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ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0100 Dreyfus Rezoning

P. C. DATE: 10/11/11, 10/25/11

ADDRESS: 1901 North Lamar Blvd.

AREA: 0.51 acres

APPLICANT: Dreyfus Antiques Brocante
(George Dreyfus)

AGENT: Armbrust & Brown, L.L.P.
(Lynn Ann Carley)

NEIGHBORHOOD PLAN AREA: Central Austin Combined

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: No

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: LR-CO-NP - Neighborhood Commercial, Conditional Overlay, Neighborhood Plan

ZONING TO: LR-CO-NP - Neighborhood Commercial, Conditional Overlay, Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

Staff recommends LR-CO-NP - Neighborhood Commercial, Conditional Overlay, Neighborhood Plan zoning. The Conditional Overlay would limit vehicle trips to 2,000 per day, prohibit "drive-through service" with a Financial Services use, limit the height to thirty feet (30') or two stories, no vehicular access from the property to Lamar Boulevard and would prohibit the following uses: Consumer convenience services, Consumer repair services, General retail sales, (General), Off site accessory parking, Pet services, Plant nursery, Service Station, Printing and publishing, Custom manufacturing and Restaurant (Limited) and make the following uses a conditional use: Food sales and Restaurant (General). The applicant will also enter into a Restrictive Covenant that will state the following:

"If a restaurant or food sales use is located on the property, then the following provisions apply:

- a. Servicing of trash dumpsters is not permitted between the hours of 10pm and 6am.
- b. Servicing of trash dumpster shall occur a minimum of once a week.
- c. Refuse, trash, and garbage, excluding recyclables, shall be kept in covered containers at all times."

PLANNING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The property is currently developed with a one story building that is an antiques store. The zoning on the property was changed in 1997 from Limited Office (LO) to Neighborhood Commercial, Conditional Overlay (LR-CO) with ordinance number 970904-L (attached) and the owner entered into a public restrictive covenant (attached) which further defined the land use. The restrictive covenant

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listed the only permitted use under General Retail Sales (Convenience) is antique sales. The restrictive covenant also includes a "roll back" provision that states that if the use of the property ceases, then the zoning on the property rolls back to Limited Office (LO). The owner has now made application to change a condition of the LR-CO zoning and to terminate the restrictive covenant. The applicant requested the inclusion of the following uses into the "permitted uses" of the existing conditional overlay: Financial services, Food sales, General retail sales (General), Personal improvement services, Personal services, Restaurant (General) and Restaurant (Limited). The City's response was that they would support the inclusion of Financial services, Personal improvement services, and Personal services as permitted uses and Food Sales and Restaurant (General) as a conditional use. The City would not support the inclusion of Restaurant (Limited) and General Retail Sales (General) as permitted uses and the applicant agreed. The Old 19th Street, which is a "paper street", will serve as a vegetative buffer for the neighborhood to the North. This zoning case is within the boundaries of the Central Austin Combined Neighborhood Plan. The requested and proposed zoning of LR-CO-NP is in accordance with the commercial land use category identified on the Future Land Use Map. The Central Austin Combine Neighborhood Plan does not include any supplemental text regarding the restrictive covenant on this property or the proposed zone change request. The applicant also has agreed to prohibit direct access to Lamar Boulevard from the subject property, but they do have a Reciprocal Easement (attached) with the adjacent property to allow the subject property to use the existing driveway on Lamar Boulevard from the adjacent property.

BASIS FOR RECOMMENDATION:

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

This property has had Neighborhood Commercial (LR) zoning for fourteen years and adding additional permitted uses should not be a detriment to the surrounding neighborhoods.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	LR-CO-NP	Antique Shop
NORTH	GO-NP	Office Building
SOUTH	GO	Office Building
EAST	GO-MU-CO-NP	Undeveloped
WEST	P	Park

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-97-0102	From LO to LR-CO	Approved LR-CO [Vote: 7-0]	Approved LR-CO [Vote: 5-0]
C14-2010-0101	SF-3 to GO	Denied GO [Vote: 7-0]	Withdrawn by Applicant

g/ps

NEIGHBORHOOD ORGANIZATION:

- Original Austin Neighborhood Assoc.
- Downtown Austin Neighborhood Coalition
- Pecan Street Owner's Association
- Downtown Austin Alliance
- Austin Warehouse District Association
- Old Pecan Street Association
- Sentral Plus East Austin Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association
- Judges Hill Neighborhood Assoc.

SCHOOLS:

Matthews Elementary School O' Henry Middle School Austin High School

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

SITE PLAN:

1. North Lamar Blvd. is a Core Transit Corridor, and any new development on this site will be subject to Subchapter E Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
2. This site is located 540 feet or less from properties zoned SF-5 or more restrictive, and is, therefore, subject to compatibility standards.

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TRANSPORTATION:

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117].
3. North Lamar Blvd is classified in the Bicycle Plan as Bike Routes No. 43 and 907. West MLK Blvd. is classified in the Bicycle Plan as Bike Route No. 44.
4. Capital Metro bus service (Route No. 338) is available along N. Lamar Blvd.
5. There are existing sidewalks along both sides of N. Lamar Blvd and W. MLK Blvd.

Existing Street Characteristics:

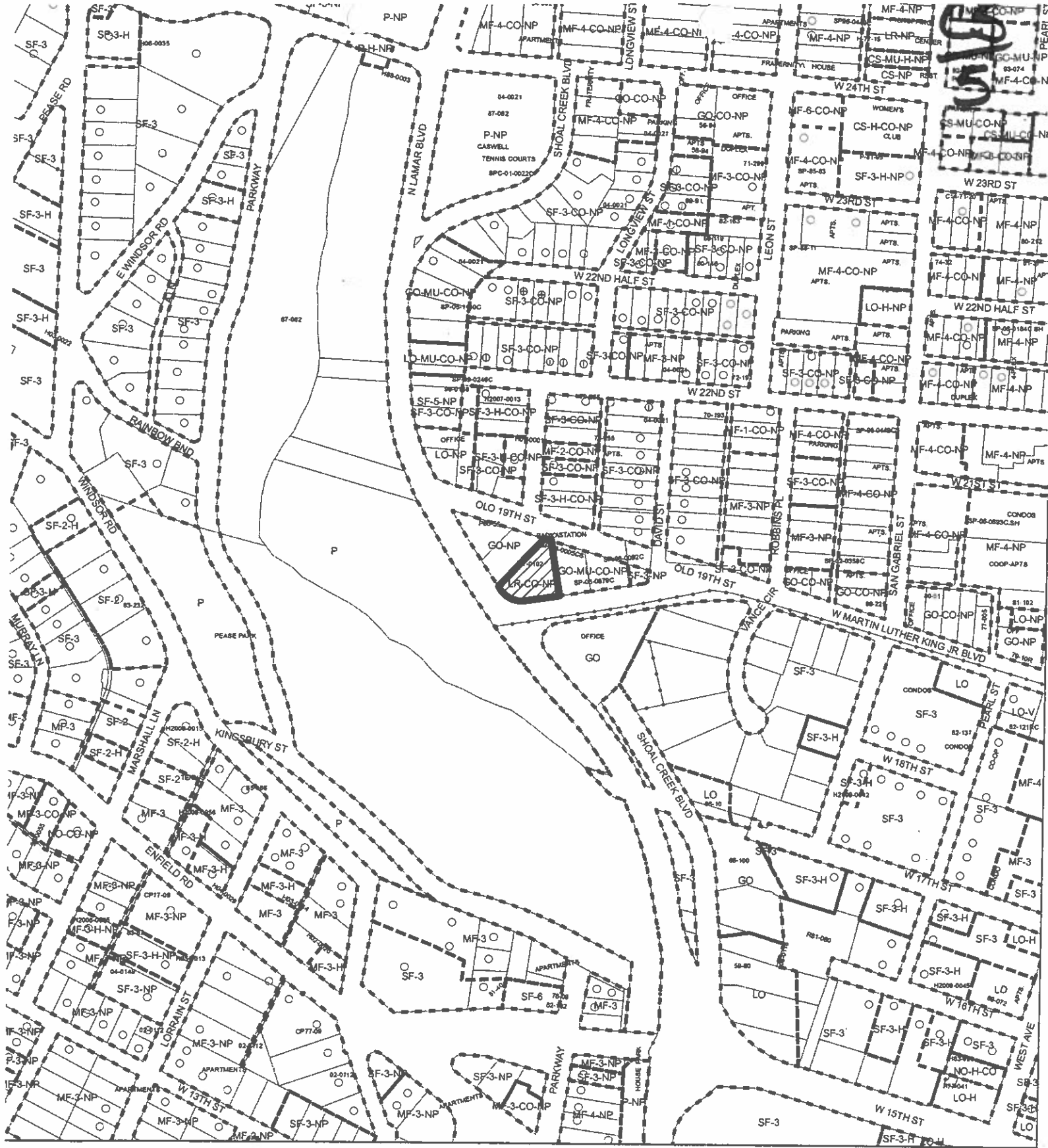
Name	ROW	Pavement	Classification	ADT
N. Lamar Blvd.	80'	MAU4	Major Arterial	33,872
W. MLK Blvd.	Varies	MAU2	Major Arterial	13,821

CITY COUNCIL DATE: November 10th, 2011 **ACTION:**





ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



ZONING

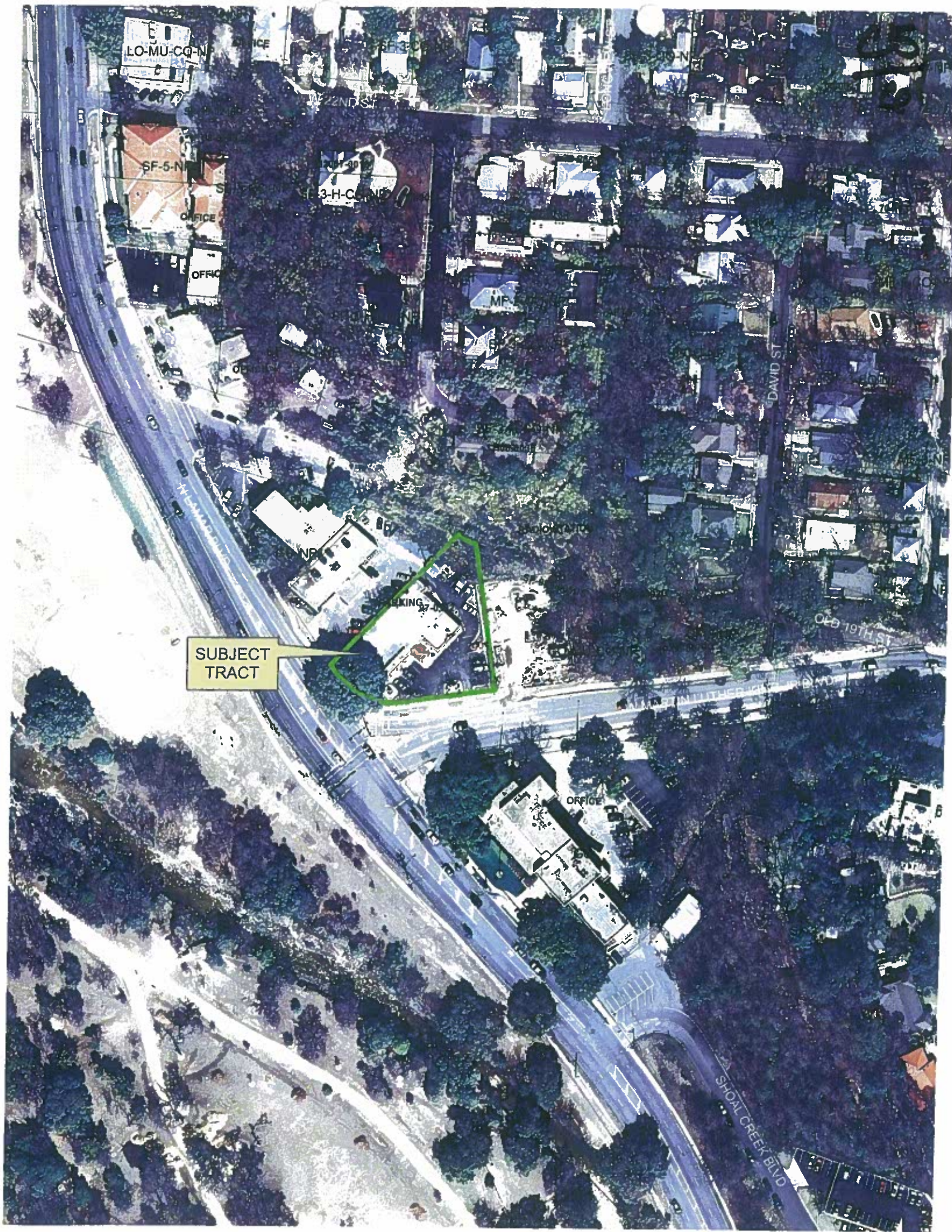
-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2011-0100
 LOCATION: 1901 N LAMAR BLVD
 SUBJECT AREA: 0.51 ACRES
 GRID: H23
 MANAGER: CLARK PATTERSON



1" = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SUBJECT TRACT

LO-MU-CQ-N

SF-5-N

OFFICE

OFFICE

3-H-C-ND

DAVID ST

OLD 19TH ST

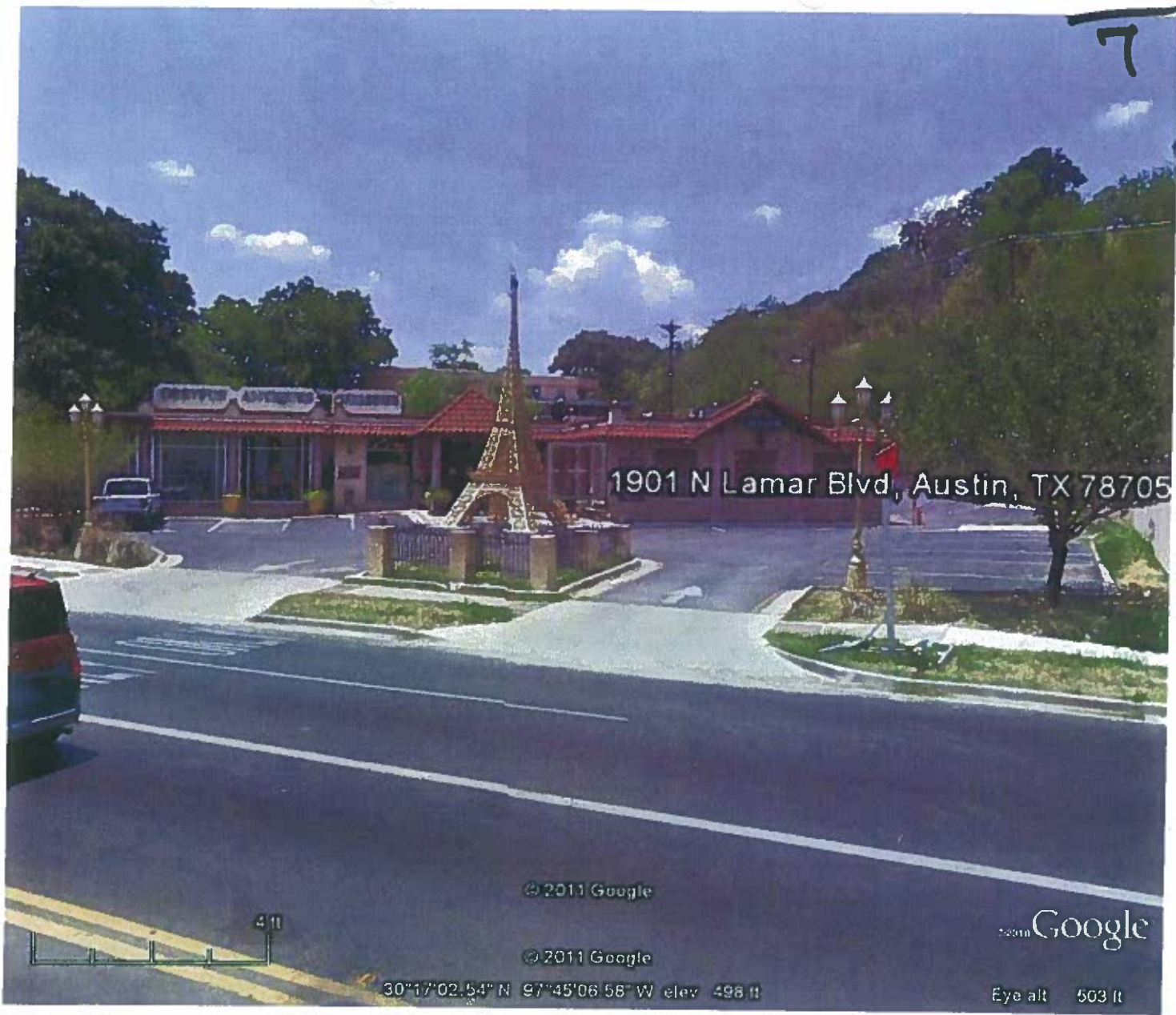
SHOAL CREEK BLVD

OFFICE

PARKING

NR

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1901 N Lamar Blvd, Austin, TX 78705

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30°17'02.54" N 97°45'06.58" W elev 498 ft

Eye alt 503 ft

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ORDINANCE NO. 970904-L

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

LOT 3, LAMAR AT 19TH STREET SUBDIVISION, FROM "LO" LIMITED OFFICE DISTRICT, TO "LR-CO" NEIGHBORHOOD COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 1901 NORTH LAMAR BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "LO" Limited Office district to "LR-CO" Neighborhood Commercial district-Conditional Overlay combining district, on the property (the "Property") described in File C14-97-0102, as follows:

Lot 3, Lamar at 19th Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 8, Page 61, of the Plat Records of Travis County, Texas,

locally known as 1901 North Lamar Boulevard, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

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2. There shall be no vehicular access from the Property to Lamar Boulevard. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

3. The following uses of the Property are prohibited:

- | | |
|-----------------------------------|--------------------------------|
| a) Consumer Convenience Services. | f) Consumer Repair Services. |
| b) Food Sales. | g) Financial Services. |
| c) Personal Services. | h) Off-Site Accessory Parking. |
| d) Pet Services. | i) Restaurant (Limited). |
| e) Service Station. | j) Guidance Services |

4. Restaurant (Drive-in, Fast Food) use and Small Plant Nursery use are prohibited as Conditional uses.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the "LR" Neighborhood Commercial base district and other applicable requirements of the Land Development Code.


PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on September 15, 1997.


PASSED AND APPROVED

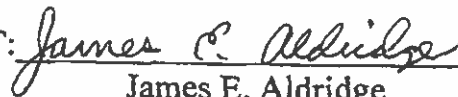
September 4, 1997.

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Kirk Watson
Mayor

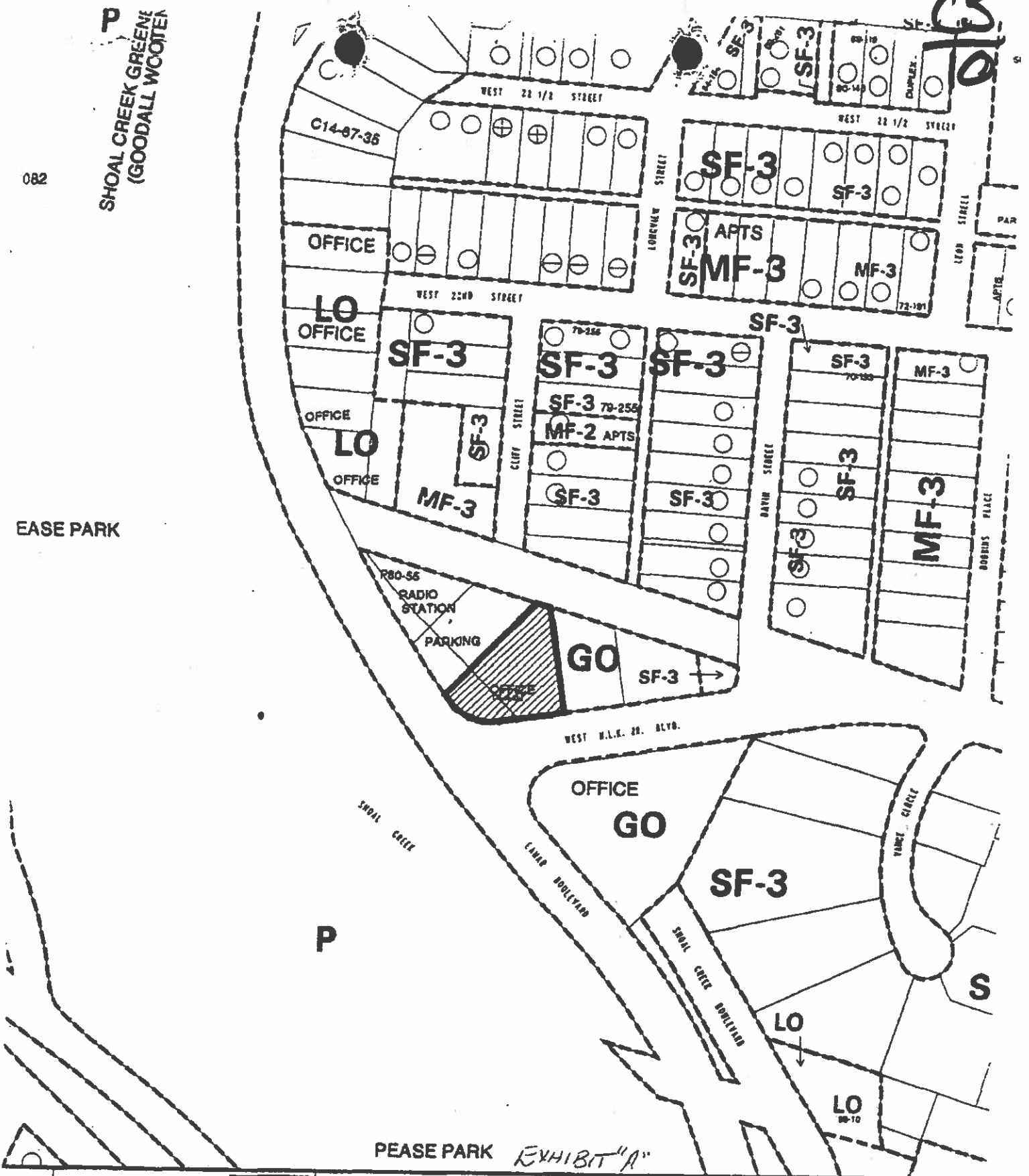
APPROVED: 
Andrew Martin
City Attorney

ATTEST: 
James E. Aldridge
City Clerk

082

SHOAL CREEK GREENE
(GOODALL WOITEN)

EASE PARK



PEASE PARK EXHIBIT "A"

 1" = 200'	SUBJECT TRACT	ZONING	CITY GRID REFERENCE NUMBER H23
	PENDING CASE		
	ZONING BOUNDARY		
	CASE MGR: D.PERRYMAN		
CASE #: C14-97-0102		DATE: 97-07	
ADDRESS: 1901 N.LAMAR BLVD.		INTLS: TRC	
SUBJECT AREA (acres): 0.510			

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DJS

Zoning Case No. C14-97-0102
FILM CODE

RESTRICTIVE COVENANT

00005625196

OWNER: TEXAS MEDICAL ASSOCIATION

ADDRESS: 401 W. 15th St. Austin, Texas 78701

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 3, Lamar at 19th St. Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 8, Page 61, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The only permitted use under General Retail Sales (Convenience) is antique sales. If use of the Property for sale of antiques as authorized under General Retail Sales (Convenience) is discontinued for 90 consecutive days, the Owner of the Property will not object to the City of Austin rezoning the Property to "LO" Limited Office district as defined in Chapter 13-2 of the City Code. Normal, seasonal cessation of a use, or temporary discontinuance for purpose of maintenance or rebuilding of the Property after damage or destruction may not be included in calculating the period of discontinuance.
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(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

When the context requires, singular nouns and pronouns include the plural.

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EXECUTED this the 3rd day of September, 1997.

OWNER:

TEXAS MEDICAL ASSOCIATION,
a Texas professional corporation

By: Louis J. Goodman
LEWIS GOODMAN, Ph.D.,
C.A.E. Executive Vice President

THE STATE OF TEXAS
COUNTY OF TRAVIS

NOTARY

^{LOUIS} This instrument was acknowledged before me on this the 4th day of September, 1997,
by LEWIS GOODMAN, Ph.D., C.A.E. Executive Vice President of TEXAS MEDICAL
ASSOCIATION, a Texas professional corporation, on behalf of said corporation.
NON PROFIT

Linda Anne Neely
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1546
Austin, Texas 78767-1546
Attention: Diana Minter, Legal Assistant



FILED
97 SEP 10 AM 8:08
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 herein by me and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

SEP 10 1997
Linda Anne Neely
COUNTY CLERK
TRAVIS COUNTY, TEXAS



Page 2 of 2
RECEIPT#: A00085632 TRANS#: A9014 DEPT: REGULAR RECORD \$11.00
CASHIER: BAMED FILE DATE: 9/10/97 TRANS DATE: 9/10/97
CHECK# 5130

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

13016 1821

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RECIPROCAL EASEMENT

FILM CODE
00005541753

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, Texas Medical Association, a Texas nonprofit corporation, hereinafter called "TMA", is the owner of the property described on Exhibit "A" attached hereto as Tract 1 and Tract 2, which exhibit is made a part hereof for all purposes; and

WHEREAS, TMA contemplates the sale of Tract 1 and Tract 2 to separate owners, and desires to establish the easements contained herein prior to completing such sale; and

WHEREAS, it is desirable for the owner of Tract 1, its successors and assigns, and their tenants and invitees ("Tract 1 Beneficiaries") to have access over and across Tract 2 to Lamar Blvd., and it is desirable for the owner of Tract 2, its successors and assigns, and their tenants and invitees (the "Tract 2 Beneficiaries") to have access over Tract 1 to MLK Blvd.;

NOW, THEREFORE, TMA, acting by and through its duly authorized officer, for a full valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, and for the mutual benefits to accrue to Tract 1 and the Tract 1 Beneficiaries, and Tract 2 and the Tract 2 Beneficiaries, has GRANTED and CONVEYED and by these presents does GRANT and CONVEY:

1. To Tract 1 and the Tract 1 Beneficiaries, an easement along, over and across Tract 2, for the purpose of ingress and egress to and from Lamar Boulevard, in the location of the existing driveways located on Tract 2. Tract 1 and the Tract 1 Beneficiaries shall only be authorized to use those portions of Tract 2 that are designated for driveway purposes, and shall not have the right to cross or interfere with other portions of Tract 2, including, without limitation, any portions of Tract 2 designated for parking, and the owners of Tract 2 shall have the right to relocate such driveways, from time to time, so long as reasonable access to Lamar Blvd. is provided to Tract 1 and the Tract 1 Beneficiaries. The owner of Tract 2 shall have no obligation to maintain or improve the driveways on Tract 2 and Tract 1 and the Tract 1 Beneficiaries shall have only the right to use the driveways on Tract 2 in such condition as they may exist from time to time. This easement is a private easement, which may be used by Tract 1 and the Tract 1 Beneficiaries, in common with Tract 2 and the Tract 2 Beneficiaries, and is not for the use and benefit of the public and nothing herein shall be construed or deemed to be a dedication of any easement to or for the use and benefit of the public, or to or for the use or benefit of any other party other than Tract 1 and the Tract 1 Beneficiaries.

2. To Tract 2 and the Tract 2 Beneficiaries, an easement along, over and across Tract 1, for the purpose of ingress and egress to and from MLK Blvd., in the location of the existing driveways located on Tract 1. Tract 2 and the Tract 2 Beneficiaries shall only be authorized to use those portions of Tract 1 that are designated for driveway purposes, and shall not have the right to cross or interfere with other portions of Tract 2, including, without limitation, any portions of Tract 1 designated for parking, and the owners of Tract 1 shall have the right to relocate such driveways, from time to time, so long as reasonable access to MLK Blvd. is provided to Tract 2 and the Tract 2 Beneficiaries. The owner of Tract 1 shall have no obligation to maintain or improve the driveways on Tract 1 and Tract 2 and the Tract 2 Beneficiaries shall have only the right to use the driveways on Tract 1 in such condition as they may exist from time to time. This easement is a private easement, which may be used by Tract 2 and the Tract 2 Beneficiaries, in common with Tract 1 and the Tract 1 Beneficiaries, and is not for the use and benefit of the public and nothing herein shall be construed or deemed to be a dedication of any easement to or for the use and benefit of the public, or to or for the use or benefit of any other party other than Tract 2 and the Tract 2 Beneficiaries.

TO HAVE AND TO HOLD the easements and the rights of use and enjoyment hereby granted forever.

ALSI 296109 1
01 12001

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
12868 1676

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TO HAVE AND TO HOLD the easements and the rights of use and enjoyment hereby granted forever.

EXECUTED this 6th day of February, 1997.

TEXAS MEDICAL ASSOCIATION,
a Texas nonprofit corporation

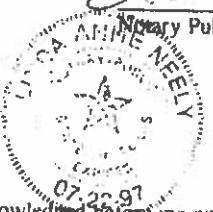
By: Louis J. Goodman
Name: Louis J. Goodman, Ph.D.
Title: Executive Vice President

By: John E. Dorman
Name: John E. Dorman
Title: Director, Administrative Services

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 6th day of February, 1997, by Louis J. Goodman, Ph.D., Executive Vice President of Texas Medical Association, a Texas nonprofit corporation, on behalf of said nonprofit corporation.

Janice Anne Neely
Notary Public, State of Texas



THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 6th day of February, 1997, by John E. Dorman, Director, Administrative Services of Texas Medical Association, a Texas nonprofit corporation, on behalf of said nonprofit corporation.

Janice Anne Neely
Notary Public, State of Texas



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EXHIBIT "A"

Tract 1: Lot 3, LAMAR AT 19TH, a subdivision in Travis County, Texas, according to the map or plat of record thereof, recorded in Volume 8, Page 61, of the Plat Records of Travis County, Texas, and being locally known as 1901 N. Lamar Blvd.

Tract 2: Lot 2, LAMAR AT 19TH, a subdivision in Travis County, Texas, according to the map or plat of record thereof, recorded in Volume 8, Page 61, of the Plat Records of Travis County, Texas, and being locally known as 1905 N. Lamar Boulevard, Austin, Texas 78701.

FILED
97 FEB 10 PM 3:57
J. L. SAUNDERS
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 hereinafter signed by me, and
was duly RECORDED in the volume and Page of the
PUBLIC RECORDS of Travis County, Texas on

FEB 10 1997

 *Clara C. Seymour*
COUNTY CLERK
TRAVIS COUNTY, TEXAS

EXHIBIT "A" - Page 1 of 1

AUSTIN 299169 1
341 22040

RECEIPT: 80064399 TRAVIS: 24831 DEPT: REGULAR RECORD \$12.00
CASHIER: MIMON FILE DATE: 2:10:57 TRAVIS DATE: 2/11/97
PAID BY: CHECK# 5621

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12868 1678