RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-72-032 (RCT) – 7113 Burnet Rd

EXISTING ZONING: LO-CO-NP

ADDRESS: 7113 Burnet Road

SITE AREA: 1.1166 acres (48,638 square feet)

PROPERTY OWNER: Ronan Corporation (Craig Hopper)

AGENT: Armbrust & Brown PLLC (Michael Gaudini)

CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends granting a Termination of the Restrictive Covenant.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 23, 2020:

CITY COUNCIL ACTION:

Planned to be scheduled for July 30, 2020:

RESTRICTIVE COVENANT TERMINATION RECORDING NUMBER:

ISSUES:

No issues were identified for this request.

CASE MANAGER COMMENTS:

The subject Restrictive Covenant is less restrictive than current compatibility standards by Code. At the time that the subject property zoning was changed from residential to office, the Restrictive Covenant was provided to increase the setback between the office and the houses on Hardy Circle.

Applicant is requesting the termination of the Restrictive Covenant which established a twenty-foot building setback from the north property line of the 48,638 square foot tract of land that was rezoned from residential to office in 1973 (Ordinance No. 73 0628-D).
The Restrictive Covenant is recorded in volume 4674, page 2281 of the Deed Records of Travis County, Texas. Paragraph number 1. “No Building or any part thereof shall be located within twenty (20) feet of the north property line of said property”. Please refer to Exhibit “A”.

The standard building setback to an internal property line, in the office zoning district is five feet when the office is surrounded by other offices or commercial zoning and use. The Restrictive Covenant provided additional setback from the detached family residences on north of the tract being rezoned to office.

Compatibility Standards in Article 10 (LDC 25-2-1063) apply to the subject site because it is located next to SF-3-NP zoning and the development site is bigger than 20,000 square feet. The minimum setback is 25 feet from SF-5 or more restrictive zoned land and it applies to the new building, the drive aisle and parking lots. There are also requirements for landscape buffering and screening (LDC 25-2-1066) in the area between multi-family buildings and buildings in the SF-5 or more restrictive districts.

**BASIS OF RECOMMENDATION:**

Staff supports the Termination request. The Restrictive Covenant was created in 1973 before the City Code had Compatibility Standards. The current Land Development Code, with Compatibility Standards for setbacks, building heights and screening requirements provides better transitions between detached residences and other uses including the proposed multi-family residential use.

**EXISTING ZONING AND LAND USES:**

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>CS-1-CO-NP, CS-CO-NP,</td>
<td>Bar/Restaurant, coffee shop, personal services, auto repair, vehicle storage</td>
</tr>
<tr>
<td></td>
<td>LO-CO-NP</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>CS-CO-NP, SF-3-NP</td>
<td>Retail with restaurants, retail specialty stores and freestanding restaurant, detached residences</td>
</tr>
<tr>
<td>South</td>
<td>MF-3-NP, GR-MU-CO-NP,</td>
<td>Car storage lot, former restaurant</td>
</tr>
<tr>
<td></td>
<td>GR-V-CO-NP</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>SF-3-NP</td>
<td>Detached residences</td>
</tr>
<tr>
<td>West</td>
<td>(across Burnet Road) CS, SF-2</td>
<td>Car rental and sales, personal services</td>
</tr>
</tbody>
</table>

**NEIGHBORHOOD PLANNING AREA:** Crestview/Wooten Combined Neighborhood Plan Ordinance 040401-Z-2

**TIA:** Deferred to site plan.

**WATERSHED:** Shoal Creek - Urban  
70% Impervious coverage maximum in MF-4  
80% Impervious coverage maximum in MF-6
OVERLAYS: ADU Approximate Area Reduced Parking Neighborhood Planning Areas:
CRESTVIEW Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:
Brentwood Elementary  Lamar Middle  McCallum High

NEIGHBORHOOD ORGANIZATIONS
Austin Independent School District  Homeless Neighborhood Association
Austin Lost and Found Pets  NW Austin Neighbors
Austin Neighborhoods Council  Neighborhood Empowerment Foundation
Bike Austin  North Austin Neighborhood Alliance
Crestview Neighborhood Assn.  SELTexas
Crestview Neighborhood Plan Contact Team  Shoal Creek Conservancy
Friends of Austin Neighborhoods  Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

<table>
<thead>
<tr>
<th>Number</th>
<th>Request</th>
<th>Commission</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14-04-0004</td>
<td>Add a NP to the base zoning districts on approximately 650.5 acres of land generally known as the Crestview Neighborhood Plan and to change the base zoning district on 43 tracts of land.</td>
<td>To Grant</td>
<td>Apvd. 04/01/2004</td>
</tr>
</tbody>
</table>

RELATED CASES:

C14-2020-0016 – Request to rezone from CS-1-CO-NP, CS-CO-NP, LO-CO-NP to MF-6-NP for multi-family residences.
EXISTING STREET CHARACTERISTICS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Existing ROW</th>
<th>ASMP Required ROW</th>
<th>Pavement</th>
<th>ASMP Classification</th>
<th>Sidewalks</th>
<th>Bicycle Route</th>
<th>Capital Metro (within ¼ mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burnet Rd.</td>
<td>~122’</td>
<td>120’</td>
<td>55’</td>
<td>Level 4</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

INDEX OF EXHIBITS TO FOLLOW Exhibit A:
- Zoning Map
- Exhibit B: Aerial Map
- Exhibit C: Letters From Interested Parties
Restrictive Covenant Termination

ZONING CASE#: C14-72-032(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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 3/5/2020
Graham, Mark

From: Chip Harris <austinchip@hotmail.com>
Sent: Tuesday, May 19, 2020 12:23 AM
To: Michael Gaudini
Cc: Meredith, Maureen; mglavigne@gmail.com; sheryl sherman (Taulbee); Graham, Mark; Brinsmade, Louisa; Pool, Leslie; Greathouse, Stevie; Dugan, Matthew; Rhoades, Wendy; MWhellan@abaustin.com
Subject: Re: Crestview NPCT Rec: 7113 Burnet Rd

Michael,

I just wanted to check back with you about the compromise package that you’ve proposed. I haven't received a response from you since I sent my request in an email last week (see below), but I realize that you’ve probably been very busy lately. Please forward the details of the package to me at your convenience.

Thank you,
Chip Harris, Facilitator
Crestview Neighborhood Plan Contact Team

From: Chip Harris <austinchip@hotmail.com>
Sent: Wednesday, May 13, 2020 12:39 AM
To: Michael Gaudini <MGaudini@abaustin.com>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; mglavigne@gmail.com <mglavigne@gmail.com>; sheryl sherman (Taulbee) <sherylmsherman@gmail.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Stevie Greathouse (COA CT) <stevie.greathouse@austintexas.gov>; Matthew.Dugan@austintexas.gov <Matthew.Dugan@austintexas.gov>; Wendy Rhoades (COA - Cullen Ofc) <wendy.rhoades@austintexas.gov>; austinchip@hotmail.com <austinchip@hotmail.com>
Subject: Re: Crestview NPCT Rec: 7113 Burnet Rd

Michael,

I would like to address the status of the project at 7113 Burnet Road. As you know, in my capacity as Facilitator of the Crestview Neighborhood Plan Contact Team (CNPCT), I had scheduled a meeting for March 24th, 2020 for the contact team members to discuss the proposed NPA and zoning change for the property, but it was cancelled due to the city of Austin's March 17 announcement limiting meetings to 10 people or less.

I've been informed that you have proposed a compromise package. If convenient, please forward that information to me and I will reach out to those folks that have shown an interest in the development to obtain their feedback and report back to you.

Thank you,
Chip Harris, Facilitator
Crestview Neighborhood Plan Contact Team
Hi Chip, thanks for including me in your response. I agree that, given current circumstances, community events relating to 7113 Burnet Road should be postponed.

I hope you all are taking good care, staying healthy, and managing as well as possible in these challenging days.

Best,

Leslie

Leslie Pool
Council Member, District 7
Austin City Council
512.978.2107

On Mar 22, 2020, at 9:13 PM, Chip Harris <austinchip@hotmail.com> wrote:

Dear Maureen Meredith,

Thank you for your email.

On March 17, the city of Austin issued an order prohibiting gatherings of more than 10 people through at least May 1, 2020. As a result of this gathering prohibition, the Crestview Neighborhood Plan Contact Team (CNPCT) will not be able to hold the March 24th, 2020 meeting that had been previously scheduled and had been announced at the March 3, 2020 meeting that you held at the Episcopal Church of the Resurrection.

The agenda for that March 24th meeting of the CNPCT was to discuss the proposed NPA and zoning changes for 7113 Burnet Road and to vote on recommendations on those proposed changes.

Given the circumstances we find ourselves in regarding the coronavirus and the prohibition of gatherings of more than 10 people, I’m hopeful that you will postpone the April 14th PC and the May 7th CC hearing dates in order to allow the CNPCT an opportunity to both provide a meeting notice to its members and to hold a meeting to discuss the proposed changes. Please keep me informed.

Thank you,
Dear Crestview NPCT:

We are aiming to have the NPA and zoning case for 7113 Burnet Road on the April 14 PC hearing and the May 7 CC hearing dates. Our case reports are due on April 7 at 4:30 p.m. If you’d like your letter of recommendation added to staff reports, please email it to me and Mark no later than that date and time. If we get it after then, it won’t be in the staff reports, but we can distribute it at the public hearing on April 14.

At this point, I haven’t heard if the public hearings will be cancelled or not, so I will continue to move forward until I hear otherwise. I will keep you posted if anything changes.

Please let me know if you have any questions.

Maureen

Maureen Meredith, Senior Planner
City of Austin, Planning and Zoning Dept.
Mailing Address: P.O. Box 1088 (78767)
Physical Address: 505 Barton Springs Rd, 5th Floor
Austin, Texas 78704
Phone: (512) 974-2695
Maureen.meredith@austintexas.gov

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