ZONING CHANGE REVIEW SHEET

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

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

OWNER/APPLICANT: 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: Postponed to November 20, 2025 at the applicant's request (10-0, K. Watson-absent); Qadri-1st, Laine-2nd.

November 20, 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 (Shops on Howard Lane: 1200 Block of West Howard Lane)	Tract 1: GR-CO to GR Tract 2: CS-CO to CS	10/15/02: Approved staff's recommendation of GR-CO; CS-CO zoning with added condition to prohibit Automotive Sales; by consent (7-0, D. Castaneda-absent); J. Martinez-1st, A. Adams-2nd.	12/05/02: Granted GR-CO for Tract 1 and CS-CO for Tract 2 on all 3 readings (7-0)
C14-00-2099	SF-2, GR to CS	10/17/00: Approved staff rec. of CS-CO; with no adult oriented businesses (8-0)	12/14/00: Approved CS-CO w/additional prohibited uses (7-0); all 3 readings
C14-98-0212	I-RR to CS	12/15/98: Approved GR-CO w/conditions for front to match existing GR and CS-CO for remainder of property, prohibit auto repair and auto washing except for on-site tenants (5-2, GW/DS-Nay)	1/14/99: Approved PC rec. of GR-CO w/ conditions 97-0); 1st reading 4/15/99: Approved CS-CO w/ conditions (7-0); 2nd/3rd readings
C14-96-0131	SF-2 to GR	12/10/96: Approved staff rec. of GR (9-0)	1/09/97: Approved GR-CO w/ conditions (7-0); 1st reading 3/20/97: Approved GR-CO w/ conditions (7-0); 2nd/3rd readings
C14-93-0047	SF-2 to CS	4/27/93: Approved GR-CO (6-0)	6/17/93: Approved GR-CO and CS-CO (7-0); 2nd/3rd 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:

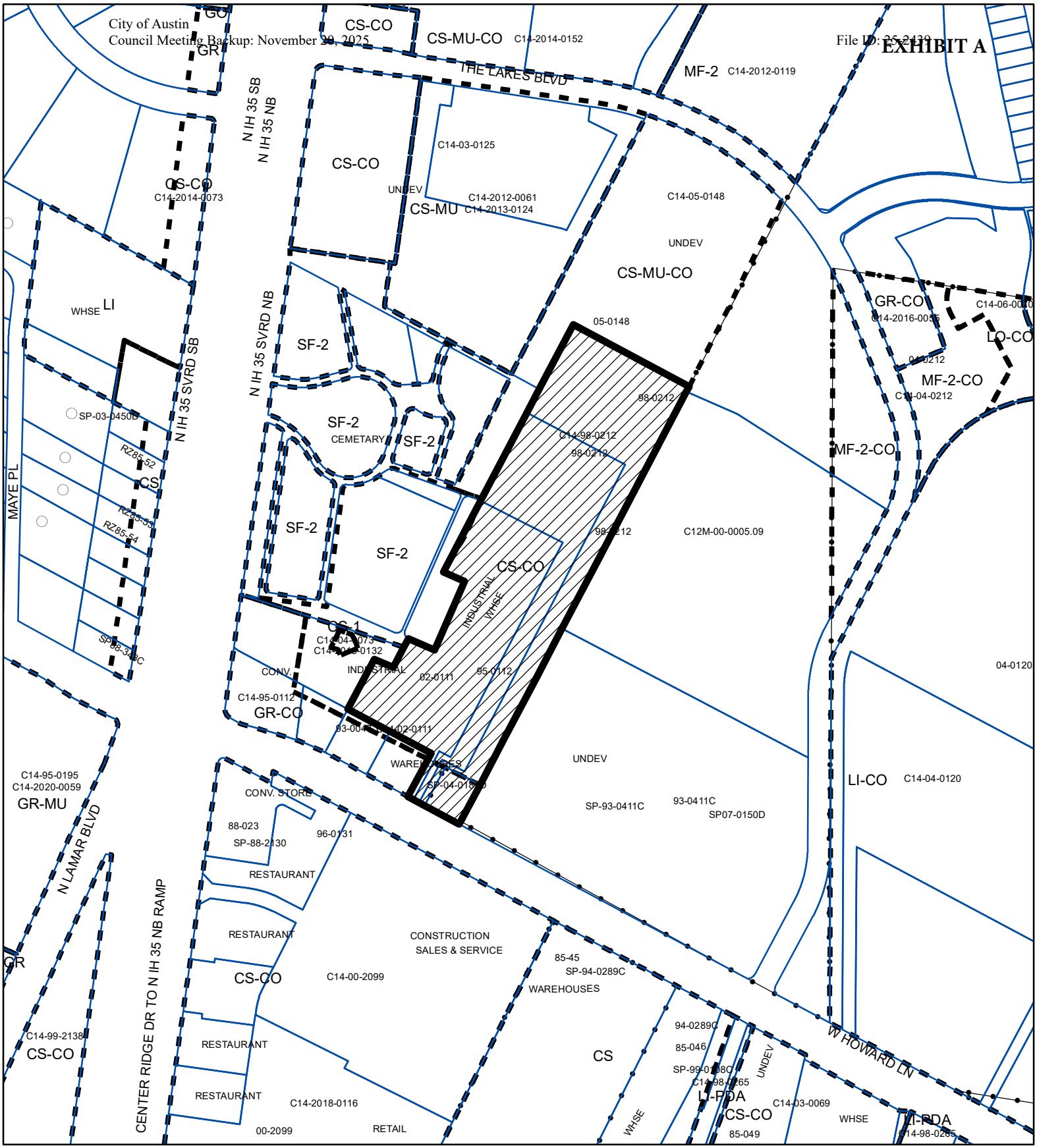
Name	**ASMP Classification**	**ASMP Required ROW**	**Existing ROW**	**Existing Pavement**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
W Howard Ln	Level 3	116’	128’	98’	Yes	No	Yes

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



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

Restrictive Covenant Amendment

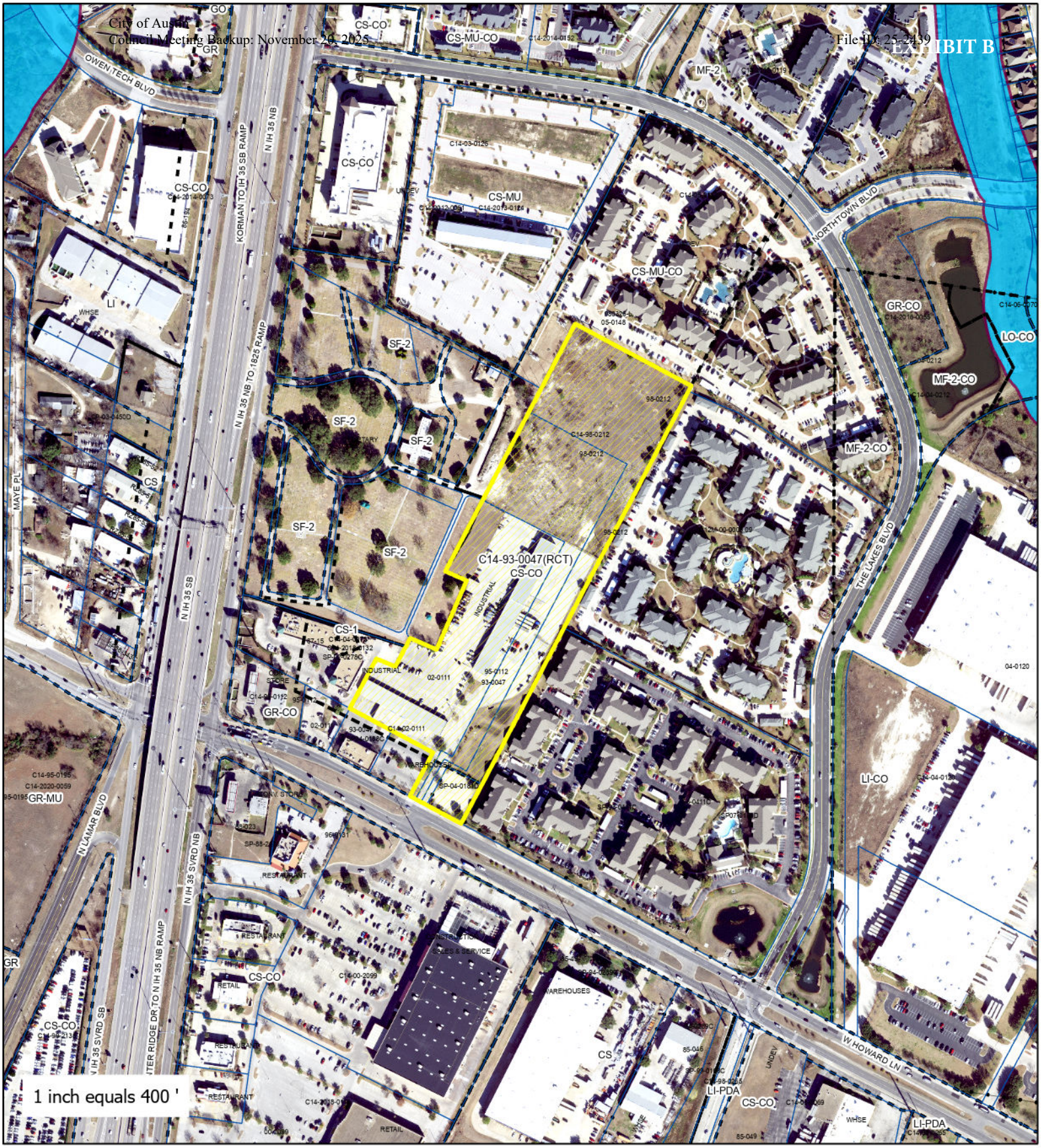
ZONING CASE#: C14-93-0047(RCA)

1 " = 400 '

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



1116 & 1120 West Howard Lane RCT

N

SUBJECT TRACT
ZONING BOUNDARY
PENDING CASE
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

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 1/8/2025

Amanda Swor
aswor@drennergroup.com
512-807-2904

DRENNER GROUP

EXHIBIT C

March 20, 2025

Ms. Lauren Middleton-Pratt
Housing and Planning Department
City of Austin
6310 Wilhelmina Delco Dr.
Austin, TX 78752

Via Electronic Delivery

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

Amanda Swor

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

RESTRICTIVE COVENANT TO BE AMENDED

EXHIBIT D

FILM CODE

00005095442

FILED FOR RECORD 03:13 PM 02/14/94
RECORDED 03:13 PM 02/14/94
FILED FOR RECORD 03:13 PM 02/14/94
9.00 INDX 1 4 02/14/94
5.00 RECM 1 4 02/14/94
1.00 SEC 1 4 02/14/94
10.39-CHK#

UNOFFICIAL DOCUMENT

RESTRICTIVE COVENANT
FOR
ZONING FILE NO. C14930047

OWNER: I35-DESSAU ROAD JOINT VENTURE, a Texas joint venture composed of Len H. Layne, Joe E. Lee and Donald B. Barr

ADDRESS: 9701 DESSAU ROAD, #801, AUSTIN, TEXAS 78753

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

CITY COUNCIL: THE CITY COUNCIL OF THE CITY OF AUSTIN

CONSIDERATION: TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

DELETE P
AND REPL

WHEREAS, **I35-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:

TRACT 1:

Lots Three (3), Four (4) and Five (5), ROUTE SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 92, Pages 41 and 42, Plat Records, Travis County, Texas; and

TRACT 2:

WHEREAS, I35-Dessau Road Joint Venture, as owner of the Property, and the **CITY OF AUSTIN, TEXAS**, a municipal corporation, 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;

TRACT 3:

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants and agreements hereinafter set forth, I35-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 follows:

DELETE
REPLAC

1. For the purpose of site plan review, modification or approval by the City of Austin, Lots Three (3), Four (4) and Five (5), ROUTE SUBDIVISION, shall be construed as a single site. Any modifications of Lots Three (3), Four (4) and Five, ROUTE SUBDIVISION, shall be construed as a modification to a single

REAL PROPERTY RECORDS
TRAVIS

UNOFFICIAL DOCUMENT

site, requiring review of all three lots in accordance with the provisions of the land development code of the City of Austin.

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.

I35-DESSAU ROAD JOINT VENTURE
a Texas joint venture

DATE: 12/19/93

By: Len H. Layne
Len H. Layne

By: Joe E. Lee
Joe E. Lee

By: Donald B Ba
Donald B. Barr

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12123 0046

AS for Recording Please Return To:
Rick Vaughn
Community Trust Title
3103 Bee Caves Rd, Suite 302
Austin, TX 78746

THE STATE OF TEXAS }

COUNTY OF TRAVIS }

This instrument was acknowledged before me on this 18th day of October, 1993, by Len H. Layne, Joint Venturer of I35-Dessau Road Joint Venture, a Texas joint venture, on behalf of said joint venture.

MY COMMISSION EXPIRES:

JEANNIE C. SMITH
COMMISSION EXPIRES
FEBRUARY 2, 1996

Jeannie C Smith
NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY PUBLIC

THE STATE OF TEXAS }

COUNTY OF TRAVIS }

This instrument was acknowledged before me on this 19th day of October, 1993, by Joe E. Lee, Joint Venturer of I35-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
JAN. 16, 1994

Mary Bradley
NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY PUBLIC

THE STATE OF TEXAS }

COUNTY OF TRAVIS }

This instrument was acknowledged before me on this 19th day of October, 1993, by Donald B. Barr, Joint Venturer of I35-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
JAN. 16, 1994

Mary Bradley
NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY PUBLIC

RESTCOV
10/14/93

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12123 0047

UNOFFICIAL DOCUMENT

UNOFFICIAL DOCUMENT

FILED

FEB 14 2 05 PM '94

DANA DEBEAUVOIR
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

FEB 14 1994

COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12123 0048