

RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-96-0127(RCT) – 5209 S. Pleasant Valley

DISTRICT: 10

ADDRESS: 5209, 5205, 5303 South Pleasant Valley Road and 5302 Woodland Oaks Court

EXISTING ZONING: GO-NP

SITE AREA: 2.3269 acres

PROPERTY OWNER: Austin Travis County Youth Services, Inc. (Robert Martinez)

AGENT: Drenner Group, PC (Leah M. Bojo)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends granting a Termination of the Restrictive Covenant.

PLANNING COMMISSION ACTION / RECOMMENDATION:

April 23, 2024:

CITY COUNCIL ACTION:

RESTRICTIVE COVENANT TERMINATION RECORDING NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The proposed Restrictive Covenant Termination area is comprised of approximately 2.33 acres and is located east of South Pleasant Valley Road between Terri Road and East Stassney Lane. The subject area was rezoned from the family residence (SF-3) district to the general office (GO) district in 1997. It is currently developed as a youth center.

The rezoning case included a public Restrictive Covenant that specified that if use of the Property as “GO” General Office district is discontinued for 90 consecutive days, the Owner of the Property will not object to the City of Austin rezoning the property to “SF-3” Family Residence district as defined in Chapter 13-2 of the City Code.

Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (1997 Rezoning Ordinance and Restrictive Covenant).

The Applicant proposes to terminate the Restrictive Covenant in order to allow for multifamily residential development under the Affordability Unlocked program. Currently, the applicant has both S.M.A.R.T. Housing and Affordability Unlocked applications in staff review with the Housing Department.

BASIS OF RECOMMENDATION:

Staff supports the Termination request. Currently there is multifamily residence-low density (MF-2) zoning adjacent to the south of this property as well as to the southeast. Multifamily residence-limited density (MF-1) zoning is also located directly to the west across South Pleasant Valley Road. This area is supported by public transit with Capital Metro bus routes/stops along South Pleasant Valley Road, East Stassney Lane and Terri Road. These are all major arterials that are a part of the ASMP Transit Priority Network.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO	Youth Center
<i>North</i>	SF-3-NP	Single family residential
<i>South</i>	MF-2-NP; LR-NP	Multifamily residential; Service station; Commercial uses
<i>East</i>	SF-3-NP; MF-2-NP	Single family residential; Multifamily residential
<i>West</i>	MF-1-NP; SF-3-NP; LR-NP	Multifamily residential; Single family residential; Restaurant;

NEIGHBORHOOD PLANNING AREA: Southeast Combined (Franklin Park)

WATERSHEDS: Williamson Creek (Suburban)

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

SCHOOLS: Austin Independent School District
 Rodriguez Elementary School Mendez Middle School Travis High School

COMMUNITY REGISTRY LIST:

- | | |
|------------------------------------|-------------------------------------|
| Austin Independent School District | Kensington Park Homeowners Assn. |
| Austin Lost and Found Pets | Caracol Southeast |
| Austin Neighborhoods Council | SELTexas |
| Dove Springs Proud | Sierra Club, Austin Regional Group |
| Friends Of Austin Neighborhoods | Texas Reach Out Ministries |
| Go Austin Vamos Austin 78744 | Neighborhood Empowerment Foundation |
| Indian Hills Neighborhood Watch | North Gate Neighborhood Association |
| Homeless Neighborhood Association | North Growth Corridor Alliance |

Onion Creek HOA
 Del Valle Community Coalition Non- Profit
 Paisano Mobile Home Park Neighborhood Assn.
 Southeast Combined Neighborhood Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-07-0021 - 5308 Nuckols Crossing Road	LR-NP to GR-NP	To Grant GR-MU-CO-NP w/COs permitting general retail sales (general) use, all LR uses and development standards, and 2,000 vehicle trips per day. (3/27/2007)	Approved GR-MU-CO-NP as Planning Commission Recommended (5/3/2007)
C14-02-0028 - 4604 - 4610 Terri Road	LO to LR	To Grant LR-CO-NP w/COs that establishes a setback that prohibits development for 50 feet in both directions from the centerline of an open waterway. Exceptions to the no-development stipulation are: a) utility crossings, b) hike and bike trails, c) driveway crossings, and d) roadway crossings. (4/10/2002)	Approved LR-CO-NP as Planning Commission Recommended with an additional CO to limit trips to 2,000 per day and to prohibit the following uses: service station and off-site accessory parking. (09/26/2002)
C14-03-0028 - 5001 Nuckols Crossing Road	LR-NP to LR-CO-NP	To Grant LR-CO-NP w/CO that establishes a setback that prohibits development for 50 feet in both directions from the centerline of an open waterway. Exceptions to the no-development stipulation are; a) utility crossings, b) hike and bike trails, c) driveway crossings, and d) roadway crossings. (2/26/2003)	Approved LR-CO-NP as Planning Commission Recommended (06/12/2002)

C14-05-0117.SH	SF-3-NP to SF-6-NP	To Grant SF-6-NP district zoning w/conditions of the neighborhood traffic analysis (11/8/2005)	Approved SF-6-NP as Planning Commission Recommended (12-1-2005)
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RELATED CASES:

The subject Restrictive Covenant Termination area received GO-CO zoning on February 6, 1997 (City File C14-96-0127, Ord. 970206-E). The Conditional Overlay limited traffic generation to 2,000 vehicle trips per day.

ADDITIONAL STAFF COMMENTS:

PARD – Planning & Design Review:

Parkland dedication requirements may apply to any future site or subdivision applications following the termination of this Restrictive Covenant.

Austin Transportation Department – Engineering Review:

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for S. Pleasant Valley Rd. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for > according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

A Neighborhood Traffic Analysis shall be required at the time of site plan, if triggered, when land uses and intensities will be known. if triggered per LDC 25-6-114.

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Pleasant Valley Road	Level 3	116'	90'	64'	Yes	Yes	Yes

A Traffic Impact Analysis is not required at this time.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Applicant's Summary Letter

Exhibit B: 1997 Rezoning Ordinance and Restrictive Covenant

13.00
mfg

RESTRICTIVE COVENANT

OWNER: RIVER CITY YOUTH AND FAMILY BUILDERS, INC.,
a Texas Non-Profit Corporation

ADDRESS: 2101 South IH 35, Suite 500, Austin, Texas 78741

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1, Block "C", Village South, Phase 1 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4425, Page 83, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. If use of the Property as "GO" General Office district is discontinued for 90 consecutive days, the Owner of the Property will not object to the City of Austin rezoning the Property to "SF-3" Family Residence district as defined in Chapter 13-2 of the City Code. Normal, seasonal cessation of a use, or temporary discontinuance for purpose of maintenance or rebuilding of the Property after damage or destruction may not be included in calculating the period of discontinuance.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. 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 owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 29th day of January, 1997.

OWNER:

RIVER CITY YOUTH AND FAMILY BUILDERS, INC., a Texas Non-Profit Corporation

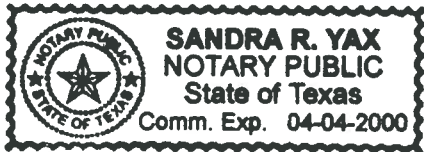
By: Albert Almanza
ALBERT ALMANZA, President

By: William N. Hawley
WILLIAM HAWLEY, Secretary

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 29th day of January, 1997, by ALBERT ALMANZA, President of RIVER CITY YOUTH AND FAMILY BUILDERS, INC., a Texas Non-Profit Corporation, on behalf of said corporation.

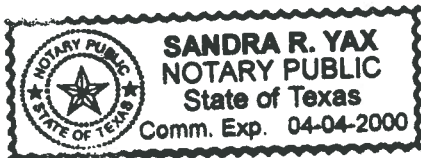


Sandra R Yax
Notary Public, State of Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 3rd day of January, 1997, by WILLIAM HAWLEY, Secretary of RIVER CITY YOUTH AND FAMILY BUILDERS, INC., a Texas Non-Profit Corporation, on behalf of said corporation.



Sandra R Yax
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

FILED
97 FEB 12 PM 2:03
DANA DE BEAUVOIR
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. on _____

FEB 12 1997



Dana De Beauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

Page 3 of 3

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12870 0549

RECEIPT#: B00064580 TRANS#: B5316 DEPT: REGULAR RECORD \$13.00
CASHIER: KHMED FILE DATE: 2/12/97 TRANS DATE: 2/12/97
PAID BY: VOUCHER# 05