

# Alice Glasco Consulting

---

5117 Valburn Court, Suite A  
Austin, TX 78731  
aliceglasco@mindspring.com  
512-231-8110 • 512-857-0187 Fax

## **A summary - Restrictive Covenant Termination for 500 South Third Street January 9, 2013**

### **Request:**

To terminate a 1974 restrictive covenant that was created as part of a rezoning application that included the former Filing station lot and the site that is covered by the restrictive covenant that is being terminated.

### **Conditions to be terminated:**

1. A 10-foot strip of "A" Residence (SF-3) zoning.

Justification: the strip of SF-3 zoning is in place today and will not change with the termination of the restrictive covenant.

2. 6-foot privacy fence should be constructed north of the 10-foot strip of SF-3 at the time the site is developed.

Justification: a privacy fence is required today by compatibility standards.

3. The site shall be used for a parking lot only. Any other use requires approval of a special permit (conditional permit).

Justification: This rule changed with the adoption of the land development code.

4. Access to South Third Street is prohibited.

Justification: in 2005 the planning commission approved a two lot subdivision – lot 1 is for the former Filling Station site and lot 2 is the site subject to the restrictive covenant termination.

The planning commission approval of the plat did not prohibit access to South Third Street; in fact, a variance was granted not to extend South Third Street with a Cul-de-sac, on to the site but instead required dedication of 10 feet of right-of-way and allowed a hammer head turnaround on the lot.

**Result of Termination:** the termination of the restrictive covenant will remove the conflict between the approved 2005 plat with assumed access to South Third Street and the 1974 restrictive covenant that prohibits access to South Third Street.