

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.

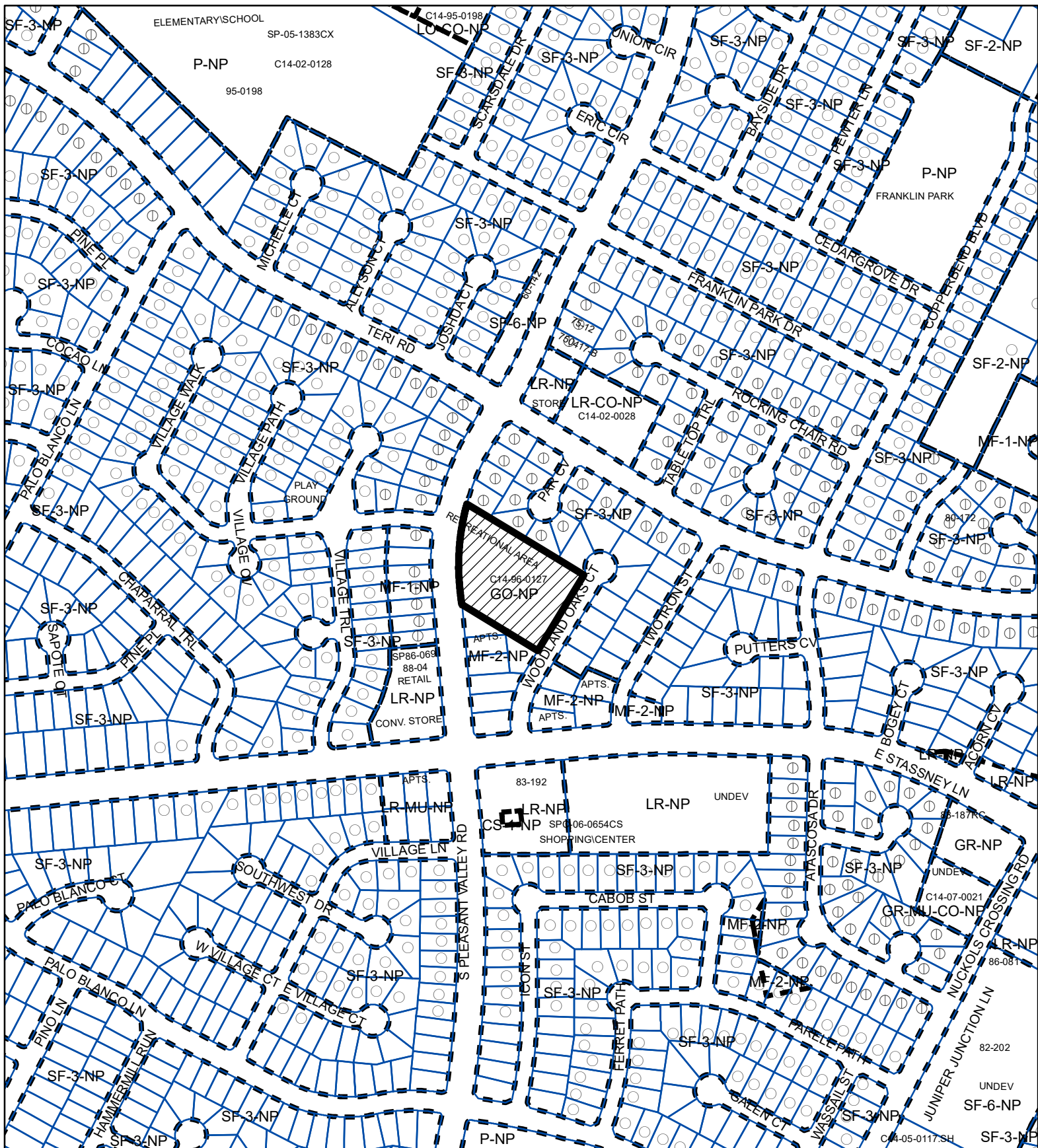
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Applicant's Summary Letter

Exhibit B: 1997 Rezoning Ordinance and Restrictive Covenant



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

Restrictive Covenant Termination

ZONING CASE#: C14-96-0127(RCT)

EXHIBIT A

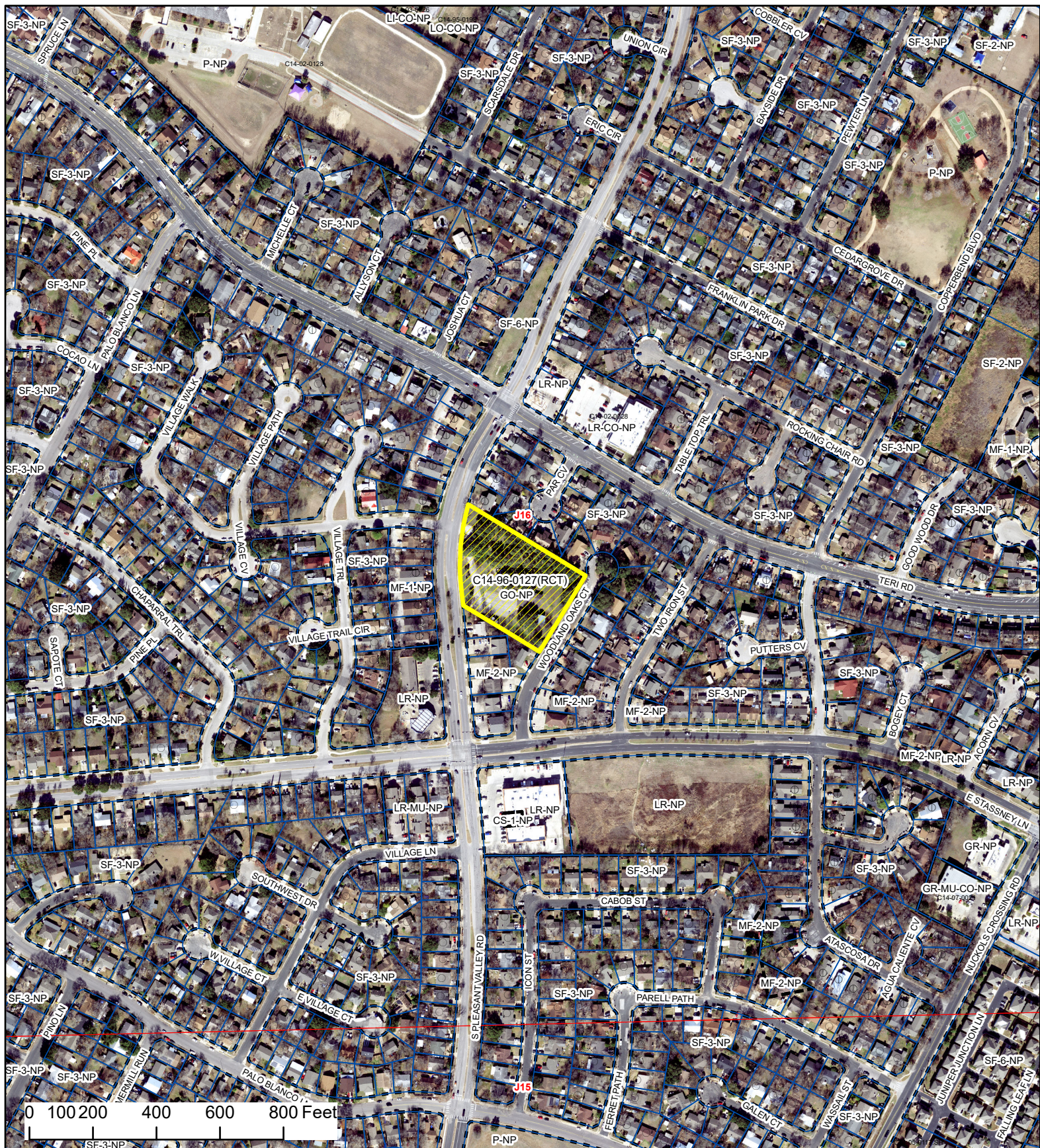
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 2/6/2024





1" = 400'



5209 S Pleasant Valley

EXHIBIT A-1



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

CASE#: C14-96-0127(RCT)
 LOCATION: 5209 S Pleasant Valley Rd
 SUBJECT AREA: 2.3269 Acres
 GRID: J16
 MANAGER: Nancy Estrada



This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 4/3/2024

January 24, 2024

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street, Suite 200
Austin, TX 78702

Via Electronic Delivery

Re: 5209 S. Pleasant Valley – Restrictive Covenant Termination application for the 2.3269-acre piece of property located at 5205, 5209, 5303 S. Pleasant Valley, 5302 Woodland Oaks Ct. in the City of Austin, Travis County, Texas (“the Property”)

Dear Ms. Middleton-Pratt:

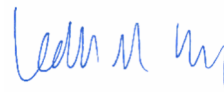
As representatives of the owner of the Property, we respectfully submit the enclosed Restrictive Covenant Termination application package. The project is titled 5209 S. Pleasant Valley Road and is approximately 2.3269-acres of land, located on the south side of Pleasant Valley Road between Terri Road E. Stassney Lane. The Property is in the Full Purpose Jurisdiction of the City of Austin.

The Property is currently zoned GO-NP (General Office – Neighborhood Plan). The Property is in the Lincoln Park Neighborhood Planning Area (NPA) of the larger Southeast Combined NPA, and it is currently developed as a Youth Center.

The existing restrictive covenant (Volume 12870, Page 0547 of the Deed Record of Travis County) states that if the use of the Property as “GO” General Office 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). The purpose of this application is to terminate the existing restrictive covenant to allow multifamily development via Affordability Unlocked Program. The SMART and Affordability Unlocked applications are in review.

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,



Leah M. Bojo
Director of Land Development & Entitlements

cc: *Joi Harden, Planning Department (via electronic delivery)*

ORDINANCE NO. 970206-E

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

LOT 1, BLOCK "C", VILLAGE SOUTH, PHASE 1 SUBDIVISION, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "GO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 5303 SOUTH PLEASANT VALLEY ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "SF-3" Family Residence district to "GO" General Office district-Conditional Overlay combining district on the property (the "Property") described in File C14-96-0127, as follows:

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,

locally known as South 5303 South Pleasant Valley Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the "GO" base district and other applicable requirements of the Land Development Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on February 17, 1997.

PASSED AND APPROVED

February 6

, 1997.

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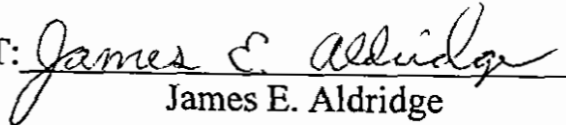
Bruce Todd
Mayor

APPROVED:



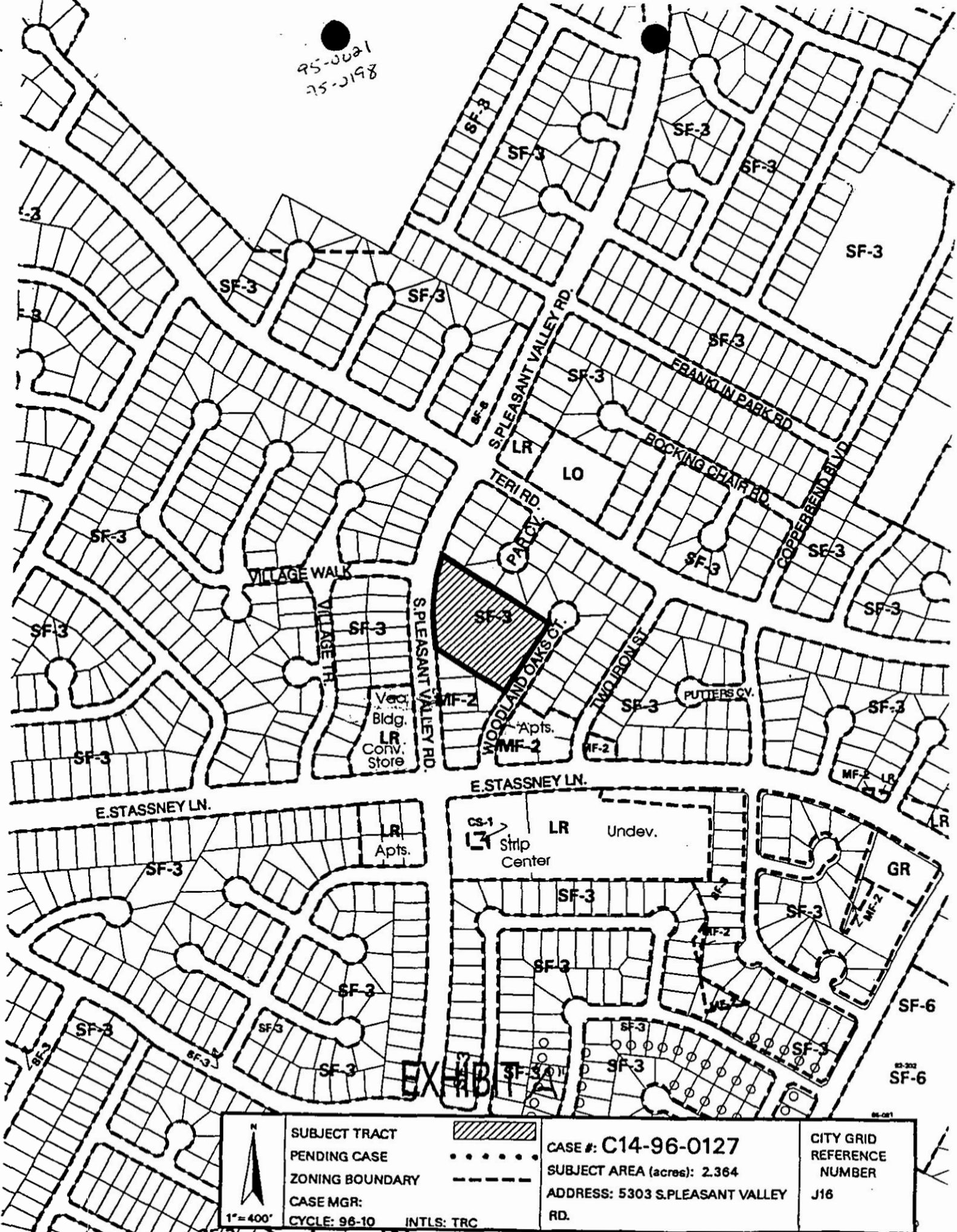
Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk

95-0021
75-0198



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR:
CYCLE: 96-10 **INTLS: TRC**

CASE #: C14-96-0127
SUBJECT AREA (acres): 2.364
ADDRESS: 5303 S. PLEASANT VALLEY RD.

CITY GRID
REFERENCE
NUMBER
J16

13.00
msfG

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

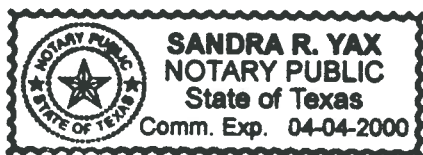
By: Albert Almanza
ALBERT ALMANZA, President

By: William N. Hawley
WILLIAM HAWLEY, Secretary

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§

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.

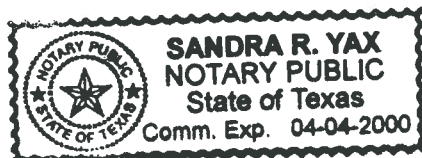


Sandra R Yax
Notary Public, State of Texas

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