

ZONING CHANGE REVIEW SHEET

CASE: C14-75-085(RCT) Wells Fargo – Enfield #1 **P. C. DATE:** 02/12/13
C14-84-056(RCT) Wells Fargo – Enfield #2

ADDRESS: 605 W. 15th St.

AREA: 0.12 acres & 0.616

APPLICANT: Wells Fargo Bank, N.A.
(Joe Zafareo)

AGENT: Brown McCarrol, L.L.P.
(Jerry Harris)

NEIGHBORHOOD PLAN AREA: Downtown

CAPITOL VIEW: No

T.I.A.: Waived

HILL COUNTRY ROADWAY: No

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CURRENT ZONING: CBD – Central Business District.

SUMMARY STAFF RECOMMENDATION:

Staff recommends termination of the Restrictive Covenants.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation for Restrictive Covenant Termination was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 6-0; Commissioner Hernandez was absent.

DEPARTMENT COMMENTS:

The subject property is developed with a six lane drive through banking facility. The owner of the property at the time (1975) requested a zone change from "O", Office, Second Height & Area to "LR", Local Retail for all of Lots five, six and seven of Block 178 under case number C14-75-085. The zone change request was granted and the owner entered into a public restrictive covenant in conjunction with the zone change request that limited the development of the property to "any use of the land in question more permissive than "O" Office zoning.....such use shall be limited to a drive-in banking facility as shown on the site plan therefor and filed with the Planning Commission of the City of Austin." Extensive research by city staff did not locate any site plan attached to an ordinance or restrictive covenant. The covenant goes on to state that "it is the purpose of this instrument to restrict the "LR" Local Retail use of the property in question to a drive in banking facility." This restrictive covenant is odd in that it is applicable to only a portion of a city lot, lot five. This area, five thousand two hundred twenty five (5,225) square feet is obviously not big enough to accommodate even the smallest drive-in bank.

Approximately ten years later (1984) the owner requested another zone change under case number C14-84-056 from "LR", Local Retail to "C", Commercial, Fourth Height & Area. ("C", Commercial, Fourth Height & Area eventually converted to Central Business District, CBD zoning). The zone change request was granted and the owner entered into another public restrictive covenant that encumbered all of Lot five that was in the original restrictive covenant and added Lots six and seven. The area covered by the new restrictive covenant is twenty six thousand eight hundred thirty two (26,832) square feet. This area is obviously large enough to accommodate a drive-in banking facility as one exists there today. This new restrictive covenant extended the aforementioned restrictions onto the remainder of Lot five and onto Lots six and seven. The owner of the property, Wells Fargo Bank, has indicated that they would like to redevelop the property to construct a modern banking facility that would include a lobby for walk in bank customers. However the two existing restrictive covenants would prohibit the inclusion of a lobby for walk in customers. This lot is zoned Central Business District (CBD) and fronts on a major thoroughfare, 15th Street and is located in the Downtown Core. Staff is of the opinion that this property should be allowed to develop to its maximum potential under the zoning that it has today. Therefore staff is recommending the termination of both restrictive covenants.

BASIS FOR RECOMMENDATION:

1. *Zoning should allow for reasonable use of the property.*

Granting the restrictive covenant terminations will allow the property to develop to its full potential under Central Business District (CBD) zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CBD	Drive-in bank
NORTH	GO	Church
SOUTH	GO	Office
EAST	CBD	Office
WEST	GO	Office

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0143	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 7-0]	Approved CBD-CURE [Vote: 7-0]
C14-2008-0144	From CBD-CURE to CBD-CURE	Approved CBD-CURE [Vote: 7-0]	Approved CBD-CURE [Vote: 7-0]
C14-00-2208	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 6-1-1]	Approved CBD-CURE [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Downtown Austin Neigh. 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 Assoc.
- Original Austin Neighborhood Assoc.

SCHOOLS:

Matthews Elementary School, O' Henry Middle School, Austin High School

CITY COUNCIL DATE: March 7th, 2013

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
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