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RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-97-0102(RCT) Dreyfus Rezoning

P. C. DATE: 10/11/11, 1025/11

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

SUMMARY STAFF RECOMMENDATION:

Staff recommends termination of the restrictive covenant. If the existing restrictive covenant is terminated and the applicants zone change request to add additional permitted uses, then the applicant has agreed to enter into a new restrictive covenant. The new Restrictive Covenant 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 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

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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.

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

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:

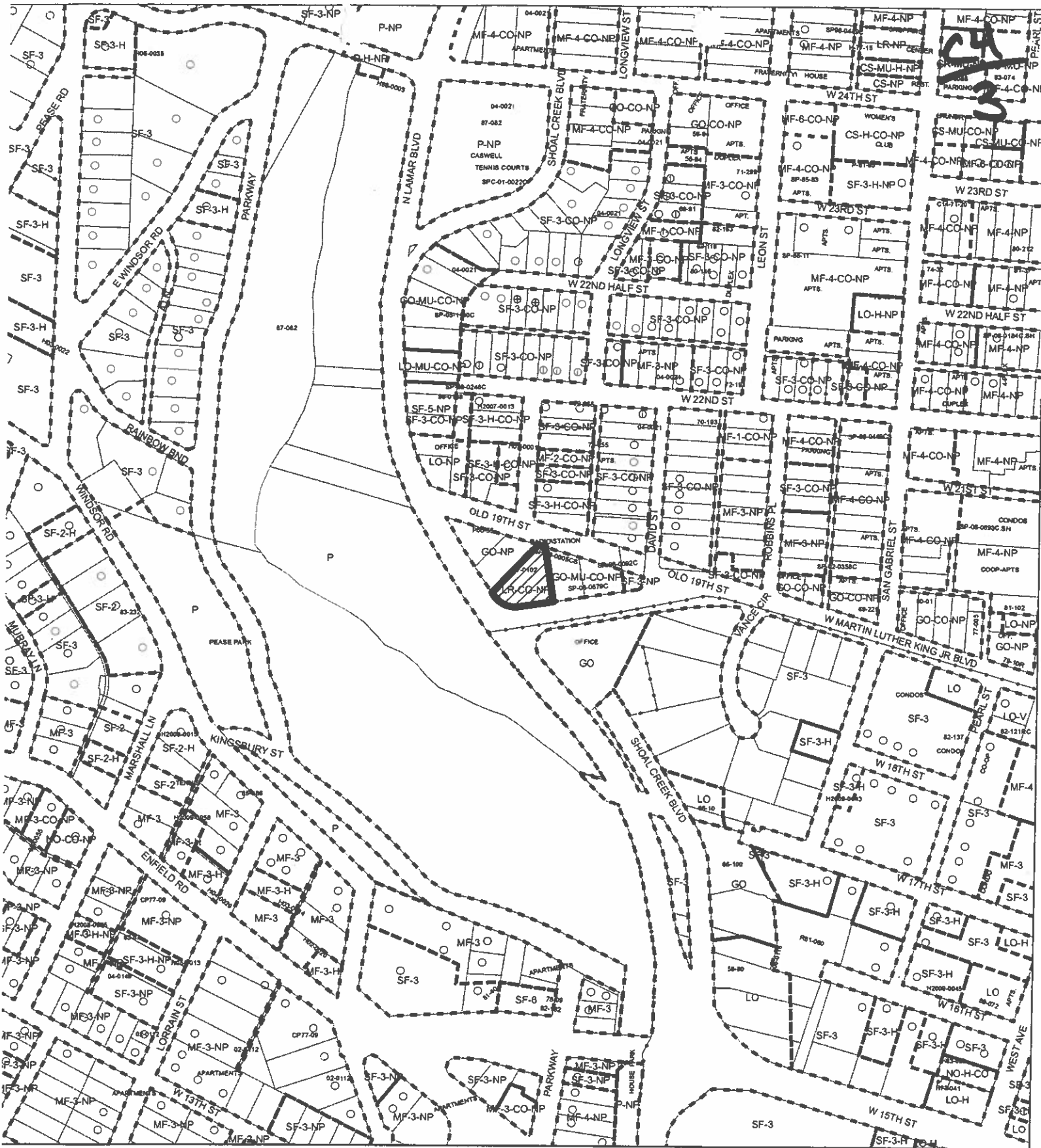
Matthews Elementary School O' Henry Middle School Austin High School

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

ZONING CASE#: C14-97-0102(RCT)
 LOCATION: 1901 N LAMAR BLVD
 SUBJECT AREA: 0.51 ACRES
 GRID: H23
 MANAGER: CLARK PATTERSON



- N
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

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.