ZONING CHANGE REVIEW SHEET

<u>CASE</u>: C14-93-0047(RCA) - 1116 & 1120 W. Howard Lane RCA <u>DISTRICT</u>: 7

ADDRESS: 1116 West Howard Lane and 1120 & 1120 1/2 West Howard Lane

<u>OWNER/APPLICANT</u>: Howard Route Center, Ltd., Barr Properties Ventures, LLC, C&T Shops on Howard Lane, Ltd.

AGENT: Drenner Group, PC (Amanda Swor)

ZONING: CS-CO, GR-CO AREA: 13.927 acres

REQUEST:

The applicant is proposing to amend a previously approved public restrictive covenant to remove Lot 6A and to update the legal description of the remaining lots, 3-A-B, 4-A and 5-A, subject to the original RC, to include all of current Lot 3-A-B. This will allow Lot 3-A-B to remain in compliance with impervious cover requirements as Lots 3-A-B, 4-A, and 5-A will be construed as a "single site" going forward.

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends the proposed amendment to the public restrictive covenant.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

June 17, 2025: Granted staff's request for an indefinite postponement by consent (9-0, L. Osta-Lugo-absent); B. Greenberg-1st, R. Puzycki-2nd.

October 7, 2025: Approved the staff's recommendation for the RCA by consent (6-0, A. Flores, S. Boone, A. Cortes and C. Tschoepe-absent); R. Puzycki-1st, L. Osto-Lugo-2nd.

CITY COUNCIL ACTION:

November 6, 2025

ORDINANCE NUMBER:

DEPARTMENT COMMENTS:

In this case, the applicant is requesting to amend a public restrictive covenant that was recorded in 1994 in association with zoning case C14-93-0047. The applicant is asking to remove Lot 6A from the restrictive covenant. The remaining lots, Lots 3-A-B, 4-A and 5-A, are still subject to the existing covenant with updated/corrected legal descriptions of those remaining lots as they have since been replatted.

The representatives for this case have revised their application from the original restrictive covenant termination request to a restrictive covenant amendment request. The proposed RCA is intended to resolve impervious cover comments from the Environmental staff. It was determined during review of this application that Lot 3-A-B as currently developed has more than 80% impervious cover and if the original restrictive covenant is terminated it will be out of compliance with city code. Therefore, Lot 3AB will now remain subject to the restrictive covenant and be construed as a single site along with Lots 4A and 5A, while separating Lot 6A, as it has a different owner. Since the filing date of that original Restrictive Covenant, the property has been replatted twice and amended such that it is now platted as four lots, Lots 3-A-B, 4-A, 5-A, and 6-A, and Lot 3-A-B includes additional property that was not part of the original restrictive covenant. In addition, Lot 6-A was subsequently sold to a separate entity and is part of a separate development (*please see Applicant's Request Letter - Exhibit C and Proposed Redlined Original Restrictive Covenant - Exhibit D*).

The staff recommends the applicant's request to amend the conditions of this public restrictive covenant because the property has been replatted and Lot 6-A is no longer part of this site and is under separate ownership.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|-------|--------------|---|
| Site | CS-CO | Limited Warehousing and Distribution (Route Service |
| | | Centers, Inc.) |
| North | CS-MU-CO | Undeveloped |
| South | GR-CO, CS-CO | Restaurant (Wings N More), General Retail Sales General |
| | | (Home Depot) |
| East | County | Multifamily (Villas Tech Ridge) |
| West | SF-2, CS-CO | Retail (The Shops at Howard Lane Retail Center: Charm |
| | | Korean BBQ, The Beauty Dispensary, Hoy Elo Tesii, |
| | | Clinica Mazaret, Cash Express, Panaderia Taqueria, Los |
| | | Hermanos Supermercado, Blue Water Liquor Store, |
| | | Tattoos, Ka-Prow Thai Sushi) |

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Walnut Creek, Harris Branch Watersheds

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets,
Friends of Austin Neighborhoods,
Homeless Neighborhood Association,
Neighborhood Empowerment Foundation,
North Growth Corridor Alliance,
Pflugerville Independent School District,
SELTexas,
Save Our Springs Alliance,
Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

| NUMBER | REQUEST | PLANNING COMMISSION | CITY COUNCIL | | |
|---------------|-------------------|---|---|--|--|
| C14-02-00111 | Tract 1: GR-CO to | 10/15/02: Approved staff's | 12/05/02: Granted GR-CO for | | |
| (Shops on | GR | recommendation of GR-CO; | Tract 1 and CS-CO for Tract 2 on | | |
| Howard Lane: | | CS-CO zoning with added | all 3 readings (7-0) | | |
| 1200 Block of | Tract 2: CS-CO to | condition to prohibit | | | |
| West Howard | CS | Automotive Sales; by consent | | | |
| Lane) | | (7-0, D. Castaneda-absent); J. | | | |
| | | Martinez-1 st , A. Adams-2 nd . | | | |
| C14-00-2099 | SF-2, GR to CS | 10/17/00: Approved staff rec. | 12/14/00: Approved CS-CO | | |
| | | of CS-CO; with no adult | w/additional prohibited uses | | |
| | | oriented businesses (8-0) | (7-0); all 3 readings | | |
| C14-98-0212 | I-RR to CS | 12/15/98: Approved GR-CO | 1/14/99: Approved PC rec. of GR- | | |
| | | w/conditions for front to match | CO w/ conditions 97-0); 1 st | | |
| | | existing GR and CS-CO for | reading | | |
| | | remainder of property, prohibit | | | |
| | | auto repair and auto washing | 4/15/99: Approved CS-CO w/ | | |
| | | except for on-site tenants (5-2, | conditions (7-0); 2 nd /3 rd readings | | |
| | | GW/DS-Nay) | | | |
| C14-96-0131 | SF-2 to GR | 12/10/96: Approved staff rec. | 1/09/97: Approved GR-CO w/ | | |
| | | of GR (9-0) | conditions (7-0); 1 st reading | | |
| | | | | | |
| | | | 3/20/97: Approved GR-CO w/ | | |
| C14 02 004 | ~~ ~~ | 107/00 | conditions (7-0); 2 nd /3 rd readings | | |
| | | 4/27/93: Approved GR-CO | 6/17/93: Approved GR-CO and | | |
| | | (6-0) | CS-CO (7-0); $2^{\text{nd}}/3^{\text{rd}}$ readings | | |

RELATED CASES:

C14-02-0111, C14-98-0212, C14-95-0112, C14-93-0047 - Previous Zoning Cases C8-04-0162.0A, C8-04-0084.0A - Subdivision Cases SP-95-0066C, SP-00-2082C, SP-04-0181D – Site Plan Cases

OTHER STAFF COMMENTS:

Comprehensive Planning

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.

Environmental

Please contact me to discuss the current lot configuration and existing impervious cover. It may not be possible to remove the restrictive covenant if the undeveloped area is needed to make the developed area comply with watershed impervious cover limits.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required per the comments made for zoning case C14-2024-0183 - 1120 West Howard Lane.

Site Plan

No site plan comments at this time. Comments will be made at the time of site plan submittal.

Transportation

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

The adjacent street characteristics table is provided below:

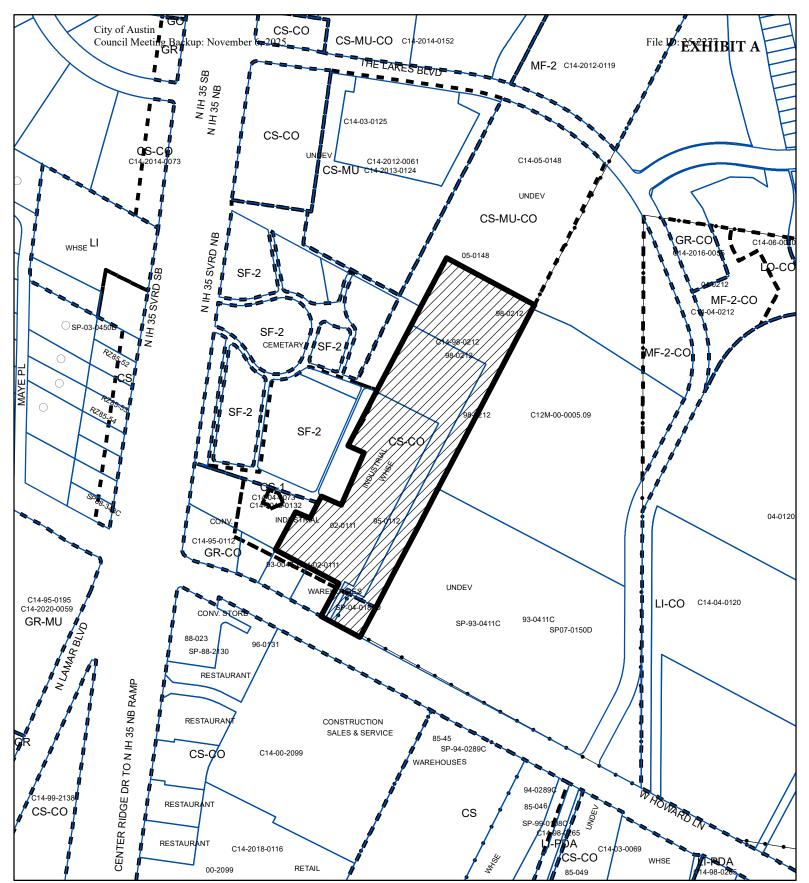
| Name | ASMP Classification | ASMP Required ROW | Existing ROW | Existing Pavement | Sidewalks | Bicycle Route | Capital Metro (within ¼ mile) |
|-------------|------------------------|-------------------------|-----------------|----------------------|-----------|------------------|--|
| W Howard Ln | Level 3 | 116' | 128' | 98' | Yes | No | Yes |

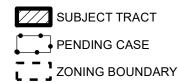
Water Utility

No review required.

INDEX OF EXHIBITS TO FOLLOW

- A: Case Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Proposed Redlined Amendment to the Restrictive Covenant





Restrictive Covenant Amendment

ZONING CASE#: C14-93-0047(RCA)

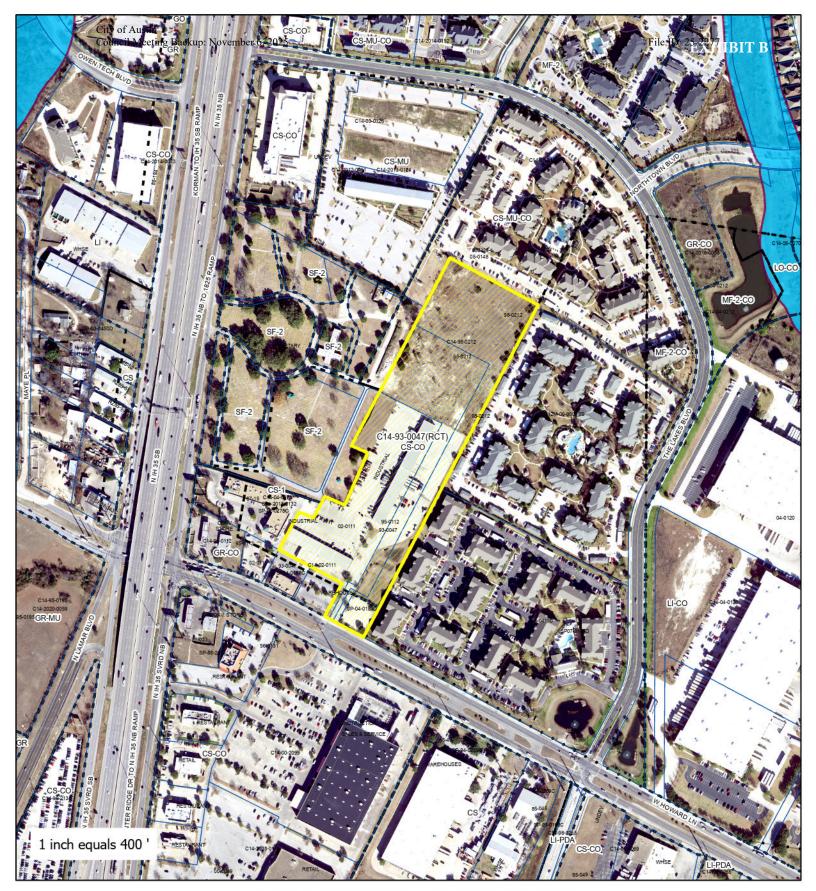
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



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: 12/26/2024







ZONING BOUNDARY

PENDING CASE

SUBJECT TRACT

CREEK BUFFER



ZONING CASE#: C14-93-0047(RCT) LOCATION: 1116, 1120, 1120 1/2 W. Howard Ln.

SUBJECT AREA: 13.927 Acres MANAGER: Sherri Sirwaitis



Created: 1/8/2025

Council Meeting Backup: November 6, 2025

Amanda Swor
aswor@drennergroup.com

512-807-2904



March 20, 2025

Ms. Lauren Middleton-Pratt Housing and Planning Department City of Austin 6310 Wilhelmina Delco Dr. Austin, TX 78752 <u>Via Electronic Delivery</u>

Re:

1116 & 1120 West Howard Lane RCT — Amended request for the Restrictive Covenant Termination application, case number C14-93-0047(RCT), for the approximately 13.927-acre property located at 1116 & 1120 West Howard Lane in Austin, Travis County, Texas 78753 (the "Property")

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully request to amend the aforementioned Restrictive Covenant Termination ("RCT") application package. The project case is under review by City staff per City of Austin case number C14-93-0047(RCT) and was originally submitted on December 17, 2024. This application accompanies a rezoning application for that certain 13.527-acre portion of the Property titled 1120 West Howard Lane, City of Austin case number C14-2024-0183.

The purpose of the initial RCT request was to terminate that certain Restrictive Covenant for zoning case number C14-93-0047, dated October 19, 1993, recorded in Volume 12123, Page 45 of the Real Property Records of Travis County, Texas (the "Original RC"). This Original RC requires that Lots 3, 4, and 5, ROUTE SUBDIVISION be construed as a single site for the purposes of site plan review, modification, or approval. The terms of this Original RC are no longer feasibly applicable. Since the filing date of that original Restrictive Covenant, the property has been replatted twice and amended such that it is now platted as four lots, Lots 3-A-B, 4-A, 5-A, and 6-A, and Lot 3-A-B includes additional property that was not included in the Original RC. In addition, Lot 6-A was subsequently sold to a separate entity and is part of a separate development.

In the process of clearing comments from City reviewers, it was determined during review that Lot 3-A-B as currently developed has more than 80% impervious cover, and therefore, if the Original RC is terminated, it will be out of compliance with City Code. As such, we are now requesting to change our RCT application to a Restrictive Covenant Amendment application (the "RCA") to remove Lot 6A and to update the legal description of the remaining lots, 3-A-B, 4-A and 5-A, subject to the Original RC, to include all of current Lot 3-A-B. This will allow Lot 3-A-B to remain in compliance with impervious cover requirements as Lots 3-A-B, 4-A, and 5-A will be construed as a "single site" going forward.

We are including a revised RCA application form with this request letter. The RCA is for the entire Property and is authorized by all current owners of the Property subject to the Original RC.

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.

Very Truly Yours,

Amanda Swor

cc: Sherri Sirwaitis, Planning Department (via electronic delivery)

Barr,

OWNER:

RESTRICTIVE COVENANT TO BE AMENDED

EXHIBIT D FILM CODEFile ID: 25-2277

00005095442

FMS Fit 9573

RESTRICTIVE COVENANT

ZONING FILE NO. C14930047

composed of Len H. Layne, Joe E. Lee and Donald B.

5.80 RECM FOR 3115 Ph 0373 4 02/14/94 1.85 SEC Stif Pm - 0777 1 + 02/14/94 IB5-DESSAU ROAD JOINT VENTURE, a Texas joint venture 10.39-CHK4

ADDRESS: 9701 DESSAU ROAD, #801, AUSTIN, TEXAS

THE CITY OF AUSTIN, a home-rule city, municipal CITY: corporation and political subdivision of the State of Texas, in Travis County, Texas

THE CITY COUNCIL OF THE CITY OF AUSTIN CITY COUNCIL:

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid by the Owner to the tity of Austin, the receipt and

sufficiency of which is acknowledged.

WHEREAS, 135-DESSAU ROAD JOINT VENTURE, a Texas joint venture, is the owner of certain real property located in the City of Austin, Travis County, Texas, and described as follows, to-wit:

Lots Three (3), Four (4) And Five (5), ROUTE SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat the tecorded in Volume 92/ Pages 41/and 42/Plat/Redords//Pravis/County Texas/ and

WHEREAS, I35-Dessau Road Joint Venture, as owner of the Property, and the CITY OF AUSTIN, TEXAS, a municipal corporation, TRACT 3: have agreed that the above-described Property should be impressed with certain covenants running with the land and desire to set forth such covenants in this Restrictive Covenant;

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants and agreements hereinafter set forth, 135-DESSAU ROAD JOINT VENTURE and the CITY OF AUSTIN, TEXAS do hereby agree that said Property shall be held & sold and conveyed subject to the covenants and agreements impressed upon the Property by this restrictive covenant, and shall be deemed and construed as covenants and agreements running with the land which shall be binding upon its successors and assigns, as fallows;

ror the purpose of site plan review, modification o approval by the City of Austin Lots Three (3), Four (4) and Flye (5), ROUTE SUBDIVISION, shall be construed as a single sixe modifications of Lots Three/(3), four/(4) and Five/Rourk SUBDIVISION, shall be construed as a modification to a single

DELETE P AND REPL

XGMI 60.9

1 4 02/14/94

TRACT 1:

TRACT 2:

site, requiring review of all three lots in accordance with the propient code of the City of Mustip.

- 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 of the Property at the time of such modification, amendment or termination.

All citations to the Austin City/Code shall refer to the Austin City Code of 1992, as amended from time to time, unless otherwise specified. When the context requires, singular nouns and pronouns include the plural.

135-DESSAU ROAD JOINT VENTURE a Texas joint venture

By: hen / lann

Len H. Layne

Joe E. Lee

By: Donner BBa

Donald B Barr

10/19/53

REAL PROPERTY RECORDS

45 to Recordy Place Roturn E.
Rick VoushAllen
Conning lan Allen City of Austin Council Meeting Backup: November 6, 2025 13 3103 Bae Caver Rd., Surt 302 Austur 74 78746 STATE OF TEXAS COUNTY OF TRAVIS This instrument was acknowledged before me on this of October, 1993, by Len H. Layne, Joint Venturer of 135-Dessau Road Joint Venture, a Texas joint venture, on behalf of said joint ventures. MY COMMISSION, EXPIRES: PUBLIC, STATE OF JEANNE C. SMÍTH COMMISSION EXPIRES FEBRUARY 2, 1996 PRINTED NAME OF NOTARY PUBLIC THE STATE OF TEXAS COUNTY OF TRAVIS This instrument was acknowledged before me on this 19 day of October, 1993, by Joe E. Lee, Joint Venturer of I35-Dessau Road Joint Venture, a Texas joint wenture, on behalf of said joint venture. MY COMMISSION EXPIRES: MARY BRADLEY Notary Public, State of Texas My Commission Expires PRINTED NAME OF NOTARY PUBLIC JAN. 16, 1994 THE STATE OF TEXAS COUNTY OF TRAVIS This instrument was acknowledged before me on this of October, 1993, by Donald B. Barr, Joint Venturer of 135-Dessau Road Joint Venture, a Texas joint venture, on behalf of said joint venture. MY COMMISSION EXPIRES: MARY BRADLEY Notary Public, State of Texas My Commission Expires PRINTED NAME OF NOTARY PUBLIC JAN. 16, 1994 RESTCOV 10/14/93 12123 0047

ÉILED

ff 14≥2 os PN '94

DANA GEREAUVOIR COUNTY CLERK TRAVIS COUNTY TEXAS

CHATECOTEMS

CHIRTY CHETCHING

I horsely centrly that this instrument was FILES on the date and at the time stamped hereon by may and was duly RECORDED, in the Volume and Page of the entitled RECORDE of Times County, Tenes, on

FEB 14 1994



REAL PROPERTY RECORDS

12123 0048