

## **RESTRICTIVE COVENANT TERMINATION REVIEW SHEET**

CASE: C14-079-019(RCT) – 701 and 703 E. 55<sup>th</sup> St. Public RC Termination – Parcel D

DISTRICT: 4

ADDRESS: 701 and 703 E. 55th Street

EXISTING ZONING: CS-V-CO-NP

SITE AREA: 1.08 acres

PROPERTY OWNER: River City Partners, Ltd. (T.J. Schultz)

AGENT: Dubois Bryant & Campbell, LLP (David Hartman)

CASE MANAGER: Marcelle Boudreaux (512-974-8094,  
[marcelle.boudreaux@austintexas.gov](mailto:marcelle.boudreaux@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends granting a Termination of the Restrictive Covenant.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**March 11, 2025:**

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 1.08 acres and is adjacent to Airport Boulevard, a transit-rich Imagine Austin corridor. The subject area is currently zoned CS-V-CO-NP (general commercial services – vertical mixed use building – conditional overlay – neighborhood plan) combining district. The property is located within the North Loop Neighborhood Plan Area, and is located within an area that was initiated by the City to zone certain tracts within the Neighborhood Plan area to

accommodate the -V zoning district in 2008 (Ordinance No. 20080605-069). It is currently developed with an automobile parts retail store.

The Restrictive Covenant states that the property should be developed in accordance with a site plan approved March 6, 1979, which relates to the existing development on the property.

The Applicant proposes to terminate the Restrictive Covenant to allow for development of a multifamily project on the property.

***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and C (1979 Restrictive Covenant).***

**BASIS OF RECOMMENDATION:**

Staff supports the Termination request. A rezoning request is also on file for this Parcel (C14-2025-0012) from CS-V-CO-NP to CS-V-CO-DB90-NP. A building constructed under density bonus 90 (-DB90) standards allows for a mix of residential uses and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels. City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. Further, City Council previously approved rezoning this property to allow for vertical mixed-use buildings in 2008. Therefore, the 1979 Restrictive Covenant is no longer required on the site.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	CS-V-CO-NP	Automobile Parts retail
<i>North</i>	CS-V-CO-NP	Undeveloped; Parking
<i>South</i>	CS-V-CO-NP	Automobile sales; Business support services
<i>East</i>	CS-V-CO-NP	Multifamily residential
<i>West</i>	SF-3-NP	Railroad tracks; Family residential

**NEIGHBORHOOD PLANNING AREA:** North Loop

**WATERSHED:** Tannehill Branch

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**SCHOOLS:** Austin Independent School District

Reilly Elementary

Lamar Middle School

McCallum High School

**COMMUNITY REGISTRY LIST:**

Austin Independent School District, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Homeless Neighborhood Association, North Austin Neighborhood Alliance, North Loop Neighborhood Association, North Loop Neighborhood Plan Contact Team,

Preservation Austin, Save Our Springs Alliance, Highland Neighborhood Association, Skyview Neighborhood, Ridgetop Neighborhood Association, Red Line Parkway Initiative, Highland/ Skyview Neigh. Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2024-0114 – 5210 Bruning	GR-CO-NP to GR-MU-V-CO- DB90-NP	To Grant GR-MU-V- CO-DB90-NP, as staff recommended, maintaining CO's from NP rezonings	Pending Council hearing April 10, 2025
C14-2024-0113 – 704 E 53 <sup>rd</sup> St	CS-CO-NP to CS-MU-V-CO- DB90-NP	To Grant CS-MU-V- CO-DB90-NP, as staff recommended, maintaining CO's from NP rezonings	Pending Council hearing April 10, 2025
C14-2024-0112 – 5301 Martin Ave	CS-CO-NP & SF-3-NP to CS- MU-V-CO-NP (as amended)	To Grant CS-MU-V- CO-NP, as staff recommended, maintaining CO's from NP rezonings	Pending Council hearing April 10, 2025
C14-2008-0002.001 – Northloop NP Area Vertical Mixed Use Building (V) Zoning opt in Part 2			Apvd. June 5, 2008
C14-2008-0002 – Northloop NP Area Vertical Mixed Use Building (V) Zoning opt in			Apvd. March 20, 2008
C14-02-0009 – North Loop NP Combining District rezonings			Apvd 2002

RELATED CASES:

C14-2024-0167 – Parcel A rezoning request from CS-MU-V-CO-NP & CS-V-CO-NP to CS-MU-V-CO-DB90-NP; 5600 Middle Fiskville Road; 700 E 56th Street; 702 E 56th Street; 600 E 56th Street; 501 E Koenig Ln Svr; 629 E Koenig Ln; 5601 1/2 Middle Fiskville Road; 5608 1/2 Middle Fiskville Road

C14-2025-0010 – Parcel B rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP;  
605 E 56th Street

C14-2025-0014 – Parcel C rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP;  
5500 Martin Avenue

C14-2025-0012 – Parcel D rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP;  
701 & 703 E. 55<sup>th</sup> Street

C14-2025-0015 – Parcel E rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP;  
5509 Martin Avenue & 707 E 56th Street

C14-2025-0017 – Parcel F rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 713  
E 56th Street; 5508 Middle Fiskville Road & 5502 Middle Fiskville Road

C14-2025-0016 – Parcel G rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP;  
5500 Airport Road; 5512 Middle Fiskville Road; 5515 Middle Fiskville Road

ADDITIONAL STAFF COMMENTS:

PARD – Planning & Design Review:

Parkland dedication will be required per the comments made for zoning case C14-2025-0012  
- Airport & Koenig Tracts DB90 Rezoning - Parcel D.

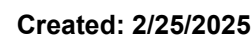
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map  
Exhibit A-1: Aerial Map  
Exhibit B: Applicant's Summary Letter  
Exhibit C: 1979 Restrictive Covenant



**Created: 1/24/2025**









**David Hartman**  
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303 Colorado, Suite 2300  
Austin, TX 78701  
[www.dbcllp.com](http://www.dbcllp.com)

November 7, 2024

Lauren Middleton-Pratt  
Director, Planning Department  
City of Austin  
6310 Wilhelmina Delco Drive  
Austin, Texas 78752

Re: Public Restrictive Covenant Termination Application for 1.080 acres located at 701 and 703 E 55<sup>th</sup> Street, Austin, Texas 78751 - Parcel D ("Property")

Dear Ms. Middleton-Pratt:

We respectfully submit the enclosed Public Restrictive Covenant Termination application for 1.08 acres located at 701 and 703 E 55<sup>th</sup> Street ("RC Termination Application") as representatives of the owner of the above stated Property.

The RC Termination Application is submitted to terminate the Public Restrictive Covenant covering 1.080 acres recorded on April 6, 1979, in Volume 6516, Page 2153 of the Deed Records of Travis County, Texas ("RC"). The RC includes the entire Property, and provides in Section 1 and 2 that the Property should be developed in accordance with a site plan approved by Planning Commission on March 6, 1979. An automotive parts store currently exists on the Property, in accordance with the site plan referenced in the RC. Sec. 6 of the RC states that it can be modified, amended, or terminated only by joint action by the City Council and the owner of the property. We are proposing to terminate the RC so that the Property will no longer be encumbered by the site plan set forth in the RC, to allow for development of a multifamily project on the Property.

If you have any questions about this application or need additional information, please do not hesitate to contact me at your convenience.

Very truly yours,

  
David Hartman

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

C14-79-019

## RESTRICTIVE COVENANT

1-99-2523

STATE OF TEXAS 0

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS 0

WHEREAS, WILSON RAVEN, of Travis County, Texas, is the owner of  
the following described property, to-wit:

Field Notes for 1.107 acres of land being all of Lot Twenty-Six (26)  
Block Twenty-Nine (29) and all of Lots 2, 3, 4, 5, 6, 7, 8, and 9 of Block  
Twenty-Eight (28) of the Highlands, a subdivision in the City of Austin, Travis  
County, Texas, according to a plat of record in Book 3 at Page 55 of the Plat  
Records of Travis County, Texas, and also including a portion of Martin Avenue  
which has been vacated by the City Council of the City of Austin; which tract  
of land containing 1.107 acres is more particularly described by metes and  
bounds as follows:

BEGINNING at a cross cut in concrete at the most westerly corner  
of said Lot 26, Block 29, said cross cut in concrete being the point of  
intersection of the east right-of-way line of H. & T. C. R.R. with the  
south line of East 55th Street;

THENCE, with the south line of East 55th Street, S59 deg. 30' E.  
251.76 feet to an iron stake at the northeast corner of Lot 9, Block 28,  
The Highlands;

THENCE, with the east line of said Block 28, The Highlands, S30 deg.  
28' W. 383.38 feet to an iron stake, set at the south corner of Lot 2  
Block 28, The Highlands, said iron stake being in the east right-of-way  
line of H. & T. C. R.R.;

THENCE, with the east line of H. & T. C. R.R., N02 deg. 49' W.  
458.70 feet to the POINT OF BEGINNING.

WHEREAS, the City of Austin and WILSON RAVEN have agreed that the  
above described property should be impressed with certain covenants and  
restrictions running with the land and desire to set forth such agreement in  
writing;

NOW, THEREFORE, WILSON RAVEN, for and in consideration of One  
and no/100 (\$1.00) Dollar and other good and valuable consideration in hand

0054 \* 2526 - 2526-9-04

DEED RECORDS  
Travis County, Texas

6516 2153



1-99-2524

to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on him, his successors and assigns, as follows, to-wit:

1. Prior to the development of the above described property, the site plan, which was reviewed by the Planning Commission at its regular meeting on March 6, 1979, and attached hereto as Exhibit "A", shall be submitted and approved by the City Council of the City of Austin.
2. The undersigned hereby agrees that if the site plans should change from that which was approved by the Planning Commission on March 6, 1979, he will re-submit a site plan for review to the Planning Commission of the City of Austin.
3. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.
4. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in no wise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.
5. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

6516 2154

1-99-2525

6. 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner of the above described property at the time of such modification, amendment or termination.

EXECUTED this 26th day of March, 1979.

  
WILSON RAVEN

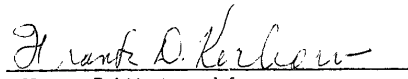
STATE OF TEXAS      0

COUNTY OF TRAVIS      0

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared WILSON RAVEN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 26th day of March, 1979.

NOTARY SEAL

  
Notary Public in and for  
Travis County, Texas

FRANK D. KERBOW  
My Commission Expires 11-30-80

6516 2155



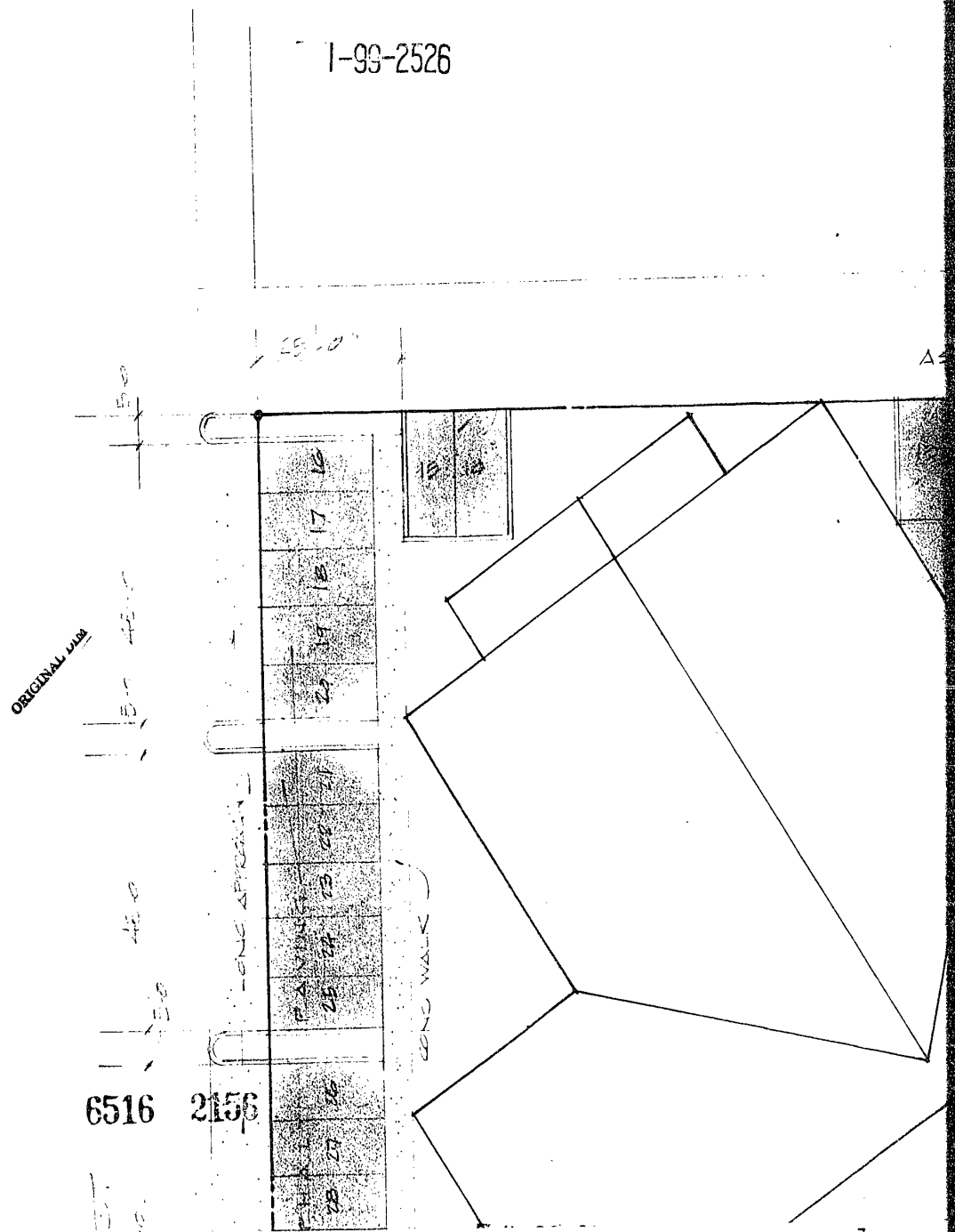
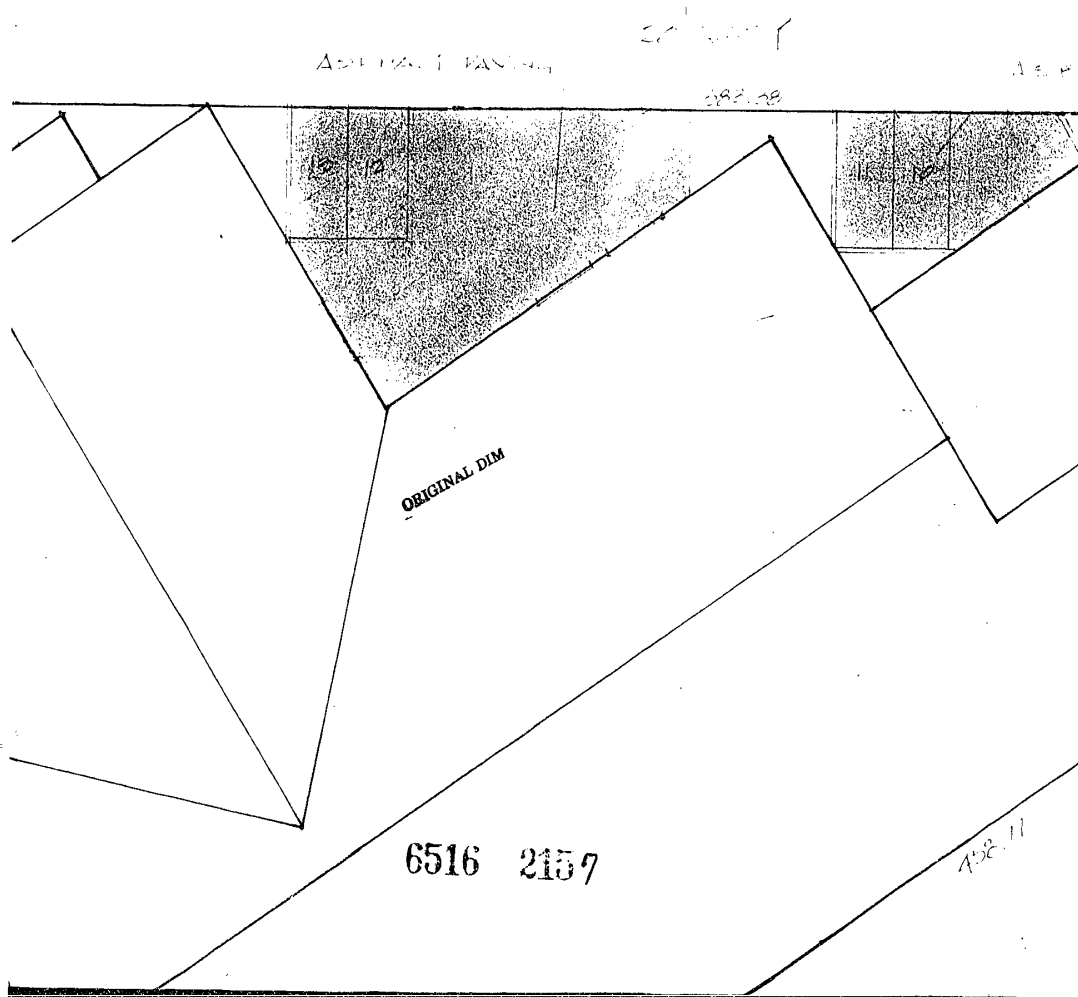


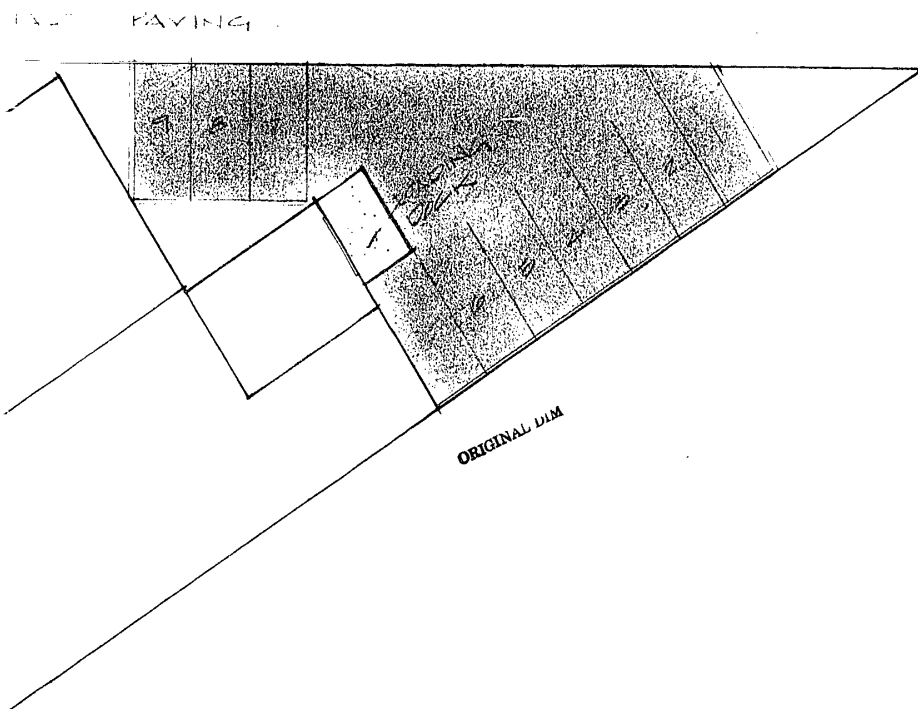
EXHIBIT "A"

1-99-2527





1-99-2528



6516 2158

1-99-2529

6516 2159



ORIGINAL DIM

6516 2160

1-33-2331

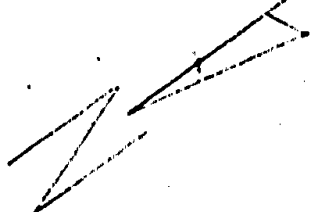
ORIGINAL DIM

PLAT PLAN

MADE BY  
DATE  
BY

6516 2161

1-99-2532



ORIGINAL DIM

$11 = 20 - 0$

25,543 中

3,503 中

1,743 中

LE AREA: 30,789 中

6516 2162

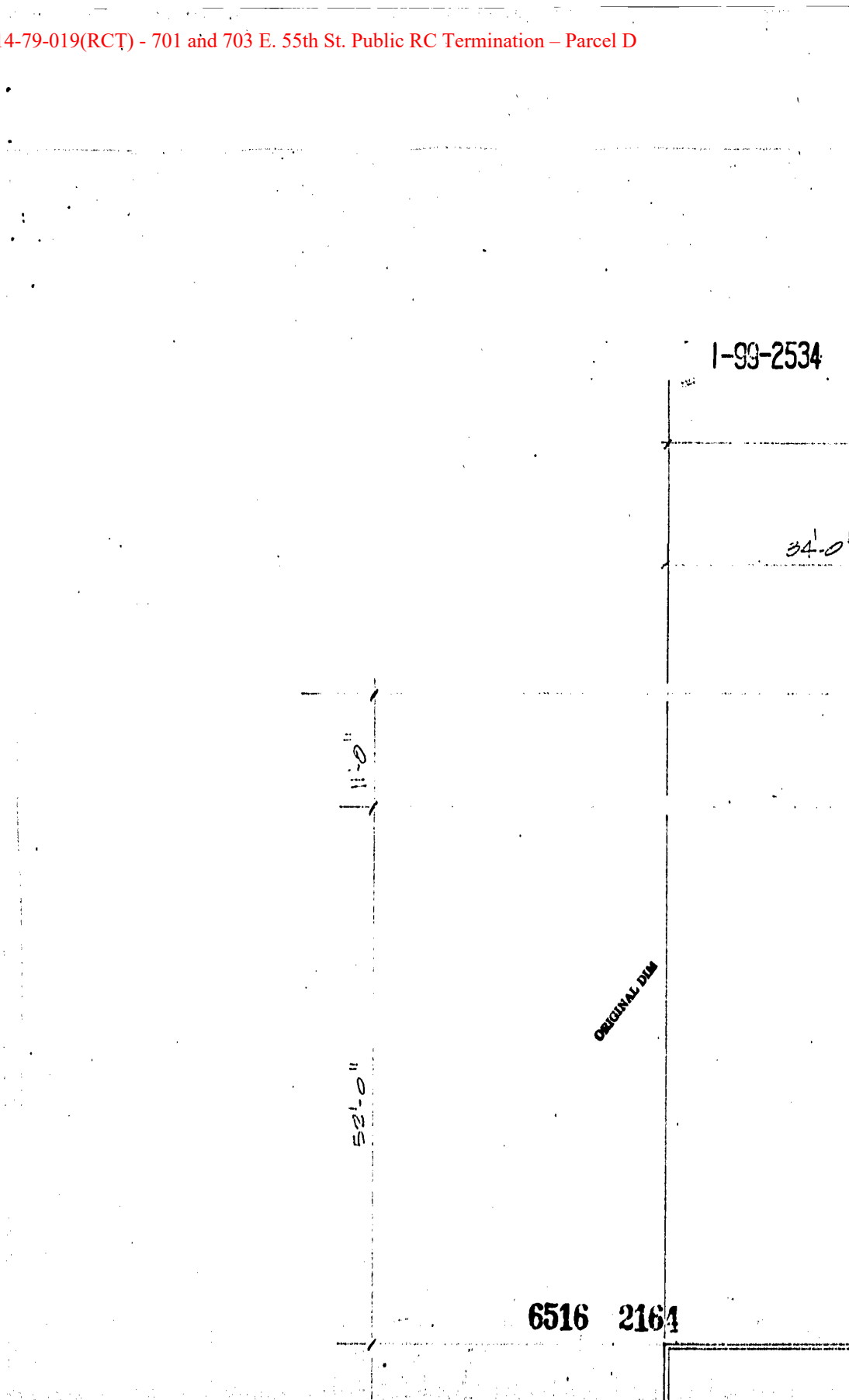


1-99-2533

ORIGINAL DIM

PRELIMINARY DRAWINGS  
NOT FOR CONSTRUCTION

KENNETH L. ALDRICH & ASSOCIATES  
ARCHITECT & PLANNER  
AUSTIN, TEXAS 78701  
6516 2163



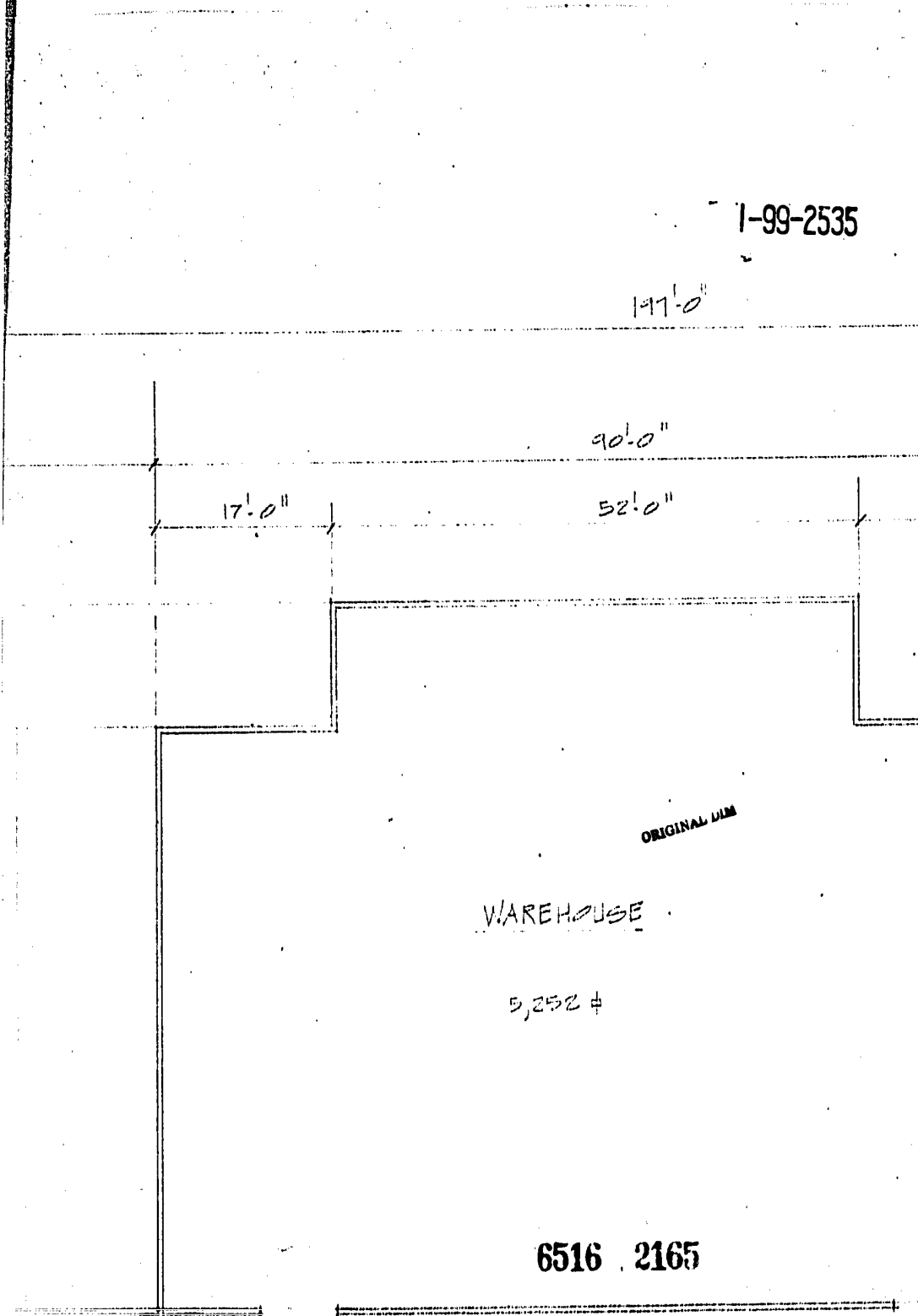


EXHIBIT "A"

1-99-2536

21'-0"

ORIGINAL DIM

6516 2166

8'x12'0" HD  
DOOR

8'x12'0" HD



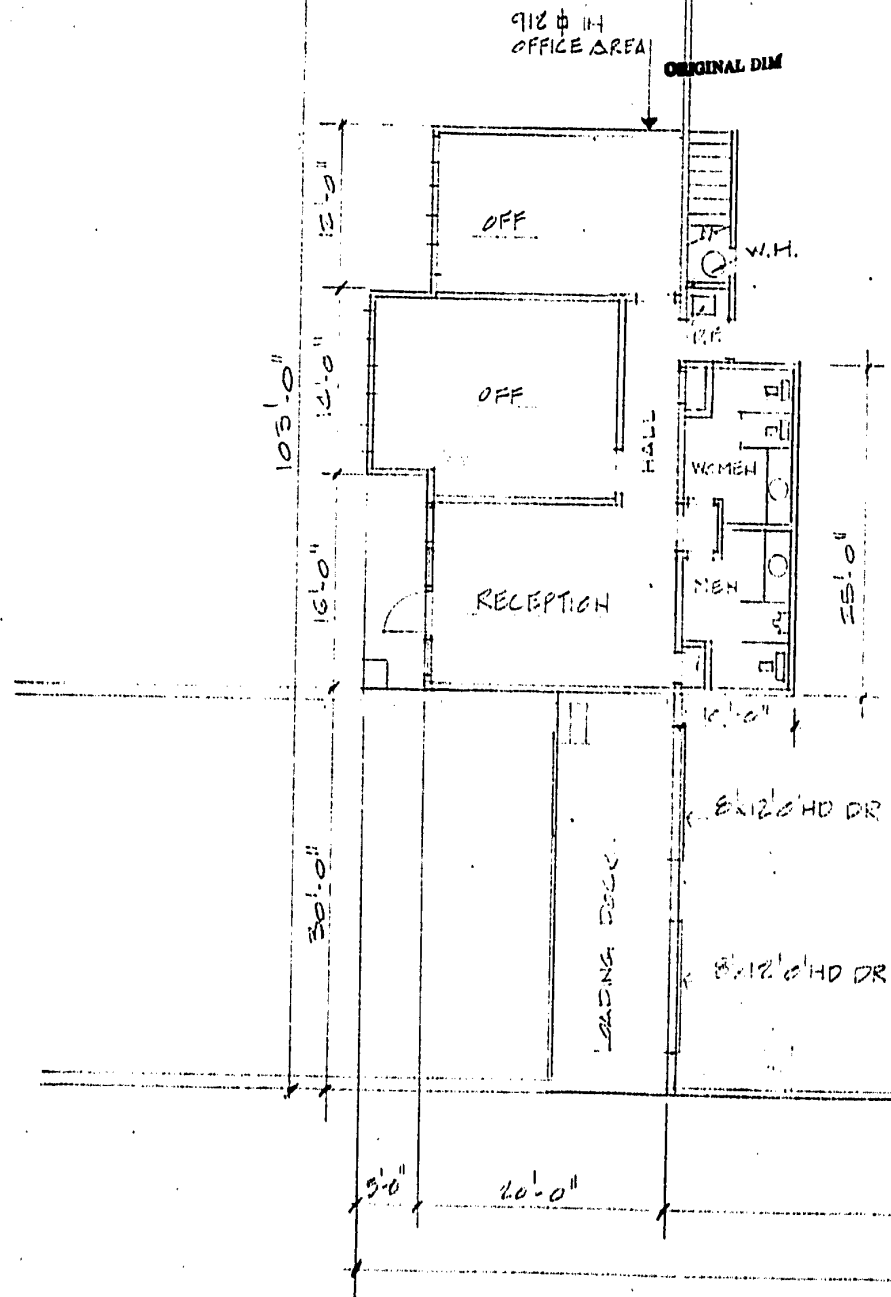
1-99-2537

50' 0"

25' 0"

ORIGINAL DIM

6516 2167



FLOOR PLAN

6516 2168

ORIGINAL DIM

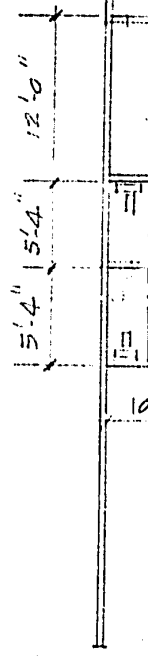
WAREHOUSE

2010 11 10

3/32" = 1'-0"

6516 2169

1-99-2540



ORIGINAL DIM

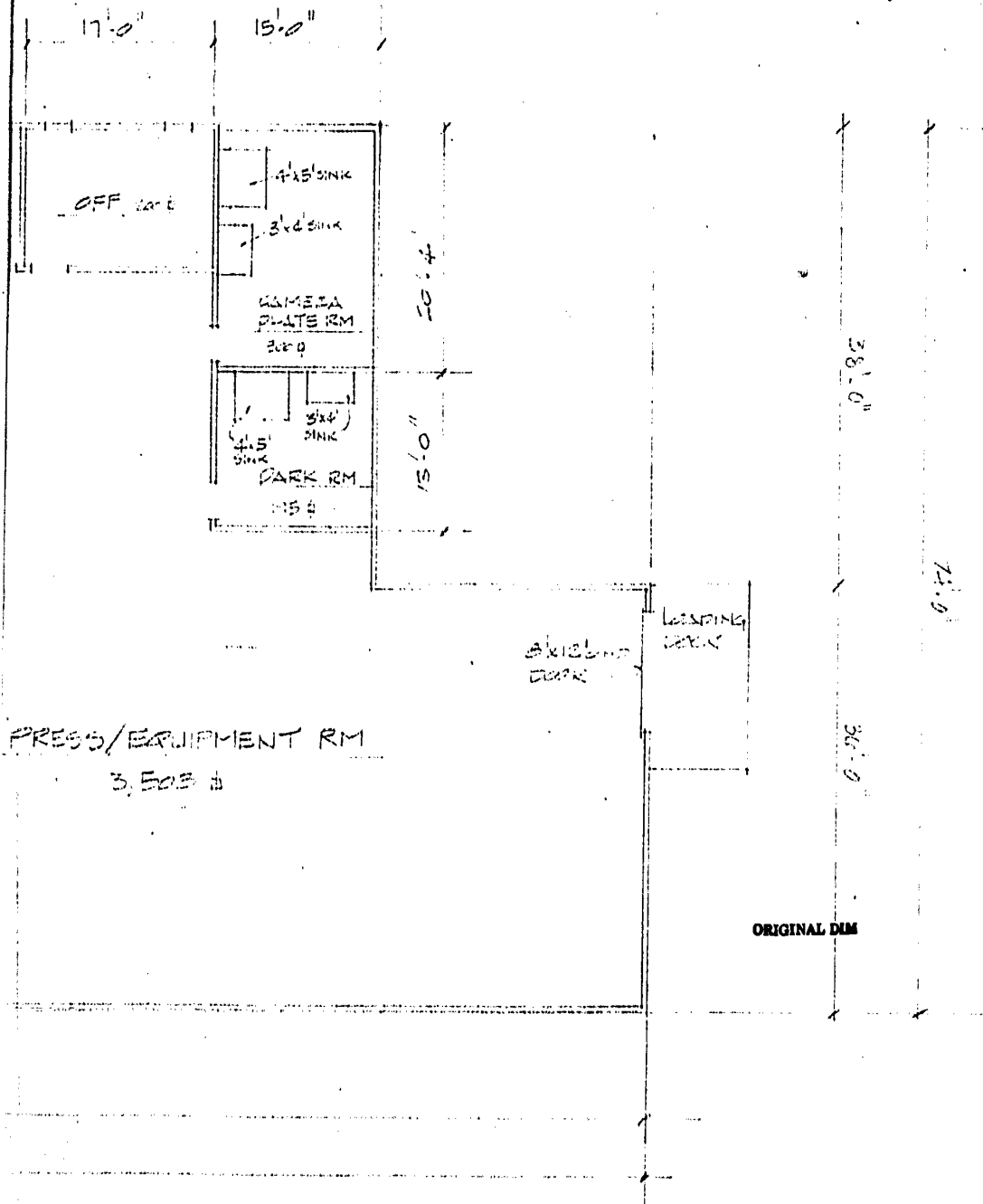
72.0'

297.0'

6516 2170



1-99-2541



PRELIMINARY DRAWINGS  
NOT FOR CONSTRUCTION

KENNETH L. ALDRICH & ASSOCIATES  
ARCHITECT & PLANNER  
AIA 6516 2171 AUSTIN, TEXAS 78701

1-99-2542

FILED

APR 6 8 22 AM '79

*Doris H. Hargrave*  
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, as Stamped hereon by me, on

APR 6 1979



*Doris H. Hargrave*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

6516 2172