

ZONING CHANGE REVIEW SHEET

CASE: C14-70-077(RCA)

DISTRICT: 3

ZONING: CS-V-NP

SITE AREA: 3.117 of 5.305 acres
(135,776 of 231,085 sq.ft.)

ADDRESS: 2706 Gonzales St. and 2730 E 7th St., Austin, TX

PROPERTY OWNER/APPLICANT: The Dale L. Martin and Suzan S. Martin Revocable Trust (Suzan Martin)

AGENT: DuBois, Bryant & Campbell, L.L.P., (David Hartman)

REQUEST: The applicant is requesting an amendment of the restrictive covenant conditions for this property (*please see Applicant's Request Letter Packet– Exhibit C*).

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

Staff recommends the proposed amendment of the public restrictive covenant.

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 10, 2023: *APPROVED THE APPLICANTS REQUEST FOR AN AMENDMENT OF THE PUBLIC RESTRICTIVE COVENANT*

[A. AZHAR; F. MAXWELL-2ND] (11-0) G. COX, A. PHILLIPS-ABSENT

CITY COUNCIL ACTION:

November 9, 2023:

ORDINANCE NUMBER:

ISSUES: There are no issues at this time.

DEPARTMENT COMMENTS:

The Restrictive Covenant (RC) Amendment application is submitted to amend the public RC, covering 5.305 acres recorded on September 8, 1970 in Volume 3922, Page 1635 of the Deed Records of Travis County, Texas ("RC"). The RC provides that the covenant can be modified, amended, or terminated by joint action of both a majority of the City Council and owners of the property. The RC includes the subject tract, and the remaining property has a portion of the Parque Zaragosa Neighborhood Park and the right-of-way located adjacent to

the subject tract (*please see Applicant's Request Letter Packet– Exhibit C*). Section 1 of the RC limits the maximum height of buildings, structures, and signs on the property.

The current zoning of the subject tract is CS-V-NP. The RC Amendment application proposes to amend the RC to terminate and release the subject tract from the RC so it is no longer encumbered by the maximum height limits set forth in the RC and can be developed in adherence to the site development regulations applicable under the existing CS-V-NP zoning. The remainder of the 5.305 acres covered by the RC is not affected by this RC Amendment. Although the RC Amendment only covers the subject tract, it will require approval by the City Parks and Recreation Department in the final recorded Restrictive Covenant Amendment.

Statt recommends the applicants' request to remove the maximum height limit and allow the site to be developed per the site development regulations.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-V-NP	Automotive Sales & Fast Food
<i>North</i>	P-NP	Parque Zaragoza Neighborhood Park
<i>South</i>	GR-NP CS-MU-CO-NP P-NP	Grocery (H-E-B) Commercial Services and Pet Services Austin Public Library
<i>East</i>	SF-3-NP	Single Family Residences
<i>West</i>	CS-V-NP CS-CO-NP SF-3-NP	Auto Repair Retail and Commercial Services Single Family Residences

NEIGHBORHOOD PLANNING AREA: Govalle/Johnston Terrace (Govalle)

WATERSHED: Boggy Creek (Urban)

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Govalle Elementary School

Martin Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Del Valle Community Coalition
East Austin Conservancy
El Concilio Mexican-American
Neighborhoods

Friends of Austin Neighborhoods
Govalle/Johnston Terrace Neighborhood
Plan Contact Team
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Neighbors United for Progress
Preservation Austin

SEL Texas
Sierra Club

Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0166	Holly Neighborhood Plan Combining District	Approved unanimously (11-27-01)	Approved (12/13/01) LI-zoned properties postponed to 1/17-02.
C14-2021-0179	GR-NP to CS-1-NP	Approved (CS-1-NP) combining district zoning.	Approved (CS-1-CO-NP) Combining district zoning. The added condition that Cocktail Lounge land use be prohibited (06/16/2022).

RELATED CASES:

C14-2007-0259: The Planning Commission and City Council recommends applying the vertical mixed use building (V) designation to Tract 9B, a plan amendment was required to change the land use from commercial to mixed use.

NPA-2008-0016.01: The Planning Commission and City Council recommended applying the vertical mixed use building (V) designation to certain tracts with the associated zoning case C14-2007- 0259; therefore a plan amendment is required.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

The creation, 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:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Fire: No comments.

Pard – Planning & Design Review

Parkland dedication, City Code Title 25, Article 14, will be required for the increased development resulting from the release of this restrictive covenant. PARD will accept onsite

dedication to improve access to Parque Zaragoza Neighborhood Park. To discuss, contact this reviewer: thomas.rowlinson@austintexas.gov

Site Plan:

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

The site is subject to compatibility standards. Along the south and northeast property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

East 7th Street is designated a medium corridor in accordance with Exhibit B of Ordinance 20221201-056.

Austin Transportation Department – Engineering Review:

No comments as this Restrictive Covenant Amendment application does not include any changes related to Transportation code or criteria.

TIA: No TIA is required.

Austin Water Utility:

No comments on release of restrictive covenant.

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Index of Exhibits and Attachments to Follow:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter Packet



Created: 8/1/2023



David Hartman

(512) 685-3409

dhartman@dbcllp.com

303 Colorado, Suite 2300

July 13, 2023

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

Re: Restrictive Covenant Amendment Application for 3.117 acres located at 2706 Gonzales Street and 2730 E 7th Street, Austin, Texas 78702 ("Subject Tract")

Dear Ms. Middleton-Pratt:

We respectfully submit the enclosed Restrictive Covenant Amendment application for 3.117 acres located at 2706 Gonzales Street and 2730 E 7th Street ("RC Amendment Application") as representatives of the owner of the above stated Subject Tract.

The RC Amendment Application is submitted to amend the public Restrictive Covenant covering 5.305 acres recorded on September 8, 1970 in Volume 3922, Page 1635 of the Deed Records of Travis County, Texas ("RC"). The RC provides that the covenant can be modified, amended, or terminated by joint action of both a majority of the City Council and owners of the property covered by the RC at the time of such modification, amendment, or termination. The RC includes the Subject Tract, and the remaining property covered by the RC includes part of the Parque Zaragosa Neighborhood Park and right-of-way located adjacent to the Subject Tract (see illustration and TCAD information on attached Exhibit "A"). Section 1 of the RC limits the maximum height of buildings, structures, and signs on the property covered by the RC including the Subject Tract. The current zoning of the Subject Tract is CS-V-NP.

The RC Amendment Application proposes to amend the RC to terminate and release the Subject Tract from the RC so that the Subject Tract will no longer be encumbered by the maximum height limits set forth in the RC, and can be developed in adherence to the site development regulations applicable under the existing CS-V-NP zoning of the Subject Tract. The remainder of the 5.305 acres covered by the RC that is not part of this RC Amendment Application is not affected by this RC Amendment Application. Although the RC Amendment Application only covers the Subject Tract, final approval of the Restrictive Covenant Amendment contemplated by this RC Amendment Application will require joinder by the City Parks and Recreation Department in the final recorded Restrictive Covenant Amendment.

The Subject Tract is within the Govalle/Johnston Terrace Combined Neighborhood Plan, which designates the Subject Tract as Mixed Use on the Future Land Use Map and no related zoning or Neighborhood Plan Amendment application is required for the proposed development. The TIA Determination form dated February 24, 2023, signed by Maria Cardenas states that a TIA is not required.

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

Exhibit A



Exhibit A

PID 192208 | 2702 GONZALES ST

Property Summary Report | 2023
Online Services | TRAVIS COUNTY APPRAISAL DISTRICT

GENERAL INFO

ACCOUNT

Property ID: 192208
Geographic ID: 0204120428
Type: R
Zoning: P
Agent:
Legal Description: 6AC OF OLT 25 DIVISION A

Property Use:

OWNER

Name: CITY OF AUSTIN
Secondary Name:
Mailing Address: P O BOX 1088 FSD- REAL ESTATE, 13 TH
FLOOR AUSTIN TX 78767
Owner ID: 100073
% Ownership: 100.00
Exemptions: EX-XV - Other Exemptions (including

LOCATION

Address: 2702 GONZALES ST, TX 78702

Market Area:
Market Area CD: _EEXMP
Map ID: 020211

PROTEST

Protest Status:
Informal Date:
Formal Date:

VALUES

CURRENT VALUES

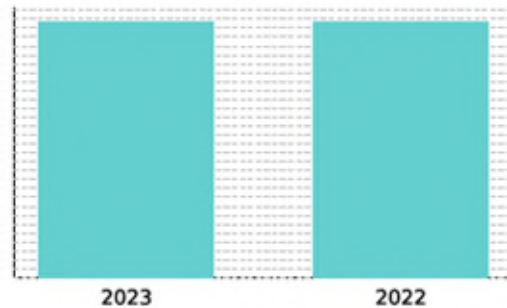
Land Homesite: \$0
Land Non-Homesite: \$14,374,800
Special Use Land Market: \$0
Total Land: \$14,374,800

Improvement Homesite: \$0
Improvement Non-Homesite: \$0
Total Improvement: \$0

Market: \$14,374,800
Special Use Exclusion (-): \$0
Appraised: \$14,374,800
Value Limitation Adjustment (-): \$0

Net Appraised: \$14,374,800

VALUE HISTORY



Values for the current year are preliminary and are subject to change.

VALUE HISTORY

Year	Land Market	Improvement	Special Use Exclusion	Appraised	Value Limitation Adj (-)	Net Appraised
2023	\$14,374,800	\$0	\$0	\$14,374,800	\$0	\$14,374,800
2022	\$14,374,800	\$0	\$0	\$14,374,800	\$0	\$14,374,800

TAXING UNITS

Unit	Description	Tax Rate	Net Appraised	Taxable Value
01	AUSTIN ISD	0.996600	\$14,374,800	\$0
02	CITY OF AUSTIN	0.462700	\$14,374,800	\$0
03	TRAVIS COUNTY	0.318239	\$14,374,800	\$0
0A	TRAVIS CENTRAL APP DIST	0.000000	\$14,374,800	\$0
2J	TRAVIS COUNTY HEALTHCARE DISTR	0.098684	\$14,374,800	\$0
68	AUSTIN COMM COLL DIST	0.098700	\$14,374,800	\$0
HPR1	HOMESTEAD PRESERVATION REINVESTMENT	0.000000	\$14,374,800	\$0

DO NOT PAY FROM THIS ESTIMATE. This is only an estimate provided for informational purposes and may not include any special assessments that may also be collected. Please contact the tax office for actual amounts.

IMPROVEMENT

LAND

Land	Description	Acres	SQFT	Cost per SQFT	Market Value	Special Use Value
LAND	Land	6.0000	261,360	\$55.00	\$14,374,800	\$0

DEED HISTORY

Deed Date	Type	Description	Grantor/Seller	Grantee/Buyer	Book ID	Volume	Page	Instrument
11/18/81	MS	MISCELLANEOUS	CITY OF AUSTIN	CITY OF AUSTIN		7626	185	

