

## **RESTRICTIVE COVENANT TERMINATION REVIEW SHEET**

CASE: C14-72-032 (RCT) – 7113 Burnet Rd

DISTRICT: 7

EXISTING ZONING: CS-1-CO-NP, CS-CO-NP, LO-CO-NP

ADDRESS: 7113 Burnet Road

SITE AREA: 1.1166 acres (48,638 square feet)

PROPERTY OWNER: Ronan Corporation (Craig Hopper)

AGENT: Armbrust & Brown PLLC (Michael Gaudini)

CASE MANAGER: Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends granting a Termination of the Restrictive Covenant.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**July 14, 2020: *APPROVED TERMINATION OF THE RESTRICTIVE COVENANT, AS STAFF RECOMMENDED.***

***[G. ANDERSON; A. AZHAR – 2<sup>ND</sup>] (8-4-1) C. LLANES PULIDO, R. SCHNEIDER, P. SEEGER, T. SHAW VOTED NAY; J. SHIEH – ABSTAINED***

**June 23, 2020: *APPROVED POSTPONEMENT REQUEST BY NEIGHBORHOOD TO JULY 14, 2020:***

***[J. THOMPSON; R. SCHNEIDER – 2<sup>ND</sup>] (12-0) P. SEEGER - ABSENT***

CITY COUNCIL ACTION:

**July 30, 2020:**

RESTRICTIVE COVENANT TERMINATION RECORDING NUMBER:

ISSUES:

No issues were identified for this request.

CASE MANAGER COMMENTS:

The subject Restrictive Covenant is less restrictive than current compatibility standards by Code. At the time that the subject property zoning was changed from residential to office, the Restrictive Covenant was provided to increase the setback between the office and the houses on Hardy Circle.

Applicant is requesting the termination of the Restrictive Covenant which established a twenty-foot building setback from the north property line of the 48,638 square foot tract of land that was rezoned from residential to office in 1973 (Ordinance No. 73 0628-D).

The Restrictive Covenant is recorded in volume 4674, page 2281 of the Deed Records of Travis County, Texas. Paragraph number 1. *“No Building or any part thereof shall be located within twenty (20) feet of the north property line of said property”*. Please refer to Exhibit “A”.

Compatibility Standards in Article 10 (LDC 25-2-1063) apply to the subject site because it is located next to SF-3-NP zoning and the development site is bigger than 20,000 square feet. The minimum setback is 25 feet from SF-5 or more restrictive zoned land and it applies to the new building, the drive aisle and parking lots. There are also requirements for landscape buffering and screening (LDC 25-2-1066) in the area between multi-family buildings and buildings in the SF-5 or more restrictive districts.

#### BASIS OF RECOMMENDATION:

Staff supports the Termination request. The Restrictive Covenant was created in 1973 before the City Code had Compatibility Standards. The current Land Development Code, with Compatibility Standards for setbacks, building heights and screening requirements provides better transitions between detached residences and other uses including the proposed multi-family residential use.

#### EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-1-CO-NP, CS-CO-NP, LO-CO-NP	Bar/Restaurant, coffee shop, personal services, auto repair, vehicle storage
North	CS-CO-NP, SF-3-NP	Retail with restaurants, retail specialty stores and freestanding restaurant, detached residences
South	MF-3-NP, GR-MU-CO-NP, GR-V-CO-NP	Car storage lot, former restaurant
East	SF-3-NP	Detached residences
West	(across Burnet Road) CS, SF-2	Car rental and sales, personal services

NEIGHBORHOOD PLANNING AREA: Crestview/Wooten Combined Neighborhood Plan Ordinance No. 040401-328

TIA: Deferred to site plan.

WATERSHED: Shoal Creek - Urban                      70% Impervious coverage maximum in MF-4  
80% Impervious coverage maximum in MF-6

OVERLAYS: ADU Approximate Area Reduced Parking Neighborhood Planning Areas:  
CRESTVIEW Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:

Brentwood Elementary

Lamar Middle

McCallum High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Crestview Neighborhood Assn.

Crestview Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Homeless Neighborhood Association

NW Austin Neighbors

Neighborhood Empowerment Foundation

North Austin Neighborhood Alliance

SELTexas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-04-0004  The area bounded by Anderson Lane on the north, Lamar Blvd. on the east, Burnet Road on the west, Justin Lane on the south.	Add a NP to the base zoning districts on approximately 650.5 acres of land generally known as the Crestview Neighborhood Plan and to change the base zoning district on 43 tracts of land.	To Grant	Apvd. 04/01/2004 Ord. #040401-328
C14-2009-0065  The area bounded by Anderson Lane/US Highway 183 on the north, Justin Lane on the south, North Lamar Boulevard on the east and Burnet Road on the west.	Crestview Vertical Mixed Use Bldg (V) Zoning/ Opt-in / Opt-out process. 62.70 Acres. (City Initiated)  Ordinance 20090924-091 is for 29.70 acres. Part 4. Excludes Tract 8 that includes 7113 Burnet Rd.	To Grant	Apvd. 9/24/2009

RELATED CASES:

NPA-2020-0017-01 – Request for Neighborhood Plan Amendment from commercial land use to multifamily residential land use. Neighborhood meeting held March 3, 2020.

C14-2020-0016 – Request to rezone from CS-1-CO-NP, CS-CO-NP, LO-CO-NP to MF-6-CO-NP for multi-family residences.

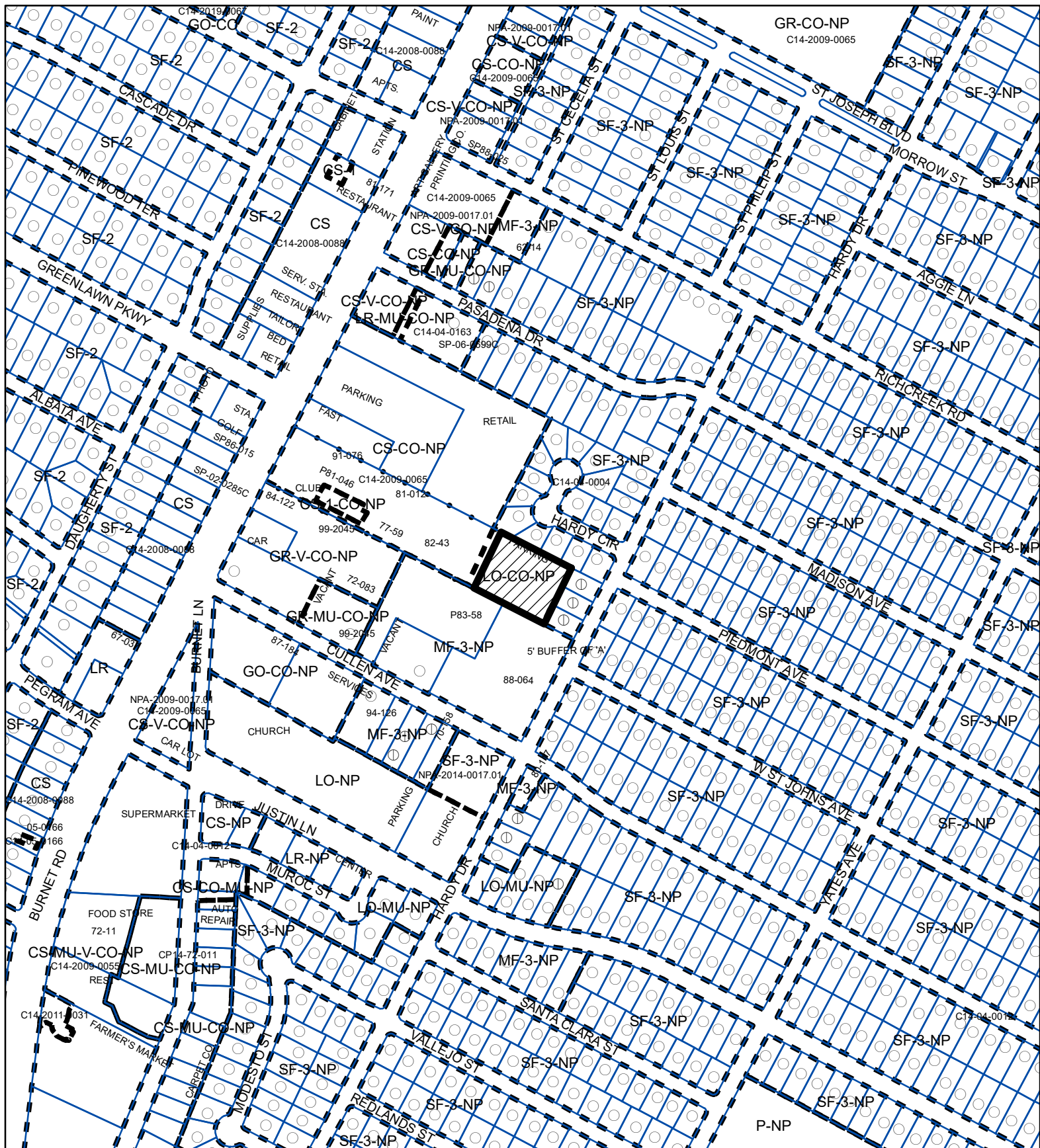
EXISTING STREET CHARACTERISTICS:




Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd.	~122'	120'	55'	Level 4	Yes	Yes	Yes

## INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## Restrictive Covenant Termination

ZONING CASE#: C14-72-032(RCT)

1" = 400'

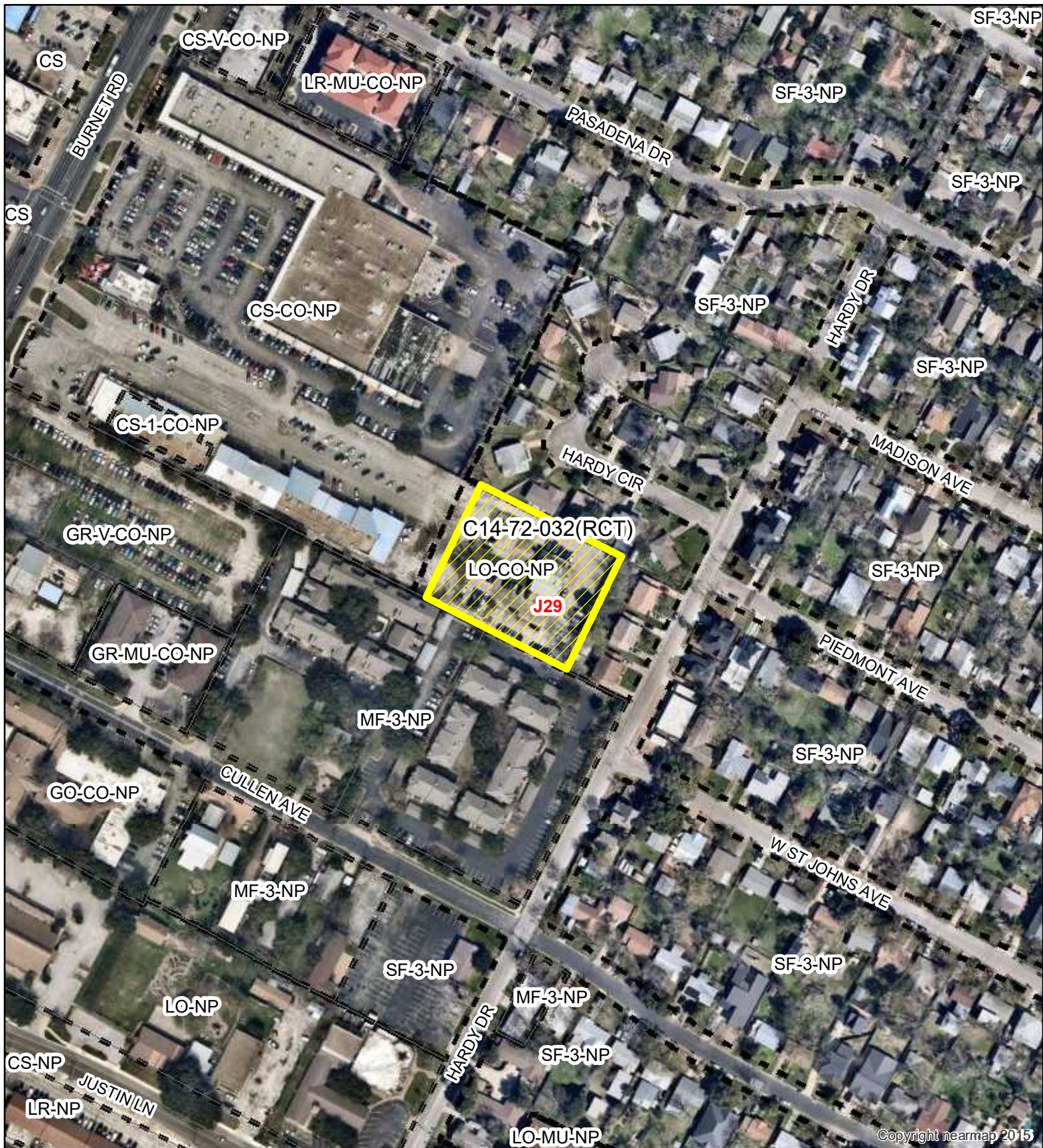
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Created: 3/5/2020

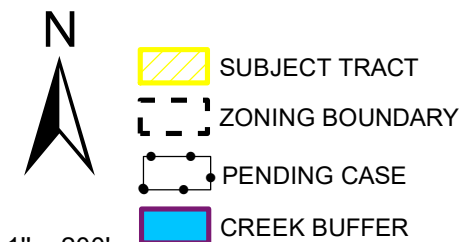




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7113 Burnet Rd.

ZONING CASE#: C14-72-032(RCT)  
 LOCATION: 7113 Burnet Rd.  
 SUBJECT AREA: ACRES  
 GRID: J29  
 MANAGER: MARK GRAHAM



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



## Graham, Mark

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**From:** Jeanne Cobb <jlk.cobb@att.net>  
**Sent:** Sunday, June 21, 2020 3:31 PM  
**To:** Graham, Mark  
**Subject:** Case Number:C14-72-032(RCT)

\*\*\* External Email - Exercise Caution \*\*\*

I object to the termination of the restrictive covenant that requires a 20 foot wide building setback along the north property line. The residences in this area are all one and two stories and some are quite close to the property line. Three or four story apartment buildings would loom over these residences and would probably cause a noise problem if balconies are added to the buildings.

The property values of the single family residences would also drop as I am sure the owners would file with the Travis County Tax Assessor to drop their tax values.

Jeanne Cobb  
2000 Cullen Ave #24  
Austin, TX 78757  
[jlkcobb@att.net](mailto:jlkcobb@att.net)

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**From:** [Lucille Santillo](#)  
**To:** [Graham, Mark](#)  
**Subject:** Case C14-72-032 (RCT)  
**Date:** Sunday, June 21, 2020 5:48:11 PM

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\*\*\* External Email - Exercise Caution \*\*\*

I object to this to this amendment request to terminate a Restrictive Covenant that requires 20 foot wide building setback along the north property line. This restriction is necessary for the homes on that side.

Lucille Santillo  
2000 Cullen Av unit 16  
Austin, Tx 78757  
512-4591478

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