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**PLANNING COMMISSION  
SITE PLAN EXTENSION REVIEW SHEET**

**CASE NUMBER:** SP-98-0167C (XT4) **PC DATE:** May 24, 2011

**PROJECT NAME:** First Evangelical Free Church

**ADDRESS:** 4220 Monterrey Oaks Blvd.

**WATERSHED:** Williamson Creek (in Barton Springs recharge zone)

**AREA:** 16.937 Acres

**EXISTING ZONING:** GR-CO

**APPLICANT:** First Evangelical Free Church (Scot Krieger)  
4220 Monterrey Oaks Blvd.  
Austin, TX 78749  
(512) 477-2224

**AGENT:** Law Office of Terrence L. Irion  
1250 S. Capital of Texas Hwy  
3 Cielo Center, Suite 601  
Austin, TX 78746  
(512) 347-9977

**PROPOSED USE:** Religious Assembly – a church campus with six buildings, associated parking, ponds and other associated improvements consisting of five phases. Five of the seven phases have been constructed including four buildings with parking, the water quality and detention ponds.

**NEIGHBORHOOD ORGANIZATION:**

298 – Oak Hill Association of Neighborhoods (OHAN)  
384 – Save Barton Creek Association  
385 – Barton Springs Coalition  
428 – Barton Springs/Edwards Aquifer Conservation District  
705 – OHAN 78735  
706 – OHAN 78736  
707 – OHAN 78737  
708 – OHAN 78738  
709 – OHAN 78739  
710 – OHAN 78749  
742 – AISD  
943 – Save Our Springs Alliance  
1037- Homeless Neighborhood Assn.  
1200- Super Duper Neighborhood Objectors and Appealers Assn.  
1166- Oak Hill Neighborhood Plan Contact Team

**AREA STUDY:** East Oak Hill Study  
**CAPITOL VIEW:** Not in View Corridor

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/2**T.I.A.:** Not required**APPLICABLE WATERSHED ORDINANCE:**

For impervious cover, applicable watershed ordinance is Comprehensive Water Ordinance (Ordinance No. 860508-V). For water quality, subject to Special Exceptions No. 911010-D and 911010-E.

**SUMMARY STAFF RECOMMENDATION:** The applicant is requesting a ten-year extension to the previously approved site plan (from May 12, 2011 to May 12, 2021).

This site is governed by regulations to the preliminary subdivision plan filed with respect to the property on May 12, 1992 including a Settlement Agreement dated May 12, 1999 and two Special Exception Ordinances, 911010-D and 911010-E 9 (attached). The original application for site plan approval was filed with the good faith expectation by the applicant that the development shown on the site plan would be constructed; and at least one structure shown on the original site plan and suitable for permanent occupancy has been constructed. This project is not subject to Project Duration. Staff recommends approval of a 10-year extension.

**PREVIOUS APPROVALS:** The Settlement Agreement states that Section 13-1-614 of the Land Development Code, as it existed on May 12, 1992 governs the expiration of the site plan. Although the site plan was administratively approved on October 1, 1998 due to the Settlement Agreement the site plan expiration date was determined to be 3 years from the May 12, 1999 signing date of the agreement (May 12, 2002). A one-year administrative extension was granted in 2002, extending the expiration date to May 12, 2003. In June of 2003, a Zoning and Platting Commission extension was granted for three years until May 12, 2006. In August 2006, Planning Commission granted a five year extension until May 12, 2011.

**PLANNING COMMISSION ACTION:**

05/24/2011:

**CASE MANAGER:** Lynda Courtney Telephone: 974-2810  
[Lynda.courtney@ci.austin.tx.us](mailto:Lynda.courtney@ci.austin.tx.us)

**PROJECT INFORMATION:** 16.937 Acres**EXIST. ZONING:** GR-CO**MAX. BLDG. CVRG ALLOWED:** 75% in GR **PROPOSED BLDG. CVRG:** 105,592 sq. ft. (17%)**MAX. IMPERV. CVRG.:** 9.824 acres\* **PROPOSED IMP. CVRG:** 9.035 ac. (63%)**MAX HEIGHT ALLOWED:** 60' in GR **PROPOSED HEIGHT:** 16'-50' (1-3 stories)**REQUIRED PARKING:** 536 **PROVIDED PARKING:** 617

\*transfers established on plat of Westfield Center Section 3 and by Restrictive Covenant

**LEGAL DESCRIPTION:** Westfield Center Section 3, Amended Plat, Block A, Lot 4**A COMPARISON OF THE APPROVED PROJECT WITH CURRENT REGULATIONS:**

Due to the settlement agreement date May 12, 1999 for this site, for the impervious cover the applicable watershed ordinance is Comprehensive Water Ordinance (Ordinance No. 860508-V). The approved project has 63.4% impervious coverage. Current regulations would allow 15% impervious coverage. The water quality, subject to Special Exceptions Ordinances and provides retention-irrigation and detention using increased capture sizing. Current code would require a larger SOS capture volume.

**SUMMARY COMMENTS ON SITE PLAN:**

**LAND USE:** The proposed development consists of a church campus with six buildings [Worship Center (Bldg. D), Christian education/library (Bldg. C), Youth education (Bldg. E), Christian Life center (Bldg. F), Prayer chapel (Bldg. A), and Community Center (Bldg. B)], parking, water quality/detention ponds and other associated improvement. There are seven phases; phases 1-3, 5 and 7 have been constructed consisting of four buildings, parking and the water quality/detention ponds. Phases 4 and 6 are left to build, consisting of the Youth Education and Sanctuary buildings. The tract is zoned GR-CO, with the conditional overlay restricting the floor to area ratio of .3 to 1. The site plan is complying with the zoning restriction.

**ENVIRONMENTAL:** This site is located in the Williamson Creek watershed, and is located in the in Edwards Aquifer Recharge Zone. Water quality and detention ponds have been built in Phase I of the site plan, and accepted by the City of Austin.

**TRANSPORTATION:** There is one driveway exit off of Monterrey Oaks Blvd. A traffic impact analysis was not required to be submitted with the application for site plan approval. All transportation comments have been cleared.

**SURROUNDING CONDITIONS: Zoning/ Land Use**

<b>North:</b>	RR, tributary to Williamson Creek
<b>East:</b>	GR-CO, office park
<b>South:</b>	Monterrey Oaks Blvd. MF-2-CO apartments
<b>West:</b>	MF-2-CO, apartments

<b><u>Street</u></b>	<b><u>R.O.W.</u></b>	<b><u>Surfacing</u></b>	<b><u>Classification</u></b>
Monterrey Oaks Blvd.	90	4 @ 60'	Arterial (4 MAD)

**REVIEW AND EVALUATION CRITERIA FOR COMMISSION EXTENSION**

The Land Use Commission may extend the expiration date of this site plan if it finds that the site plan satisfies the criteria set forth in subsection (c) of Section 25-5-62. The Director shall make **any one** of the following findings:

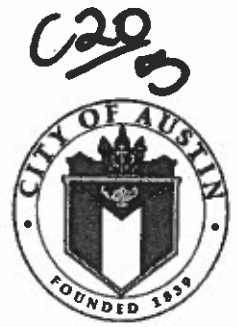
- 1) A) The site plan substantially meets the standards that apply to new applications for site plan approval filed on the same day the request for extension is filed under this section.  
 B) *The original application for site plan approval was filed with the good faith expectation by the applicant that the development shown on the site plan would be constructed.*  
 C) *At least one structure shown on the original site plan and suitable for permanent occupancy has been constructed, or*  
 D) Significant infrastructure required for development contemplated by the original site plan has been constructed.
- 2) If a TIA was required to be submitted with the application for the original site plan, the assumptions and conclusions of that TIA are valid for the revised site plan; or, if those assumptions and conclusions are not now valid, the applicant has submitted an addendum to the TIA that demonstrates traffic impacts will be adequately mitigated.
- 3) If the TIA was not previously required, the applicant has demonstrated that traffic impacts will be adequately mitigated.

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4) *The Director has determined there is good cause for the requested extension.*

If any interested parties register before the public hearing or speak at the public hearing, there will be a 14 day appeal period following the decision made by the Land Use Commission on the site plan [Section 25-1-182, 25-5-62].

CITY OF AUSTIN – PLANNING AND DEVELOPMENT REVIEW DEPARTMENT  
SITE PLAN APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: SP-98-0167C(XT4)  
REVISION #: 00  
CASE MANAGER: Lynda Courtney  
UPDATE: U0  
PHONE #: 974-2810

PROJECT NAME: FIRST EVANGELICAL FREE CHURCH (Extension)  
LOCATION:

SUBMITTAL DATE: March 29, 2011  
REPORT DUE DATE: April 26, 2011  
FINAL REPORT DATE: April 28, 2011  
**2 DAYS HAVE BEEN ADDED TO THE UPDATE DEADLINE**

**STAFF REPORT:**

This report includes all staff comments received to date concerning your most recent site plan submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated site plan submittal.

The site plan will be approved when all requirements from each review discipline have been addressed. However, until this happens, your site plan is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Watershed Protection and Development Review Department, P.O. Box 1088, Austin, Texas 78704.

**UPDATE DEADLINE (LDC 25-5-113):**

It is the responsibility of the applicant or his/her agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is August 30, 2011.** Otherwise, the application will automatically be denied. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

**EXTENSION OF UPDATE DEADLINE (LDC 25-1-88):**

You may request an extension to the update deadline by submitting a written justification to your case manager on or before the update deadline. Extensions may be granted for good cause at the Director's discretion.

**UPDATE SUBMITTALS:**

**An informal update submittal is required. You must submit the distribution to the case manager.**

**Please submit 1 copies of the plans and 2 copies of a letter that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer's name that are intended for specific reviewers. No distribution is required for the Planner 1 and only the letter is required for Austin Water Utility.**

**REVIEWERS:**

Planner 1 : Elsa Garza (No Distribution)  
Site Plan : Lynda Courtney  
Austin Water Utility : Howard Neil Kepple

**Site Plan Review - Lynda Courtney - 974-2810**

SP 1. The Planning Commission may extend the expiration date of this site plan if it finds that the site plan satisfies the criteria set forth in subsection (c) of Section 25-5-62. The Director shall make any one of the following findings:

1) (A) The site plan substantially meets the standards that apply to new applications for site plan approval filed on the same day the request for extension is filed under this

section. (B) The original application for site plan approval was filed with the good faith expectation by the applicant that the development shown on the site plan would be constructed.

(C) At least one structure shown on the original site plan and suitable for permanent occupancy has been constructed, or significant infrastructure required for development contemplated by the original site plan has been constructed.

2) If a TIA was required to be submitted with the application for the original site plan, the assumptions and conclusions of that TIA are valid for the revised site plan; or, if those assumptions and conclusions are not now valid, the applicant has submitted an addendum to the TIA that demonstrates traffic impacts will be adequately mitigated.

3) If the TIA was not previously required, the applicant has demonstrated that traffic impacts will be adequately mitigated.

4) The Director has determined there is good cause for the requested extension. Please contact this reviewer to discuss placing on the agenda.

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## Water Quality Review - Leslie Daniel - 974-6316

**DATE REVIEWED:** April 28, 2011

**UPDATE #:** 0

**APPROVED**

Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

WQ1: There are no water quality comments at this time.

## Environmental Review - Jim Dymkowski - 974-2707

FYI 1- It does not appear that any environmental related changes have been made in conjunction with this request for a site plan extension. Therefore, there are no case-specific comments.

FYI 2- If site plan extension is denied, and is allowed to expire, then subsequent site plan submittals may be subject to current environmental code.

## Flood Plain Review - David Marquez - 974-3389

No comments

## Transportation Review - Shandrian Jarvis - 974-2628

This site plan satisfies the transportation requirements of Section 25-5-62. No additional comments at this time.

## Austin Water Utility Review - Howard Neil Kepple - 972-0077

WW1. AWU approval must be updated with the extension.

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FYI: For plan review status contact Pipeline Engineering at 972-0220. The Landowners Engineer will be notified by Pipeline Engineering once the red-lines/comments are ready for pickup at the Austin Water Utility Waller Creek office located at 625 E. 10<sup>th</sup> St., Austin, TX 78701. Response comments and corrections, along with the original redlines, must be returned to the assigned Pipeline Engineering reviewer at the Waller Creek office.

## Drainage Construction Review - Leslie Daniel - 974-6316

The project is located at 4220 Monterey Oaks Blvd. It is located in the Williamson Creek watershed, which is classified as a Barton Springs Zone watershed. This project is located within the Edwards Aquifer Contributing Zone.

**DATE REVIEWED: April 28, 2011**

**UPDATE #: 0**

**APPROVED**

Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

DC1 (FYI): Please note that the following errors were noted in the project support letter from Mr. Terrence Irion dated February 28, 2011:

1. The latest correction to the plans (Correction number 10) was approved on May 2, 2007, and
2. The two-story Christian Life Center building (Building F) is reported as 57,512 square feet on the site plan.

## Electric Review - David Lambert - 322-6109

EL 1. FYI: Any relocation of existing electric facilities shall be at developer's expense.

EL 2. FYI: Joe McNair at ph. 505-7526 is your initial Austin Energy contact person for electric service design.

EL 3. Comments clear.

End of Report

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**LAW OFFICE OF TERRENCE L. IRION**

1250 S. Capital of Texas Highway  
3 Cielo Center, Suite 601  
Austin, Texas 78746

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**Terrence L. Irion**

*Attorney at Law*

(512) 347-9977

(512) 306-8903-FAX

[tirion@tirionlaw.com](mailto:tirion@tirionlaw.com)

February 28, 2011

City of Austin  
Planning and Development  
Review Department  
505 Barton Springs Road  
Austin, Texas 78704

Re: First Evangelical Free Church Site Plan Extension Request  
SP-98-0167C, 4220 Monterey Oaks, Blvd., Austin, Texas

Dear Review Team:

The undersigned (on behalf of First Evangelical Free Church of Austin, Inc., a Texas non-profit corporation and tax exempt religious organization "FEFC"), respectfully submits this request for a ten year site plan extension to the approved FEFC project located at 4220 Monterey Oaks Blvd., Austin, Texas.

The following information is offered in support of the ten-year requested extension:

The Property was purchased by the church on June 22, 1999 from the Phillips family in a Warranty Deed recorded in Document #1999055317, Official Public Records of Travis County, Texas. The property is platted as Lot 4A, Block A, Amended Plat of Westfield Center Section 3, as recorded in Volume 101, Page 251-256, Plat Records of Travis County, Texas pursuant to City of Austin subdivision file no. C8-98-0090.0A.

The Property is zoned "GR-CO" by Ordinance 891019C, pursuant to case file no. C14-86302.

The site plan was originally approved on October 1, 1998 in file no. SP-98-0167C. There have been three corrections to the site plan, the most recent being approved on December 12, 2001.

On June 24, 2003, the Zoning & Platting Commission approved a three-year extension of the site plan to May 12, 2006. On August 22, 2006, the Planning Commission approved a five-year extension of the site plan to May 12, 2011.

The applicable watershed ordinance is the Comprehensive Watershed Ordinance 860508-V. For water quality, the Property is subject to Special Exception Ordinance 911010-E, a copy of which is attached hereto for your reference.

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The development is also governed by a Settlement Agreement to a lawsuit styled *James Chrisman Phillips, et al v. The City of Austin, Texas*; Cause No. 98-13949 in the 98<sup>th</sup> Judicial District Court of Travis County, Texas.

Of the six buildings shown on the site plan, four had been completed, including:

- the southeast parking lot and water quality ponds;
- the 53,512 square foot, two-story Christian Life Center (Building F);
- the 30,060 square foot three-story Christian Education Center (Building C);
- the 1,151 square foot, one-story Prayer Chapel (Building A);
- the southwest parking lot; and
- the 25,170 square foot, three-story Community Center (Building B).

The structures which remain to be built are:

- the worship center on the north end of the courtyard (Building D);
- the youth education building on the northwest part of the site (Building E); and
- and completion of the driveway around the property.

Churches are unique developers. They only generate revenue as they grow their community of believers. They generally only build buildings when they have raised the cost of building improvements or a substantial portion thereof in pledges. The Church community weathers good economic times and bad economic times. The Church community weathers periods of growth and occasionally of loss in numbers, but the vision of the Church does not change and the physical development plans submitted to the City in 1998 has not changed. The Church has shown steady and consistent progress towards completion of its original development plan. When the time is right and the pledges are in hand, the plan will be completed.

From a regulatory standpoint, the project is the full development of the platted lot in the Westfield Center Section 3, consistent with the entitlements granted to the project by virtue of the special exception Ordinance 91-1010E; the Amended Plat of Westfield Center Section 3; and the Agreed Judgment in Cause No. 98-13949 in the 98<sup>th</sup> Judicial District Court of Travis County, Texas, which incorporates the Rule 11 Compromise and Settlement Agreement.

Four of the six buildings and both parking lots have been built. The Church continues to have the expectation that the final two buildings and the remaining circular driveway site improvements will be built. This request meets the requirements of §25-5-62, Code of the City of Austin for extension of a site plan.

Finally, denial of this extension will only result in wasted economic resources of both the Church and the City, as the Church does retain the vested rights under State law, City special exception ordinance and Agreed Judgment from a Travis County District Court to submit a new site plan mirroring the one for which this extension request is made.

For all the foregoing reasons, Applicant First Evangelical Free Church respectfully requests that the extension be granted for period of ten (10) years. We believe this request is reasonable given

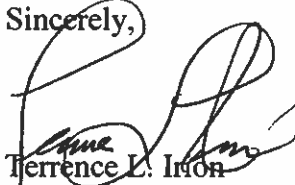
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today's economic conditions and the considerable strides the Church has made to complete development of the property. The Church is on this property to stay and has staked its future at this location.

If you have any additional questions regarding this matter, please feel free to contact me. Thank you for your attention to this matter.

Sincerely,



Terrence L. Iron

TLI:lm

Enclosures

Cc: Scot Krieger  
John Tarbox

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## ORDINANCE NO. 911010- E

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FROM ORDINANCE 910221-E (INTERIM NON-DEGRADATION REGULATIONS); AND ESTABLISHING AN EFFECTIVE DATE.

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

PART 1. A special exception from the provisions of Ordinance 910221-E (Interim Non-Degradation Regulations) is granted to the John Phillips property, more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes; provided that the following conditions are met:

- (1) The subject tract must comply with the Comprehensive Watershed Ordinance (Ordinance No. 860508-V) as codified in the Land Development Code.
- (2) In addition to properly engineered water quality controls proposed by applicant for the subject tract, as shown on Exhibits "B" and "C" attached hereto, to be constructed pursuant to City of Austin Emergency Rule R161-91-24e (Interim Design Guidelines for Water Quality Controls in the Barton Creek Contributing Zone), which rule states, and City staff concurs, will result in a pollutant removal rate of 90%, the owner must construct and maintain water quality controls for an existing untreated off-site developed area (or areas) identified with the assistance of the City of Austin within the same watershed and within one mile of the subject tract.
- (3) The off-site water quality control shall remove a pollutant load of each type of pollutant equal to ten percent (10%) of the pollutant load created by development of the subject tract, as established by Table 1-12 of the City of Austin Emergency Rule R161-91-24e.
- (4) The intention of this requirement is to impose additional water quality measures in mitigation of the granting of this special exception.
- (5) Any agreements, restrictions, covenants, or other legal documentation necessary to construct and maintain the off-site water quality controls required by conditions (1), (2) and (3) 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.
- (6) Prior to the issuance of a certificate of occupancy or return of fiscal security for all or part of the subject tract, construction of the off-site water quality controls required by conditions (1), (2) and (3) above shall be complete for the portion of the subject tract for which a Certificate of Occupancy or return of fiscal is requested.

- (7) It is the intent of this ordinance that the subject tract may be developed in compliance herewith without regard to any amendments to the Comprehensive Watershed Ordinance (Ordinance No. 860508-V) which may be enacted and become effective within seven (7) years after the effective date hereof.

PART 2. 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 3. This Ordinance shall be effective ten days from the date of passage.

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PASSED AND APPROVED:

October 10

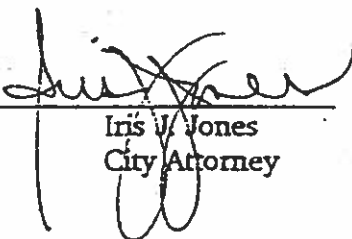
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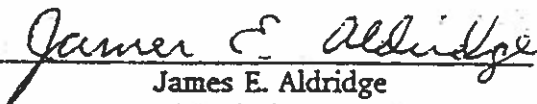
Bruce Todd  
Mayor

APPROVED:



Iris V. Jones  
City Attorney

ATTEST:



James E. Aldridge  
City Clerk

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JME

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No. 98 13949

JAMES CHRISMAN PHILLIPS, et al.  
Plaintiffs

v.

THE CITY OF AUSTIN, TEXAS  
Defendant§  
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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

98th JUDICIAL DISTRICT

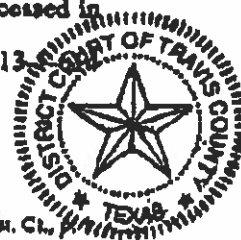
## Rule 11 Compromise and Settlement Agreement

The above named Plaintiffs and Defendant in the above action agree to settle this cause upon the following terms, which it is agreed will survive dismissal of this action, and are as fully enforceable by this Court, and as fully binding upon the parties, as if such terms were the formal order of the Court contained in a formal judgment, and this agreement is reduced to writing, signed by the attorneys for the parties, and filed pursuant to Rule 11 of the Texas Rules of Civil Procedure.

It is agreed that development of the property covered by City of Austin Consolidated Site Plan Permit No. SP-98-0167C is governed by regulations applicable to the preliminary subdivision plan filed with respect to the property on May 12, 1992 including Special Exception Ordinance No. 911010-B; that Section 13-1-614 of the City Code of the City of Austin as it existed on May 12, 1992 governs the expiration of said site plan; that all six buildings referenced in City of Austin Consolidated Site Plan Permit No. SP-98-0167C are presently qualified for building permit processing and consideration under all city ordinances applicable as of the date of execution hereof and shall remain so qualified so long as the development under City of Austin Consolidated Site Plan Permit No. SP-98-0167C proceeds in accord with said Section 13-1-614 as it existed on May 12, 1992 and with the Subdivision Plat Notes on City of Austin Consolidated Site Plan Permit No. SP-98-0167C; that further building permits, after the first building permit already issued in accord with said site plan, are to be processed in accord with said Plat Notes and within the life of said site plan as set by Section 13-1-614 as it existed on May 12, 1992.

FEB 12 PM 3:04

Rule 11 Compromise and Settlement Agreement, No. 98 13949, 98th Dist. Ct.,



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It is agreed that the time from the date that Building Permit No. 9813604 was issued and construction must commence under City Code Section 13-1-743, and the time for expiration of City of Austin Consolidated Site Plan Permit No. SP-98-0167C under City Code Section 13-1-614, are both tolled from October 1, 1998 until date of signing this agreement, so that time for commencement of work under City Code Section 13-1-743 and time for expiration of site plan under City Code Section 13-1-614 begin running upon the date this agreement is signed.


It is agreed that the City of Austin will charge no fee for any permits required for the further development of the property covered by City of Austin Consolidated Site Plan Permit No. SP-98-0167C.

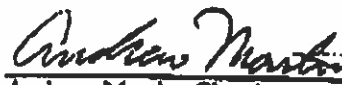
It is agreed that Plaintiffs waive claims for attorney's fees.

It is agreed that permits for the construction of buildings or structures intended for human occupancy or habitation may be issued pursuant to current laws, ordinances, procedures, rules, or regulations adopting the provisions of uniform building, fire, electrical, plumbing, or mechanical codes promulgated by a recognized national code organization, or local amendments to any such codes enacted to address imminent threats of destruction of property or injury to persons. Other than as specifically enumerated in this document, nothing in this paragraph implies, nor is it intended to imply, that other, unenumerated currently applicable laws, ordinances, procedures, rules, and regulations are not applicable to permits for this tract.

It is agreed that costs herein are to be paid by the party incurring them.

Signed this 12th day of May 1999 and Approved and Agreed as to both substance and form.

  
Samuel Downing McDaniel  
Attorney at Law  
816 Congress, Suite 1100  
Austin, Texas 78701

  
Andrew Martin, City Attorney  
City of Austin  
P. O. Box 1088  
Austin, Texas 78767-8828



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473-3620, Fax 478-3200  
Attorney for Plaintiffs

*Terrence L. Irion by SDM*

Terrence L. Irion  
Attorney at Law  
3660 Stone Ridge Road, Suite B  
Austin, Texas 78746  
347-9977, fax 347-7085  
Attorney for Plaintiffs

499-2268, Fax 499-2912  
Attorney for Defendant

*Renea Hicks*

Renea Hicks  
George & Donaldson, L.L.P.  
1100 Norwood Tower  
Austin, Texas 78701  
495-1400, Fax 499-0094  
Attorney for Defendant



I, AMALIA RODRIGUEZ-MENDOZA, District Clerk,  
Travis County, Texas, do hereby certify that this  
is a true and correct copy as same appears of  
record in my office. Witness my hand and seal  
of office on 05-17-99



AMALIA RODRIGUEZ-MENDOZA

DISTRICT CLERK

By Deputy:

*[Handwritten signature]*

Rule 11 Compromise and Settlement Agreement, No. 98 13949, 98th Dist. Ct., p. 3.

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**No. 98 13949**

**JAMES CHRISMAN PHILLIPS, et al.**  
**Plaintiffs**

Y.

**THE CITY OF AUSTIN, TEXAS**  
**Defendant**

**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**

**98th JUDICIAL DISTRICT**

### Agreed Final Judgment of Dismissal

On this 12th day of May, 1999, at a regular term of Court, came on to be heard the above styled and numbered cause, and came the plaintiffs, James Chrisman Phillips, John C. Phillips, Jr., William Taylor Phillips, Margaret Annette Phillips Singleton, John Cornelius Phillips, Margaret Louise Phillips, Ethan McDowell Phillips, Hallie Rose Singleton Cameron, Marguerite Crilly Phillips, John C. Phillips, Jr., as custodian for his minor children Madeline Annette Phillips and Damon Dwyer Phillips, under the Texas Uniform Gift to Minors Act; James Chrisman Phillips, as custodian for his minor children Joseph Magoffin Phillips and Suzannah Moore Phillips, under the Texas Uniform Gift to Minors Act; William Taylor Phillips, as custodian for his minor children Benjamin Taylor Phillips and William Benton Phillips, under the Texas Uniform Gift to Minors Act; Margaret Annette Phillips Singleton as custodian for her minor children Cara Suzanne Singleton, John Selwyn Singleton and Dean Christian Singleton, under the Texas Uniform Gift to Minors Act, Plaintiffs (hereafter referred to as Phillips or the Phillips family), and came the defendant, The City of Austin, Texas, by and through its duly authorized attorneys of record, and all parties announced ready for trial. A trial by jury having been expressly waived by all parties, it was thereupon announced to the Court that the parties hereto have settled and compromised all matters at issue between them growing out of the incidents made the basis of this suit, which compromise and settlement agreement is filed among the papers of this cause, and based upon such compromise and settlement agreement, the terms of which are incorporated herein by reference, the parties entered into a final order dismissing this action, and the Court does hereby order as follows:



SCANNED

C20/18


It is Ordered, Adjudged and Decreed that the Rule 11 Compromise and Settlement Agreement filed in this cause on the 12th day of May, 1999 is incorporated into this Order by reference and provides the terms of agreement by which this Order is to be construed and enforced, and based upon the terms of such agreement,

It is Ordered, Adjudged and Decreed that this cause is dismissed with prejudice and that costs are taxed against the party who incurred the cost and the court denies all relief not granted in this judgment.


Signed this 12th day of May, 1999.

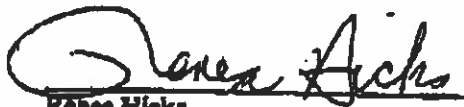
  
Judge Presiding

Approved as to both substance and form:

  
Samuel Downing McDaniels  
Attorney at Law  
816 Congress, Suite 1100  
Austin, Texas 78701  
473-3620, Fax 478-3200

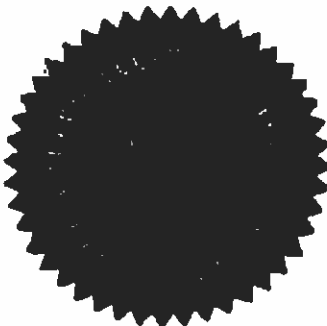
  
Andrew Martin, City Attorney  
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P. O. Box 1088  
Austin, Texas 78767-8828  
499-2268, Fax 499-2912

  
Terrence L. Irion  
Attorney at Law  
3660 Stone Ridge Road, Suite B  
Austin, Texas 78746  
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Renea Hicks  
George & Donaldson, L.L.P.  
1100 Norwood Tower  
Austin, Texas 78701  
495-1400, Fax 499-0094

Attorneys for Plaintiffs

Attorneys for Defendant



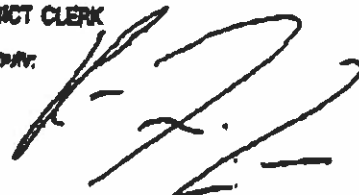
I, AMALIA RODRIGUEZ-MENDOZA, District Clerk,  
Travis County, Texas, do hereby certify that this  
is a true and correct copy as same appears of  
record in my office. Witness my hand and seal  
of office on 05-12-99



AMALIA RODRIGUEZ-MENDOZA

DISTRICT CLERK

By Deputy:



SCANNED

Google  
Maps

Address 4220 Monterey Oaks Blvd  
Austin, TX 78749

C20  
19



20/00



SUBMITTED BY:

*[Signature]*

APPROVED BY:

*[Signature]*

DATE OF REVIEW:

*[Signature]*

ALL SUBMITTALS FOR THE APPROVAL OF THIS BOARD SHALL BE MADE TO THE BOARD OF ENGINEERING EXAMINERS, 1001 N. BRASSER AVENUE, SUITE 100, AUSTIN, TEXAS 78701. THE BOARD SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY PROJECT.

ACCEPTED:

SP-09-017C

CITY OF AUSTIN

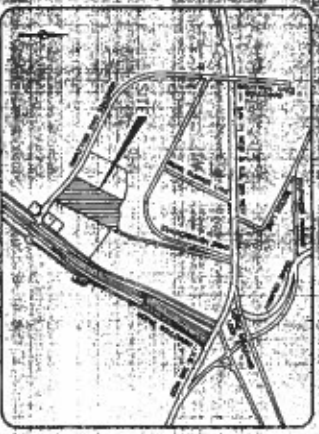
REVISIONS/CORRECTIONS

NO.	DESCRIPTION	DATE	BY	CHKD BY
1	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
2	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
3	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
4	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
5	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
6	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
7	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
8	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
9	REVISION: SEE SHEET 10 FOR REVISIONS TO THE LAYOUT.	12/31/99	J. L. JONES	J. L. JONES
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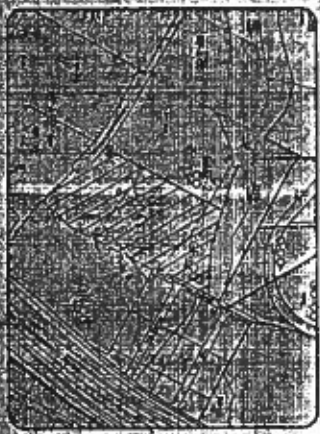
LAND SUB PLAN FOR

FIRST EVANGELICAL FREE CHURCH

2220 MONTEREY OAKS BLVD. AUSTIN, TEXAS



LOCATION MAP



EXISTING SITE

SHEET INDEX

1	COVER SHEET
2	GENERAL NOTES
3	PLAT
4	PLAT
5	GENERAL NOTES
6	SITE PLAN
7	PAVING PLAN
8	VEGETATION REMOVAL PLAN
9	LANDSCAPE PLAN
10	VEGETATION REMOVAL PLAN
11	LANDSCAPE PLAN
12	VEGETATION REMOVAL PLAN
13	LANDSCAPE PLAN
14	VEGETATION REMOVAL PLAN
15	LANDSCAPE PLAN
16	VEGETATION REMOVAL PLAN
17	LANDSCAPE PLAN
18	VEGETATION REMOVAL PLAN
19	LANDSCAPE PLAN
20	VEGETATION REMOVAL PLAN

CONTRACTOR/OWNER:  
FIRST EVANGELICAL FREE CHURCH  
4607 RED RIVER ST.  
AUSTIN, TEXAS 78723  
(512) 453-6662

LANDSCAPE ARCHITECT:  
GRAY ANNING & ASSOCIATES, INC.  
2217 RED RIVER, SUITE 100  
AUSTIN, TEXAS 78723  
(512) 476-1800

ENGINEER:  
GRAY ANNING & ASSOCIATES, INC.  
2217 RED RIVER, SUITE 100  
AUSTIN, TEXAS 78723  
(512) 476-1800

LANDSCAPE ARCHITECT:  
GRAY ANNING & ASSOCIATES, INC.  
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DATE OF REVIEW: 12-31-99

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PROJECT NO. JTE-8033-78	DESIGNED BY: JTE
FILE NO. PHASIDOPHARMING	DRAWN BY: JTE
DATE: AUGUST 1, 2000	CHECKED BY: JTE/JSC
SCALE: 1"=5'	REVIEWED BY: JTE



GRAY & JENNINGS & ASSOCIATES, INC.  
Consulting Engineers  
2517 Shaul Creek Blvd., Suite 200  
Irvine, Texas 76037-7502  
(817)432-0271 FAX(817)431-0020