RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-75-042(RCT1) – Loyola Landing **Z.A.P. DATE:** March 20, 2018

ADDRESS: 6651 Ed Bluestein Boulevard **AREA:** 23.25 acres

DISTRICT: 1

OWNER: 3 S & D Interest (David Kalisz)

AGENT: A. Glasco Consulting (Alice Glasco)

ZONING: Tracts 1A and 1B: LO; Tracts 2A and 2B: SF-3

SUMMARY STAFF RECOMMENDATION:

Staff recommends the restrictive covenant termination.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 20, 2018: TO TERMINATE THE RESTRICTIVE COVENANT AS RECOMMENDED BY STAFF, ON CONSENT. (9-0-2) [J. Duncan- 1st, A. Aguirre- 2nd; Y. Flores, A. Tatkow- Absent]

ISSUES:

The proposed restrictive covenant termination (RCT) would eliminate requirements tied to a 1975 zoning case (City File #C14-75-042). Please refer to ***Exhibit A (Restrictive Covenant).*** Several other RCTs and one restrictive covenant amendment (RCA) are also being processed concurrently with this RCT request. Removing/modifying these restrictive covenants (RCs), would allow consolidation of the parcels for redevelopment. These are being processed under the following City File numbers: C14-75-042(RCT2), C14-76-083(RCA2), C14-84-346(RCT1) and C14-84-346(RCT2). Please note that C14-75-042(RCT1) is for a separate RC that was attached to the same 1975 zoning ordinance. C14-75-042(RCT2) applies to different tracts that were also part of the 1975 zoning ordinance. Using multiple RCs with a single zoning case is no longer standard City of Austin practice. Please refer to ***Exhibit B (RCT Map Exhibit).***

A rezoning request is also being processed concurrently with this request; the request would rezone the tracts affected by these restrictive covenants to GR-MU and CS. (City File #C14-2008-0006).

By terminating the restrictive covenant (RC), the Applicant proposes removing the following requirements:

1. No building higher than 25 feet shall be erected on the subject property as provided for in section 45-1of the Code of the City of Austin as it existed in 1975.
2. If any lot carved out of the LO tract is developed with apartments, the permitted density thereof shall not be greater than that allowed by (MF-3) zoning.

If the RCT is approved and the rezoning request for GR-MU is granted, the new maximum building height would be 60'. If the RCT is approved but the rezoning is not granted, the height limits would be 35' on the SF-3 tracts, and 40' or 3 stories on the LO tracts. Please note that only one zoning district has a 25'height, W/LO. All other zoning districts begin with a height of 35'. If the RCT is approved and the rezoning request for GR-MU is granted, the new maximum height would be 60'. If the RCT is approved but the rezoning is not granted, the height limits would be 35' on the SF-3 tracts, and 40' or 3 stories on the LO tracts. Please note that only one zoning district has a 25'height, W/LO. All other zoning districts begin with a height of 35', including SF-3. If the RCT is approved and the rezoning request for GR-MU is granted, the maximum multifamily density would be closer to MF-4 density. If the RCT is approved but the rezoning is not granted, this limit would be irrelevant since neither SF-3 or LO permit multifamily land uses. Please see ***Exhibit C (Applicant Correspondence).***

DEPARTMENT COMMENTS:

The tracts affected by this RC are generally located northeast of the intersection of US 183 and Loyola. Tracts 1A and 2A are located near the northeast portion of the proposed rezoning. To the immediate north is an undeveloped property zoned GR. Also to the north is a residential neighborhood that is zoned SF-3. This neighborhood is primarily developed with duplex residences and LBJ High School. Other tracts to the north are under the same ownership as the subject property; these undeveloped tracts are the subject of the related cases referenced in the Issues Section. These are zoned LO, MF-3, and SF-3. Immediately to the east is a small tributary to Walnut Creek that has 100-year floodplain and a 200' wide creek buffer centered on the tributary. Any site development in this floodplain/buffer area would be extremely limited. East of the tributary is undeveloped land zoned SF-2-CO. Further east, across Millrace Drive, is more of the residential neighborhood, which is mostly zoned SF-2, with a few SF-3 properties as well. This area is developed with duplexes and single family residences. Southeast of the property are parcels zoned P that are developed with park/open space features. Further south, across Loyola Lane, is land zoned LI-NP. Most of the LI-NP land is undeveloped, but there is also a church on the site. To the west of the rezoning tract is Ed Bluestein Boulevard. Further west is land zoned GR-MU-CO-NP, GR-CO-NP, SF-2-NP, GR-MU-NP, and GR-NP. These tracts are a mix of undeveloped land, single family residences, multifamily, convenience store/gas station, and fast food restaurant. Staff has received correspondence from LBJ Neighborhood Association supporting the rezoning, RCTs and RCA. ***Please see Exhibit D (Neighborhood Correspondence).***

STAFF RECOMMENDATION:

Staff recommends the restrictive covenant termination. The requirements that would be removed were not standard City requirements in 1975, but are now standard requirements. The existing restrictive covenants are a patchwork of outdated requirements that make cloud the property title and make regulatory application confusing. Applying current City Code would be more consistent with City policy and other new developments in the area.

1. The proposed zoning should promote consistent and orderly planning.

The requirements that would be removed were not standard City requirements in 1975, but are now standard requirements. The existing restrictive covenants are a patchwork of outdated requirements that make cloud the property title and make regulatory application confusing. Removal of these conditions would allow the area to be developed in a cohesive manner.

2. The proposed rezoning does not grant an unequal benefit to the landowner.

Removal and/or modification of the restrictive covenant will make the property subject to current City codes and regulations, which is more in line with properties in the vicinity and City overall.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR, LO, MF-3, SF-3	Undeveloped
North	SF-2, SF-3, MF-3, LO	Undeveloped, Duplex, Single family, LBJ High School
South	P, LI-NP	Parkland/ open space, Undeveloped, Religious assembly
East	SF-2, SF-3	Undeveloped, Duplex, Single family
West	GR-MU-CO-NP, GR-CO-NP, SF-2-NP, GR-MU-NP, GR-NP	Ed Bluestein Boulevard, Undeveloped, Single family, Multifamily, Convenience store/gas station, Fast food restaurant

NEIGHBORHOOD ORGANIZATIONS:

Senate Hills Homeowners' Association
Austin Innercity Alliance
Del Valle Community Coalition
East MLK Combined Neighborhood Contact Team
University Hills Neighborhood Association
Friends of Austin Neighborhoods
Neighbors United for Progress
East Austin Conservancy
University Hills Neighborhood Plan Contact Team
Austin Neighborhoods Council

LBJ Neighborhood Association
Homeless Neighborhood Association
Claim Your Destiny Foundation
Friends of Northeast Austin
SELTexas
Black Improvement Association

CITY COUNCIL DATE/ACTION:

April 12, 2018:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

EXHIBIT H

C14-75-042(RCT1)

C14-75-042

10

1-16-8958

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS 62.101 Ltd., a Texas limited partnership (of which Douglas Duwe is the, and the only, general partner), is the owner of that certain tract of land of 13.97 acres more or less (said 13.97 acre tract being hereinafter called the Subject Property) out of the J. C. Tannehill League, in the City of Austin, Travis County, Texas, said tract of 13.97 acres more or less (the Subject Property) being more particularly described on Exhibit X attached hereto and made a part hereof; and,

WHEREAS, the Subject Property, along a portion of its boundary, adjoins a portion of the boundary of that certain tract of land of 5.06 acres more or less (said 5.06 acre tract being hereinafter called the A Strip) out of the J. C. Tannehill League, in the City of Austin, Travis County, Texas, said tract of 5.06 acres more or less (the A Strip) being more particularly described on Exhibit Y attached hereto and made a part hereof and said A Strip being owned by said 62.101 Ltd.; and,

WHEREAS, as a condition to the rezoning of the Subject Property "O" Office, First Height and Area, under the zoning ordinance of the City of Austin, Texas, and for the better development of the Subject Property, the City Council of the City of Austin, desires that 62.101 Ltd. make, execute and deliver for the benefit of the City of Austin, a municipal corporation, the following restrictive covenant;

NOW, THEREFORE, 62.101 Ltd., owner of the Subject Property, does hereby place upon and charge the Subject Property (the 13.97 acre tract described on Exhibit X hereto) with the following restrictive covenant which, subject to the following provisions hereof, shall be deemed a covenant running with the land for the benefit of the City of Austin and binding upon 62.101 Ltd., its successors and assigns, to wit:

C14-75-042(RCT1)

1-16-8959

1. No building higher than 25 feet shall be erected on the Subject Property (height of a building for these purposes shall be computed as provided in Section 45-1, "Height of Building", of the Code of the City of Austin as same exists May 1, 1975; provided that parapet walls, chimneys, cooling towers, water towers, scenery lofts, elevator bulkheads, fire towers, gas tanks, air-conditioning or heating equipment, ornamental towers, monuments, cupolas, domes and spires and necessary mechanical appurtenances on a roof shall be excluded in determining height).

2. If any lot carved out of the Subject Property, or the Subject Property itself if not divided into two or more lots, be developed with apartments, the permitted density thereof shall not be greater than allowed by "BB" Residence, First Height and Area, zoning as defined in the zoning ordinance of the City of Austin as same exists May 1, 1975; provided, however, that in determining density for purposes of such restriction hereby imposed, the area in the part of the said A Strip (the 5.06 acre tract described on Exhibit Y hereto) adjoining any lot carved out of the Subject Property (or the area in the entire said A Strip, in case the Subject Property not be divided into two or more lots) shall be included and counted as a part of the area of such lot which it adjoins (or of the Subject Property in case the Subject Property not be divided into two or more lots).

3. Prior to the issuance by the City of Austin of a building permit (for any building which could not be built if it were on property in the City of Austin, which was zoned "A" Residence under the zoning ordinance of the City of Austin as the same exists May 1, 1975) in respect to any lot (carved out of the Subject Property) which adjoins the said A Strip, the Director of Planning of the City of Austin shall have approved an appropriate landscape plan for the said A Strip (such plan to call for natural condition substantially as at present and to be generally as outlined in the schematic drawing of the applicant which is on file at the Planning

C14-75-042(RCT)

1-16-8960

Department of the City of Austin in its zoning case file No. C14-75-042; the A Strip may have utilities); and such approval by the Director of Planning shall not be unreasonably withheld; such approval shall be conclusively deemed given if the Director of Planning states in writing that he has approved such plan; the owner of the lot in question may appeal any denial or refusal of such approval to the Planning Commission of the City of Austin.

4. On any given lot which may be carved out of the Subject Property, if such lot adjoins any of the said A Strip no occupancy permit (for any building which could not be built if it were on property in the City of Austin which was zoned "A" Residence under the zoning ordinance of the City of Austin as same exists May 1, 1975) shall be issued by the City of Austin for such lot unless the landscape plan referenced in numbered paragraph 1 hereof above has first been implemented on the particular segment (of the said A Strip) which adjoins the said given lot in question; such implementation shall be conclusively presumed to have occurred if the Director of Planning of the City of Austin signifies in writing that he finds such implementation to have occurred on such segment of said A Strip, and said Director of Planning will not unreasonably withhold his said signification that such implementation has occurred; the owner of the lot in question may appeal any denial or refusal of signification that such implementation has occurred to the Planning Commission of the City of Austin.

5. If the Subject Property is hereafter divided into separate lots, this restrictive covenant will be applied on an individual lot basis, to each respective individual lot severally. If the Subject Property is not hereafter divided into separate lots, this restrictive covenant will apply to it as if it were all one lot (until it is divided into separate lots, at which time the application will be on an individual lot basis, severally as to each respective individual lot).

6. If the office of Director of Planning of the City of Austin should be abolished or vacant at any time, then the official

C14-75-042(RCT1)

1-16-8961

of the City of Austin then performing the majority of the functions now assigned to the said Director of Planning shall act for purposes of these restrictions in lieu of the Director of Planning, and the written certification or opinion of the City Attorney of the City of Austin (or an Assistant City Attorney) as to the identity of such substitute official for purposes of these restrictions may be relied upon for purposes of complaince with these restrictions by the Owner of the lot in question (or of the Subject Property), his heirs, assigns, mortgagees, tenants or contractors, and/or by any City of Austin official who issues a building permit or occupancy permit.

7. This restrictive covenant can be enforced by, and only by, the City of Austin.

8. If any person or persons shall violate or attempt to violate the foregoing restriction and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecure proceedings at law, or in equity, against the person or persons violating or attempting to violate such restriction or covenant, and either to prevent him or them from so doing or to collect damages for such violation.

9. The restrictive covenant can be amended by joint action of the City of Austin (acting pursuant to majority vote of a quorum of the City Council of the City of Austin, or of such other governing body of said city as may succeed its City Council) and the then owner of the particular lot in question out of the Subject Property.

10. Any suit brought to interpret or enforce this restrictive covenant, or to determine the validity, as reasonable or otherwise, of any failure or refusal to approve the landscape plan or to find same has been implemented as above provided, shall be brought in a District Court in Travis County, Texas.

EXECUTED this 17 day of July, 1975.

62.102, LTD.

By _____
Douglas Duwe, its
general partner

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C14-75-042(RCT1)

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

1-16-8962

BEFORE ME, the undersigned authority, on this day personally appeared DOUGLAS DUWE, a member of the partnership fo 62.101, LTD., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said 62.101, LTD., a limited partnership, and that he executed the same as its General Partner and as the act of such partnership and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 17th day of July, 1975.

NOTARY SEAL

Margaret Borchardt
Notary Public in and for
Travis County, Texas

C14-75-042(RCT)

TRACT II-A

Exhibit X

FIELD NOTES

1-16-8963

FIELD NOTES FOR 13.97 ACRES OF LAND, OUT OF THE J.C. TANNEHILL LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO L.D. TURNER OF RECORD IN VOLUME 611 AT PAGE 253 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 13.97 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for reference at the northeast corner of the said Turner tract, which point is in the west line of Block B, Crystalbrook Section Two, a subdivision of record in Book 59 at Page 100 of the Plat Records of Travis County, Texas;

THENCE, with the north line of the said Turner tract, N59° 56'W 867.33 feet to a point and N59° 46'W 359.67 feet to a point in the centerline of a proposed street;

THENCE, with the said centerline of a proposed street, S30° 14'W 65.00 feet to the northwest corner and point of beginning of this tract;

THENCE, with a line sixty-five (65) feet south of and parallel to the said north line of the Turner tract, S59° 46'E 250.00 feet to a point;

THENCE, S16° 02'E 90.00 feet to a point, and N76° 27'E 90.00 feet to a point in the said line 65 feet south of and parallel to the north line of the Turner tract;

THENCE, with the said line 65 feet south of and parallel to the north line of the Turner tract, S59° 56'E 697.41 feet to a point in a line 150 feet west of and parallel to the east line of the said Turner tract, which point is the northeast corner of this tract;

THENCE, with the said line 150 feet west of and parallel to the east line of the Turner tract, S29° 52'W 110.00 feet to a point;

THENCE, S11° 56'E 90.00 feet to a point in a line 90 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 90 feet west of and parallel to the east line of the Turner tract, S29° 52'W 8.92 feet to a point and S31° 02'W 121.08 feet to a point;

THENCE, S81° 05'W 45.00 feet to a point in a line 125 feet west of and parallel to the east line of the Turner tract;

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FIELD NOTES
PAGE TWO

1-16-89

THENCE, with the said line 125 feet west of and parallel to the east line of the Turner tract, S30° 02'W 60.00 feet to a point;

THENCE, S14° 52'E 85.00 feet to a point in a line 65 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 65 feet west of and parallel to the east line of the Turner tract, S30° 02'W 463.48 feet and S30° 40'W 95.00 feet to a point;

THENCE, S69° 22'W 40.00 feet to a point in a line 90 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 90 feet west of and parallel to the east line of the Turner tract, S30° 40'W 65.00 feet to a point;

THENCE, S22° 27'E 50.00 feet to a point in a line 50 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line, 50 feet west of and parallel to the east line of the Turner tract, S30° 40'W 285.00 feet to a point;

THENCE, S74° 17'W 119.88 feet to a point in the centerline of a creek, which point is the most southerly corner of this tract;

THENCE, with the said centerline of a creek, N18° 30'W 80.00 feet to a point, N36° 30'W 90.00 feet to a point, and N30° 00'W 182.20 feet to a point in the centerline of a proposed street;

THENCE, with the said centerline of a proposed street, N51° 31'E 270.24 feet to the point of curvature of a curve whose intersection angle is 21° 29', whose radius is 800.00 feet and whose tangent distance is 151.76 feet;

THENCE, continuing with the centerline of a proposed street, along said curve to the left, an arc distance of 299.96 feet, the chord of which arc bears N40° 46'E 298.21 feet to the point of tangency of said curve;

THENCE, continuing with the centerline of a proposed street, N30° 02'E 437.00 feet to the point of curvature of a curve whose intersection angle is 89° 58',whose radius is 80.00 feet and whose tangent distance is 79.95 feet;

THENCE, continuing with the centerline of a proposed street, along said curve to the left, an arc distance of 125.62 feet, the chord of which arc bears N14° 57'W 113.10 feet to the point of tangency of said curve;

C14-75-042(RCT1)

FIELD NOTES
PAGE THREE

1-16-8965

THENCE, continuing with the centerline of a proposed street, N59° 56'W 440.00 feet to the point of curvature of a curve whose intersection angle is 50° 26', whose radius is 370.00 feet and whose tangent distance is 174.24 feet;

THENCE, continuing with the centerline of a proposed street, along said curve to the left, an arc distance of 325.68 feet, the chord of which arc bears N85° 09'W 315.27 feet to the point of tangency of said curve which point is in the centerline of another proposed street;

THENCE, with the centerline of a proposed street, N11° 33'W 94.14 feet to the point of curvature of a curve whose intersection angle is 41° 47', whose radius is 300.00 feet and whose tangent distance is 114.51 feet;

THENCE, continuing with the centerline of a proposed street, along said curve to the right, an arc distance of 218.78 feet, the chord of which arc bears N09° 21'E 213.96 feet to the point of tangency of said curve;

THENCE, continuing with the centerline of a proposed street, N30° 14'E 135.00 feet to the POINT OF BEGINNING, and containing 13.97 acres of land.

FIELD NOTES BY B. F. Priest DATE 6-2-75
B.F.Priest, Reg. Public Surveyor

B. F. PRIEST
226

5240 872

C14-75-042(RCT 1)

Exhibit Y

EAST PORTION OF
TRACT III-A

FIELD NOTES

1-16-8966

FIELD NOTES FOR 5.06 ACRES OF LAND OUT OF THE J.C. TANNEHILL LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO L.D. TURNER OF RECORD IN VOLUME 611 AT PAGE 253 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS: SAID 5.06 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the northeast corner of the said Turner tract, same being the northeast corner of this tract, and which POINT OF BEGINNING is in the west line of Block B, Crystalbrook Section Two, of record in Book 59 at Page 100 of the Plat Records of Travis County, Texas;

THENCE, with the west lines of said Crystalbrook Section Two, and Crystalbrook Section One, a subdivision of record in Book 55 at Page 28 of the Plat Records of Travis County, Texas, and the west line of that certain tract of land described in a deed to Hunter Schieffer, of record in Volume 2643 at Page 284 of the Deed Records of Travis County, Texas, in a southwesterly direction with the following three (3) courses;

(1) S29° 52'W 250.62 feet to a point;
(2) S30° 02'W 733.55 feet to a point; and
(3) S30° 40'W 850.00 feet to a point in the centerline of a creek, which point is the most southerly corner of this tract;

THENCE, with the said centerline of a creek, N08° 30'E 140.00 feet to a point and N01° 30'W 150.00 feet to a point;

THENCE, N74° 17'E 119.88 feet to a point in a line 50 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 50 feet west of and parallel to the east line of the Turner tract, N30° 40'E 285.00 feet to a point;

THENCE, N22° 27'W 50.00 feet to a point in a line 90 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 90 feet west of and parallel to the east line of the Turner tract, N30° 40'E 65.00 feet to a point;

THENCE, N69° 22'E 40.00 feet to a point in a line 65 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 65 feet west of and parallel to the east line of the Turner tract, N30° 40'E 95.00 feet to a point and N30° 02'E 463.48 feet to a point;

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FIELD NOTES
PAGE TWO

1-16-8967

THENCE, N14° 52'W 85.00 feet to a point in a line 125 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 125 feet west of and parallel to the east line of the Turner tract, N30° 02'E 60.00 feet to a point;

THENCE, N81° 05'E 45.00 feet to a point in a line 90 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 90 feet west of and parallel to the east line of the Turner tract, N31° 02'E 121.08 feet to a point and N29° 52'E 8.92 feet to a point;

THENCE, N11° 56'W 90.00 feet to a point in a line 150 feet west of and parallel to the east line of the Turner tract;

THENCE, with the said line 150 feet west of and parallel to the east line of the Turner tract, N29° 52'E 110.00 feet to a point in a line 65 feet south of and parallel to the north line of the Turner tract;

THENCE, with the said line 65 feet south of and parallel to the north line of the Turner tract, N59° 56'W 697.41 feet to a point;

THENCE, S76° 27'W 90.00 feet to a point and N16° 02'W 90 feet to a point in a line 65 feet south of and parallel to the north line of the Turner tract;

THENCE, with the said line 65 feet south of and parallel to the north line of the Turner tract, N59° 46'W 250.00 feet to a point in the centerline of a proposed street;

THENCE, with the said centerline of a proposed street, N30° 14'E 65.00 feet to a point in the north line of the Turner tract, which point is the northwest corner of this tract;

THENCE, with the said north line of the Turner tract, S59° 46'E 357.67 feet to a point and S59° 56'E 867.33 feet to the POINT OF BEGINNING and containing 5.06 acres of land.

FIELD NOTES BY: B. F. Priest DATE: 8. E. PRIEST 75

B.F.Priest, Reg. Public Surveyor

STATE OF TEXAS
828
Registered PUBLIC SURVEYOR

5240 874

C14-75-042(RCT 1)

1-16-8968

LAW DEPARTMENT
CITY OF AUSTIN
P. O. BOX 1088
AUSTIN, TEXAS 78767

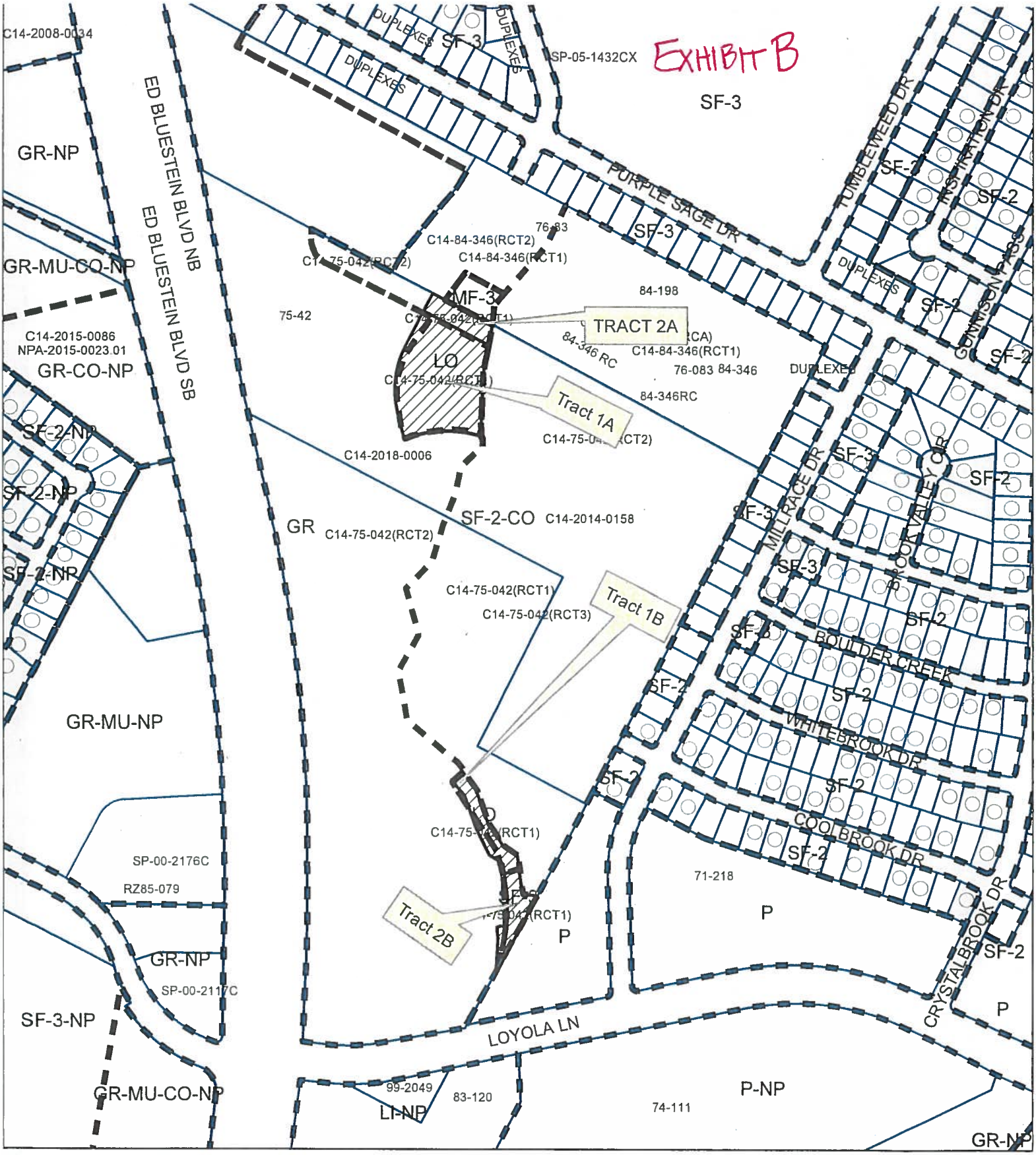
FILED
AUG 6 8 37 AM '75
Dana DeBeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as Stamped hereon by me, on

AUG 6 1975

Dana DeBeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

5249 875



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

Zoning Case: C14-75-042-(RCT1)

1 " = 417 '

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

EXHIBIT C

ALICE GLASCO CONSULTING
3571 Far West Blvd., PMB 61
Austin, Texas 78731
512-231-8110 Office

January 11, 2018

Mr. Greg Guernsey, Director
Planning and Zoning Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: Restrictive Covenant Termination - C14-75-042(RCT1)

Dear Greg:

I am representing 3S&D Interests (David Kalisz) as it relates to the termination of this 1975 restrictive covenant. The termination of the restrictive covenant will allow the entire property to have similar zoning and comply with current regulations.

Background:

The land area covered under zoning case number C14-75-042 (ordinance no. 750724 -B) comprised of approximately 62.10 acres. A total of two restrictive covenants were recorded under this 1975 zoning case: document number/volume 5240, pages 865-875 pertains to 13.97 acres and 5.06 acres is zoned LO and SF-3, respectively; while document number/volume 5240, pages 876-884 covered 42.67 acres and 0.40 acres and is zoned GR and SF-3, respectively.

On February 12, 2015, a restrictive covenant for 15.69 acres, under case number C14-75-075 (RCA3), was amended by the City Council to remove all restrictions called out in the document.

The conditions listed in document number/volume 5240, pages 865-875 are as follows:

1. No building higher than 25 feet shall be erected on the subject property as provided for in section 45-1of the Code of the City of Austin as it existed in 1975.

2. If any lot carved out of the LO tract is developed with apartments, the permitted density thereof shall not be greater than that allowed by (MF-3) zoning.

3. A non-residential (LO) lot that adjoins the SF-3- zoned strip must have an approved and appropriate landscape plan prior to issuance of a building permit.

4. Any lot carved out of the LO tract and adjoins the SF-3- zoned strip must have an implemented landscape plan prior to issuance of a certificate of occupancy.

5. If the LO tract is divided into separate lots, the restrictive covenant will be applied on an individual lot basis.

6. If the office of the Director of Planning of the City of Austin should be abolished or vacant at any time, then the official of the City of Austin then performing the majority of the functions now assigned to the said Director of Planning shall act for purposes of these restrictions in lieu of the Director of Planning.

Justification Restrictive Covenant Termination

- The proposed use is multifamily housing and retail.

- All future development will be required to comply with applicable development regulations and standards, which includes zoning and landscaping requirements.

Please let me know if you have any questions or need additional information.

Sincerely,

Alice Glasco, President
AG Consulting

Cc: David Kalisz
Heather Chaffin, Zoning Planner

Attachments

EXHIBIT D

LBJ Neighborhood Association

February 10, 2018

Dear Mayor Adler, Mayor Pro-Tem Tovo, Council Members and
Zoning and Platting Commission Members

Re: Loyola Landing

On Thursday, February 8th, 2018, Ms. Glasco attended the LBJ Neighborhood Association meeting to give a presentation about a rezoning request and five restrictive covenant termination applications for 6651 Ed Bluestein Blvd. and 5601 Durango Pass. The LBJ Neighborhood Association supports the applicant's zoning change request and restrictive covenant terminations as follows:

Rezoning Case no. C14-2018-0006:

Tract 1: from GR/LO/MF-3/SF-3 to GR-MU

Tract 2: from GR to CS-MU

Lazy Creek Road Extension:

We understand that the City's transportation staff is requiring the extension of Lazy Creek Drive as a condition of rezoning. Since we, as residents, cannot determine what the pros and cons are of extending Lazy Creek Drive to Ed Bluestein Blvd. at this time, the LBJ Neighborhood Association would like to request that the consideration of whether to extend Lazy Creek Drive be deferred to the next stage of development when the developer will have a site plan and a Traffic Impact Analysis submitted to the city.

We are concerned that extending Lazy Creek Drive would encourage drivers from US Highway 290 East to cut through our neighborhoods. Therefore, waiting until the site development stage to look at whether the extension of Lazy Creek Drive makes sense will help the residents of Crystal Brook, Las Cimas, and Northridge determine what the implications are of extending this road to Ed Bluestein Blvd.

Mayor Adler, Mayor Pro-Tem Tovo, Council Members and
Zoning and Platting Commission Members

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Termination of Restrictive Covenants Cases:

1. C14-84-346 (RCT1)
2. C14-84-346 (RCT2)
3. C14-76-083 (RCA2)
4. C14-75-042 (RCT1)
5. C14-75-042 (RCT2)

We support the termination of the five restrictive covenants because we believe any proposed development should be required to comply with current city regulations. Please feel free to contact me at 512-426-1622 should you have any questions.

Sincerely,

2/10/2018

X Jack Nottingham

Jack Nottingham
V/P

Jack J. Nottingham, Vice President
LBJ Neighborhood Association