ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0005 (Champions Commercial – Tract 4) DISTRICT: 10

ADDRESS: 6025 N. Capital of Texas Highway

ZONING FROM: GR-CO, RR

TO: GR-CO, to change a condition of zoning*

* The applicant is requesting to amend the conditional overlay contained in Part 2 of Ordinance No. 920507-B. The amendments will increase the building area on Tract 2 by 25,000 sq. ft., will limit impervious cover, will require that all development on Tract 2 comply with all current water quality control requirements of the Land Development Code, will require that at least forty percent (40%) of Tract 2 remain undisturbed in compliance with Section 2.7.2(B) (Hill Country Roadway Landscape Criteria) and will restrict watercraft rentals and public access to Bull Creek (*please see Applicant's Request Letter and Proposed Redlined Ordinance No. 920507-B - Exhibit C and City Council Resolution 20220929-091 – Exhibit D*).

SITE AREA: 8.14 acres

PROPERTY OWNER: East VH 2222, LLC (Vinod Nagi, President)

AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:
Staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District zoning, to change a condition of zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:
July 18, 2023: Approved staff's recommendation for an indefinite postponement (11-0), B. Greenberg-1st, A. Flores-2nd.

October 17, 2023: Postponed to November 21, 2023 at the staff's request (10-0, C. Acosta-absent); B. Greenberg-1st, A. Flores-2nd.

November 21, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently an undeveloped 8.14 acre tract of land fronting North Capital of Texas Highway. The area to the east contains floodplain, zoned RR (known as Tract 1 in Ordinance No. 920507-B), and a City of Austin fire station, zoned P. To the west, is the Capital of Texas Highway and an office building on the other side of Courtyard Drive, zoned PUD. The tract of land to the north, across FM 2222 Road, is developed with a retail center zoned GR-CO. The lots to the south are developed with single-family residences that are part of a PUD.

In this request, the applicant is asking to rezone the property from Community Commercial-Conditional Overlay (GR-CO) combining district zoning to Community Commercial-Conditional Overlay (GR-CO) combining district zoning, to change conditions of the current zoning. In their submittal letter, the applicant says that they are requesting to amend the conditional overlay contained in Part 2 of Ordinance No. 920507-B (the "Original Ordinance"). The amendments will modify the allowed building area from 70,000 sq. ft. to 95,000 sq. ft., state that at least 40 percent of the site will remain undisturbed to add environmental quality assurances and will restrict watercraft rentals and public access onto Bull Creek, as requested by the surrounding neighbors.

BASIS OF RECOMMENDATION:

The staff is recommending the proposed rezoning from GR-CO to GR-CO zoning to clarify conditions in the zoning ordinance for this property. The proposed rezoning will permit 25,000 sq. ft. of additional building area on this property that is located at the southeast intersection of Capital of Texas Highway and FM 2222 Road.

Through this request, the applicant is proposing to limit the impervious cover on Tract 2 to a maximum of 40% gross site area, to limit impervious cover within the Critical Water Quality Zone ("CWQZ") to 0%, to remove all existing impervious cover from the CWQZ that is defined as the area within 150 feet of the centerline of West Bull Creek, to state that all new projects submitted to the City of Austin on Tract 2 shall comply with current water quality control requirements of the LDC, to require that at least 40% of Tract 2 remain undisturbed in compliance with Section 2.7.2(B) (Hill Country Roadway Landscape Criteria), to prohibit the sale, rental, leasing, lending and distributing of watercraft rentals on Tract 2 and to prohibit public access to Bull Creek from the property.

These changes to the existing conditional overlay in Ordinance No. 920507-B will permit the applicant to develop hotel and restaurant uses on the property to provide services that will meet community needs that are accessible from major traffic ways.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-CO, RR	Undeveloped, Floodplain
North	GR-CO	Retail Center (Bull Creek Market: Siena Restaurant, Sherwin-Williams Paints, Deep Roots ATX Salon, Waterloo Ice House, Chase Flooring, Farmers Insurance, 360 Tans, Lacrosse Unlimited, Sharkey's Cuts for Kids, Lavish Nails, 360 Pizza)
South	PUD	Easement, Single-Family Residences (The Courtyard)
East	P, GO, GR-CO, GR	Fire Station (Austin Fire Station 31), Restaurant (The County Line Bar-b-q)
West	PUD, ROW (FM 2222)	Office (Courtyard Atrium)

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Lake Austin, Bull Creek

SCHOOLS: Austin I.S.D.
Highland Park Elementary School
Lamar Middle School
McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bull Creek Foundation
Courtyard Homeowners Association
Friends of Austin Neighborhood
Long Canyon Phase II & III Homeowners Assn Inc.
NW Austin Neighbors
Neighborhood Empowerment Foundation
Preservation Austin
SELTexas
Sierra Club, Austin Regional Group
TNR BCP - Travis County Natural Resources
2222 Coalition of Neighborhood Associations, Inc.
Westminster Glen HOA

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0118 (Champions Commercial Development – Tract 4: 6025 N. Capital of Texas Highway)	GR-CO to GR-CO, to amend Ordinance No. 920507-8 Part 2, No. 1 which includes a conditional restriction that states, "Development of Tract 2 shall not exceed a maximum of 70,000 square feet of building space". The applicant requested to modify this conditional restriction to allow for development "not to exceed a maximum of 110,000 square feet of gross floor area" to develop a hotel use on the property.	2/18/20: Granted indefinite postponement	Case Expired
C14-2018-0138 (Champion-Camelback Agreement Rezoning: 6409 City Park Road)	MF-4-CO to GO-CO	12/04/18: Motion by Commissioner Evans, seconded by Commissioner Breithaupt to grant general office-conditional overlay (GO-CO) combining district zoning as Staff recommended, with additional Conditional Overlays that limit development to 525 vehicle trips per day and require a 100-foot wide vegetative setback along the northeast property line (RM 2222 Road), as measured from the edge of pavement, except for retaining walls and water quality / detention facilities, by consent. (9-0, Commissioner Barrera-Ramirez and Chair Duncan absent).	12/13/18: Approved GO-CO zoning with the following conditions: 1) Development of the property shall not exceed a maximum gross floor area of 130,000 square feet. 2) The following uses are prohibited uses on the Property: Administrative and business, Art gallery offices, Art Workshop, Bed and breakfast (group 1), Bed and breakfast (group 2), Business or trade School, Business support Services, Club or lodge, College and university facilities, Communication services, Communication service Facilities, Community garden Community events, Community recreation (public), Cultural services, Day care services (general), Guidance services,

			Hospital services (limited), Medical offices (not exceeding 5,000 sq. ft. gross floor area), Personal services, Professional Office, Private secondary educational facilities, Restaurant (limited), Software development, Urban farm, Community recreation (private), Counseling services, Day care services (commercial), Day care services (limited), Hospital services (general), Medical offices (exceeding 5,000 sq. ft. gross floor area), Off-site accessory parking, Printing and publishing, Private primary educational facilities, Residential treatment, Safety Services and Special use Historic. 3) 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 525 trips per day. 4) A 100-foot wide vegetative buffer shall be provided and maintained along the northeast property line adjacent to RM 2222 Road, as measured from the edge of the pavement, as described in the attached Exhibit "C". Improvements permitted within the buffer zone are limited to sidewalks, driveway access, signage that complies with current City of Austin Code requirements applicable to RM 2222 Road, on-site water detention and water quality, retaining walls, drainage, underground utility improvements or those improvements that may be otherwise required by the City

			of Austin.
C14-2017-0067 (Champion Tract 1C: 6500 FM 2222 Road)	LR-CO to CS-CO	12/05/17: Denied request for CS-CO	5/10/18: Approved CS-CO zoning with conditional overlay limiting development to the trip allocation allotted by Ordinance No. 000309-80, list of conditional and prohibited uses and identifying remaining 1,148 trips for other development
C14-2015-0017 (5204 FM 2222)	GO to GR-CO	8/18/15: Approved staff's rec. of GR-CO zoning, with a CO to prohibit the following uses: Automotive Rentals, Automotive Repair, Automotive Sales, Automotive Washing, Bail Bond Services, Consumer Repair Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Pawn Shop Services, Pedicab Storage and Dispatch, Service Station, Hospital Services (Limited and General) and Local Utility Services) and prohibit outdoor amplified sound, by consent (11-0), S. Harris-1st, A. Denkler-2nd.	9/10/15: The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20150910-032 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on Council Member Kitchen's motion, Council Member Garza's second on an 11-0 vote.
C14-05-0158 (Champion Tract - City Park Road West)	LR-CO and DR to GO-CO and LR-CO	11/01/05: Approved GR-MU-CO	Case Expired – did not have 3rd Reading within 360 day of 1st Reading/Close of Public Hearing
C14-02-0181 (Champion Tract City Park Road West: 6404 City Park Road)	DR and LR-CO to GR-MU	1/14/03: Approved LR-CO zoning, with ROW dedication	12/02/04: Zoning change denied.
C14-99-0077 (Champion Tract 2: 6100-6404 City Park Road)	DR to GR	8/31/99: Approved staff rec. of GR-MU-CO	3/09/00: Approved LR-CO, with conditional overlay for 6,500 adjusted trips per day, Retail limited to 4,000 sq. ft.

RELATED CASES:

C14-2019-0118 - Previous Rezoning Case
SPC-05-0012A, SPC-2022-0378C – Site Plan Cases
C14-91-0015(RCA) – Public Restrictive Covenant Amendment

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 6025 N CAPITAL OF TEXAS HIGHWAY NB. C14-2023-005. Project: Champions Commercial Development (Tract 4). 8.14 acres from GR-CO to GR-CO. From undeveloped to a 114-unit hotel. Amending existing CO limiting development from 70,000 sq. ft. to 95,000 sq. ft. At least 40 percent of the site will remain undisturbed. Restrict watercraft rentals and public access onto Bull Creek.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. **Name(s) of Activity Center/Activity Corridor/Job Center:**
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	**Mobility and Bike/Ped Access:** Adjoins a public sidewalk, shared path, and/or bike lane. *Unprotected bike lane on FM 2222 Ranch Road. Not marked. No crosswalks at intersection of FM 2222 and Capital of Texas Hwy. No sidewalks to reach shopping center located on Capital of Texas Hwy from location. Partial sidewalk along FM 2222 Ranch Road.*
Y	**Connectivity, Good and Services, Employment**: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
Y	**Workforce Development, the Economy and Education**: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
3	**Total Number of "Yes's"**

Environmental

Part 2, #3
EV 1 Explain how much impervious cover is currently allowed on Tract 2. Provide citations from the applicable documents to verify the current IC allowance. Be sure to specify whether the current IC allowance is based on net or gross site area.

Part 2, #4
EV 2 Provide an exhibit for the revised ordinance to show where this 150-foot CWQZ boundary would be.

EV 3 Explain why a CWQZ buffer of 150 feet was chosen. As defined, I believe that it would not intersect with Tract 2.

Environmental Officer

Provide CEF protections compliant with current code.

Add the CWQZ for Lake Austin to the condition PART 2 (4) such that all impervious cover will be removed from the area withing 100ft from the shoreline of Lake Austin.

Dedicate the 40% undisturbed area as conservation easement as indicated in PART 2 (6) of the redlined ordinance.

Add a note to the redline ordinance stating that upon completion of the development, any future development or redevelopment of the property will be subject to then-current city code.

Provide protection for heritage trees compliant with current code.

Comments cleared through an informal update.

Fire

No comments.

Parks and Recreation

This site is subject to the Champion Settlement Agreement, which vests proposed developments to the parkland dedication requirements in effect in 1993.

Approved. No additional comments.

Site Plan

There is a site plan currently under review for this property (SPC-2022-0378C), which is proposing 90,000 sq ft (GFA) of hotel use and 5,000 sq ft (GFA) of restaurant (general) use, along with associated parking and drainage facilities.
This site is in the Lake Austin Overlay and Scenic Roadway Overlay.

This site is within the Wildland Urban Interface.

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

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

in a high intensity zone:

(a) 0.30 for a building on property with a slope gradient of 15 percent or less;
(b) 0.12 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or
(c) 0.06 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent.

Except for clearing necessary to provide utilities or site access, a 100-foot vegetative buffer will be required along the roadway. 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 the roadway the maximum height is 28 feet, and beyond 200 feet the maximum height is 53 feet.

Transportation

TIA: Not required.

Existing Street Characteristics:

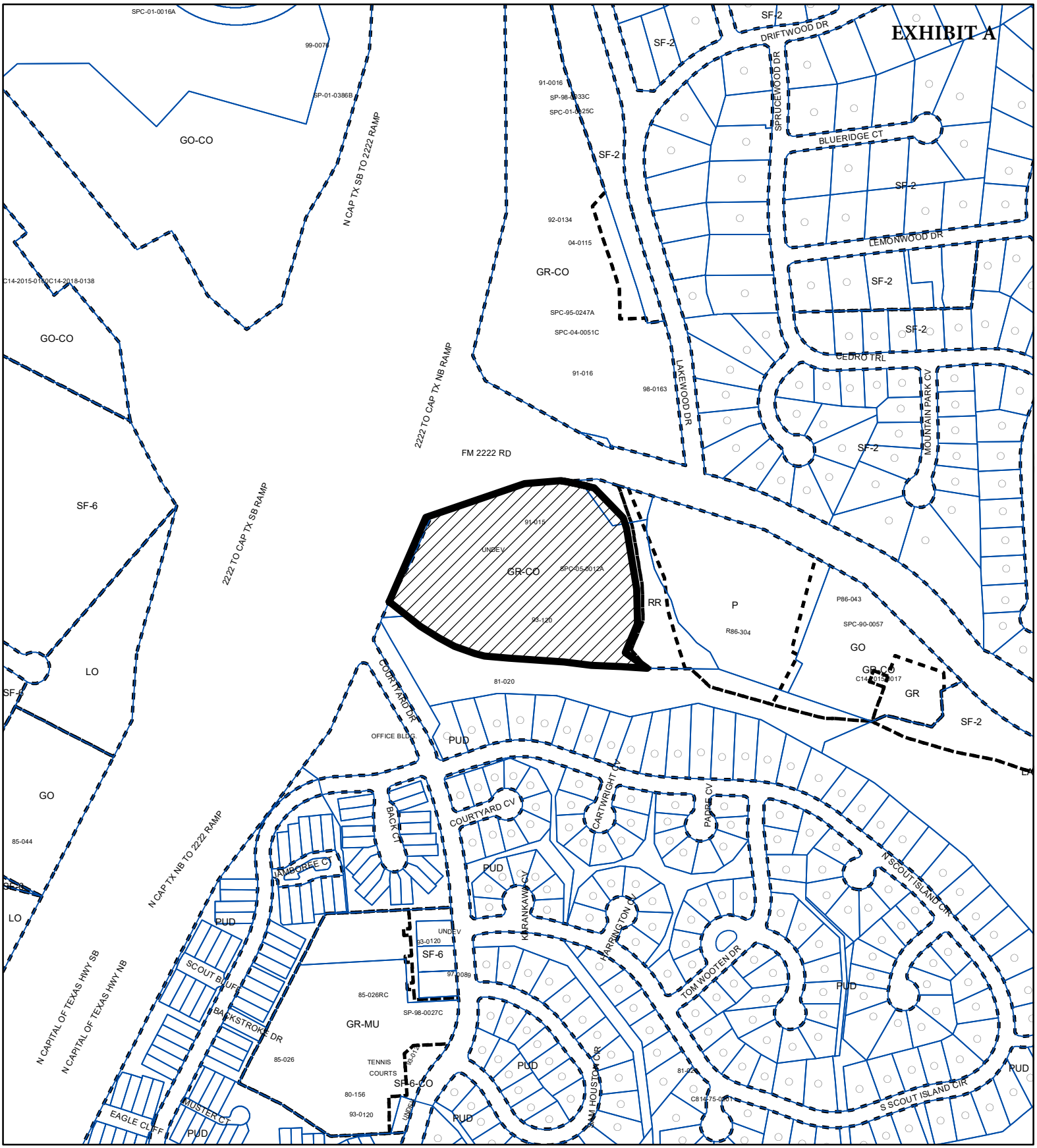
Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
N CAP TX NB TO 2222 RAMP	Level 4	NA TX DOT			No	no	
N CAP TX NB TO 2222 RAMP TO FM 2222 RD	Level 5	NA TX DOT			No	No	
2222 WB TO CAP TX NB RAMP TO LAKEWOOD DR	Level 4	120			No	no	

Water Utility

No review required.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map
B. Aerial Map
C. Applicant's Request Letter and Proposed Redlined Ordinance No. 920507-B
D. City Council Resolution No. 20220929-091
E. Correspondence from Interested Parties



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

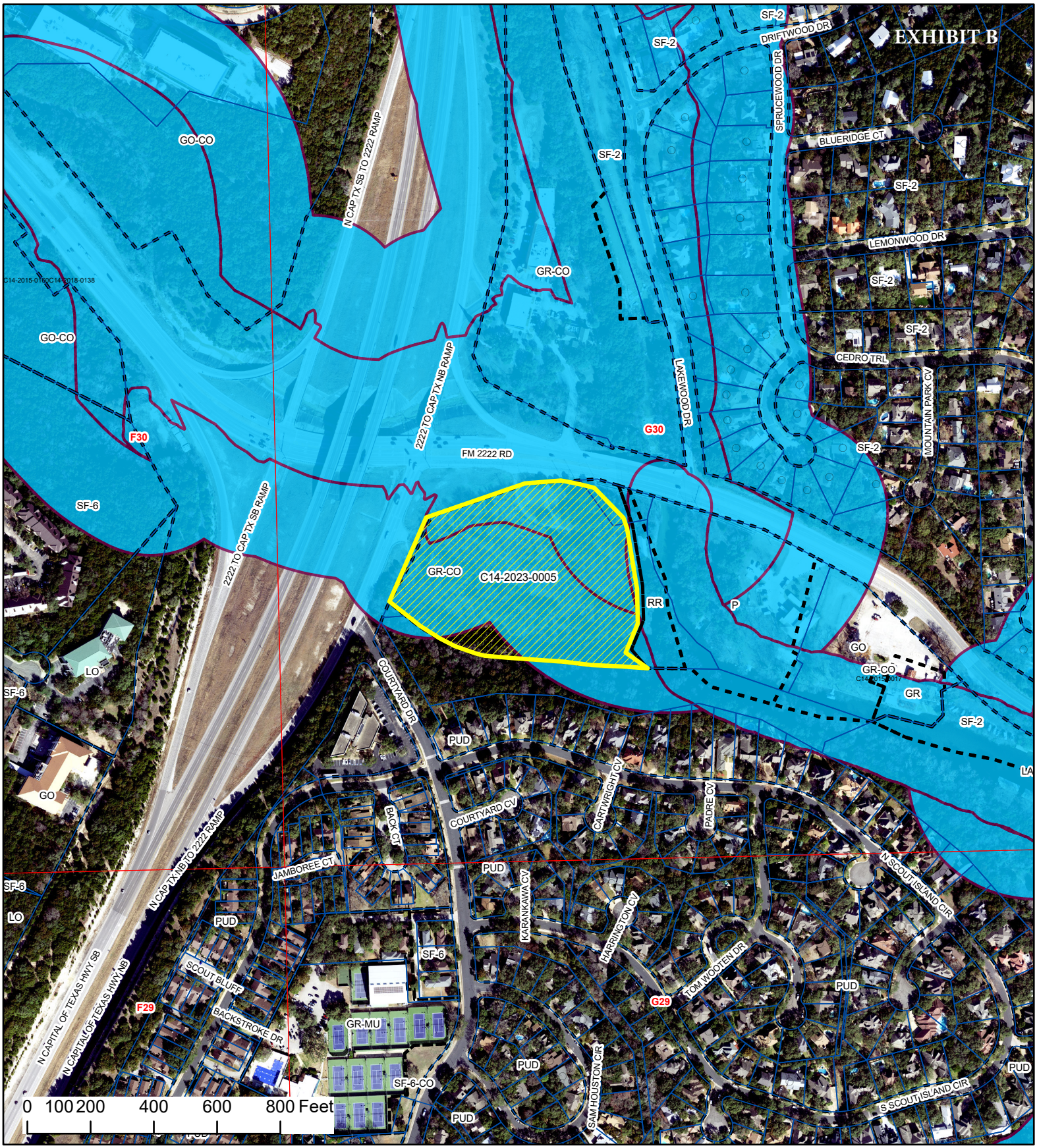
ZONING

ZONING CASE#: C14-2023-0005

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 Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 1/23/2023



Champions Commercial Development (Tract 4)

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

ZONING CASE#: C14-2023-0005
LOCATION: 6025 N Capital of Tx Hwy NB
SUBJECT AREA: 8.14 Acres
GRID: G30
MANAGER: Sherri Sirwaitis

CITY OF AUSTIN FOUNDED 1839

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Created: 2/22/2023

EXHIBIT C

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

December 19, 2022

Jerry Rusthoven, Chief Zoning Officer
City of Austin Housing and Planning Department
1000 E. 11th St.
Austin, Texas 78702

Re: Rezoning application for 6025 N. Capital of Texas Highway, also known as Champions Tract #4 (the "Property")

Dear Mr. Rusthoven:

I am submitting the attached rezoning application for Champions Tract #4 to amend the conditional overlay contained in Part 2 of Ordinance No. 920507-B (the "Original Ordinance"). The amendments will modify the allowed building area and will add environmental quality assurances and will restrict watercraft rentals and public access to Bull Creek, as requested by the surrounding neighbors. If granted, these amendments would help facilitate a commercial project that protects the environment and limits disturbances to the neighboring communities.

A redlined version of the Original Ordinance is attached to this letter demonstrating the changes we are seeking for the Property. I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

Michael J. Whellan

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

July 11, 2023

Sherri Sirwaitis
City of Austin Housing and Planning Department
1000 E. 11th St.
Austin, Texas 78702

Re: Formal Update to Case No. C14-2023-0005 amending Ordinance No. 920507-B, also known as Champions Commercial Development

Dear Ms. Sirwaitis:

I am submitting the attached formal update to C14-2023-0005 amending Ordinance No. 920507-B (the "Original Ordinance"). The changes to the Original Ordinance were negotiated with the neighborhood and allow for more building area and improved environmental standards.

The attached documents are included to help clarify the staff comments. Exhibit A is the applicant's responses to staff comments. Exhibit B is the updated redlined ordinance, with the changes made in response to the staff comments in blue. Exhibit C is the updated survey that accurately describes both Tract 1 and Tract 2 on the property and shows where Tract 2 fronts the lake. Exhibit D is the overall site plan as a supplement to the formal update. This site plan is already separately in review with city staff under SPC-2022-0378C.

Please let me know if there is any other information needed at this point. I appreciate your consideration.

Respectfully,

Michael J. Whellan

ORDINANCE NO. 920507-B

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

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

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

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

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

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

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

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

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

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

(Tract 1 and Tract 2 collectively referred to as the "Property"),

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

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

1. Development of ~~Tract 2~~the Property shall not exceed a maximum of ~~70,000~~ 95,000 square feet of building space.

2. Uses of Tract 2 shall be restricted to the range of permitted uses authorizes in the "GR" Community Commercial district as set forth in Sec. 13-2-221 of the Austin City Code, with The exception of the following uses which shall be prohibited:

(a)	Automotive rentals,	(e)	Exterminating services,
(b)	Automotive repair services,	(f)	Financial services,
(c)	Automotive sales,	(g)	Medical offices,

(d) Automotive washing (automatic or mechanical)
(h) Restaurant (drive-in, fast food),
(i) Service station,

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

3. Impervious cover on the Property shall be limited to a maximum of forty percent (40%) gross site area.

4. Impervious cover shall be limited within the Critical Water Quality Zone ("CWQZ") to zero percent (0%). Prior to the issuance of a certificate of occupancy for any development on the Property, the owner of the property shall be required to remove all existing impervious cover from the CWQZ. The CWQZ shall be defined as the area within one-hundred fifty feet (150 ft.) of the centerline of West Bull Creek and the area within one hundred feet (100 ft.) of the Lake Austin shoreline.

5. Except as provided in subsection (4) above, all development of the Property shall comply with all water quality control requirements of the Land Development Code applicable to new projects submitted to the City of Austin as of the Effective Date of this ordinance.

6. At all times, at least forty percent (40%) of the Property must remain undisturbed, in substantially the same condition as existed prior to its development, in compliance with Section 2.7.2(B) (Hill Country Roadway Landscape Criteria) of the City of Austin Environmental Criteria Manual.

7. The sale, rental, leasing, lending, and distributing of paddle boards, kayaks, and all other forms of watercraft shall be expressly prohibited on the Property. Hotel guests and other members of the general public shall be prohibited from accessing Bull Creek from the property.

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

PART 3. That all of the Property is subject to the Champion Settlement Agreement as recorded in Ordinance No. 960613-J. Upon the completion of project on the Property, the property owner and any successors and subsequent owners or interest-holders, or assigns, agree to permanently relinquish and abandon any and all vested rights granted on the Property. For purposes of this provision, "project" shall be defined as any site plan submitted in compliance with this ordinance and may include multiple buildings. Completion shall be determined by the issuance by the City of Austin of certificates of occupancy for all of the buildings contained on such site plan, regardless of site plan duration.

PART 4. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 5. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 6. That this ordinance shall become effective after the expiration of ten days following the date of its final passage.

PASSED AND APPROVED: §
§
§
_____, _____ § _____

APPROVED:_____ ATTEST:_____

RESOLUTION NO. 20220929-091

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

The City Council supports rezoning the property located at 6025 North Capital of Texas Highway (also known as "Champion Tract 4") provided that the rezoning, to the extent legally feasible, allows:

(1) a maximum building height of 45 feet;

(2) a building or structure no more than three stories;

(3) no more than 95,000 square feet of development on this site;

(4) no more than 40% impervious cover; and

(5) any other necessary provisions.

BE IT FURTHER RESOLVED:

Nothing in this Resolution changes the applicant's obligation to pay any fee associated with rezoning Champion Tract 4.

BE IT FURTHER RESOLVED:

Along with the proposed zoning case, the City Council wants to consider an amendment to the Compromise Settlement Agreement associated with Cause No. 94-07160, *Josie Ellen Champion, et al v. City of Austin*, in the 353rd Judicial District Court of Travis County ("Settlement Agreement"). The City Council directs the City Manager to prepare an ordinance and any other necessary documents that amend the Settlement Agreement to address the development of property located at 6025 North Capital of Texas Highway (Champion Tract 4). The amendment should be consistent with this Resolution and:

(1) Allow for an increase in square footage for the proposed development;

(2) Limit impervious cover within the Critical Water Quality Zone to zero percent; and

(2) Reduce environmental, transportation, and mobility impacts associated with the proposed development.

ADOPTED: September 29, 2022 **ATTEST:** Stephanie Hall for
Myrna Rios
City Clerk

EXHIBIT E

From: Dewey Poteet
To: Sirwaitis, Sherri
Subject: Case No. C14-2023-0005
Date: Monday, February 13, 2023 12:24:50 PM

*** External Email - Exercise Caution ***

Dear Ms. Sirwaitis:

My wife and I live very close to the site of the referenced case, and we are concerned about the increase in noise and light pollution that the project may impose on us. I see that the proposed zoning change includes a commitment to not allow watercraft or other access to Bull Creek, which is good. We would also like to get a requirement that exterior loudspeakers will be prohibited, no amplified music outside the building, and protection of neighbors from the light and noise of any exterior features (e.g., sound walls around any pool, generator, or other source of noise).

I have a request. The application cover letter says that the environmental quality assurances are "as requested by the surrounding neighbors". Would it be possible to find out who these neighbors are, and how their input was obtained? I do not recall getting invited to provide input, and would like to see if the other neighbors might share my concerns about noise and light (especially from the outdoor pool that appears to be planned for the site). Any help you can provide in this regard would be appreciated.

We will be following this matter closely, and look forward to attending the public hearing on the rezoning request.

Dewey Poteet
512-296-9060

606 Sprucewood Cove
Austin, TX 78731

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code: https://bit.ly/ATXZoningComment.

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

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

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

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2023-0005
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: July 18, 2023, Zoning and Platting Commission

Dewey Poteet
Your Name (please print)

☐ **I am in favor**
☑ **I object**

6306 SPRUCEWOOD COVE 78731
Your address(es) affected by this application (optional)

Dewey Poteet — 7/11/2023
Signature — *Date*

Daytime Telephone (Optional): 512-296-9060

Comments: As indicated in my previous comments, we oppose approval unless the requirements include protection of neighbors from noise and light pollution, including prohibition of outside music, loudspeakers, and other noise sources, and sound walls around any outdoor pool, generator, dumpster area or other noise source. Our home would be most directly affected by new noise or light.

If you use this form to comment, it may be returned to:
City of Austin, Planning Department
Sherri Sirwaitis
P. O. Box 1088, Austin, TX 78767
Or email to:
sherri.sirwaitis@austintexas.gov