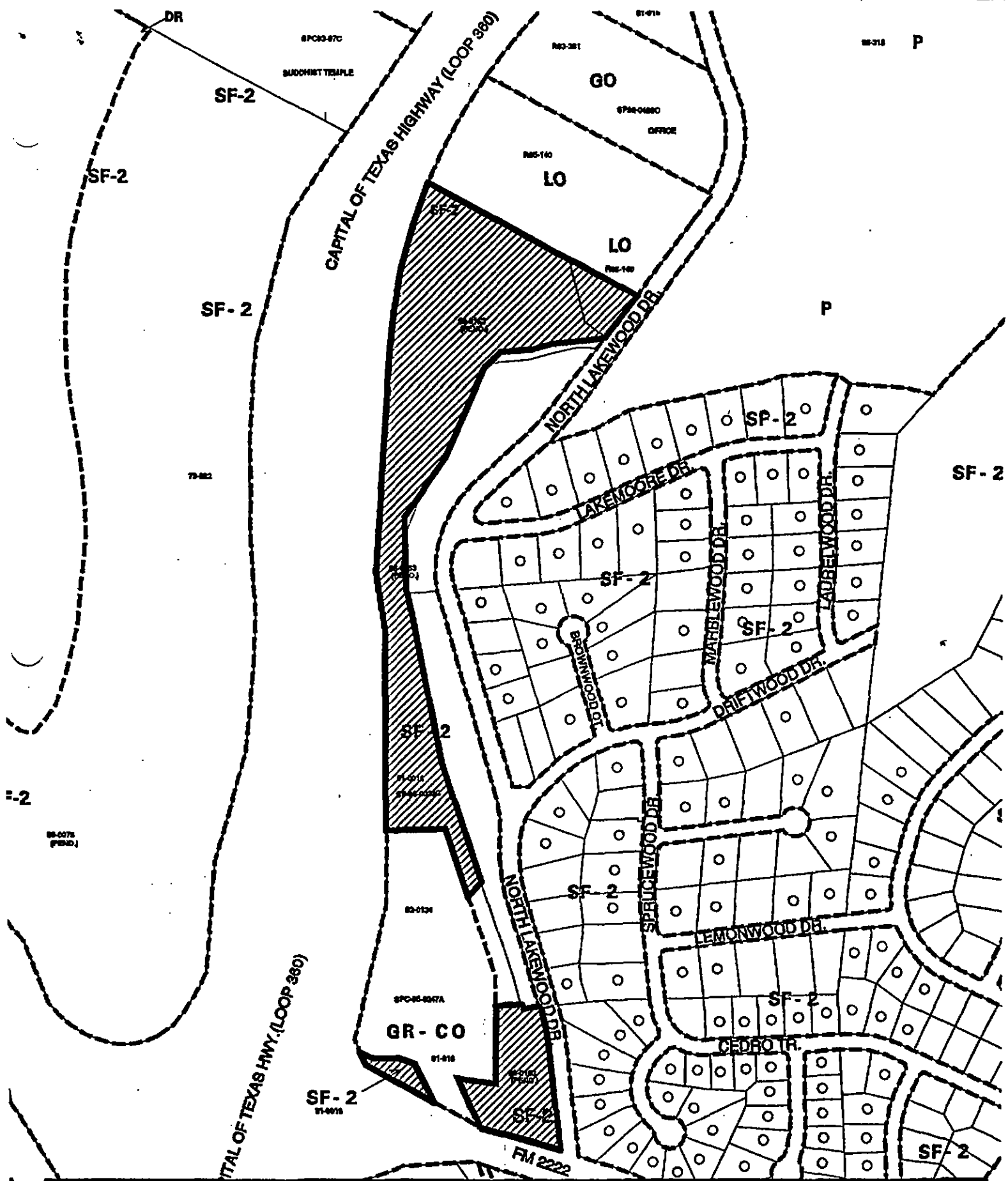
1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 782 adjusted trips per day.




2. Along the eastern property line a building or structure may not be constructed or maintained within 75 feet of a slope with a gradient of 25 percent or more (generally identified as the bluff).
3. A 50 foot wide undisturbed vegetative buffer shall be provided and maintained along the eastern property line. Development within the buffer shall comply with the screening requirements of Section 25-2-1027 (*Visual Screening*) of the City Code, Section 2.9.2 (*Special Screening Standards for Hill Country Sites*) and Appendix A (*Special Revegetation Criteria for Hill Country Roadway Sites*), of the Environmental Criteria Manual. Restoration and replacement of destroyed or diseased vegetation is permitted as necessary.
4. Vehicular access from the Property to Lakewood Drive is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
5. A building or structure may not exceed 6,000 square feet of gross floor area.
6. Cut and fill in excess of 4 feet is not permitted on the Property.
7. Highly reflective materials may not be used on the Property.
8. The noise level of mechanical equipment may not exceed 70 DBA at the eastern property line.
9. A building or structure may not exceed a height of 28 feet above ground level.
10. The following uses of the Property are prohibited:

Automotive Sales	Automotive Rentals
Automotive Repair Services	Automotive Washing (of any type)
Commercial Off-Street Parking	Off-Site Accessory Parking
Service Station	Exterminating Services
Financial Services	Restaurant (Drive-in, Fast Food)
11. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Community Commercial (GR) base district and other applicable requirements.





SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: D.PERYMAN

**ZONING EXHIBIT D**  
**CASE #: c14-98-0163**  
**ADDRESS: CHAMPION TRACT**  
**DATE: 00-04**  
**SUBJECT AREA (approx) 15**

**CITY GRID REFERENCE NUMBER**  
**G30**

1"=400'



**ORDINANCE NO. 000309-81**

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

**A 13.499 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM DEVELOPMENT RESERVE (DR) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 6100-6404 CITY PARK ROAD AND 6509-6909 F.M. 2222 ROAD, 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 district from Development Reserve (DR) district to Neighborhood Commercial-Conditional Overlay (LR-CO) combining district on the property described in File C14-99-0077, as follows:

A 13.499 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, (the "Property")

commonly known as Tract 2, locally known as 6100-6404 City Park Road and 6504-6909 F.M. 2222 Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. 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 C, D, 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.
2. Retail development may not exceed 4,000 square feet of gross floor area.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Neighborhood Commercial (LR) base district and other applicable requirements.

**PART 3.** 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 4.** This ordinance takes effect on March 20, 2000.

**PASSED AND APPROVED**

March 9, 2000

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§  
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Kirk Watson

Kirk Watson  
Mayor

**APPROVED:**

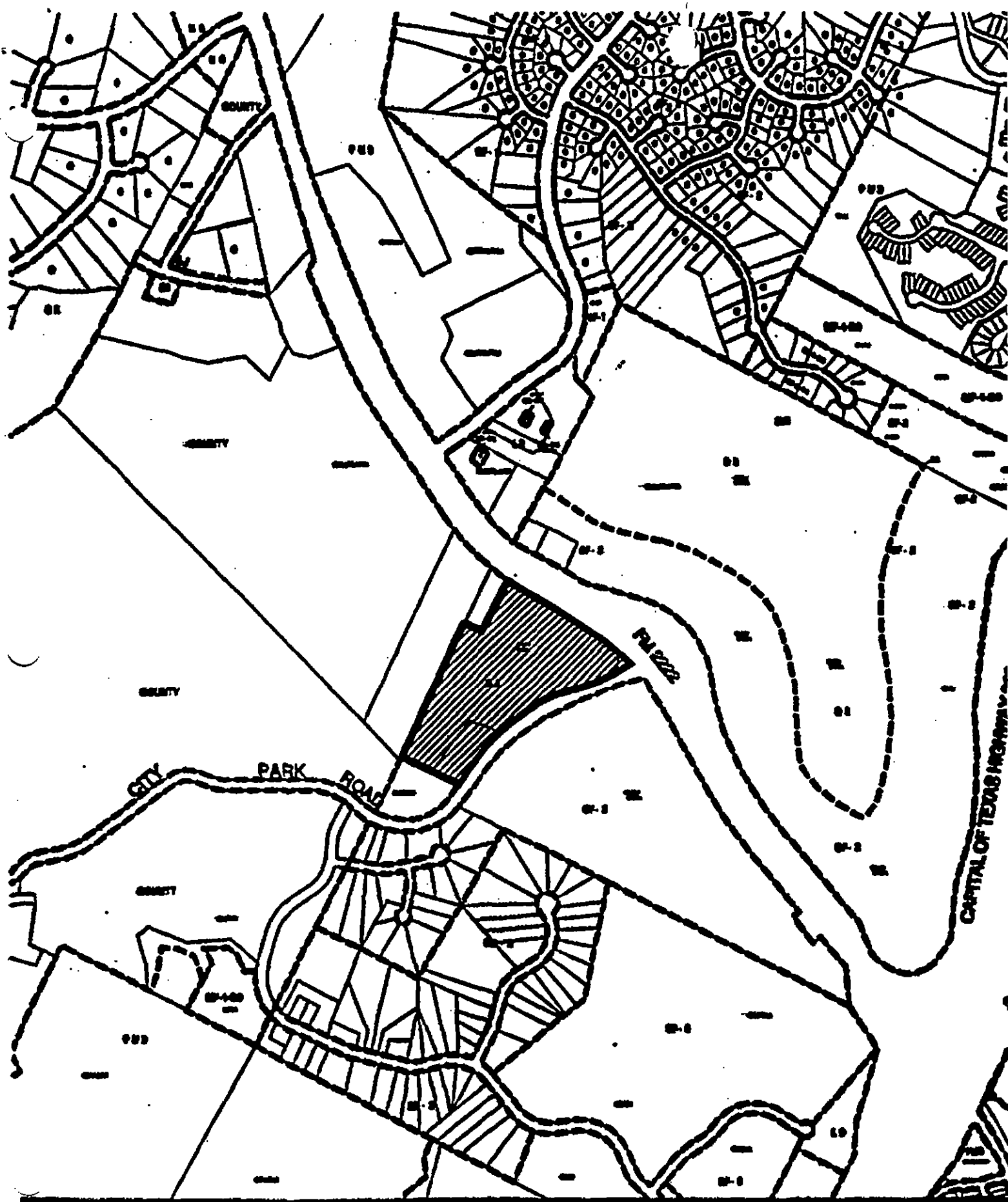
Andrew Martin

Andrew Martin  
City Attorney

**ATTEST:**

Shirley A. Brown

Shirley A. Brown  
City Clerk



	<p><b>SUBJECT TRACT</b> </p> <p><b>PENDING CASE</b> </p> <p><b>ZONING BOUNDARY</b> </p> <p><b>CASE NO: D.PERRYMAN</b></p>	<p align="center"><b>ZONING EXHIBIT B</b></p> <p><b>CASE #: C14-89-0077</b></p> <p><b>ADDRESS: FM 222 AND CITY PARK</b></p>	<p><b>DATE: 89-05</b></p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p align="center"><b>F30</b></p>
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**ORDINANCE NO. 000309-78**

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

**A 45.208 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 6011-6411 CITY PARK ROAD AND 5801-6507 F.M. 2222 ROAD, 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 district from Single Family Residence Standard Lot (SF-2) district to General Office-Conditional Overlay (GO-CO) combining district on the property described in File C14-98-0162, as follows:

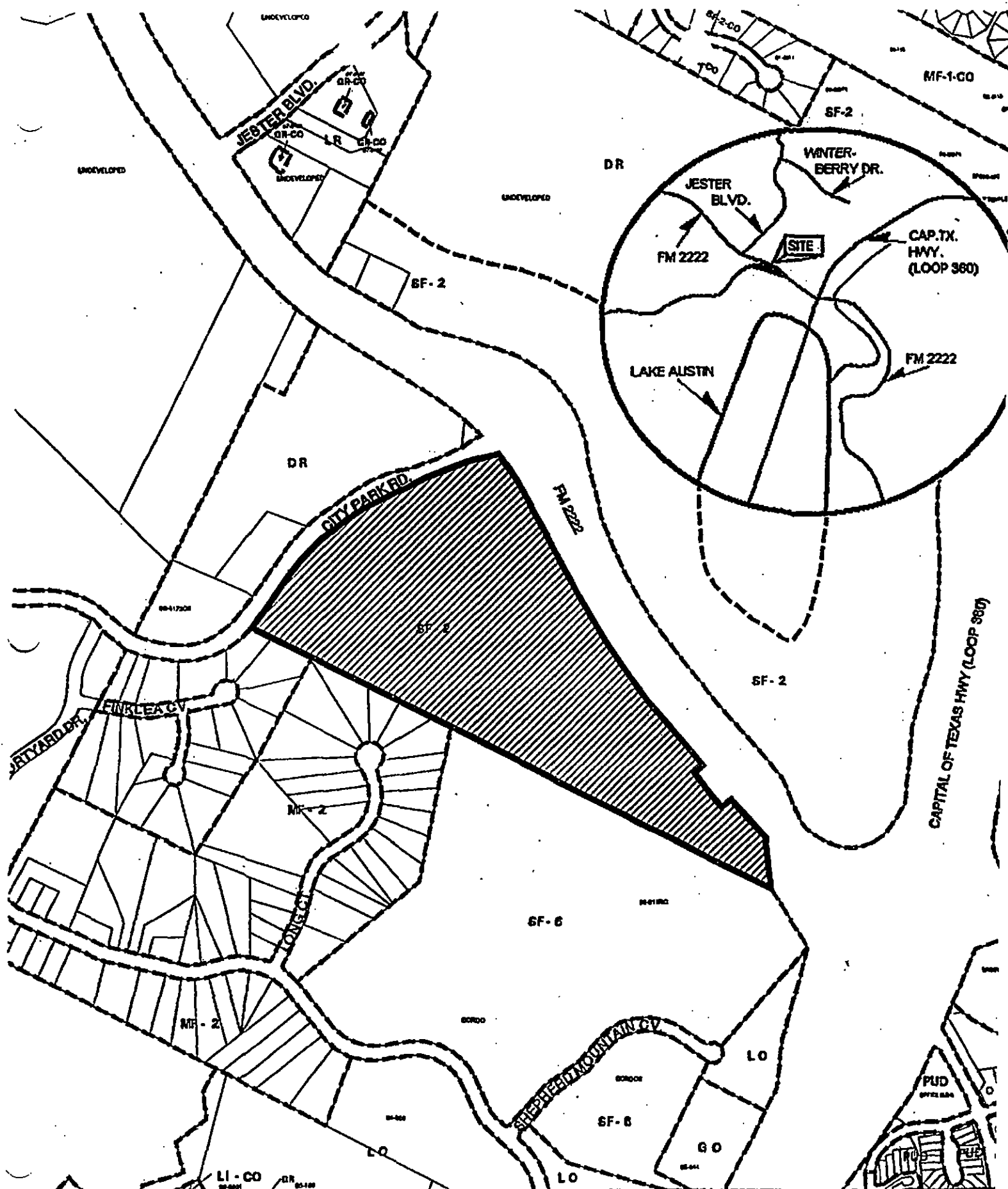
A 45.208 acre tract of land out of the James Jett Survey No. 1, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")


commonly known as Tract 3, locally known as 6011-6411 City Park Road and 5801-6507 F.M. 2222 Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. 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 C, D, 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.
2. Office development may not exceed 30,000 square feet of gross floor area.
3. A building or structure may not be constructed or maintained within 100 feet of the southern property line.






**SUBJECT TRACT**  
**PENDING CASE**  
**ZONING BOUNDARY**

**CASE #: C14-98-0162**

**ADDRESS: CITY PARK RD. & FM 2222**

**ZONING EXHIBIT B**

**DATE: 98-10**

**CITY GRID**  
**REFERENCE**  
**NUMBER**  
**F30**

**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

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Kirk Watson

Kirk Watson  
Mayor

**APPROVED:**

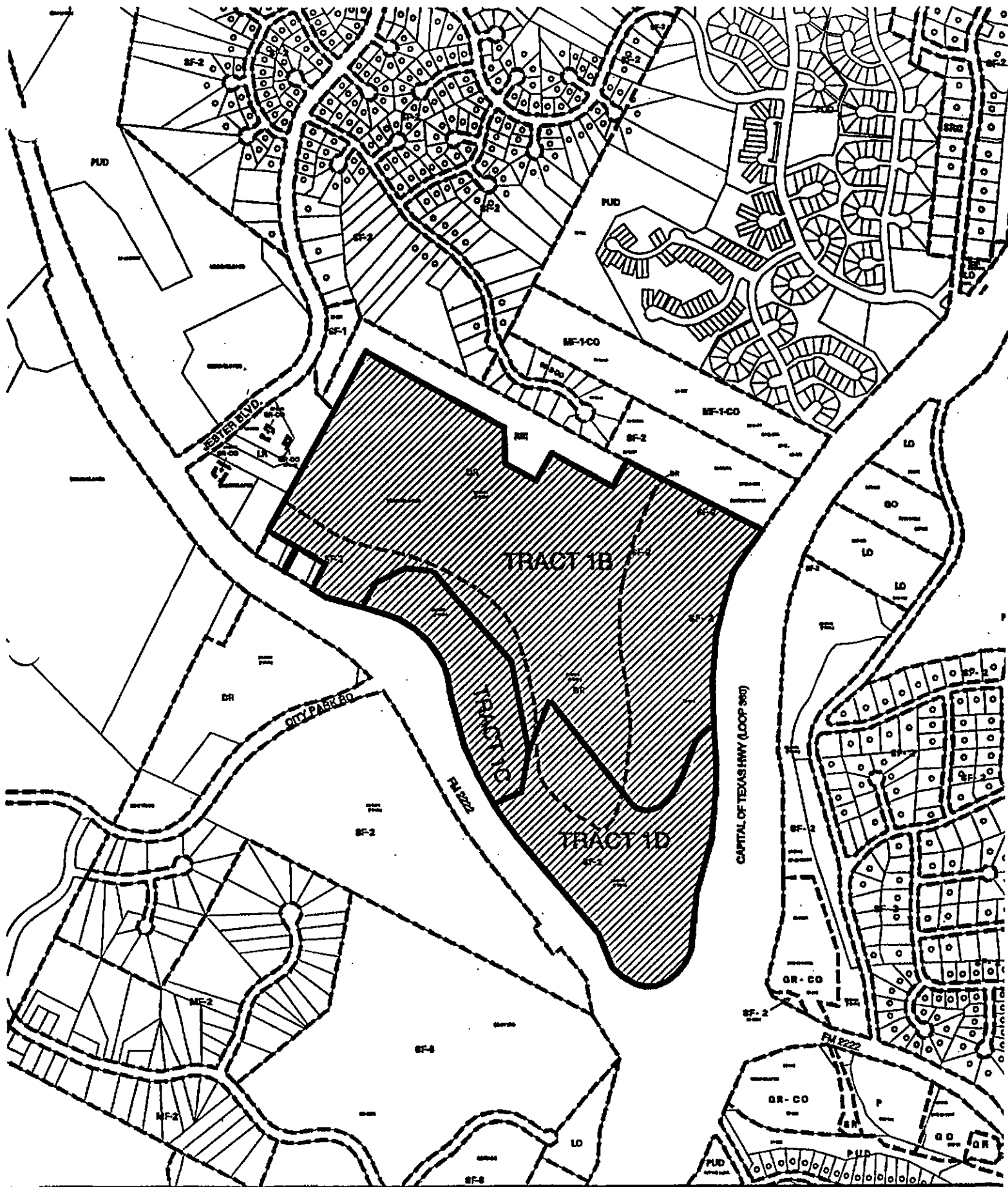
Andrew Martin




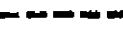
Andrew Martin  
City Attorney

**ATTEST:**

Shirley A. Brown

Shirley A. Brown  
City Clerk




 SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: JRUSTHOVEN  
 000000-00

**ZONING** *RXHBIT D*  
**CASE #:** C14-99-0076  
**ADDRESS:** CHAMPION TRACT  
**DATE:** 00-03  
**CITY GRID REFERENCE NUMBER**  
 F30,F31

**ORDINANCE NO. 000309-77**

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

**A 3.157 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM DEVELOPMENT RESERVE (DR) DISTRICT TO SINGLE FAMILY RESIDENCE STANDARD LOT-CONDITIONAL OVERLAY (SF-2-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 6507 WINTERBERRY DRIVE, 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 district from Development Reserve (DR) district to Single Family Residence Standard Lot-Conditional Overlay (SF-2-CO) combining district on the property described in File C14-98-0161, as follows:

A 3.157 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, (the "Property")

commonly known as Tract 1A, locally known as 6507 Winterberry Drive, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

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 C, D, 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.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Single Family Residence Standard Lot (SF-2) base district and other applicable requirements.

**PART 3.** 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 4.** This ordinance takes effect on March 20, 2000.

**PASSED AND APPROVED**

March 9, 2000

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Kirk Watson

Kirk Watson  
Mayor

**APPROVED:**

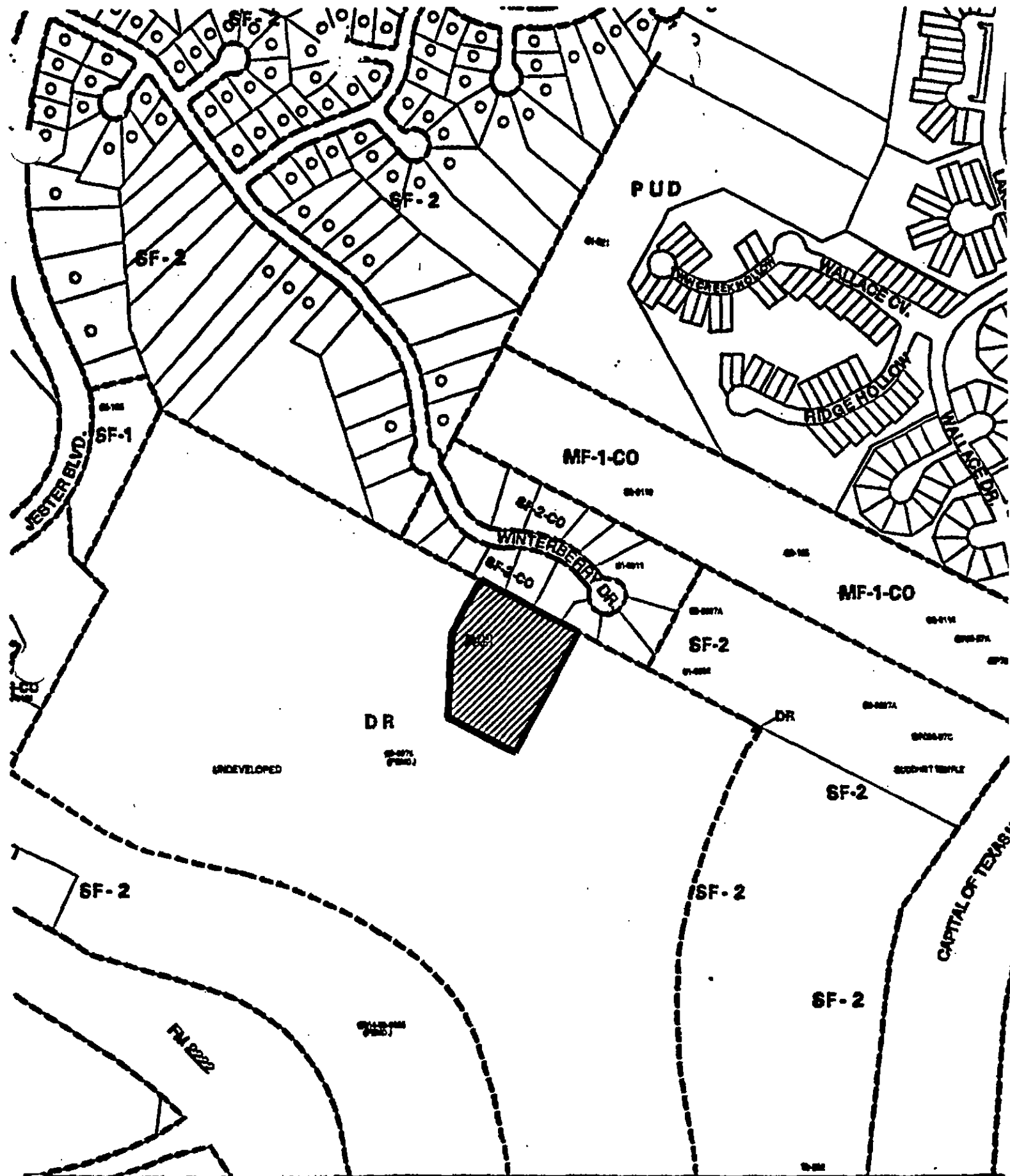
Andrew Martin

Andrew Martin  
City Attorney

**ATTEST:**

Shirley A. Brown

Shirley A. Brown  
City Clerk



SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: D.PERRYMAN  
 000 309-11

**ZONING EXHIBIT B**  
**CASE #: C14-98-0161**  
 ADDRESS: 6507 WINTERBERRY DR.  
 SUBJECT AREA (acres): 3.800

**CITY GRID REFERENCE NUMBER**  
 F31

DATE: 98-05  
 INTLS: TRC

NO. 94-07160

JOSIE ELLEN CHAMPION,  
JUANITA CHAMPION MEIER,  
AND MARY MARGARET CHAMPION  
ROBERSON,

PLAINTIFFS

VS.

CITY OF AUSTIN,

DEFENDANT

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

353RD JUDICIAL DISTRICT

**COMPROMISE SETTLEMENT AGREEMENT**

This Compromise Settlement Agreement (Agreement) is made effective on the 13th day of June, 1996, by and between Josie Ellen Champion, Juanita Champion Meier and, Mary Margaret Champion Roberson (the Champions) and the City of Austin (the City).

In consideration of the mutual promises and obligations set forth herein and for other good and valuable consideration, the sufficiency of which is acknowledged by the Champions and the City, the parties agree as follows:

1. For purposes of this Agreement, "the Subject Property" will be the real estate contained in Tracts 1, 2, 3, 4 and 5, such tracts being the following:

Tract 1: 153.75 acres, more or less, out of the James Jett Survey No. 1, Travis County, Texas, Travis County Plat No. 1 4218 08 18, referred to in the Application for Land Status Determination bearing City of Austin filing No. C81-87-020, the legal description of such tract contained in such application being adopted herein as if fully restated.

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.

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

Janita Champion Meier  
JANITA CHAMPION MEIER

MARY MARGARET CHAMPION ROBERSON

CITY OF AUSTIN

By: Alice Glasco  
Printed Name: ALICE GLASCO  
Its: \_\_\_\_\_

STATE OF TEXAS

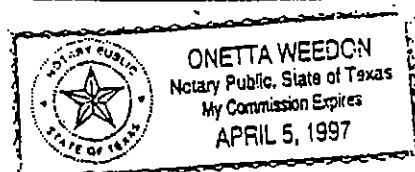
COUNTY OF TRAVIS

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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

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COUNTY OF TRAVIS

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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.

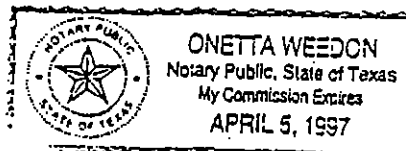
SUBSCRIBED AND SWORN TO BEFORE ME on the 11<sup>th</sup> day of July, 1996, to certify which witness my hand and official seal.

Onetta Weedon

Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

Printed Name: \_\_\_\_\_



STATE OF TEXAS

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COUNTY OF DALLAS

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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: \_\_\_\_\_



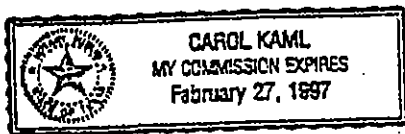
STATE OF TEXAS

COUNTY OF TRAVIS

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BEFORE ME, the undersigned authority, appeared Nice Glesco,  
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: \_\_\_\_\_