

RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-72-032 (RCT) – 7113 Burnet DISTRICT: 7

EXISTING ZONING: LO-CO-NP

ADDRESS: 7113, 7115 Burnet Road

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

PROPERTY OWNER: CSW Cart, Inc., (Robert O'Farrell)

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

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

STAFF RECOMMENDATION:

Staff recommends granting a Termination of the Restrictive Covenant.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 11, 2021:

CITY COUNCIL ACTION:

June 10, 2021:

RESTRICTIVE COVENANT TERMINATION RECORDING NUMBER:

ISSUES

There are three related land use cases: The Neighborhood Plan Amendment, case NPA-2021-0017.01 to change the FLUM from Commercial to Multi-family residential land use; The Rezoning case C14-2021-0044 requesting MF-6-CO-NP zoning; and this case requesting termination of the Restrictive Covenant that established a 20 foot building setback on the LO-CO-NP zoned tract;

CASE MANAGER COMMENTS:

The subject Restrictive Covenant is less restrictive than current compatibility standards in the Austin Land Development Code. At the time that the subject property zoning was changed from residential to office in 1973, Restrictive Covenants were used to provide an increased setback between the office and the houses on Hardy Circle. The City has since changed to using a conditional overlay (CO) to make development standards more restrictive through the zoning ordinance instead of Restrictive Covenants.

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 “C”.

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 adopted 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	LO-CO-NP	vehicle storage
North	SF-3-NP	detached residences
South	MF-3-NP	Townhouse/Condo Residences: Allendale Condos, The Park at Crestview
East	SF-3-NP	Detached residences
West	CS-1-CO-NP, CS-CO-NP (across Burnet Road) CS, SF-2	Bar/Restaurant, coffee shop, personal services. (Across Burnet Rd) Car rental and sales, personal services, detached residences

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

Allandale Neighborhood Association	Homeless Neighborhood Association
Austin Independent School District	NW Austin Neighbors
Austin Lost and Found Pets	Neighborhood Empowerment Foundation
Austin Neighborhoods Council	North Austin Neighborhood Alliance
Bike Austin	SELTexas
Crestview Neighborhood Assn.	Shoal Creek Conservancy
Crestview Neighborhood Plan Contact Team	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	

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-2021-0017-01 – Request for Neighborhood Plan Amendment from commercial land use to multifamily residential land use. Neighborhood meeting held March 18, 2021.

C14-2021-0044 – Request to rezone from CS-1-CO-NP, CS-CO-NP, LO-CO-NP to MF-6-CO-NP for multi-family residences.

Cases NPA-2020-0017.01, C14-2020-0016, & C14-72-032(RCT) were reviewed by Planning Commission and City Council in 2020 and withdrawn by Applicant on October 7, 2020.

EXISTING STREET CHARACTERISTICS:

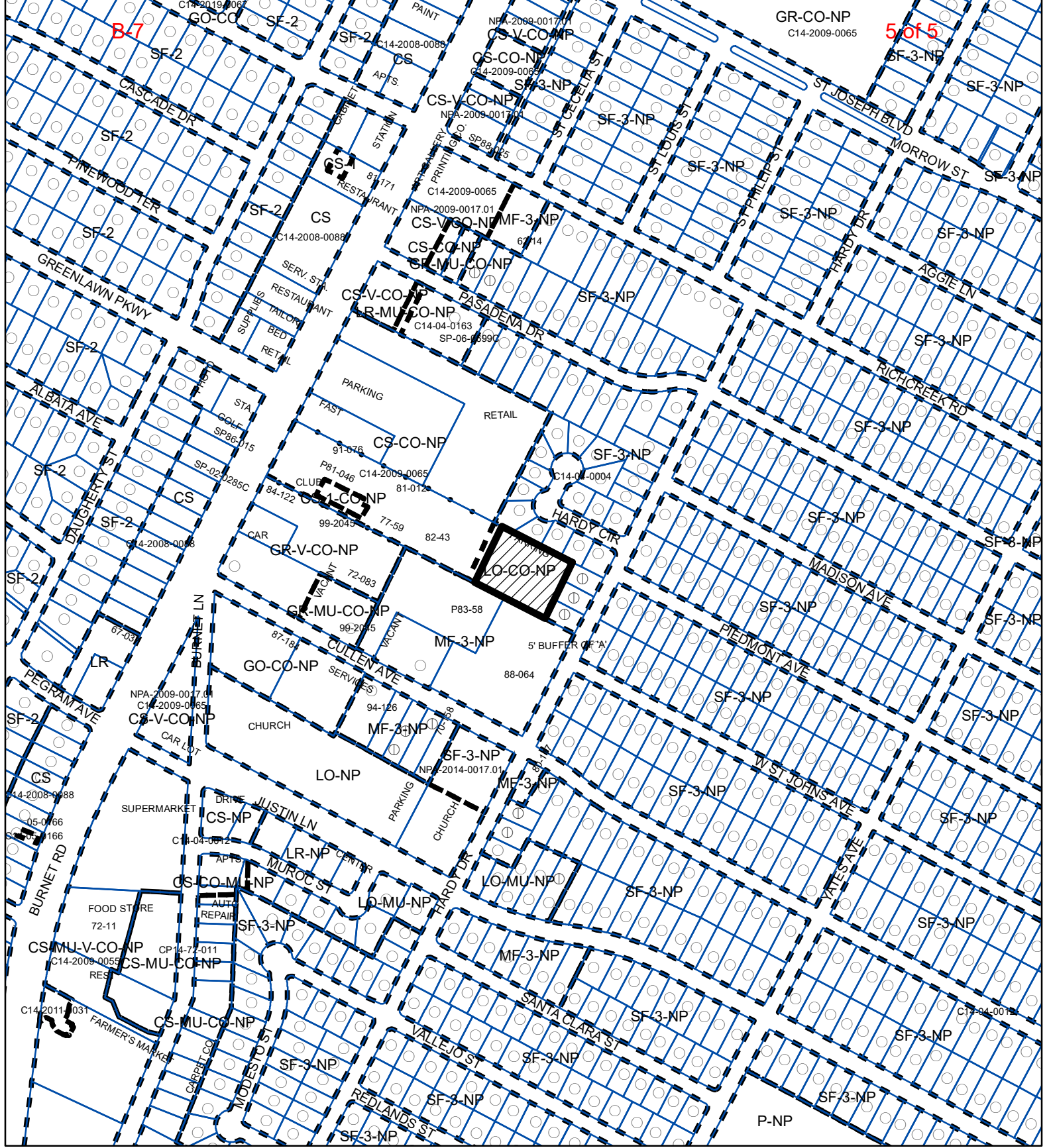
Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd.	~122'	120'	55'	Level 4	Yes	Yes	Yes

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Restrictive Covenant



GR-CO-NP
C14-2009-0065




5 of 5
SF-3-NP

B-7

Restrictive Covenant Termination

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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 400'

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