



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Jerry Rusthoven, Assistant Director/Interim Lead  
Planning and Zoning Department

**DATE:** October 2, 2019

**RE:** 2323 South Lamar  
C14-2018-0128  
District 5  
Correction – Existing Private Restrictive Covenant

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The staff report for the abovementioned rezoning case contains an error in the text. An existing private restrictive covenant (RC) is attached to the property between the Owner and the South Lamar Neighborhood Association (SLNA). The private RC is attached to the staff report as Exhibit F.

The error in the staff report is as follows-- the report states, “the RC establishes: 1. No “fast-food” restaurants; 2. Drive-thru facilities are prohibited (all types).” The conditions of the private RC are in fact the opposite, prohibiting drive-thru only as an accessory use to freestanding fast-food restaurants, but otherwise specifically permitting fast-food restaurants and stating that “Drive thru facilities are expressly permitted for non-freestanding fast food restaurants and all other types of retail . . .”

Please also note that “fast-food restaurant” is no longer a land use identified in City Code. This use now falls under Restaurant (Limited).

If you have any questions about this item, please contact me at (512) 974-3207.

**Jerry Rusthoven, Assistant Director/Interim Lead  
Planning and Zoning Department**

xc: Spencer Cronk, City Manager  
J. Rodney Gonzales, Assistant City Manager