

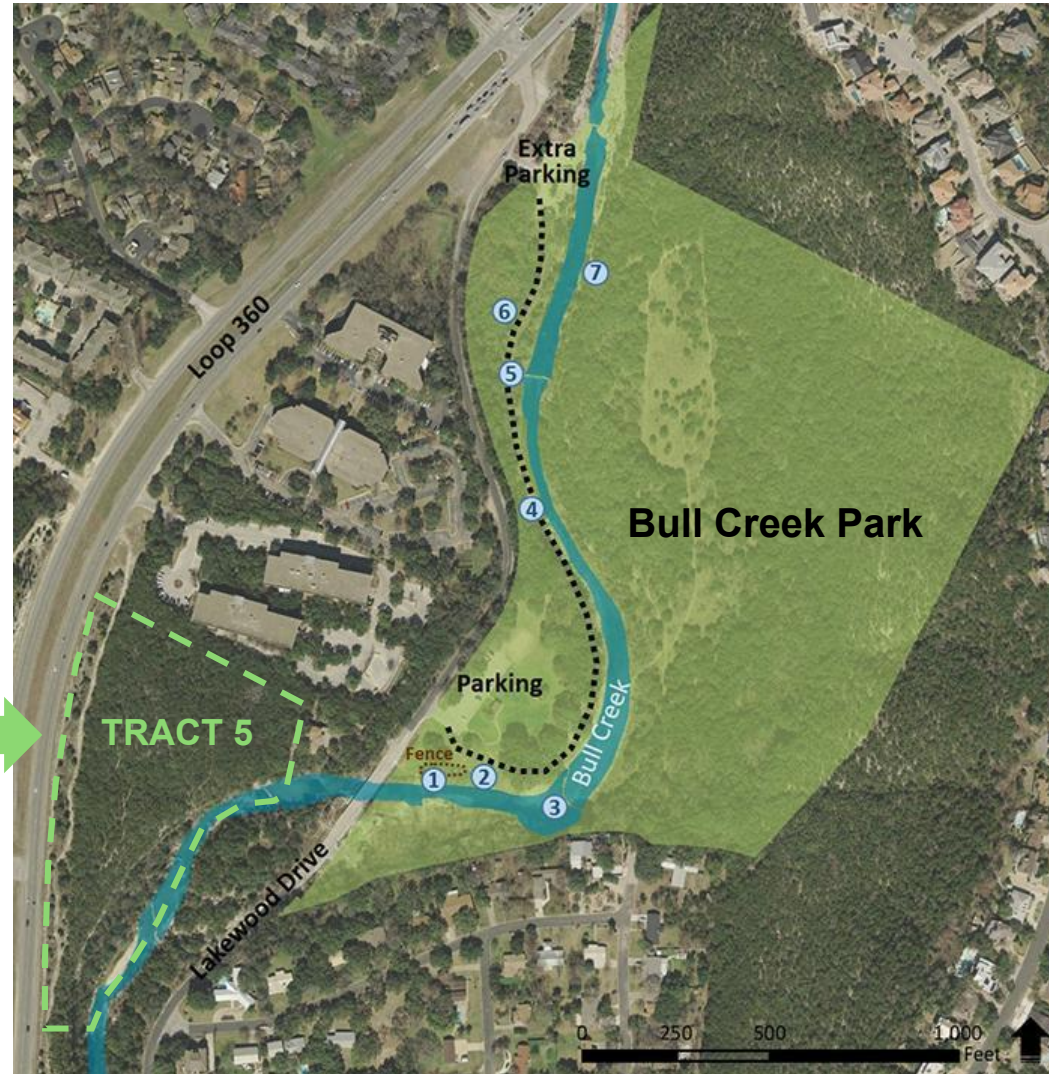
SPC-2023-0357C

Invalid, Incorrect and Incomplete
per Development Codes

Environmental Risks

City Precedent since 1993

“Champions Tract 5”



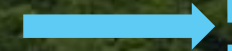
Prepared by Lakewood Club Neighborhood Organization
PoC: Marcus Shaftel marcus@ieee.org (512) 779-8849



TRACT 5

Bull Creek Bluffs

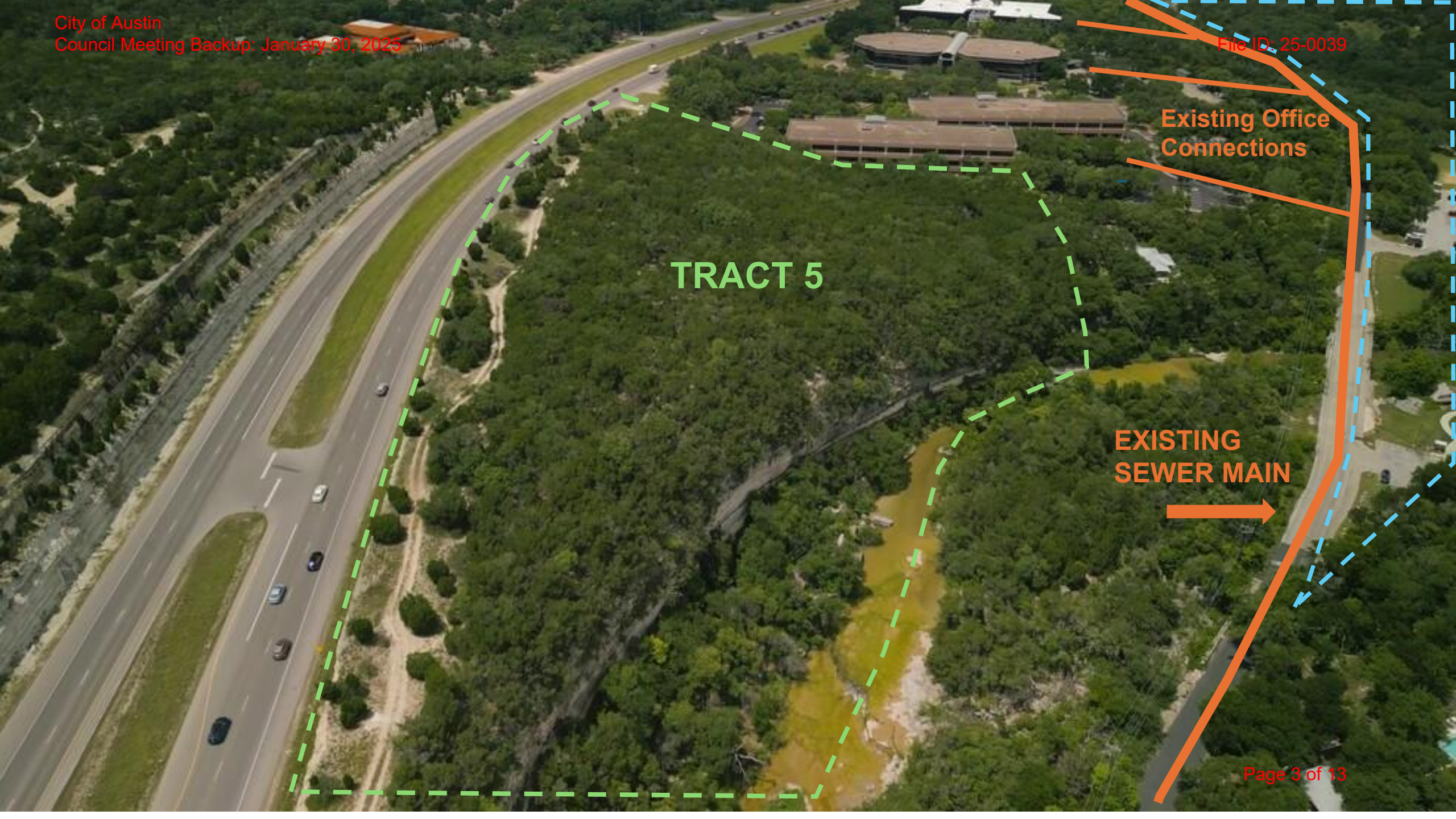
Bull Creek Park

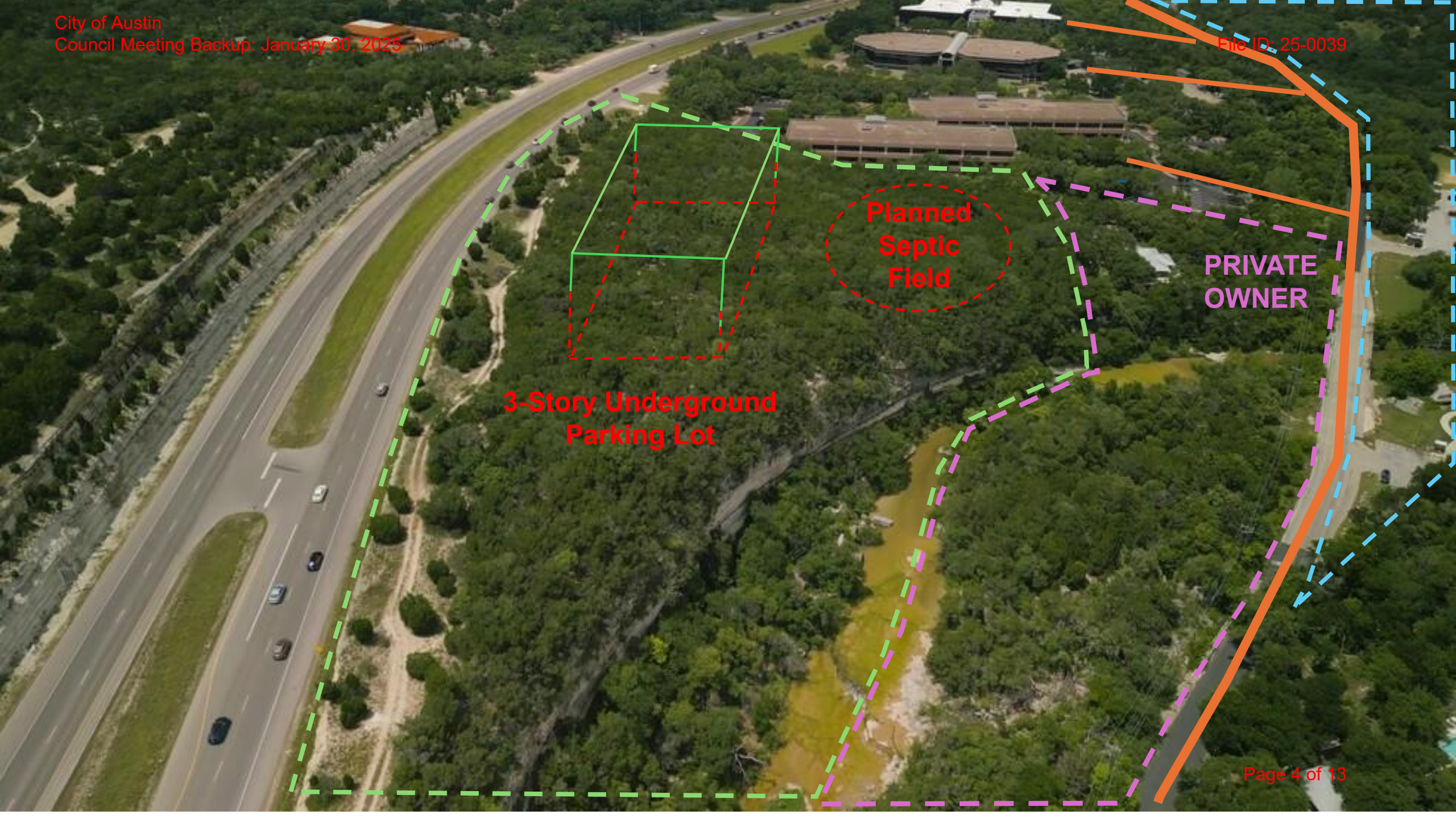


TRACT 5

Existing Office
Connections

EXISTING
SEWER MAIN





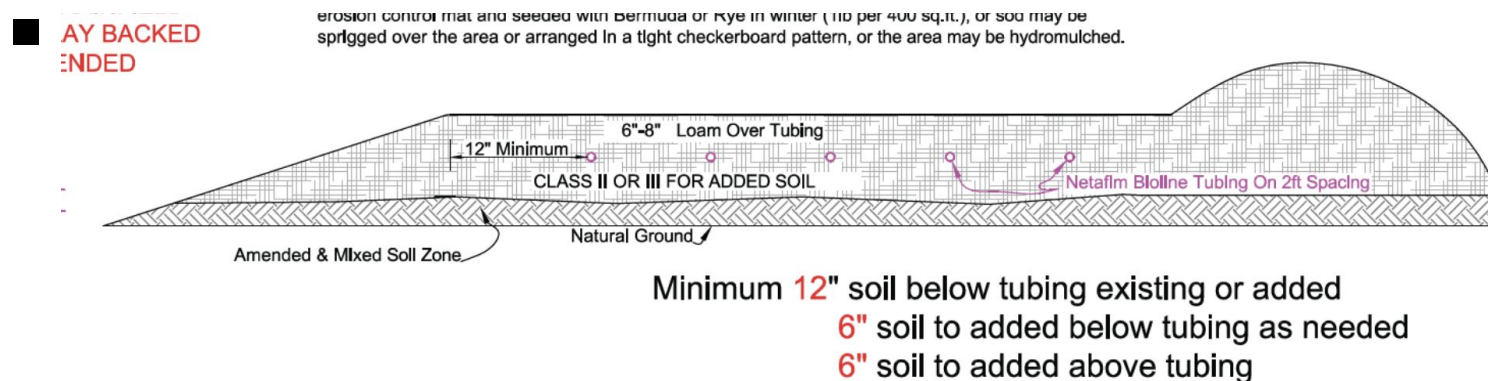
**3-Story Underground
Parking Lot**

**Planned
Septic
Field**

**PRIVATE
OWNER**

Site Plan Documentation Errors

- Environmental Resource Inventory (ERI) is incorrect
 - States **connection to city sewer**
 - Diagrams representing the required soil above and below leach field drip irrigation lines (Page 12) **do not represent the topographic reality of the site**
 - Design assumes “Amended & Mixed Soil Zone” beneath the septic system
 - Core samples show there’s bedrock below it
 - When effluent reaches the bedrock, it will run across the impervious surface and follow the slope, down towards Bull Creek, down the bluff into Bull Creek carrying bacteria and other unfiltered chemicals



- On-Site Septic Facility (OSSF/septic) is incorrect
 - States system is **not adjacent to a waterway**

Site Plan Vested Rights Decision Incorrect, Incomplete

- Received **No Valid Vested Rights Decision**
 - Therefore review under current code is required by Chapter 25-1, Article 12 - Vested Rights
 - Materials of record are not for site plan SPC-2023-0357C, but instead a different, withdrawn site plan SP-2022-0035C
 - AND
 - documents do **not include any required findings of fact**, as required by §25-1-541(D)(2);
 - documents **do not include any project description or vesting date**, as required by §25-1-542(D)(3)

Site Plan 'Grandfathering' and Completeness Decisions Incorrect

- Subdivision documents state 'no intent to develop' & therefore did **not** initiate a project
 - Champions Settlement Agreement (Page 8) extends only to "a "project" as that term is defined in Section 481.142, Texas Government Code," initiated by June, 2002.
 - Under §245.002, vested rights only attach to permits that give notice of a project that the applicant intends to initiate, continue, and complete.
 - Therefore **Champions Settlement Agreement terms have expired with respect to SPC-2023-0357C**

PROPOSED LAND USE (By Summary)

LAND USE (SEE TABLE)	NUMBER OF LOTS	NUMBER OF UNITS	ACREAGE
Vacant <i>(No plans for development)</i>	1	N/A	20.972

PLEASE NOTE: The signature below of an applicant or designated agent authorizes City of Austin staff to visit and inspect the property for which this application is being submitted.

Grace Dougherty Heaton & Nardy
Applicant signature
By: [Signature]
3/12/02
(Date)

6. Tracts 4 and 5 (excluding that portion of Tract 5 not made subject to zoning ordinance No. 930513-R). The exception granted herein shall apply to any "project" as that term is defined in Section 481.142, Texas Government Code, commenced on Tracts 4 and 5 within ten years by the filing of an application for preliminary subdivision (if applicable) and by the filing and approval of a site plan. In the event that said subdivision and site plan approval are not obtained within the ten year period, all subsequent permits for a "project" shall be governed by the Austin City Code in effect at the time of the filing of the development application.

Site Plan 'Grandfathering' and Completeness Decisions Incorrect

- 2003 Recorded Subdivision Plat Notes Require Connection to City Sewer
 - Therefore the site plan, using septic, is not the continuation of a project under the 2003 Recorded Subdivision, and cannot be approved by ZAP by failure to comply with plat notes
 - Under any version of the code, if the **site plan does not comply with the plat notes it must be denied**
- City Staff did not identify these issues and therefore **material in front of ZAP for consideration is flawed**

May 12, 03

Doc # 200 300 121

CHAMPION 360 SUBDIVISION

IN WITNESS WHEREOF, I, the undersigned, County Clerk of Travis County, Texas, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the Public Records Office of Travis County, Texas, on this 12th day of May, 2003.

NOTES:

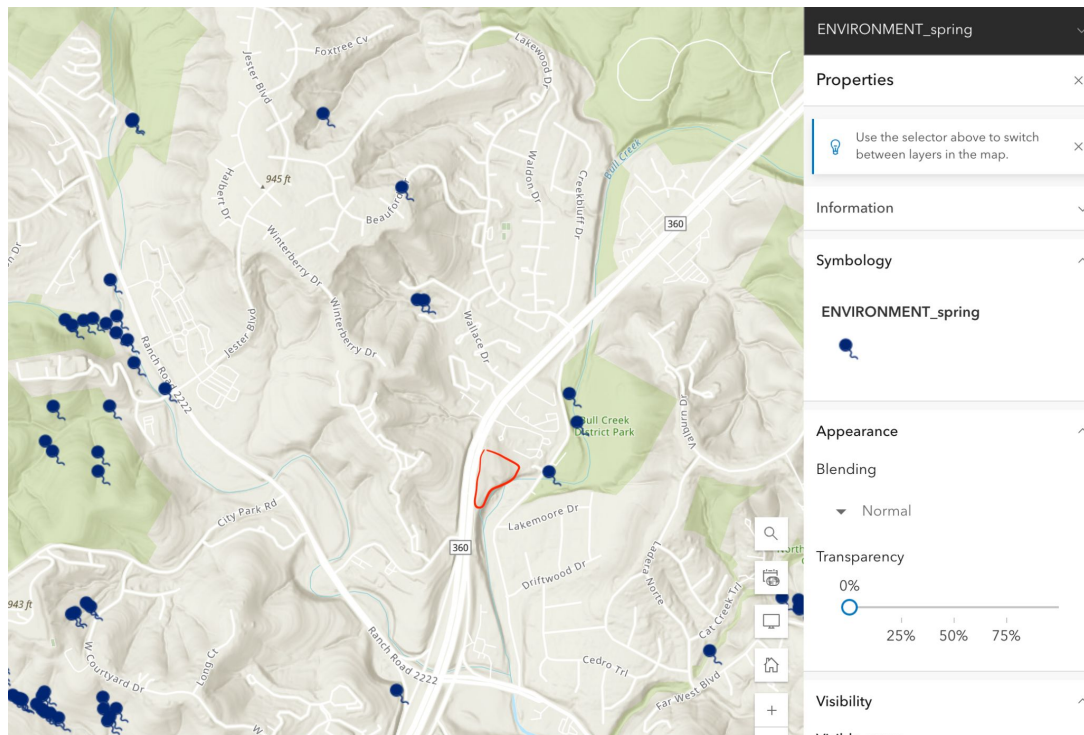
1. ALL WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF AUSTIN AND STATE HEALTH DEPARTMENT PLANS AND SPECIFICATIONS. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF AUSTIN, WATER AND WASTEWATER DEPARTMENT, FOR REVIEW.

2. THIS LOT SHALL NOT BE OCCUPIED UNTIL CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEM.

Environmental Risks

Environmental Risks - Springs and Setbacks

- ERI indicates 300' setbacks are required from point recharge features (e.g. springs)
- Neither the site plan, nor OSSF plan identify point recharge features
- Developer has NOT looked for point recharge features
 - Point recharge features indicate a location where effluent flow from a drip irrigation septic system will run directly to the rock face and into Bull Creek



Source:

<https://www.arcgis.com/apps/mapviewer/index.html?panel=gallery&suggestField=true&layers=5c802127affb451385d24adf088c231a>

Environmental Risks - Excavation and Bluff Stability

- Developer has not performed a study of the underlying karst limestone beyond 3 core samples and expressed they will not do so
- Plan includes significant excavation close to the Critical Environmental Feature (Bluff)
- No study, steps or plans are in place to ensure the bluffs tolerate the excavation
 - When 360 was built, all nearby water wells collapsed during excavation



City Council Precedent

City Council Precedent - No Underground Storage Tanks Since 1993

- 1993
 - C14-92-0134: No Underground Storage Tanks
- 2000
 - Restrictive Covenant TRV 2001029332: No Underground Storage Tanks
 - City Council based approval on Developer & Lakewood Club RC
- Today
 - Developer plans include septic system (underground storage tanks)