

## RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-05-0151(RCT) – 8420 Longview RC Termination

DISTRICT: 5

ADDRESS: 8420 Longview Road and 3114 Cameron Loop

EXISTING ZONING: SF-6-CO

SITE AREA: 15.061 acres

PROPERTY OWNER: SB Longview LLC (Zachary Greenky)

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

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

STAFF RECOMMENDATION:

Staff recommends granting a Termination of the Restrictive Covenant.

ZONING & PLATTING COMMISSION ACTION / RECOMMENDATION:

**September 3, 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 15.06 acres and is currently undeveloped. It is located at the northwest intersection of Longview Road and Cameron Loop. The subject area was rezoned from rural residence (RR) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning in 2006. The site is surrounded by both multifamily and single family residences. *Please refer to Exhibit A (Zoning Map).*

The rezoning case included a public Restrictive Covenant that specified that development on the property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection

and Development Review Department, dated November 16, 2005. ***Please refer to Exhibit B (2006 Rezoning Ordinance and Restrictive Covenant).***

Currently there is a site plan under review for this property. The Applicant proposes to terminate the Restrictive Covenant since the previous Neighborhood Traffic Analysis (NTA) recommendations are no longer in alignment with the Austin Strategic Mobility Plan (ASMP).

**BASIS OF RECOMMENDATION:**

Staff supports the Restrictive Covenant Termination request. Transportation and Public Works also supports removing the restrictive covenant that requires the site to provide the Neighborhood Traffic Analysis (NTA) recommendations from the November 16, 2005 NTA memo since the recommendations from this NTA do not align with the Austin Strategic Mobility Plan.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	SF-6-CO	Undeveloped
<i>North</i>	SF-3; SF-4A	Single family residential
<i>South</i>	SF-3; SF-2; P	Single family residential; Park
<i>East</i>	SF-3; SF-4A; LR	Single family residential; Undeveloped
<i>West</i>	MF-2-CO	Multifamily residential

**NEIGHBORHOOD PLANNING AREA:** N/A

**WATERSHEDS:** Williamson Creek and South Boggy Creek – Barton Springs Zone

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

**SCHOOLS:** Austin Independent School District  
 Cowan Elementary School                      Covington Middle School                      Bowie High School

**COMMUNITY REGISTRY LIST:**

- |   |                                    |
|---|------------------------------------|
| Austin Independent School District        | Friends of Austin Neighborhoods    |
| Austin Lost and Found Pets                | Go Austin Vamos Austin (78745)     |
| Austin Neighborhoods Council              | Save Our Springs Alliance          |
| Brodie Lane Homeowners Association        | SELTexas                           |
| Homeless Neighborhood Association         | Sierra Club, Austin Regional Group |
| Neighborhood Empowerment Foundation       | Palomino Park HOA                  |
| Onion Creek Homeowners Association        | Preservation Austin                |
| South Austin Neighborhood Alliance (SANA) |                                    |
| TNR BCP – Travis County Natural Resources |                                    |

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0122 – 8600 Cameron Loop	RR; SF-1 to SF-3	To Grant	Approved SF-3 (12/13/2018)

RELATED CASES:

C14-05-0151 – The subject Restrictive Covenant Termination area received SF-6-CO combining district zoning on November 2, 2006 (Ord. No. 20061102-042).

SP-2024-0069C – Site plan currently under review.

ADDITIONAL STAFF COMMENTS:Austin Transportation Department – Engineering Review:

TPW supports removing the restrictive covenant that requires the site to provide the Neighborhood Traffic Analysis (NTA) recommendations from the November 16<sup>th</sup>, 2005 NTA. The recommendations from this NTA do not align with the Austin Strategic Mobility Plan.

Site Plan Review:

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

On and after July 15th, 2024, if construction is a goal, this site will need to comply with compatibility requirements based on ordinance # 20240516-004.

This site is within the Williams Hazardous Pipeline Overlay.

This site is within the Barton Springs Overlay.

PARD – Planning & Design Review:

Parkland dedication has been satisfied for the proposed development through the site plan application process.

Comprehensive Planning Review:

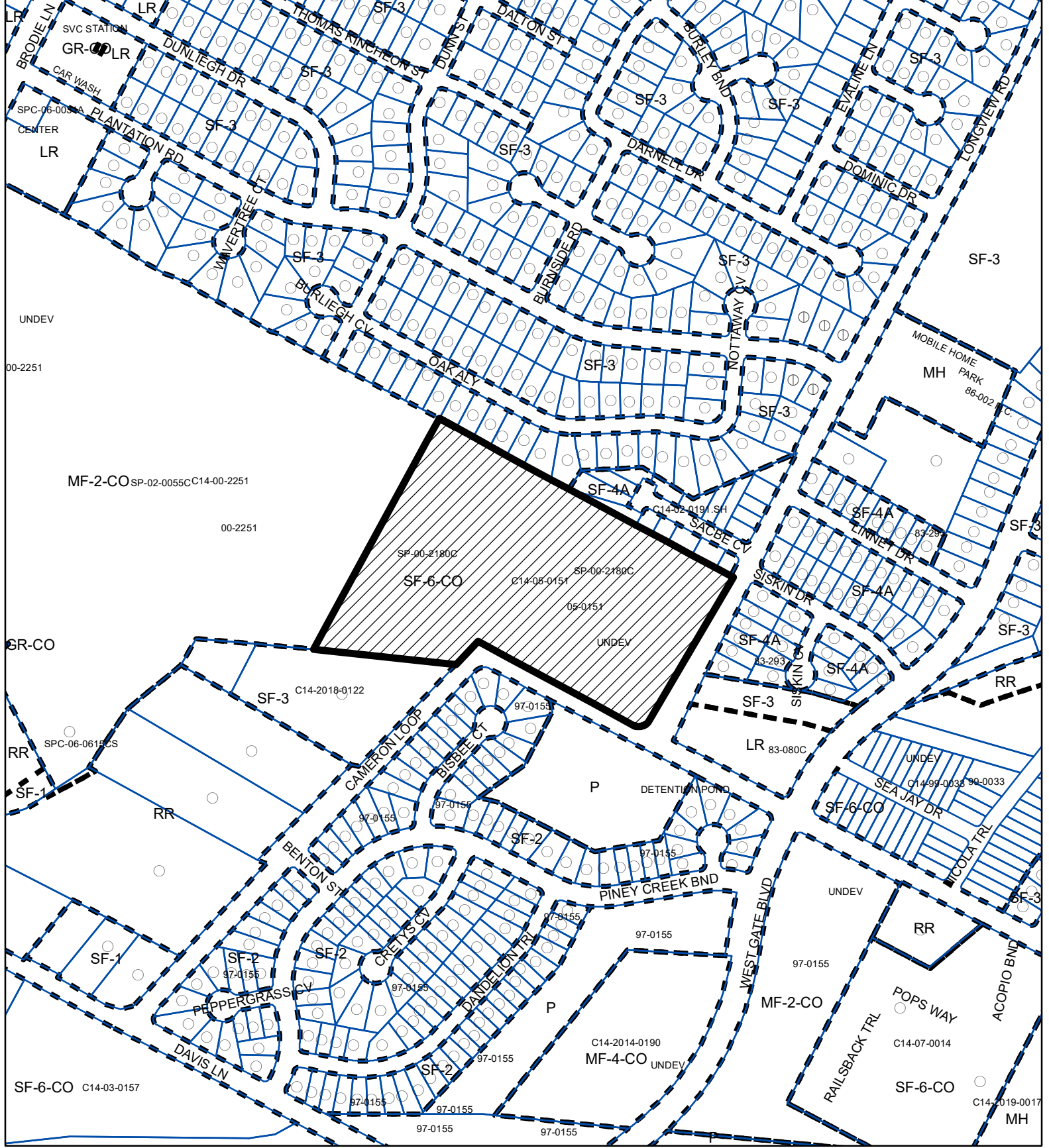
The initiation, termination or amending of a Restrictive Covenant is not under the purview of the policies of the Imagine Austin Comprehensive Plan and therefore an Imagine Austin compliance report has not been provided for this case.




INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Applicant's Summary Letter

Exhibit B: 2006 Rezoning Ordinance and Restrictive Covenant



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## Restrictive Covenant Termination

ZONING CASE#: C14-05-0151(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.



1" = 400'

**Created: 7/29/2024**

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

July 18, 2024

Joi Harden, Planning Officer  
Planning Department  
6310 Wilhelmina Delco Dr.  
Austin, Texas 78752

Subject: Restrictive covenant termination for 8420 Longview Rd. and 3114 Cameron Loop (the "Property")

Dear Ms. Harden,

On behalf of SB Longview LLC (the "Applicant"), I request that the city terminate the restrictive covenant recorded in Document No. 2006215145 of the Official Public Records of Travis County, Texas (the "Restrictive Covenant").

This request will release the Property from the provisions of a nearly 20-year-old Neighborhood Traffic Analysis (now known as Neighborhood Transportation Analyses, or "NTAs") and instead allow current rules and regulations to control.

Roughly two decades ago, a prior owner requested rezoning for the Property from Rural Residence ("RR") zoning to Townhouse and Condominium ("SF-6-CO") zoning, with a conditional overlay limiting the allowable residential density. The Property today still features this same SF-6-CO zoning and the Applicant is currently in site plan review for a project that complies with this zoning.

As part of that rezoning case, the city performed an NTA and recorded a Restrictive Covenant requiring compliance with all recommendations in the associated NTA memorandum dated November 16, 2005, including outdated pavement requirements. That Restrictive Covenant specified that it could only be terminated by a vote of the City Council.

Since 2005, the city has updated its standards and outlined its expectations for streets in a new Austin Strategic Mobility Plan. However, due to this Restrictive Covenant, the Property continues to be governed by the 2005 NTA memorandum. The applicant's proposed site plan, which the city is reviewing, reflects the city's current transportation requirements.

The Applicant requests that the city terminate this Restrictive Covenant and allow the city's current standards to control. Doing so would allow the Applicant to continue to proceed through the site plan review process and deliver new housing opportunities, in compliance with the existing zoning.

Thank you for your consideration. Please do not hesitate to reach out to me with questions or to discuss this request further.

Respectfully,



Michael J. Whellan

**ORDINANCE NO. 20061102-042**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8420 LONGVIEW ROAD FROM RURAL RESIDENCE (RR) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.**

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

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from rural residence (RR) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-05-0151, on file at the Neighborhood Planning and Zoning Department, as follows:

A 15.020 acre tract of land, more or less, out of the Theodore Bissell League, Abstract No. 3, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 8420 Longview Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

1. Development of the Property may not exceed 8.652 residential units per acre.
2. Development of the Property may not exceed 130 residential units.

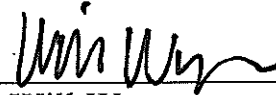
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on November 13, 2006.

**PASSED AND APPROVED**

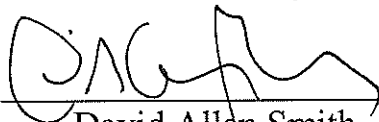
November 2, 2006

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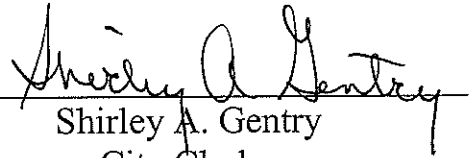
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk



C14-05-0151

# BUSH SURVEYING, INC.

1904 Fortview Road  
Austin, Texas 78704  
Phone (512) 442-0990  
Fax (512) 442-1084

EXHIBIT A

FIELD NOTE DESCRIPTION OF 15.025 ACRES OF LAND OUT OF THE THEODORE BISSELL LEAGUE, ABSTRACT NO. 3, IN TRAVIS COUNTY, TEXAS, AND BEING THAT SAME (15.00 ACRE) TRACT OF LAND CONVEYED TO THE FRENTRUP CHILDREN TRUST OF 1986 IN A DEED AS RECORDED IN VOLUME 11591 PAGE 230 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found in the northwesterly right-of-way line of Longview Road, being at the most easterly (northeast) corner of that certain (15.00 acre) tract of land conveyed to the Frentrup Children Trust of 1986, in a deed as recorded in Volume 11591 Page 230 of the Real Property Records of Travis County, Texas, and being at the most southerly corner of that certain (3 acre) tract of land conveyed to Oneta Overton Batie, et.al, in a deed as recorded in Volume 12236 Page 363 of the Real Property Records of Travis County, Texas, and being for the most easterly corner of the tract herein described,

THENCE, with the northwesterly right-of-way line of Longview Road, S 30 deg. 03' 45" W 536.07 feet to a 1/2" iron rod found for the most easterly southeast corner of this tract,

THENCE, continuing with the northwesterly right-of-way line of Longview Road, S 62 deg. 07' 34" W 21.00 feet to a 1/2" iron rod found underneath the asphalt paving of Cameron Loop, being for the most southerly southeast corner of this tract,

THENCE, with the northeasterly right-of-way line of Cameron Loop, N 59 deg. 48' 20" W 595.49 feet to a 1" iron pipe found for an interior corner of this tract, and being at an angle in the northerly right-of-way line of Cameron Loop,

THENCE, with the northwesterly right-of-way line of Cameron Loop S 46 deg. 01' 48" W 91.95 feet to a 1" iron pipe found at the most northeasterly corner of that certain (4.00 acre) tract of land conveyed to Billy Glenn Davis, et. ux., in a deed as recorded in Volume 11176 Page 1011 of the Real Property Records of Travis County, Texas, and being for an angle in the southerly line of this tract,

THENCE, with the northerly line of the Davis tract N 83 deg. 06' 46" W 450.57 feet to a 1/2" iron rod set at the most southeasterly corner of that certain (8.50 acre) tract of land conveyed to Joseph C. Gunn in a deed as recorded in Volume 2829 Page 154 of the Deed Records of Travis County, Texas, and being for the most westerly (southwest) corner of this tract, and from which another 1" iron pipe found bears N 83 deg. 06' 46" W 370.62 feet,

THENCE, with the northwesterly line of the Frentrup tract N 30 deg. 21' 05" E 824.75 to a 1/2" iron rod found 1.8 feet southwest of the southwest line of Oak Plantations, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 63 Page 94 of the Plat Records of Travis County, Texas, and being for the most northerly (northwest) corner of this tract,

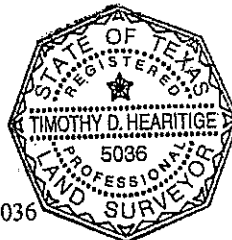
THENCE, with the northeasterly line of the Frentrup tract S 59 deg. 34' 43" E 1042.00 feet to the PLACE OF BEGINNING, in all containing 15.025 acres of land.

SURVEYED: May 4, 1999




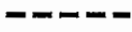
BY:

Timothy D. Hearitige

Registered Professional Land Surveyor No. 5036





 1" = 400'	SUBJECT TRACT 	<b>ZONING EXHIBIT B</b>		CITY GRID REFERENCE NUMBER <b>D16</b>
	PENDING CASE 			
	ZONING BOUNDARY 	<b>CASE #: C14-05-0151</b>	DATE: 05-10	
	CASE MGR: W. WALSH	ADDRESS: 8420 LONGVIEW RD	INTLS: SM	
SUBJECT AREA (acres): 15.020				



Zoning Case No. C14-05-0151

RESTRICTIVE COVENANT

OWNER: Flex Realty, L.P., a Texas limited partnership

ADDRESS: 6006 East Ben White Blvd., 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: A 15.025 acre tract of land, more or less, out of the Theodore Bissell League, Abstract No. 3, in Travis County, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

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

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. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 16, 2005.
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.

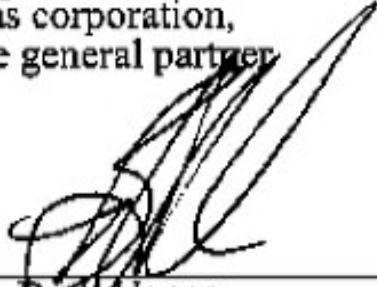
11-2-06  
# 42

EXECUTED this the 16 day of March, 2006.


**OWNER:**

**Flex Realty, L.P.,  
a Texas limited partnership**

By: Davenport Group, Inc.,  
a Texas corporation,  
its sole general partner

By:   
Brett Vance,  
its representative

APPROVED AS TO FORM:

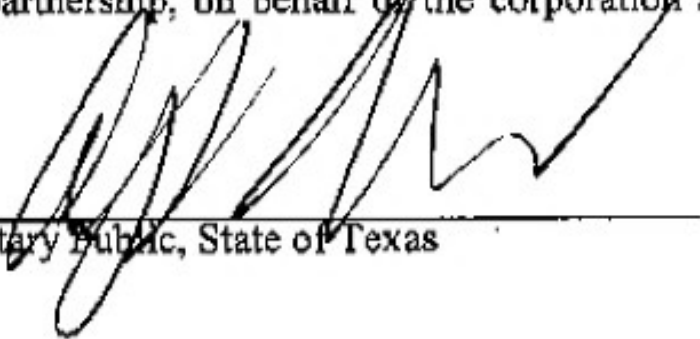
  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 16 day of March, 2006, by Brett Vance, as representative of Davenport Group, Inc., a Texas corporation, general partner of Flex Realty, L.P., a Texas limited partnership, on behalf of the corporation and the limited partnership.



  
Notary Public, State of Texas

C14-05-0151

# BUSH SURVEYING, INC.

1904 Fortview Road  
Austin, Texas 78704  
Phone (512) 442-0990  
Fax (512) 442-1004

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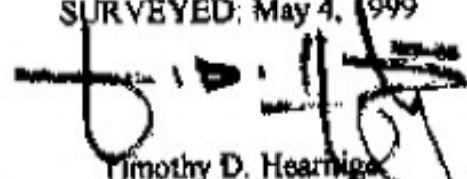
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SURVEYED: May 4, 1999  
BY:   
Timothy D. Hearlidge

Registered Professional Land Surveyor No. 5036



see accompanying map no. A 595084

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

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2005 Nov 05 01:48 PM 2005215145

BENAVIDESV \$26.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS