

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-85-392(RCT) (Lakeline at 183A)

**Z.A.P. DATE:** January 15, 2019

**ADDRESS:** 14115 North U.S. Highway 183A North Bound Service Road

**DISTRICT AREA:** 6

**OWNER/APPLICANT:** C.H. Revocable Trust and The David A. Hartman Irrevocable Non-Exempt Family Trust (Claudette Hartman, Trustee)

**AGENT:** The Drenner Group, P.C. (Amanda Swor)

**ZONING FROM:** CH, GO, GR

**TO:** GR-MU

**AREA:** 20.65 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed termination of the public restrictive covenant.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

1/15/19: Approved staff's recommendation for the RCT by consent (10-0, N. Barrera-Ramirez-absent); S. Lavani-1<sup>st</sup>, J. Duncan-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The applicant is requesting to terminate a public restrictive covenant associated with zoning case C14-85-392 that limits the floor to area ratio (FAR) on the "Oakline Tract" and adds a zoning site plan requirement to the Property. The applicant's request letter is included as Attachment A to this report.

The staff recommends the applicant's request to delete this public restrictive covenant as the applicant is currently requesting to rezone these tracts of land to GR-MU through associated case C14-2018-0133. The applicant is proposing to construct a multifamily residential development at this location. The staff is supportive of the removal of the conditions in the restrictive covenant from 1985 as the development review process and conditions in this area of the City have changed. The site under consideration is now located within 3/4 mile of the Lakeline Rail Station in the designated Northwest Park and Ride Transit Oriented Development (TOD) and by the Lakeline Station Regional Center as identified on the Growth Concept Map in the Image Austin Comprehensive Plan.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>     | <b>LAND USES</b>   |
|--------------|-------------------|--|
| <i>Site</i>  | CH, GO, GR        | Undeveloped  |
| <i>North</i> | I-RR              | Undeveloped  |
| <i>South</i> | GR, CS            | Parkline Retail Shopping Center (Wells Fargo Bank, Chipotle, Mama Fu's, Rock Sports Northwest, Kohl's Department Store, Bed Bath & Beyond, Home Depot, etc.) |
| <i>East</i>  | CS-CO, PUD        | Office, Texas Department of Transportation Offices-Cedar Park Campus   |
| <i>West</i>  | U.S. Highway 183A | Right-of-Way   |

**AREA STUDY:** N/A**TIA:** N/A**WATERSHED:** Butter Cup Creek, South Brushy Creek, and Lake Creek Watersheds**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Bike Austin  
 Davis Springs HOA  
 Friends of Austin Neighborhoods  
 Neighborhood Empowerment Foundation  
 Northwest Austin Coalition  
 SELTEXAS  
 Sierra Club, Austin Regional Group

**CASE HISTORIES:**

| <b>NUMBER</b>   | <b>REQUEST</b> | <b>COMMISSION</b>   | <b>CITY COUNCIL</b>   |
|---|----------------|---|---|
| C14-2007-0046<br>(Wolf Hester Tract:<br>14000 U.S.<br>Highway 183<br>North) | DR to GR       | 6/05/07: Approved GR-CO with condition to prohibit Pawn Shops by consent (7-0, S. Hale, J. Martinez-absent); J. Pinnelli-1 <sup>st</sup> , J. Shieh-2 <sup>nd</sup> .   | 7/26/07: Approved GR-CO by consent on all 3 readings (6-0); J. Kim-1 <sup>st</sup> , B. Dunkerely-2 <sup>nd</sup> . |
| C14-04-0166 (Lake Creek, Lakeline Boulevard and North Lake Creek Parkway)   | GO to CS       | 06/21/05: Approved CS-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> . | 7/28/05: Approved general commercial services-conditional overlay (CS-CO) district zoning on all 3 readings.        |
| C14-04-0165<br>(Lakeline Boulevard at Lake Creek Parkway)                   | GR to CS       | 06/21/05: Approved CS-MU-CO zoning with conditions to prohibit Pawn Shop Services, Exterminating Services, and Adult Oriented Businesses by consent (8-0, K. Jackson-   | 7/28/05: Approved CS-MU-CO on all 3 readings (7-0)  |

|             |  |  |  |
|-------------|--|--|--|
|             |  | absent); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .  |  |
| C14-01-0173 | DR to GR                                     | 1/15/02: Approved GR-CO zoning, with a condition prohibiting pawn shop services, by consent (8-0, K. Jackson-absent) | 2/14/02: Approved GR-CO on 3 readings (7-0)  |
| C14-00-2094 | DR to GR                                     | 7/11/00: Approved staff rec. of GR by consent (7-0)  | 8/17/00: Approved GR on 1 <sup>st</sup> reading (6-0, Goodman-absent)<br><br>8/31/00: Approved 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0, KW-absent)    |
| C14-00-2107 | MF-3 to GO                                   | 8/29/00: Approved staff rec. of GO by consent (7-1, RC-Nay)  | 9/7/00: Approved GO on 1 <sup>st</sup> reading only (7-0)<br><br>12/14/00: Approved GO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings                      |
| C14-94-0134 | CH to GR                                     | 1/10/95: Approved GR-CO (7-0)  | 2/9/95: Approved GR w/ conditions (6-0); 1 <sup>st</sup> reading<br><br>2/29/95: Approved GR (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings                |
| C14-94-0132 | CH to GR<br>GO to GR<br>IP to GR<br>LR to GR | 12/20/94: Approved GR w/ conditions (7-0)  | 1/10/95: Approved GR w/ conditions (6-0); 1 <sup>st</sup> reading<br><br>2/9/95: Approved GR w/ conditions (6-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings |

**RELATED CASES:**

C14R-85-392 (Site Plan Case)

**ABUTTING STREETS:**

| NAME               | ROW  | PAVEMENT | CLASSIFICATION |
|--------------------|------|----------|----------------|
| Lakeline Boulevard | 120' | 2@40'    | Arterial       |
| Lake Creek Parkway | 140' | Varies   | Arterial       |

**CITY COUNCIL DATE:** February 7, 2019

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

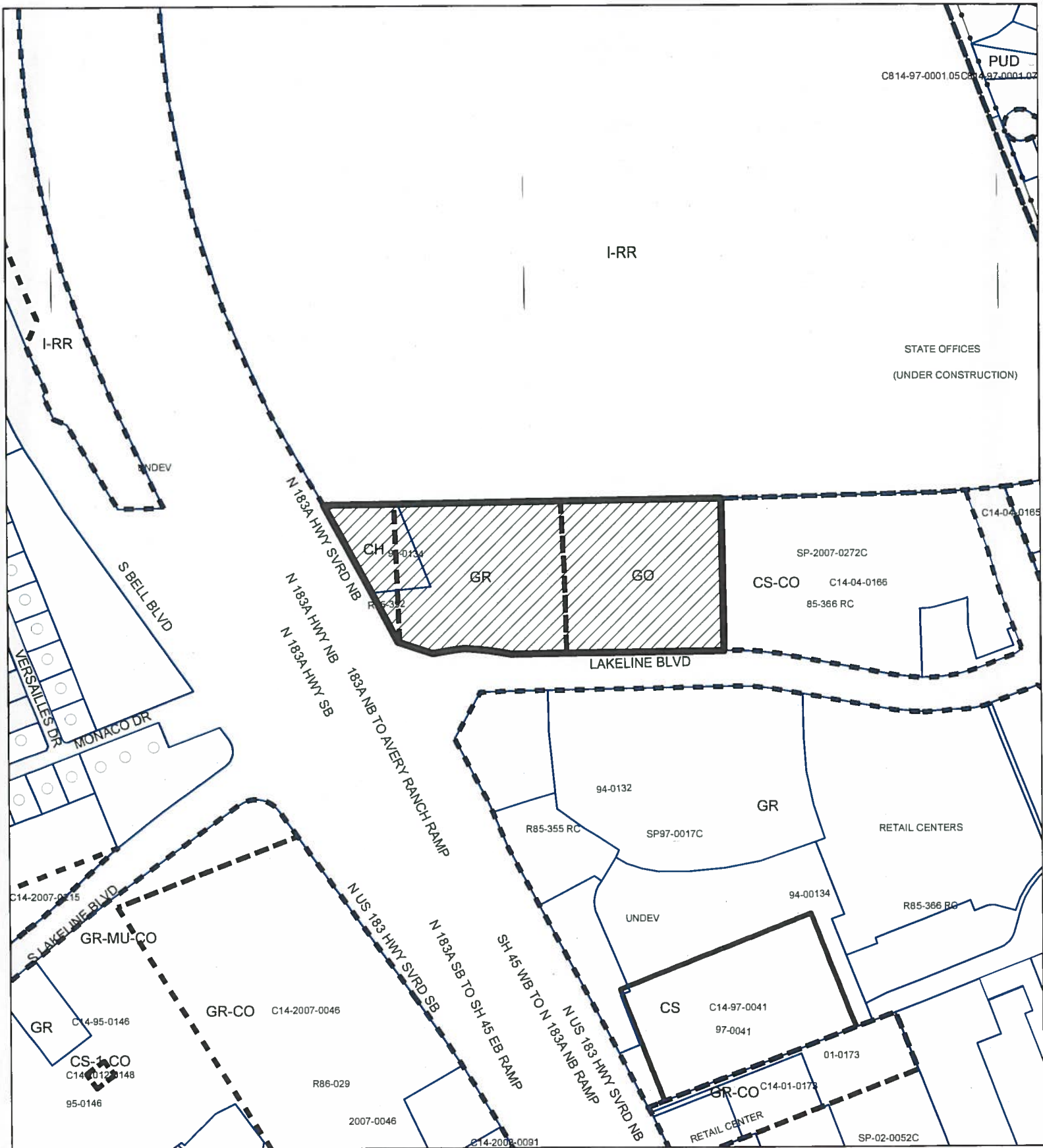
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



## ZONING

ZONING CASE#: ~~C14-2018-0133(RCT)~~  
C14R-85-392(RCT)



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

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.



Created: 10/19/

Attachment A  
**DRENNER**  
**GROUP**

October 16, 2018

Mr. Greg Guernsey  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

Via Hand Delivery

Re: Lakeline at 183A – Rezoning application and restrictive covenant termination application for the 12.306 acre piece of property located at the northeast corner of U.S. 183A and Lakeline Blvd. in Austin, Williamson County, Texas (the “Property”)

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed zoning application and restrictive covenant termination packages. The project is titled Lakeline at 183A, consists of 12.306 acres of land, and is currently undeveloped. The Property is currently zoned CH (Commercial Highway Services), GO (General Office), and GR (Community Commercial).

The requested rezoning is from CH, GO, and GR to GR-MU (Community Commercial-Mixed Use) for the entire Property. The purpose of this rezoning is to allow for a residential project while preserving the existing commercial base district. The proposed zoning is consistent with the surrounding area – the Property is located between two major thoroughfares and within ¼-mile of multiple large commercial and multifamily developments as well as ¾ of a mile from the CapMetro Lakeline Rail Station.

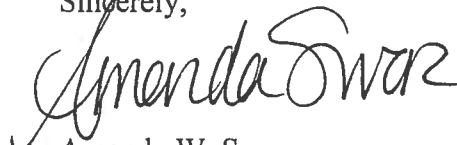
The Property was part of a larger tract of land (the “Oakline Tract”) totaling approximately 20.65 acres. As part of a previous rezoning case (C14R-85-392), the owner of the Oakline Tract and the City of Austin entered into a public restrictive covenant (the “Restrictive Covenant”) limiting the FAR on the Oakline Tract to 0.46:1 and adding a zoning site plan to the Property. Subsequently, the Texas Department of Transportation condemned approximately 8.34 acres out of the western side of the Oakline Tract for right-of-way in order to construct U.S. 183A; the Property is what remains of the Oakline Tract after condemnation. The requested restrictive covenant termination will bring the FAR into compliance with existing regulations at 1:1 FAR. Additionally, the rezoning request will remove the existing zoning site plan.

The Property proposes to take access from Lakeline Boulevard and the US 183A service road. Per the Traffic Impact Analysis (TIA) Determination Worksheet dated September 18, 2018, the proposed development does not require a TIA pursuant to the provisions of Senate Bill 1396 (75<sup>th</sup> Legislative Session).

The Property is located in City Council District 6, in the Full Purpose Jurisdiction of the City of Austin, and currently receives utilities from Austin Energy and Austin Water. The Property is located within three suburban watersheds: Buttercup Creek, South Brushy Creek, and Lake Creek. The Property is not located within the boundaries of a neighborhood planning area.

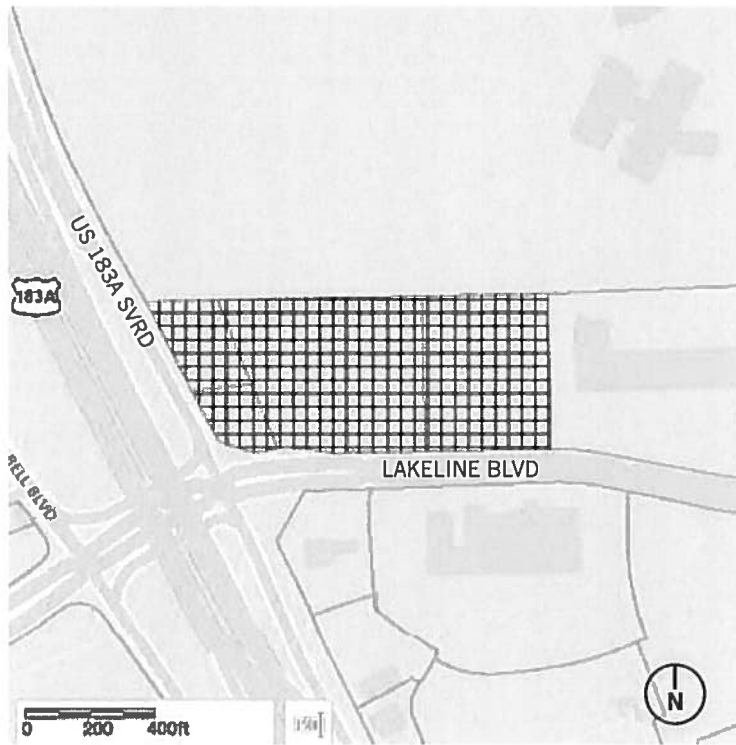
Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,

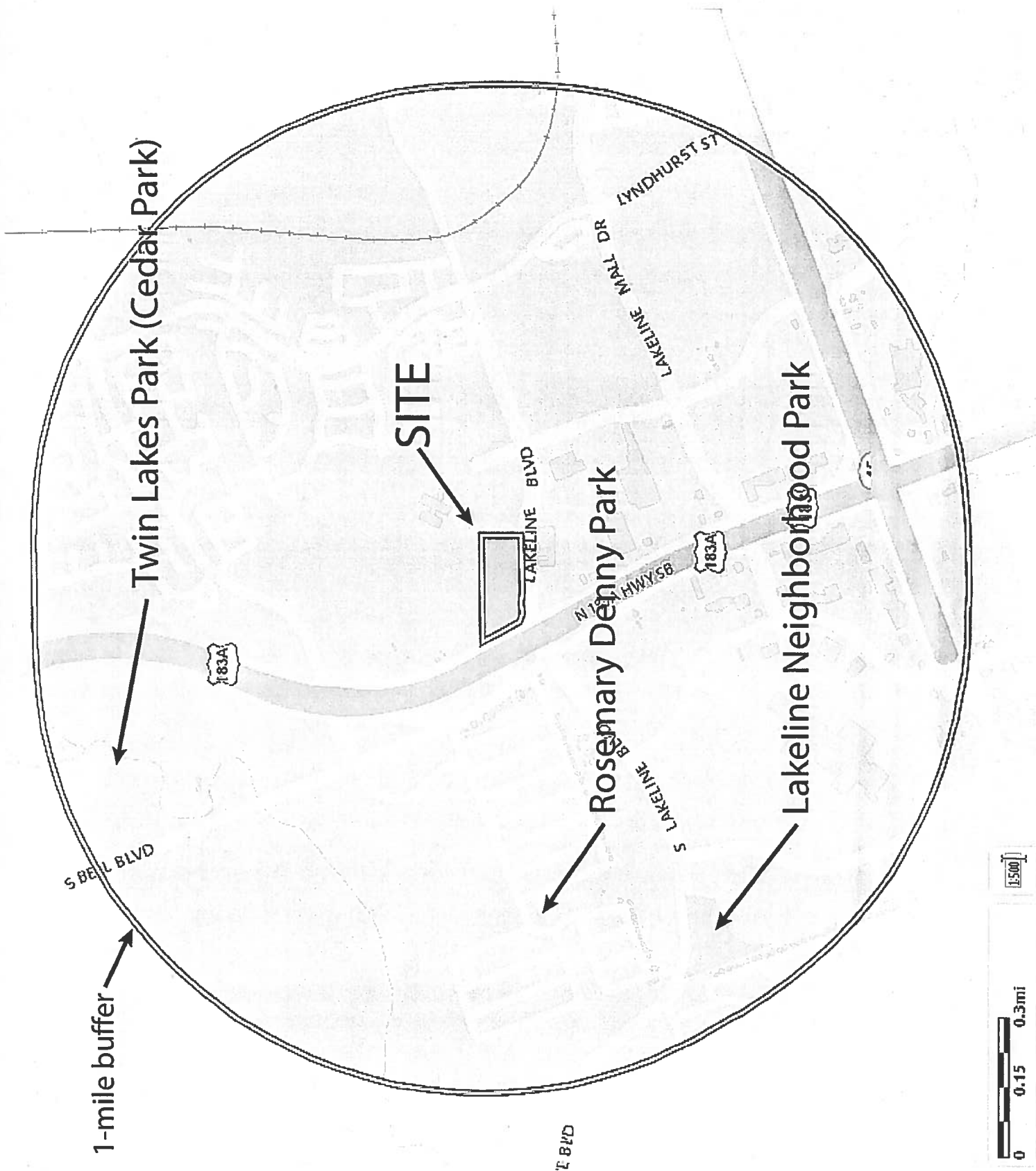


Amanda W. Swor

cc: Jerry Rusthoven, Planning and Zoning Review Department (*via electronic delivery*)  
Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)  
Sherri Sirwaitis, Planning and Zoning Review Department (*via electronic delivery*)



LOCATION MAP:  
LAKELINE AND 183A



RESTRICTIVE COVENANT

2491

THE STATE OF TEXAS  
COUNTY OF WILLIAMSON

§  
§  
§

ZONING CASE NUMBER  
C14r-85-392

WHEREAS, WREK Venture (the "Owner") is the owner of that certain tract of land in Austin, Williamson County, Texas more fully described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City of Austin and the Owner has agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, the Owner for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described in Exhibit A, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on it, its successors and assigns, as follows, to wit:

1. The Floor to Area ratio for the "Property" shall be limited to .46.
2. A minimum of 3400 square feet of natural buffer will be left around all sinkholes.
3. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and

to prevent said person or entity from violating or attempting to violate such agreement or covenant.

4. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

5. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

6. This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owners of the above described property at the time of such modification, amendment or termination.

EXECUTED, this the 9<sup>th</sup> day of December, 1986.

WREK VENTURE

By: Royce Faulkner  
ROYCE FAULKNER

WREK/RC/DO2

THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Royce Faulkner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 9th day of December, 1986.

Rose White Hurst  
Notary Public in and for the  
State of Texas  
ROSE WHITE HURST.  
(Name - Typed or Printed)  
My Commission Expires: 10-03-88

STATE OF TEXAS COUNTY OF WILLIAMSON  
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 Williamson  
County, Texas, as stamped hereon by me, on

JAN 20 1987



James S. Boydston  
COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

FILED FOR RECORD  
WILLIAMSON COUNTY, TEXAS  
JAN 19 1987 AM 8:52  
James S. Boydston  
COUNTY CLERK

WREK/RC/D02

PLEASE RETURN TO:

CITY OF AUSTIN  
DEPT. OF LAW  
P. O. BOX 1088  
AUSTIN, TEXAS 78767-8828

FILED FOR RECORD  
WILLIAM COUNTY, TX

1987 JAN 19 AM 8 52

*James H. Bogleton*

COUNTY CLERK

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④ \$ 7.00

C/M: City of Austin

Post # 1088

Austin, TX 787 67-6828