

**ZONING AND PLATTING COMMISSION  
HILL COUNTRY ROADWAY  
SITE PLAN REVIEW SHEET**

**CASE NUMBER:** SPC-2017-0239C    **ZAP COMMISSION DATE:** July 17, 2018

**PROJECT NAME:** Shepherd Mountain

**ADDRESS:** 6301 FM 2222 Road

**DISTRICT:** 10

**WATERSHED:** West Bull Creek (Water Supply Suburban)

**AREA:** 45.38 acres gross site area / 8.52 acres limits of construction

**APPLICANT:** 2222 Cap Texas LLC  
9811 Katy Freeway, Suite 925  
Houston, Texas 77024

**AGENT:** Joel Wixson, P.E.  
Kimley-Horn  
10814 Jollyville Road, Avallon IV, Ste 300  
Austin, Texas 78759

**CASE MANAGER:** Anaiah Johnson                      (512) 974-2932  
anaiah.johnson@austintexas.gov

**EXISTING ZONING:** MF-4-CO and GO-CO

**PROPOSED USE:** The applicant proposes to construct 281 units of multifamily housing.

**REQUEST:** The site is located within the Low Intensity, Moderate Intensity, and High Intensity Zones of the RM 2222 Hill Country Roadway Corridor (with development only proposed in the Low and Moderate Intensity Zones), and must be presented to the Zoning and Platting Commission for approval, a Hill Country Roadway Ordinance requirement.

**WAIVER REQUEST:** There are no waiver requests with this application.

**SUMMARY STAFF RECOMMENDATION FOR HCRC SITE PLAN:** Staff recommends approval of this Hill Country Roadway site plan. The site plan complies with all other applicable requirements of the Land Development Code including all Hill Country Roadway Corridor development regulations as modified by the Champions Tract Settlement Agreement. All remaining comments are related to payment of fees and will be cleared by time of permit. The focus of granting the request should be based upon the site development regulations meeting the criteria of the Hill Country Ordinance as modified by the Champions Tract Settlement Agreement and not the merits of the Council approved Settlement Agreement. The question is to grant or deny; additional conditions may not be imposed.

**ZONING AND PLATTING COMMISSION ACTION:** Postponed from 7/3 to 7/17

**LEGAL DESCRIPTION:** Lot 1, Block A, Champion City Park East Subdivision

**EXIST. ZONING:** MF-4-CO / GO-CO

**PROPOSED USE:** Infrastructure

**ALLOWED F.A.R.:** 0.75:1 / 1:1

**PROPOSED F.A.R.:** 0.27:1 / 0:1

**ALLOWED HEIGHT:** 40' (Low) / 53' (Mod)

**PROPOSED HEIGHT:** 44'-4"

**MAX. BLDG. COVERAGE:** 60% / 60%

**PROPOSED BLDG. CVRG:** 10% / 0%

**MAX. IMPERV. CVRG.:** 5.49 ac. (12.1%)

**PROPOSED IMP. CVRG.:** 5.38 ac. (11.84%)

**MIN. REQ. HC NATURAL AREA:** 18.15 ac.

**PROVIDED:** 30.07 ac.

**REQUIRED PARKING:** 466.5

**PROPOSED PARKING:** 461 (5% reduction approved for tree protection – LDC § 25-6-478(E)(2))

#### **SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** This site is part of the Champions Tract Settlement Agreement, which was approved per Ordinance 20180215-013. The project is comprised of a 281 units of multifamily housing across multiple buildings including townhouses, and complies with the Settlement Agreement. The applicant will use building materials that are compatible with the Hill Country environment, and the site plan will comply with all requirements of the Land Development Code prior to its release.

**Environmental:** This site is located in the West Bull Creek watershed, and is subject to Water Supply Suburban Watershed regulations. All environmental comments have been addressed and cleared.

**Transportation:** Access to the proposed site will be taken from FM 2222 Road and City Park Road. The site plan will comply with all transportation requirements prior to release.

#### **SURROUNDING CONDITIONS:**

**North:** FM 2222, then Office

**East:** Hwy 360, then undeveloped (GR-CO)

**West:** City Park Road, then commercial (LR-CO)

**South:** Single-family residential (SF-2 and MF-2)

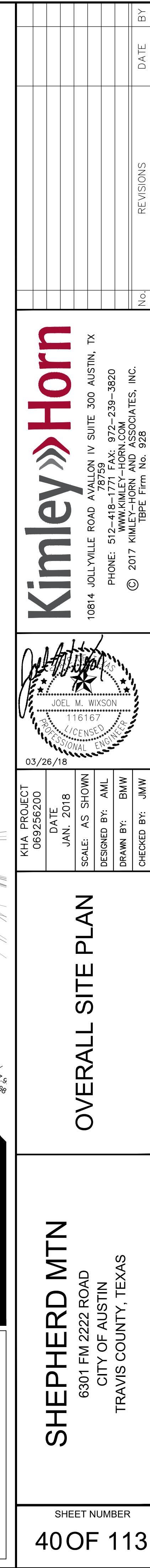
<b><u>Street</u></b>	<b><u>R.O.W.</u></b>	<b><u>Surfacing</u></b>	<b><u>Classification</u></b>
FM 2222 Rd	240'	88'	Highway
City Park Road	90'	30'	Minor Arterial

#### **NEIGHBORHOOD ORGANIZATION:**

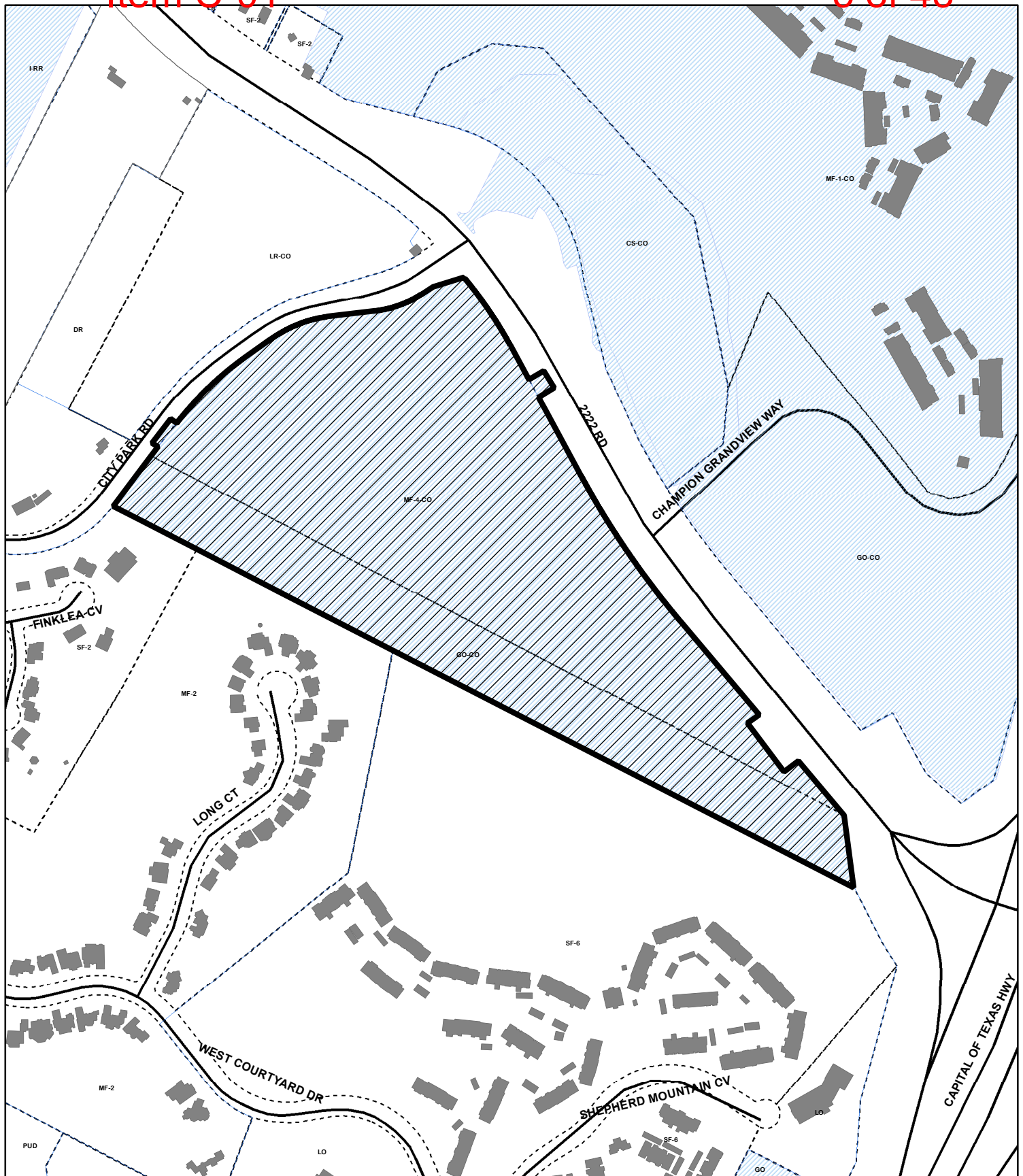
2222 Coalition of Neighborhood Associations, Inc.  
 Austin Independent School District  
 Austin Heritage Tree Foundation  
 Austin City Park Neighborhood Association  
 Bike Austin  
 Bull Creek Foundation  
 Bull Creek Homeowners Association  
 Canyon Creek HOA  
 Friends of Austin Neighborhoods  
 Glenlake Neighborhood Association  
 Lake Austin Collective

Lakewood Homeowners Assn.  
Long Canyon Homeowners Assn.  
Long Canyon Phase II & LLL Homeowners Assn, Inc.  
Mountain Neighborhood Association  
Northwest Austin Civic Association  
Northwest Austin Coalition  
NW Austin Working Group  
Preservation Austin  
River Place HOA  
SEL Texas  
Shepherd Mountain Neighborhood Association  
Sierra Club  
Steiner Ranch Community Association  
Travis County Natural Resources











SITE PLAN



 **SUBJECT TRACT**  
 **ZONING BOUNDARY**

0 215 430 860 Feet

CASE#: SPC-2017-0239C  
 ADDRESS: 6301 FM 2222 RD  
 CASE NAME: Shepherd Mountain  
 MANAGER: Anaiah Johnson



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

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

OPERATOR: Christine Barton-Holmes



**ORDINANCE NO. 20180215-013**

**AN ORDINANCE ADOPTING AND AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE COMPROMISE SETTLEMENT AGREEMENT RELATED TO CAUSE NO. 94-07160, JOSIE ELLEN CHAMPION, ET AL V. CITY OF AUSTIN IN THE 353<sup>RD</sup> JUDICIAL DISTRICT COURT OF TRAVIS COUNTY; AMENDING ORDINANCE NO. 960613-J; MODIFYING PROVISIONS OF THE HILL COUNTRY ROADWAY REGULATIONS IN CITY CODE CHAPTER 25-2; AND MODIFYING PROVISIONS OF THE LAKE AUSTIN WATERSHED REGULATIONS IN ORDINANCE NO. 840301-F.**

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

**PART 1.** In this ordinance:

- (1) **ORIGINAL AGREEMENT** means the 1996 Compromise Settlement Agreement related to Cause No. 94-07160, Josie Ellen Champion, et al v. City Of Austin in the 353rd Judicial District Court of Travis County.
- (2) **FIRST AMENDMENT** means the First Amendment to the Original Agreement attached as **Exhibit "1"** to this ordinance.
- (3) **PROPERTY** means Lot 1, Block A, Champion City Park East subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 200300122 of the Official Public Records of Travis County, Texas, locally known as 6409 City Park Road in the City of Austin, Travis County, Texas and referred to as Tract 3 in the Original Agreement.
- (4) **OWNER** means 2222 CAP. TEXAS LLC, a Texas limited liability company.

**PART 2.** City Council adopts the First Amendment, which is attached as **Exhibit "1"** and incorporated herein by reference, and authorizes execution by the City Manager. City Council further authorizes the City Manager to accept the Restrictive Covenant associated with the First Amendment.

**PART 3.** To the extent that a conflict exists, Ordinance No. 960613-J is amended by the First Amendment.



**PART 4.** To effectuate the First Amendment, City Council modifies the following City Code provisions:

(1) **Lake Austin Watershed Regulations (Ordinance No. 840301-F.)**

- (a) Impervious Cover Limitations: Section 9-10-382 (*Prohibited on Steep Slopes*) is modified to allow .07 acres of impervious cover on slopes greater than 35%.
- (b) Impervious Cover Limitations: Section 9-10-383 (a) (2) and (3) (*Multi-Family Residential Development*) are modified to allow 2.32 acres of impervious cover on slopes of 15-25% gradient and .90 acres of impervious cover on slopes of 25-35%.
- (c) In no case may impervious cover on the Property exceed 5.49 acres.
- (d) Erosion and Sedimentation Control: Section 9-10-409 (a) and (b) (*Cut and Fill*) are modified to allow:
  - (i) a maximum 34,848 square feet of cut greater than 4 feet, but less than 12 feet;
  - (ii) a maximum 17,424 square feet of cut greater than 12 feet, but less than 20 feet;
  - (iii) a maximum 2,613.60 square feet of cut greater than 20 feet, but less than 24 feet;
  - (iv) a maximum 217.80 square feet of cut greater than 24 feet, but less than 28 feet;
  - (v) a maximum 79,932.60 square feet of fill greater than 4 feet, but less than 12 feet; and
  - (vi) a maximum 20,037.60 square feet of fill greater than 12 feet, but less than 20 feet.
- (e) City Council modifies Section 9-10-377 (*Variances*) to grant variances from Lake Austin Watershed Ordinance No. 840301-F consistent with (a), (b), (c), and (d) as stated above without Planning Commission approval.

(2) **Hill Country Roadway Requirements. (City Code Chapter 25-2, Subchapter C, Articles 9 and 11.)**



- (a) Landscaping: Section 25-2-1023 (D) (2) (*Roadway Vegetative Buffer*) is modified to allow a building to be placed within 10 feet of a dedicated drainage easement.
- (b) City Council modifies provisions of Section 25-2-1001 (*Procedures*) to allow City Council approval of alternatives to compliance with Article 9 without Land Use Commission approval.
- (c) Development Standards: Section 25-2-1123(B) (1) and (2), (C), and (D) (*Construction on Slopes*) are modified to allow:
  - (i) additional construction methods beyond pier & beam;
  - (ii) the placement of walls lower than the finish floor elevation for the garage;
  - (iii) structural excavation down gradient of 15% slopes to exceed 8 feet (up to 34 feet); and
  - (iv) 8 foot tall terraced walls.
- (d) Development Standards: Section 25-2-1124(A) (1) (*Building Height*) is modified to allow a 53 foot building at 135 feet from FM 2222 without a determination that an unusual circumstance exists, so long as the proposed development meets six of the twelve criteria described in Section 25-2-1129.
- (e) Development Standards: Section 25-2-1128 (B)(2) (*Development Bonuses*) is modified to allow the following without a determination that an unusual circumstance exists, so long as the proposed development meets six of the twelve criteria described in Section 25-2-1129:
  - (i) an increase in the building height in the low intensity zone from 28 feet to 40 feet; and
  - (ii) an increase in the building height in the moderate intensity zone from 40 feet to 53 feet.
- (f) City Council modifies Section 25-2-1105 (*Waivers*) to grant waivers consistent with (c), (d), and (e) as stated above without Land Use Commission approval.

**PART 5.** As provided in the First Amendment, the variances and waivers in Part 4 are conditioned on implementation and compliance with the following environmental controls during the construction phase of the development. A site plan or building permit may not



be approved, released, or issued if the development is not in compliance with the following:

- (1) Comply with current Environmental Criteria Manual (ECM) requirements for construction phase temporary erosion and sedimentation controls.
- (2) Install rough cut of water quality ponds before any other grading, except grading necessary to create the ponds, and grade so that all disturbed areas drain to these ponds.
- (3) Use rough cut ponds as settling basins with pumped discharge using a floating intake to a "dirt bag" or similar filtration prior to discharge to creek.
- (4) Ponds should be cleaned of accumulated sediment before sediment depth reaches a depth greater than 1 foot.
- (5) Use berms or similar methods prior to site grading to divert up gradient stormwater around limits of construction in a manner that distributes flow to prevent concentrated, erosive flow.
- (6) Incorporate methods from ECM, Appendix V, Fig. 1-1 for temporary erosion controls modified to accommodate the 10 year storm rather than the standard 2 year storm.
- (7) Apply mulch or similar cover on all disturbed areas as temporary stabilization within 7 days of disturbance unless ready for permanent revegetation.
- (8) For disturbed areas on slopes greater than 15% apply hydromulch with fiber reinforced matrix as temporary stabilization within 7 days of disturbance unless ready for permanent revegetation.
- (9) Apply permanent revegetation using hydromulch with fiber reinforced matrix within 7 days of final grading.
- (10) Comply with current erosion hazard zone code and criteria.
- (11) All construction phase controls must be inspected at least every 7 days and within 24 hours of each rainfall event of  $\frac{1}{2}$ " or greater. Inspection should be conducted by an independent Certified Professional in Erosion and Sedimentation Control (CPESC) inspector employed by the Owner, not the construction contractor. Inspector should provide a written report with recommendations to the general contractor and Owner and such report must be made available to the City upon request.



- (12) Grading shall be phased to limit disturbed areas with construction beginning at higher areas of the site with disturbed areas temporarily stabilized prior to clearing and grading lower areas, except grading necessary to create temporary sediment ponds.
- (13) Any access to City Park Road must span the tributary of Bull Creek from high water mark to high water mark.
- (14) Mechanical equipment must be located at ground level or within buildings to reduce visibility and noise.
- (15) Comply with the requirements in 25-8-281 (Critical Environmental Features) and 25-8-282 (Wetland Protection) and provide critical environmental feature buffers as shown in **Exhibit "2"**.

**PART 6.** This ordinance takes effect on February 26, 2018.

**PASSED AND APPROVED**

February 15, 2018

§  
§  
§

Steve Adler  
Mayor

**APPROVED:**

Anne L. Morgan  
City Attorney

**ATTEST:**

Jannette S. Goodall  
City Clerk

**EXHIBIT 1**

**FIRST AMENDMENT TO THE COMPROMISE SETTLEMENT  
AGREEMENT REGARDING CHAMPIONS TRACT 3**



**FIRST AMENDMENT TO THE COMPROMISE SETTLEMENT AGREEMENT  
REGARDING CHAMPIONS TRACT 3**

This First Amendment to the Compromise Settlement Agreement (the "First Amendment") is made and entered into by and between 2222 CAP. TEXAS, LLC, a Texas limited liability company ("CAP") and the City of Austin (the "City") for the purposes and on the terms specified herein and operates in conjunction with the Compromise Settlement Agreement (the "Original Agreement"), effective July 11, 1996.

**RECITALS**

**WHEREAS**, the City approved an ordinance adopting the Original Agreement between the Champion Assets, Ltd., a Texas limited partnership; Champion-Meier Assets, Ltd., a Texas limited partnership; and Champion Legacy Partners, L.P., a Texas limited partnership, successors to Josie Ellen Champion, Juanita Champion Meier, and Mary Margaret Champion Roberson (the "Champions") and the City on June 13, 1996; and

**WHEREAS**, the Champions received approval to zone for multi-family use 32.262 acres of land being a portion of the land referred to in the Original Agreement as Tract 3, located at 6409 City Park Road, and described as Lot 1, Block A, Champion City Park East subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 200300122 of the Official Public Records of Travis County, Texas {"Tract 3"}; and

**WHEREAS**, CAP purchased Tract 3 from the Champions and is the current owner of Tract3; and

**WHEREAS**, CAP seeks variances to City environmental regulations and site development regulations applicable to Tract 3; and

**WHEREAS**, CAP is willing to place restrictions on Tract 3 included in this First Amendment and a Restrictive Covenant of even date; and

**WHEREAS**, in accordance with Paragraph 7 of the Original Agreement, the City and CAP are executing this First Amendment and a Restrictive Covenant to amend the provisions regarding site development and use of Tract 3;

**NOW, THEREFORE**, in consideration of the recitals, the mutual covenants and agreements contained in this First Amendment, CAP and the City agree as follows:

**TERMS OF AMENDMENT**

I. The Original Agreement is amended to add a new Section 13 to read:

13. The Champions have executed and delivered to the City a Restrictive Covenant in the form attached and incorporated herein as **EXHIBIT A**, which has been filed of record. The Restrictive Covenant runs with the land, is binding on CAP, and restricts development activity within a portion of Tract 3 more particularly described in the attached and incorporated **EXHIBIT B** (the "Undeveloped Property").

II. Section 2.c. of the Original Agreement is amended to delete reference to Tract 3.

III. The Original Agreement is amended to add a new Section 2.g. to read:

- g. During the term of this Agreement, the modifications to City regulations and the conditions established for the modifications listed in this subsection apply to the initial multi-family development on Tract 3. The modifications do not apply to any subsequent development or redevelopment of Tract 3.

1. Modifications to Lake Austin watershed regulations (Ordinance No. 840301-F)

A. Impervious cover modifications

- i. Section 9-10-382 (*Prohibited on Steep Slopes*) is modified to allow .07 acres of impervious cover on slopes greater than 35%.
- ii. Section 9-10-383 (*Multi-Family Residential Development*), subsections (a) (2) and (3) are modified to allow 2.32 acres of impervious cover on slopes of 15-25% gradient and .90 acres of impervious cover on slopes of 25-35%.
- iii. In no case may impervious cover on Tract 3 exceed 5.49 acres.

B. Cut and fill modifications. Section 9-10-409 (*Cut and Fill*), subsections (a) and (b) are modified to allow:

- i. A maximum 34,848 square feet of cut greater than 4 feet, but less than 12 feet,
- ii. a maximum 17,424 square feet of cut greater than 12 feet, but less than 20 feet,



- iii. a maximum 2,613.60 square feet of cut greater than 20 feet, but less than 24 feet,
  - iv. a maximum 217.80 square feet of cut greater than 24 feet, but less than 28 feet,
  - v. a maximum 79,932.60 square feet of fill greater than 4 feet, but less than 12 feet,
  - vi. a maximum 20,037.60 square feet of fill greater than 12 feet, but less than 20 feet.
2. Modifications to Hill Country Roadway regulations. (City Code Chapter 25-2, subchapter C, Articles 9 and 11).
- A. Section 25-2-1023 (*Roadway Vegetative Buffer*), subsection (D) (2) is modified to allow a building to be placed within 10 feet of a dedicated drainage easement.
  - B. Section 25-2-1123 (*Construction on Slopes*), subsections (B)(1), (B)(2), (C), and (D) are modified to allow:
    - i. additional construction methods beyond pier & beam,
    - ii. the placement of walls lower than the finish floor elevation for the garage,
    - iii. structural excavation down gradient of 15% slopes to exceed 8 feet (up to 34 feet), and
    - iv. 8 foot tall terraced walls.
  - C. Section 25-2-1124 (*Building Height*), subsection (A) (1) is modified to allow a 53 foot building at 135 feet from FM 2222 without a determination that an unusual circumstance exists, so long as the proposed development meets six of the twelve criteria described in Section 25-2-1129.

- D. Section 25-2-1128 (8)(2) (*Development Bonuses*) is modified to allow the following without a determination that an unusual circumstance exists, so long as the proposed development meets six of the twelve criteria described in Section 25-2- 1129:
- i. an increase in the building height in the low intensity zone from 28 feet to 40 feet; and
  - ii. an increase in the building height in the moderate intensity zone from 40 feet to 53 feet.
3. The modifications listed in subsection g. 1. and 2. of this Agreement are conditioned on implementation and compliance with the environmental controls listed in this subsection during the construction phase. A site plan or building permit may not be approved, released, or issued if the development is not in compliance with the following:
- A. Comply with current Environmental Criteria Manual ("ECM") requirements for construction phase temporary erosion and sedimentation controls.
  - B. Install rough cut of water quality ponds before any other grading and grade so that all disturbed areas drain to these ponds.
  - C. Use rough cut ponds as settling basins with pumped discharge using a floating intake to a "dirt bag" or similar filtration prior to discharge to creek.
  - D. Ponds should be cleaned of accumulated sediment before sediment depth reaches a depth greater than one (1) foot.
  - E. Use berms or similar methods prior to site grading to divert up gradient stormwater around limits of construction in a manner that distributes flow to prevent concentrated, erosive flow.
  - F. Incorporate methods from ECM, Appendix V, Fig. 1-1 for temporary erosion controls modified to accommodate the 10 year storm rather than the standard 2 year storm.
  - G. Apply mulch or similar cover on all disturbed areas as temporary stabilization within seven (7) days of disturbance unless ready for permanent revegetation.



- H. For disturbed areas on slopes greater than 15% apply hydro-mulch with fiber reinforced matrix as temporary stabilization within seven (7) days of disturbance unless ready for permanent revegetation.
- I. Apply permanent revegetation using hydro-mulch with fiber reinforced matrix within 7 days of final grading.
- J. Comply with current erosion hazard zone code and criteria.
- K. All construction phase controls must be inspected at least every seven (7) days and within 24 hours of each rainfall event of  $\frac{1}{2}$ " or greater. Inspection should be conducted by an independent Certified Professional in Erosion and Sedimentation Control ("CPESC") inspector employed by the Owner, not the construction contractor. Inspector should provide a written report with recommendations to the general contractor and Owner and such report must be made available to the City upon request.
- L. Grading should be phased with construction beginning at higher areas of the site with disturbed areas temporarily stabilized prior to clearing and grading lower areas, except grading necessary to create temporary sediment ponds.
- M. Any access to City Park Road must span the tributary of Bull Creek from high water mark to high water mark and there should be no fill inside the tributary. A complete span from high water mark to high water mark is preferred, however, a single support is allowed within the channel.
- N. Mechanical equipment must be located at ground level or within buildings to reduce visibility and noise.
- O. Comply with the requirements in 25-8-281 (*Critical Environmental Features*) and 25-8-282 (*Wetland Protection*) and provide critical environmental feature buffers as shown in **EXHIBIT C**.

#### IV. Miscellaneous Provisions

- A. Designation of Department or Official. Designation by this Agreement of a particular City department, director, official, or commission includes any other City department, director, official, or commission to which the City's duties or responsibilities may be assigned under this First Amendment.

- B. Designation of City Codes. Designation of a city code chapter or section includes any successor or replacement code section or chapter.
- C. Binding. This Agreement will be binding upon the heirs, representatives, successors and assigns of each of the parties to this First Amendment.
- D. Effective Date. The effective date of this Agreement will be the latest date that both parties have signed and executed this First Amendment.
- E. Applicable Law and Venue. The construction and validity of this First Amendment shall be governed by the laws of the State of Texas. This First Amendment is performable in Travis County, Texas.
- F. No Party To Be Deemed Drafter. CAP and the City have both had the opportunity to have legal counsel examine this First Amendment. Accordingly, this First Amendment will not be interpreted for or against either party due solely to the fact that one party was the principal author of this First Amendment.
- G. Term; Termination. This First Amendment shall be effective as of the date signed by all parties and shall terminate upon completion of the initial multi-family development or 10 (ten) years after the effective date, whichever is sooner. Notwithstanding the foregoing, the restrictive covenant will survive expiration of the contract.
- H. Filing. This First Amendment shall be filed of record.
- I. Authority. The parties warrant that they have authority to execute this First Amendment.
- J. Assignment of Owner Rights. CAP may assign in whole or part its rights and obligations under this First Amendment to persons purchasing all or part of the Property.
- K. Ratification of Original Agreement. Any and all terms and provisions of the Original Agreement shall, except as and to the extent expressly amended and modified by this First Amendment, remain in full force and effect.
- L. Severability. If a court of competent jurisdiction determines that a term or provision of this Agreement is void or unenforceable, the remainder of this Agreement remains effective to the extent permitted by law.



EXECUTED to be effective the \_\_\_\_ day of \_\_\_\_\_, 2018

**2222 CAP. TEXAS, LLC,**  
a Texas limited liability company

By: \_\_\_\_\_  
Name: J. Mark Stevenson  
Title: Manager

**THE STATE OF TEXAS   §**

**COUNTY OF TRAVIS   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2018,  
by J. Mark Stevenson, Manager of 2222 CAP. TEXAS, LLC, a Texas limited liability company,  
on behalf of said company.

\_\_\_\_\_  
Notary Public, State of Texas

**CITY OF AUSTIN,**  
a home-rule municipal corporation

By: \_\_\_\_\_  
Name: Joseph Pantalion, P.E.  
Title: Interim Assistant City Manager

**THE STATE OF TEXAS   §**

**COUNTY OF TRAVIS   §**

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Joseph Pantalion, P.E., Interim Assistant City Manager, City of Austin, a home-rule municipal corporation, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

Attached:

EXHIBIT A -the Restrictive Covenant  
EXHIBIT B -the Legal Description for the Undeveloped Property  
EXHIBIT C -the Critical Environmental Feature Buffers

FIRST AMENDMENT TO THE COMPROMISE SETTLEMENT AGREEMENT  
REGARDING CHAMPION STRACT 3

**EXHIBIT A**

**RESTRICTIVE COVENANT**



**RESTRICTIVE COVENANT**

**OWNER:** 2222 CAP. TEXAS, LLC, a Texas limited liability company

**PROPERTY ADDRESS:** 6409 City Park Road, Austin, Texas 78702

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

**PROPERTY:** Lot 1, Block A, Champion City Park East subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 200300122 of the Official Public Records of Travis County, Texas (the "Property").

**WHEREAS,** Owner (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

**WHEREAS,** Owner and the City of Austin have agreed to amend the 1996 Compromise Settlement Agreement related to Cause No. 94-07160, *Josie Ellen Champion, et al v. City of Austin* in the 353<sup>rd</sup> Judicial District Court of Travis County and execute the First Amendment to the Compromise Settlement Agreement;

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

1. Owner agrees not to construct any improvements or allow any development, other than for unimproved hiking trails less than 3 feet in width, wildfire management, or security concerns, on the portion of the Property described by metes and bounds in **EXHIBIT "A"** attached and incorporated into this covenant, provided that such allowed improvements or development comply with the City Code requirements in effect at the time of application. Such activities are limited to removal of brush and trees smaller than eight (8) inches in diameter.
2. Impervious cover on Tract 3 may not, under any circumstance, exceed 5.49 acres.
3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such action, and to collect damages for such actions.

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

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

2222 CAP. TEXAS, LLC,  
a Texas limited liability company

By: \_\_\_\_\_  
Name: J. Mark Stevenson  
Title: Manager

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2018, by J. Mark Stevenson, Manager of 2222 CAP. TEXAS, LLC, a Texas limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

**Chaparral****Professional Land Surveying, Inc.  
Surveying and Mapping**Office: 512-443-1724  
Fax: 512-389-09433500 McCell Lane  
Austin, Texas 78744

EXHIBIT \* \_\_\_\_

**PORTION OF LOT 1, BLOCK A,  
CHAMPION CITY PARK EAST SUBDIVISION****30.071 ACRES****JAMES JETT SURVEY NO. 1, ABSTRACT NO. 437****CITY OF AUSTIN FULL PURPOSE LIMITS, TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 30.071 ACRES (APPROXIMATELY 1,309,879 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CHAMPION CITY PARK EAST SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 200300122 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 30.071 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a fence post found in the southwest right-of-way line of R.M. 2222 (right-of-way width varies), being the easternmost corner of said Lot 1, being also an angle point in the northeast line of Lot 2, Shepherd Mountain Phase One, a subdivision of record in Volume 83, Pages 200A-200B of the Plat Records of Travis County, Texas;

**THENCE** with the southwest line of said Lot 1, the northeast line of said Lot 2 and the northeast line of Block B, Shepherd Mountain Phase Two, a subdivision of record in Volume 86, Pages 155D-158C of the Plat Records of Travis County, Texas, the following six (6) courses and distances:

1. North 62°31'47" West, a distance of 1852.62 feet to a 1/2" rebar found;
2. North 62°33'18" West, a distance of 180.16 feet to a 1/2" rebar found;
3. North 62°28'53" West, a distance of 172.97 feet to a 1/2" rebar found;
4. North 62°31'03" West, a distance of 307.12 feet to a 1/2" rebar found;
5. North 62°21'57" West, a distance of 220.31 feet to a 1/2" rebar found;
6. North 62°22'35" West, a distance of 137.31 feet to a mag nail with "Chaparral" washer set for an angle point in the southeast right-of-way line of City Park Road. (right-of-way width varies), being the westernmost corner of said Lot 1;

**EXHIBIT A**



Page 2

THENCE North 37°40'26" East with the southeast right-of-way line of City Park Road and the northwest line of said Lot 1, a distance of 310.01 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap found in the southeast right-of-way line of City Park Road and the northwest line of said Lot 1, bears North 37°40'26" East, a distance of 42.25 feet;

THENCE crossing said Lot 1, the following seven (7) courses and distances:

1. South 38°42'47" East, a distance of 362.04 feet to a calculated point;
2. North 50°17'13" East, a distance of 377.11 feet to a calculated point;
3. South 61°55'29" East, a distance of 172.35 feet to a calculated point;
4. South 28°00'15" East, a distance of 127.03 feet to a calculated point;
5. South 80°32'48" East, a distance of 299.33 feet to a calculated point;
6. North 61°59'45" East, a distance of 186.58 feet to a calculated point;
7. North 21°08'43" East, a distance of 281.69 feet to a calculated point in the southwest right-of-way line of R.M. 2222 and the northeast line of said Lot 1, from which a TXDOT type II disk found in the southwest right-of-way line of R.M. 2222 and the northeast line of said Lot 1, bears North 28°12'39" West, a distance of 256.85 feet;

THENCE with the southwest right-of-way line of R.M. 2222 and the northeast line of said Lot 1, the following eight (8) courses and distances:

1. South 28°12'39" East, a distance of 251.22 feet to a TXDOT type II disk found;
2. With a curve to the left, having a radius of 2984.79 feet, a delta angle of 11°42'31", an arc length of 609.95 feet, and a chord which bears South 34°03'51" East, a distance of 608.89 feet to a TXDOT type II disk found;
3. South 39°54'05" East, a distance of 420.62 feet to a TXDOT type II disk found;
4. South 53°27'25" West, a distance of 49.50 feet to a TXDOT type II disk found;
5. South 36°27'24" East, a distance of 208.76 feet to a TXDOT type II disk found;
6. North 62°37'20" East, a distance of 62.31 feet to a TXDOT type II disk found;
7. South 39°52'38" East, a distance of 249.41 feet to a TXDOT type II disk found;

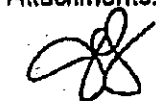
Page 3

8. South 06°56'39" East, a distance of 247.90 feet to the POINT OF BEGINNING, containing 30.071 acres of land, more or less.

Surveyed on the ground on September 8, 2016

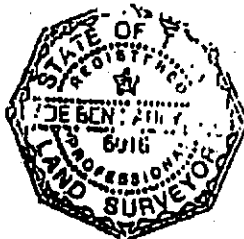
Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS Solutions from The National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 586-002-30.071AC.



Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016  
TBPLS Firm No. 10124500

9/26/16



REFERENCES

TCAD Property ID #: 564848  
Austin Grid Map F30

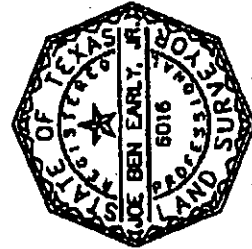
SKETCH TO ACCOMPANY A DESCRIPTION OF 30.071 ACRES (APPROXIMATELY 1,309,879 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CHAMPION CITY PARK EAST SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 200300122 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N62°31'47"W	1852.62'
L2	N62°33'18"W	180.16'
L3	N62°29'53"W	172.97'
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CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	2984.79'	11°42'31"	609.95'	S34°03'51"E	608.89'

## LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- 1/2" REBAR WITH "CHAPARRAL BOUNDARY" CAP FOUND
- ⊙ T-LOT TYPE II DISK FOUND
- FENCE POST FOUND
- △ MAG NAIL WITH "CHAPARRAL" WASHER FOUND
- △ CALCULATED POINT
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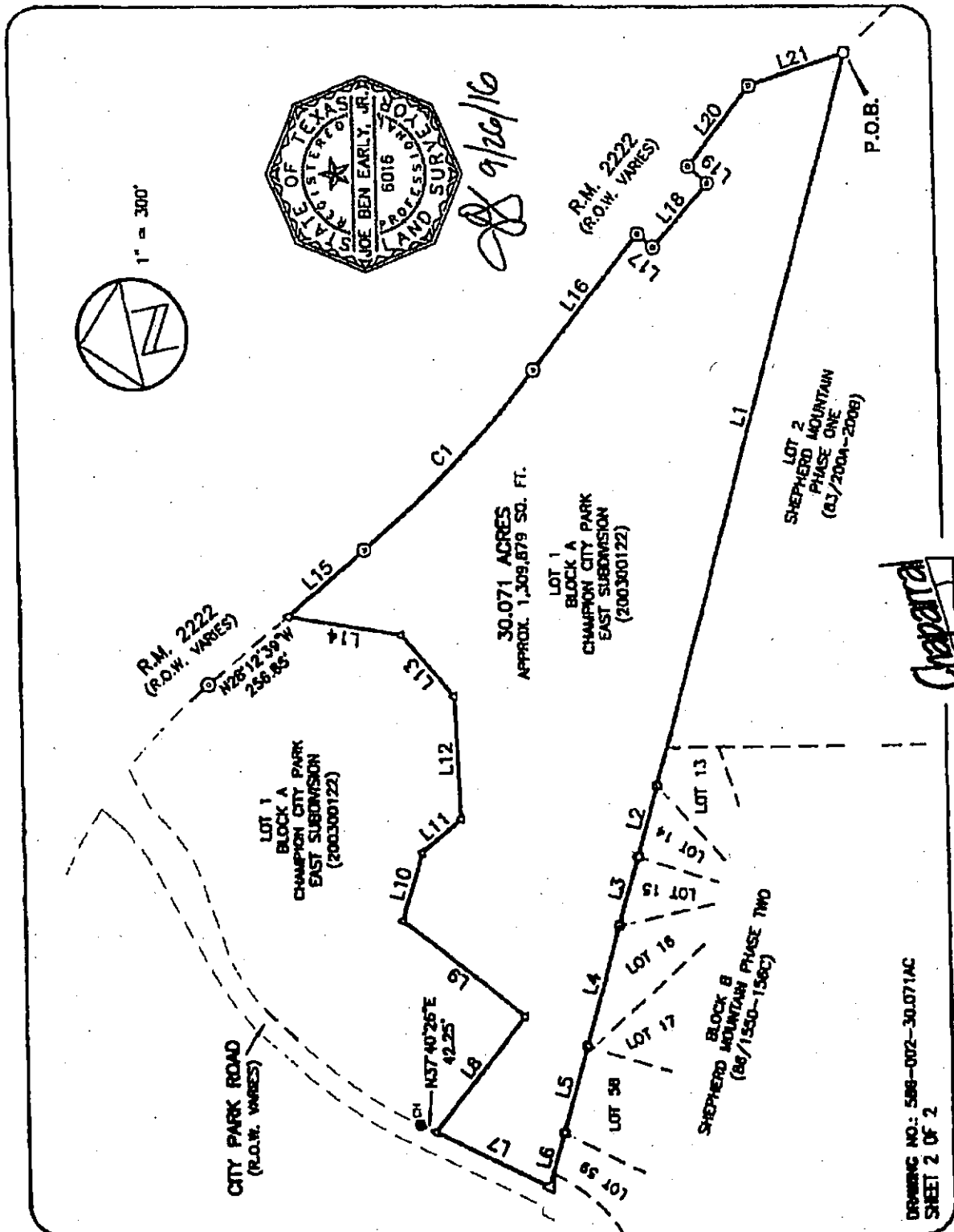
BEARING BASE: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION  
586-002-30.071AC

DATE OF SURVEY: 9/9/15  
PLOT DATE: 9/26/16  
DRAWING NO.: 586-002-30.071AC  
T.B.P.L.S. FROM NO. 10124500  
DRAWN BY: JOE  
SHEET 1 OF 2

*Chaparral*





After Recording, please return to:

City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767  
Attention: C. Curtis, Paralegal

FIRST AMENDMENT TO THE COMPROMISE SETTLEMENT AGREEMENT  
REGARDING CHAMPION STRACT 3

**EXHIBIT B**

**LEGAL DESCRIPTION OF THE  
UNDEVELOPED PROPERTY**





Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT "\_\_\_\_"

PORTION OF LOT 1, BLOCK A,  
CHAMPION CITY PARK EAST SUBDIVISION

30.071 ACRES  
JAMES JETT SURVEY NO. 1, ABSTRACT NO. 437  
CITY OF AUSTIN FULL PURPOSE LIMITS, TRAVIS COUNTY, TEXAS

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Surveyed on the ground on September 8, 2015

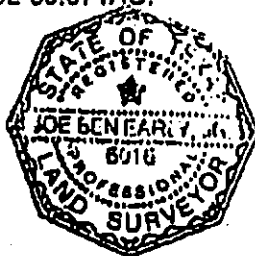
Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS Solutions from The National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 588-002-30.071AC.



Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016  
TBPLS Firm No. 10124500

9/26/16



REFERENCES

TCAD Property ID #: 584848  
Austin Grid Map F30

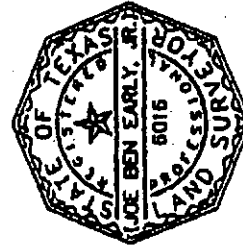
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- ⊙ FENCE POST FOUND
- △ MAG NAIL WITH "CHAPARRAL" WASHER FOUND
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

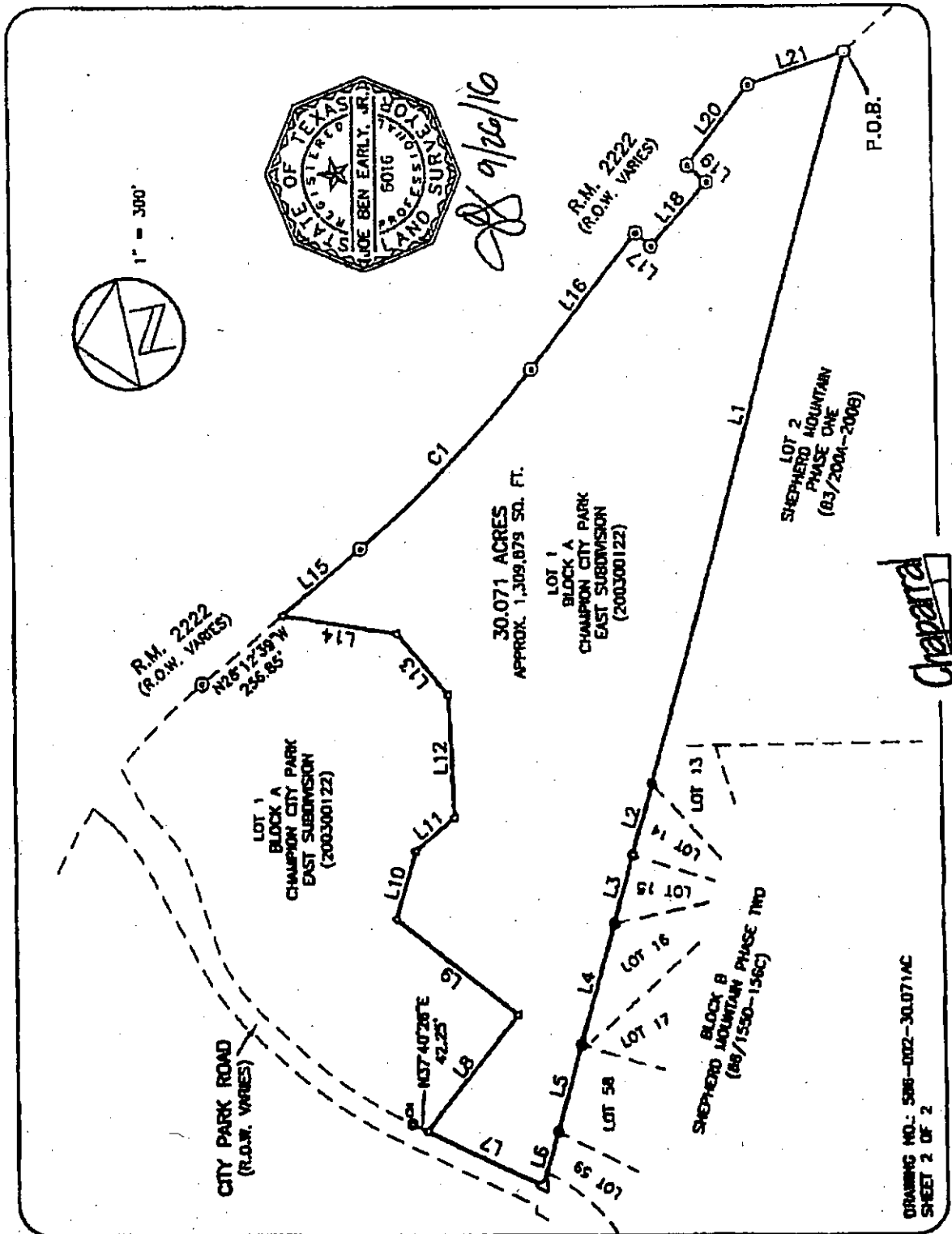


BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).  
ATTACHMENTS: METES AND BOUNDS DESCRIPTION S06-002-30.071AC

DATE OF SURVEY: 9/8/15  
PLOT DATE: 9/26/16  
DRAWING NO.: S06-002-30.071AC  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: JBE  
SHEET 1 OF 2

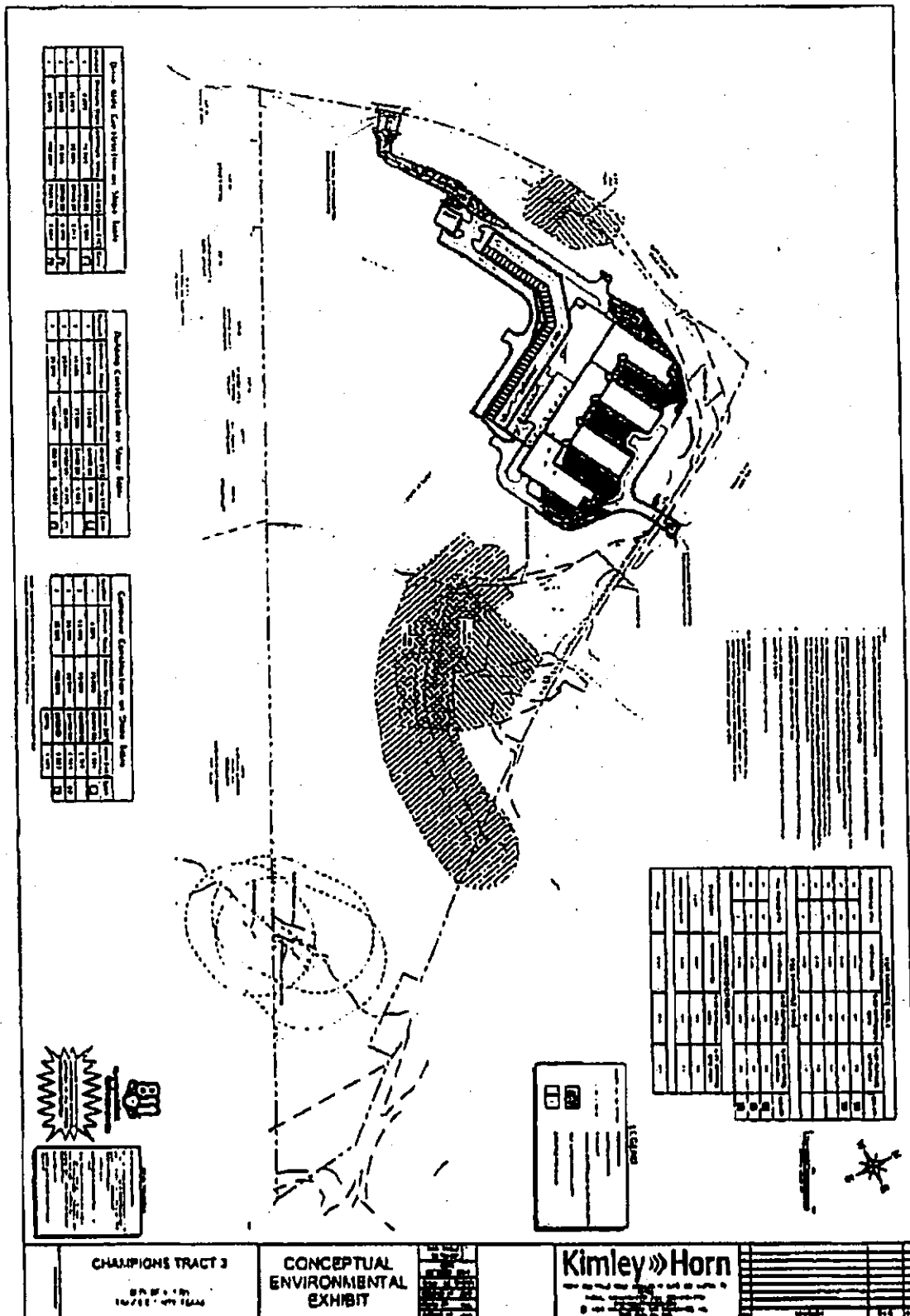
*Chaparral*

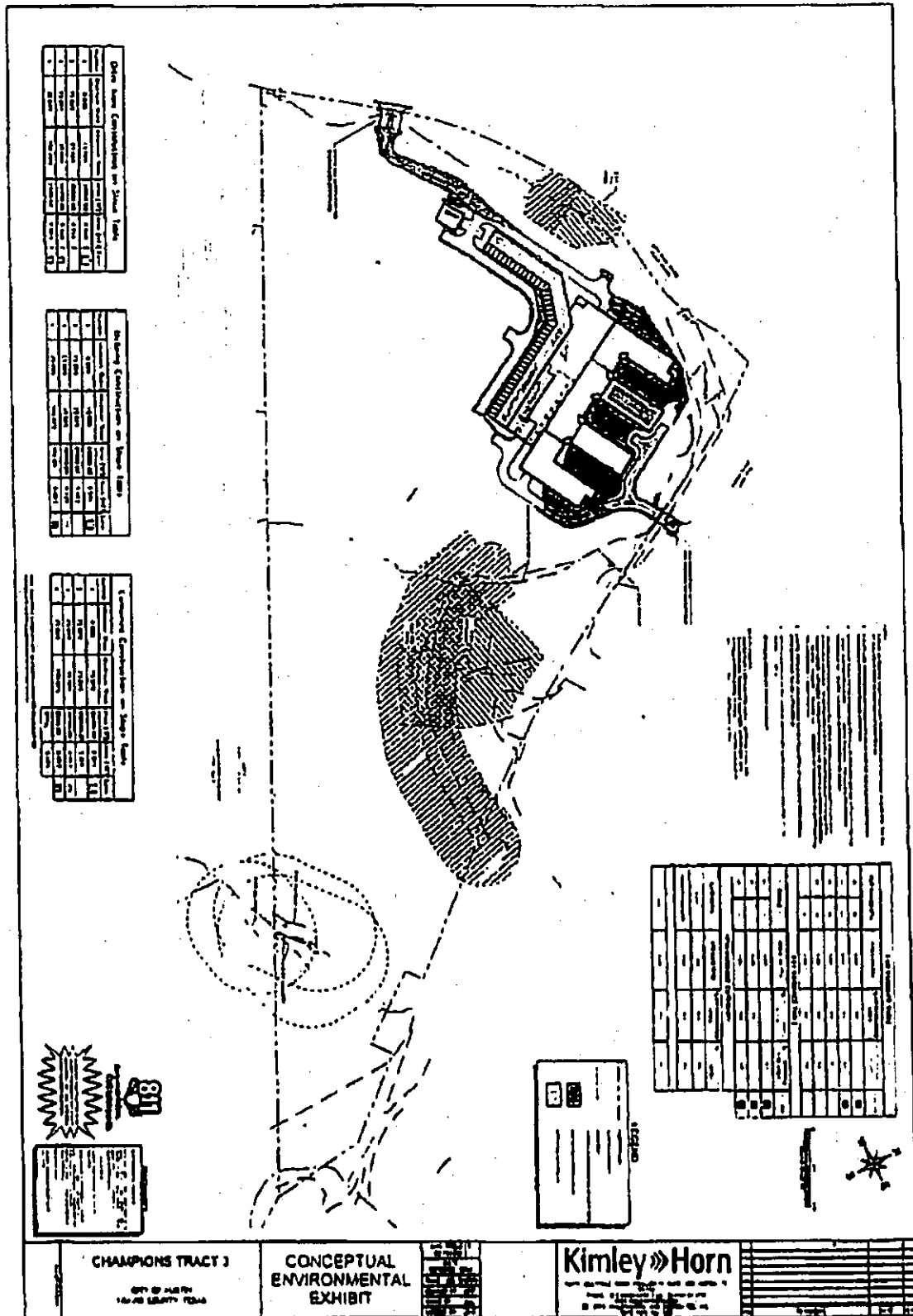




FIRST AMENDMENT TO THE COMPROMISE SETTLEMENT  
AGREEMENT REGARDING CHAMPIONS TRACT 3

**EXHIBIT C**  
**CEF/WETLAND BUFFERS**





After Recording, please return to:  
City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767  
Attention: C. Curtis, Paralegal



After Recording, please return to:  
City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767  
Attention: C. Curtis, Paralegal

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
  - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  - is the record owner of property within 500 feet of the subject property or proposed development; or
  - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

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

Case Number: SPC-2017-0239C  
Contact: Anaiah Johnson, 512-974-2932 or  
Ramon Rezvanipour, (512) 974-3124  
Public Hearing: Zoning and Platting Commission, July 03, 2018

WHAT THE F\*\*K

Your Name (please print)

SPC LONG COURT

Your address(es) affected by this application

*Ramon Rezvanipour*

Signature

Daytime Telephone: 512 589 8343

6/28/2018

Date

Comments:

While I'm all for development it is impossible for me to understand how the traffic plan will work for such a large multi-family complex. 2332 and 260 are already impossible - This will make everything a parking lot. How can this be approved?

If you use this form to comment, it may be returned to:

City of Austin  
Development Services Department - 4<sup>th</sup> floor  
Anaiah Johnson  
P. O. Box 1088  
Austin, TX 78767-1088

☐ I am in favor  
☒ I object

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Contact: Anaiah Johnson, 512-974-2932 or

Ramon Rezvanipour, (512) 974-3124

Public Hearing: Zoning and Platting Commission, July 03, 2018

Joseph Greenlee

Your Name (please print)

☐ I am in favor  
☒ I object

6000 Shepherd Mountain Cr, Unit 1201, Austin, TX 78730

Your address(es) affected by this application

Joseph Greenlee

Signature

Date

Daytime Telephone: 512-870-7545

6/28/2018

Comments: To the north of the Montevista

condominiums to RM 2222 is an

extremely sharp downward decline.

Any roadway and development would

deplete existing drainage and the

environment would be adversely

affected.

I urge in the strongest terms, that

development as described not proceed.

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department - 4<sup>th</sup> floor

Anaiah Johnson

P. O. Box 1088

Austin, TX 78767-1088



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**Public Hearing: Zoning and Platting Commission, July 03, 2018**

Hugh Milton

*Your Name (please print)*

5000 Shepherd Mountain Cove #1412, Austin, TX 78730

*Your address(es) affected by this application*

07/02/18

*Date*

*Signature*

512-241-0417

*Daytime Telephone:*

Comments: would disturb wildlife habitat, would

increase traffic in out area

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department – 4<sup>th</sup> floor

Anaiah Johnson

P. O. Box 1088

Austin, TX 78767-1088

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

**Case Number:** SPC-2017-0239C

**Contact:** Anaiah Johnson, 512-974-2932 or

Ramon Rezvanipour, (512) 974-3124

**Public Hearing:** Zoning and Platting Commission, July 03, 2018

*Liliana Romero*

Your Name (please print)

5904 Long Court, Austin TX 78730

Your address(es) affected by this application

*Julius Ramon*

Signature

Date

Daytime Telephone:

Comments: *TRAFFIC AT peak hours is like being in a parking lot. Adding these units without installing mass transportation in Austin won't help traffic problems.*

If you use this form to comment, it may be returned to:

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Austin, TX 78767-1088

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).