

## RESTRICTIVE COVENANT TERMINATION CHANGE REVIEW SHEET

CASE: C14-78-189(RCT) 305 S. Congress RC      DISTRICT: 9

EXISTING ZONING: PUD-NP

ADDRESS: 12.041 acres being a portion of 305 S. Congress Avenue

SITE AREA: 12.041 acres

PROPERTY OWNER:  
Richard T. Suttle Jr. (Trustee)

AGENT:  
Armbrust & Brown PLLC (Richard Suttle)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends terminating the Restrictive Covenant.** *For a summary of the basis of staff's recommendation, see page 2.*

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**February 8, 2022      Scheduled for Planning Commission**

January 25, 2022      Approved Planning Commission's postponement to February 8, 2022 on the consent agenda. Vote: 10-0. [Commissioner Shieh – 1<sup>st</sup>, Vice Chair Hempel – 2<sup>nd</sup>, Commissioner Praxis was off the dais, Commissioners Howard and Mushtaler were absent].

### CITY COUNCIL ACTION:

**To be Scheduled for City Council**

### ISSUES

No known issues at this time.

### CASE MANAGER COMMENTS:

The proposed Restrictive Covenant Termination (RCT) area is approximately 12.04 acres in size and is part of a larger tract currenting being requested to be rezoned from PUD-NP to PUD-NP, to change the conditions of zoning, please see Zoning Case No. C814-89-0003.02.

This tract was rezoned from "L" (Lake Development, Second Height and Area) to "C" (Commercial, Second Height and Area) in 1978. As a condition of that rezoning case, a

restrictive covenant (RC) was created. This RC included restrictions to permitted land uses and special use permits as they existed in the City of Austin's zoning ordinance as of November 1, 1978; and dedication of a perpetual 15-foot-wide public pedestrian and bicycle easement (to be recorded by a separate metes and bounds instrument).

The applicant is requesting to terminate this RC in conjunction with rezoning case C814-89-0003.02 and neighborhood plan amendment case NPA-2019-0022.02.

**BASIS OF RECOMMENDATION:**

Staff recommends terminating this restrictive covenant. This RC references land uses, and special use permits which date back to a previous version of the city's land development code. Additionally, the requirement to dedicate a public access easement for the hike and bike trail has been fulfilled and if the requested zoning from C814-89-0003.02 is approved by City Council, this trail would be included in the area dedicated by deed for parkland.

**EXISTING ZONING AND LAND USES:**

	Zoning	Land Uses
Site	PUD-NP	Industrial
North	Not Zoned	Lady Bird Lake
South	LI-NP, CS-1-V-NP, CS-V-NP, CS-NP and PUD-NP	Automotive repair services; administrative and business offices; and personal services.
East	Not Zoned	Lady Bird Lake
West	PUD-NP	Industrial

**NEIGHBORHOOD PLANNING AREA:** Greater South River City Neighborhood Plan (South River City).

**TIA:** Deferred to the 305 S. Congress TIA associated with C814-89-0003.02

**WATERSHED:** Lady Bird Lake

**OVERLAYS:** ADU Approximate Area Reduced Parking, Capitol View Corridors (South Congress at east Live Oak), Residential Design Standards, Scenic Roadways Overlay (Barton Springs Road), Waterfront Setbacks Overlay (South Shore Central).

**SCHOOLS:** Travis Heights Elementary, Lively Middle and Travis High Schools

**NEIGHBORHOOD ORGANIZATIONS**

Austin Independent School District

Austin Neighborhoods Council

Bike Austin  
 Bouldin Creek Neighborhood Association  
 Bouldin Creek Neighborhood Planning Team  
 City of Austin Downtown Commission  
 Downtown Austin Alliance  
 Downtown Austin Neighborhood Assn. (DANA)  
 Friends of Austin Neighborhoods  
 Greater South River City Combined Neighborhood Plan Contact Team

Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 South Central Coalition  
 South River City Citizens Association  
 Waterloo Greenway  
 Zoning Committee of South River City Citizens

#### AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0026 Area Wide Plan	To add Garage Placement provisions to Bouldin Creek Neighborhood Area Plan	Recommended adding placement too planning area	Case was indefinitely postponed by staff; Council did not act.
C814-2017-0001 425 W. Riverside Drive PUD	CS-1-V-NP to PUD-NP for Mixed Uses with associated improvements	Recommended staff recommendation with additional direction provided by 1) the Environmental Commission, 2) the Small Area Planning Joint Committee, and 3) the South Central Waterfront Advisory Board Working Group	Approved PUD-NP with additional direction to staff and revisions to the ordinance (5/10/2018)
C814-2012-0071 422 W. Riverside	LI-NP to PUD-NP	Recommended PUD-NP	Approved PUD-NP (10/18/2012)
C814-2008-0165 222 E. Riverside Drive PUD	L-V-NP and L-NP to PUD-NP	Recommended PUD-NP	Approved PUD-NP (10/16/2008)

Number	Request	Commission	City Council
C14-2007-0224 C14-2007-0220 Area Wide Plan	To add VMU to various tracts in the Greater South River City and the Bouldin NP Areas	Recommended adding V to zoning districts.	Approved adding VMU to tracts (12/13/2007)
C814-06-0106 C814-06-0106.01 C814-06-0106.02 208 Barton Springs PUD	CS-1-NP and L-NP to PUD-NP  Amendments were to add additional permitted uses within PUD.	Recommended PUD-NP with conditions.  Recommended both amendments.	Approved PUD-NP (2/15/2007)  Approved both amendments (9/26/2013 and 8/7/2014)
C14-99-0069 200 S. Congress	LI to LI-PDA	Recommended LI-PDA.	Approved LI-PDA (10/26/2000)
C14-73-041	C2 and D to C	-	Approved C (2/14/1974)

#### RELATED CASES:

C814-89-0003.02: This is the rezoning case being considered in conjunction with this restrictive covenant termination case.

NPA-2019-0022.02: This is the neighborhood plan amendment being considered in conjunction with this restrictive covenant termination case.

C14-05-0139: This was the creation of the Greater South River City Neighborhood Plan which included the South River City and St. Edwards neighborhood areas. This property is located within the boundaries of the South River City neighborhood (ordinance no. 20050929-Z003).

C814-89-0003.01: Amended the site plan (Phases 2 through 4) originally submitted with the PUD and added three new sheets to the plan set (ordinance no. 931202-H).

C814-89-0003: This was the creation of the original PUD for this property (ordinance no. 890720-E). PUD regulations included a list of permitted and prohibited land uses, site development regulations, roadway improvements and phasing plan.

C14-78-189: This case rezoned Tract 1 (approximately 13.08 acres) of the rezoning case from L (lake, second height and area district) to C (commercial, second height and area district); and Tract 2 (approximately 0.89 acres) of the rezoning case from D (industrial, second height and area district) to C (commercial, second height and area district).

C14-72-161: This case involved rezoning an area of 52.6 acres on the south side of the river from C (commercial) and D (industrial) to L (lake district).

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Congress Avenue (North of Barton Springs)	~60'	116'	61'	3	Yes	Yes	Yes
Congress Avenue (South of Barton Springs)	~131'	130'	87'	3	Yes	Yes	Yes
New Bridge Over Lady Bird Lake	N/A	120'	N/A	3	Yes	Yes	Yes
S. Central Waterfront Local Street 1	N/A	60'	N/A	1	Yes	Yes	Yes
S. Central Waterfront Local Street 2	N/A	60'	N/A	1	Yes	Yes	Yes
S. Central Waterfront Local Street 3	N/A	60'	N/A	1	Yes	Yes	Yes

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Barton Springs Road (extension)	N/A	92'	N/A	2	Yes	Yes	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

The proposal is to terminate an existing Restricted Covenant on this property.

The Imagine Austin Comprehensive Plan is a long-range planning and policy document, which is broad in scope, and the review of a restricted covenant is not under the purview of the plan and thus no review comments are being submitted.

PARD Review

PR1. This Restrictive Covenant (RC) was recorded in 1978 and referred to the proposed development of the Austin American Statesman property. Part 7 of the RC refers to a pedestrian and bicycle easement and requires its recordation. As specified, a bike and pedestrian easement roughly parallel to the shoreline of Town Lake / Lady Bird Lake was recorded, is now protected parkland, and contains the Butler Hike and Bike Trail. Therefore, the park-related obligation within this RC has been fulfilled and PARD finds no issue with the termination of the RC.

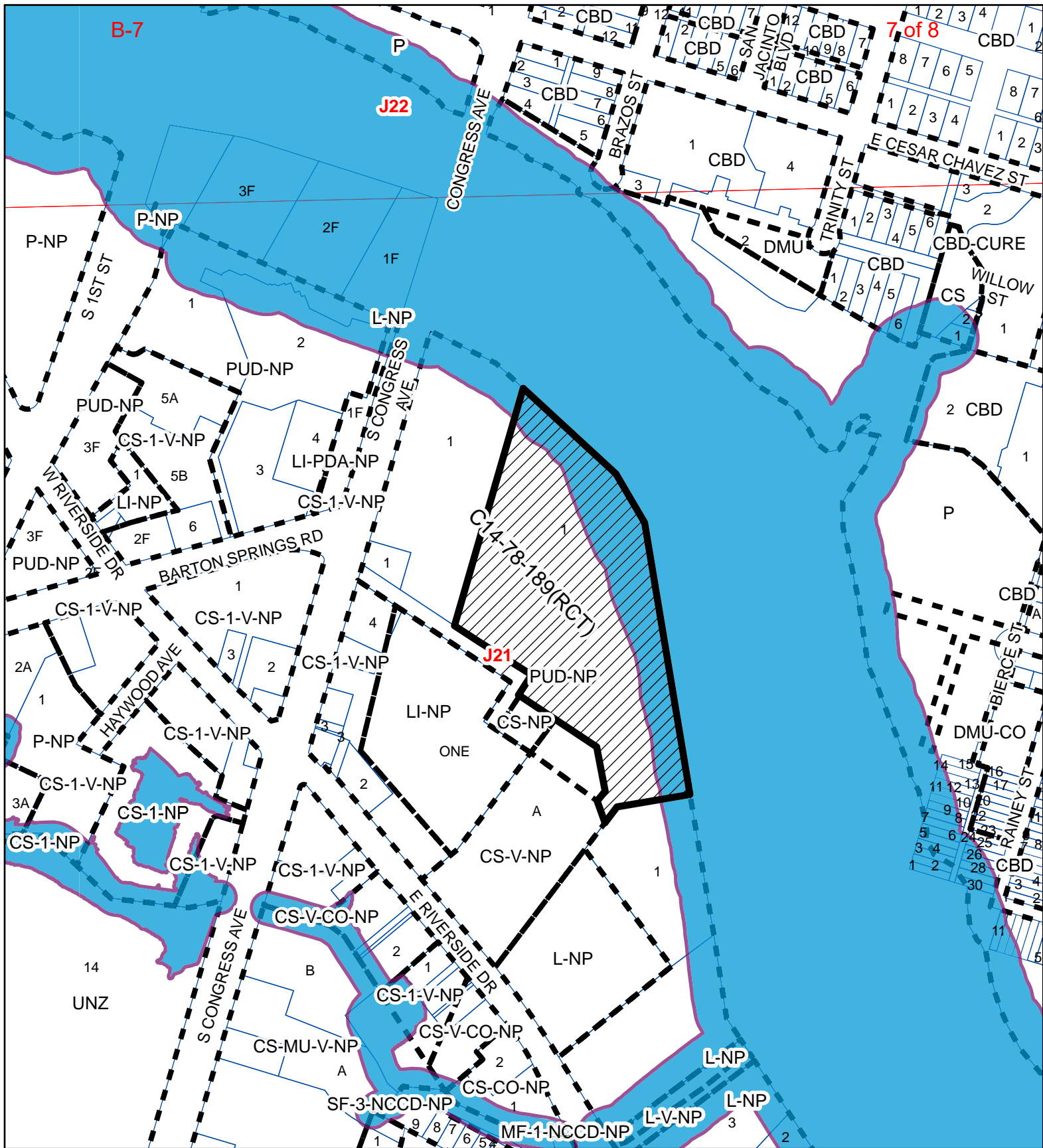
Site Plan

SP 1. There are no Site Plan concerns with terminating the restrictive covenant.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map



## 305 S. Congress RCT

Exhibit A

ZONING CASE#: C14-78-189(RCT)  
 LOCATION: 305 South Congress Avenue  
 SUBJECT AREA: 12.04 Acres  
 GRID: J21  
 MANAGER: KATE CLARK



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.

N



1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER



