



## **CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING AGENDA**

**Wednesday, October 11, 2023**

Notice is hereby given that the Planning and Zoning Commission of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 11, 2023 at 6:00 PM. Members of the public and the Planning and Zoning Commission may participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

**Link:** <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUjNjNmM5RnJreIRFUT09>

**Toll-Free Numbers:** (833) 548-0276 or (833) 548-0282

**Meeting ID:** 530 737 2193

**Password:** 9fryms

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. If a member of the public is having difficulties accessing the public meeting, they can contact the city at [dadair@rollingwoodtx.gov](mailto:dadair@rollingwoodtx.gov). Written questions or comments may be submitted up to two hours before the meeting. A video recording of the meeting will be made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

### **CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER**

1. Roll Call

### **PUBLIC COMMENTS**

Citizens wishing to address the Planning and Zoning Commission for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the Planning and Zoning Commission is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Planning and Zoning Commission with regard to matters on the agenda will be received at the time the item is considered.

### **CONSENT AGENDA**

All Consent Agenda items listed are considered to be routine by the Planning and Zoning Commission and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- 2. Discussion and possible action on the minutes from the September 6, 2023 Planning and Zoning Commission meeting

**PUBLIC HEARING**

- 3. Public hearing on a Special Use Permit application for 2712 Bee Cave Road #106 to authorize operation of a restaurant, including alcoholic beverage sales, for on-premise consumption

**REGULAR AGENDA**

- 4. Discussion and possible action regarding a recommendation on a Special Use Permit application for 2712 Bee Cave Road #106 to authorize operation of a restaurant, including alcoholic beverage sales, for on-premise consumption
- 5. Update on the Commercial Code changes, task force progress, and next steps
- 6. Update on the CRCRC progress, survey, and next steps
- 7. Thank Amie Rodnick for her service on the Planning and Zoning Commission

**ADJOURNMENT OF MEETING**

**CERTIFICATION OF POSTING**

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at [www.rollingwoodtx.gov](http://www.rollingwoodtx.gov) at **5:00 PM** on **October 6, 2023**.

*Desiree Adair*  
Desiree Adair, City Secretary

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The Planning and Zoning Commission will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Local Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Local Government Code;  
discussion of personnel matters pursuant to section 551.074 of the Texas Local Government Code;  
real estate acquisition pursuant to section 551.072 of the Texas Local Government Code;

prospective gifts pursuant to section 551.073 of the Texas Local Government Code;  
security personnel and device pursuant to section 551.076 of the Texas Local Government Code;  
and/or economic development pursuant to section 551.087 of the Texas Local Government Code.  
Action, if any, will be taken in open session.



## **CITY OF ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING MINUTES**

**Wednesday, September 06, 2023**

The Planning and Zoning Commission of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on September 6, 2023. Members of the public and the Planning and Zoning Commission were able to participate in the meeting virtually, as long as a quorum of the Planning and Zoning Commission and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

### **CALL ROLLINGWOOD PLANNING AND ZONING COMMISSION MEETING TO ORDER**

#### 1. Roll Call

**Chair Dave Bench called the meeting to order at 6:04 p.m.**

**Members Present:** Greg Demas, Tony Stein, Michael Hall, and Chair Dave Bench

**Also Present:** City Administrator Ashley Wayman, City Attorney Lee Simmons, City Secretary Desiree Adair, Development Services Manager Nikki Stautzenberger, and Assistant to the City Administrator Makayla Rodriguez

### **PUBLIC COMMENTS**

There were no public comments.

### **CONSENT AGENDA**

2. Discussion and possible action on the minutes from the February 27, 2023 Planning and Zoning Commission meeting
3. Discussion and possible action on the minutes from the April 5, 2023 Joint City Council and Planning and Zoning Commission meeting

**Tony Stein moved to approve the minutes from the two previous meetings. Greg Demas seconded the motion. The motion carried with 4 in favor and 0 against.**

**REGULAR AGENDA**

- 4. Update on Comprehensive Residential Code Review Committee (CRCRC) activities and progress

Chair Dave Bench discussed a timeline of the Comprehensive residential Code Review Committee (CRCRC), emails received, topics discussed, and the Committee’s progress through September 6, 2023.

Mr. Bench continued to discuss the CRCRC meetings, a public workshop, survey drafts, City Council meeting requests, next steps, and potential future actions of the CRCRC.

Greg Demas asked questions about the language of proposed new ordinances and the timing of the survey.

The Commission discussed the process of how changes would get made regarding recommendations and ordinances. They also discussed the Open Meetings Act, a request to City Council to relax certain requirements for the CRCRC, transparency, community outreach, and the timing of the survey distribution.

**ADJOURNMENT OF MEETING**

**The meeting was adjourned at 6:41 p.m. by Dave Bench.**

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
**Dave Bench, Chair**

**ATTEST:**

\_\_\_\_\_  
**Desiree Adair, City Secretary**

## AGENDA ITEM SUMMARY SHEET

### City of Rollingwood

**Meeting Date: October 11, 2023**

**Submitted By:**

Staff

**Agenda Item:**

Discussion and possible action regarding a recommendation on a Special Use Permit application for 2712 Bee Cave Road #106 to authorize operation of a restaurant, including alcoholic beverage sales, for on-premise consumption

**Description:**

2712 Bee Cave Road, #106 is located within Rollingwood's Business Zoning District (C-2). Subject to the approval by the city council, Sec. 107-169 (c) Cafes, cafeterias, or restaurants may be permitted in this C-2 district with a Special Use Permit. A special use permit may be approved by the city council acting after notice, a public hearing and recommendation from the Planning and Zoning Commission.

**Action Requested:**

Make a recommendation to the City Council regarding a Special Use Permit application for 2712 Bee Cave Road #106 to authorize operation of a restaurant, including alcoholic beverage sales, for on-premise consumption.

**Fiscal Impacts:**

No significant fiscal impacts are anticipated at this time.

**Attachments:**

- Special Use Permit Application
- Letter to the Planning & Zoning Commission and City Council from Pepita's
- Report by City Staff
- Rollingwood Code Sections



**SPECIAL USE PERMIT (SUP) REQUEST APPLICATION**

ADDRESS 2712 BEE CAVES ROAD Suite # 106 Rollingwood , TX 78746

Legal Description: Lot 5B Block \_\_\_\_\_ Subdivision S15254 LOT 5B \*RESUB OF LTS 5A&6A WESTPARK SQUARE PROFESSIONAL CENTER PHS 2

Attach Plat with Metes and Bounds of the Property.

Business Name for SUP PEPITA & PIQUIN, LLC dba Pepita's Cafe & Bar

Contact NELIA DELGADO CRUZ

Address 10016 GERTRUDIS LOOP City/State/Zip Austin, Texas 78747

Telephone \_\_\_\_\_ Cell 512-784-3561 Email pepitaypiquin@gmail.com

Property Owner LAMY-COUNTRY VILLAGE LTD & RESACA PLAZA LLC

Address 11701 BEE CAVES RD STE 262 City/State/Zip AUSTIN TX 78738-504

Telephone 512-452-8633 Cell 512-796-3956 Email clayrouth@yahoo.com

What is the business description? TEX-MEX & AMERICAN FARE FULL BAR

\_\_\_\_\_  
\_\_\_\_\_

Describe the character and/or nature of uses of surrounding property: RESTAURANT/BAR

\_\_\_\_\_

Will your use have any adverse impacts to the surrounding areas? Yes/  No (Circle One)

\_\_\_\_\_

Will your use have any external equipment? (EX: Cooking equipment? Barbeque smokers?)

NO EXTERNAL EQUIPMENT

\_\_\_\_\_



Has a previous application for a Special Use Permit been filed?

YES  NO

If Yes, Date: \_\_\_\_\_

Planning and Zoning Commission/ City Council should approve this request for the following reasons:

We will provide homey, family-run cantina for familiar Mexican staples, frozen margaritas & lunch specials.  
We have many years of experiance and several restrauents within the Central Texas area.

**Owner Certification**

I hereby agree to comply with all provisions of local, State, and Federal Laws will be complied with, whether herein specified or not. I certify that I am the owner of the above property or his duly authorized agent.

Clay Routh (Printed Name) Clay Routh (Signature)  
09 / 28 / 2023 (Date) 512-796-3956 (Telephone) clayrouth@yahoo.com (Email)

**APPLICATION FILING INSTRUCTIONS**

**REQUIRED SUBMITTALS:**

- Completed application and signed by the owner
- Permission letter from owner
- A letter to the Planning and Zoning Commission & City Council responding to [Sec. 107-400](#) & [Sec. 107-401](#) (if applicable)

Deliver application, attachments and fee to:

**Development Services**  
**THE CITY OF ROLLINGWOOD**  
Phone +1 (512) 327-1838  
403 Nixon Dr. Rollingwood, TX 78746-5512

**Fees:**  
Special Use Permit: \$ 700.00  
Notification Fee: \$ 5.00 (per mailed notification)  
Publication in Newspaper: At Cost (Austin American Statesman)





2712 BEE CAVES ROAD S.106  
Rollingwood, TX 78746

Planning and Zoning Commission & City Council:

Pepitas strives to bring to west Austin area a unique twist of traditional Mexican flavors. Tortillas are not made in house however our ingredients are we always source out to have high quality and strive to use natural organic when available to us. Being a family owned and operated restaurant our dedicated staff strives to bring the best in the restaurant dining experience. We hope to bring the same service to the Rollingwood area for years to come.

Pepitas will take over what was once known as "Lover Boy Pizza". Appearance is a big deal for us. We want every customer to feel at home and welcome. Cleanliness is a big part of our appearance. We feel that our presence there will add value to our customers shopping experience and to our surrounding neighborhood. Our friendly staff is well trained and compensated, this allowed us to ensure that no nuisance or otherwise interference with other neighbors will not be an issue. Happy staff creates a happy environment. Our staff strives to have an enjoyable environment.

Although we expect to make a footprint in Rollingwood, we don't anticipate having any significantly high traffic congestion. Customers are welcome to feel at home at Pepita's and can stay if they wish. Our vision is to be a HUB for parents or workers needing a break from their day. Pepita's complies with all applicable city ordinance and regulations. We are working with the Alcoholic Beverage Commission (TABC) for a Mix Beverage License. That been said we have checked and have verified that no Church, School, or Residential property is within the 300ft.

Being in the restraunt business for 23 years we understand how the sale of alcohol can have its adverse consequences. At Pepitas or at any of our family own restraunt, the sale of alcohol is not our main source of income. Our food speaks for itself, we provide the drinks because our customers requested it. To show our commitment we have applied for the Food and Beverage Certificate through TABC. That means TABC can audit us at any moment to confirm our sales of alcohol does not exceed the sales of food.

We are happy to be a part of the Rollingwood community. We hope you can see and be apart of our mission to bring some home-style food and atmosphere to Rollingwood. We pray that your questions have been answered and look forward to joining your community. Any questions or concerns, please feel free to contact me via email or phone.

Sincerely,

Nelia Delgado Cruz



**TO:** City of Rollingwood Planning and Zoning Commission /  
City of Rollingwood City Council

**FROM:** Nikki Stautzenberger / Development Services Manager

**DATE:** 10/2/2023

**SUBJECT:** Pepita's Café & Bar 2712 Bee Cave Road, #106

**TYPE OF OBSERVATION:** Visit to proposed special use site (Pepita's Café & Bar 2712 Bee Cave Road, #106) and surrounding area

**DATE OF OBSERVATION:** October 5, 2023

**ATTENDEES:** Nikki Stautzenberger, Development Services Manager

**OBSERVATIONS:** Section 107- 399- Special use permits requires a "report by city secretary or city inspector. The city secretary or city inspector shall visit the site of the proposed *special use* and the surrounding area, and thereafter submit his written findings to the commission and the city council."

The proposed special use of a restaurant, Pepita's Café and Bar, within the City of Rollingwood's Business District (C-2) complies with all criteria set forth within Section 107-400- General criteria applicable to all special uses, and will operate in the same retail center as another SUP restaurant, "Chinatown."

**Sec. 107-400. General criteria applicable to all special uses.**

A proposed special use must comply with all the following criteria:

- (1) The appearance, size, density and operating characteristics of the proposed special use shall be compatible with the surrounding neighborhood and uses;
- (2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;
- (3) The proposed use will not create a nuisance nor otherwise interfere with the neighbors' enjoyment of their property or operation of their business;
- (4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, safety hazards, nor parking problems in the area, nor will it disturb the peace and quiet of the neighborhood; and
- (5) The proposed use complies with all other applicable city ordinances and regulations.

Additionally, the City has verified that this property, Pepita's Café and Bar located at 2712 Bee Cave, #106, is not within 300 feet of a church or school and that two or more sides of this property does not abut property in a residential district.

**Sec. 107-401. Criteria applicable to individual special uses.**

(a) Alcoholic beverages sold in a restaurant for on-premises consumption. A proposal to sell alcoholic beverages in a restaurant for on-premises consumption must comply with the following specific criteria and conditions, as well as the general criteria prescribed under section 107-400:

- (1) The restaurant where alcoholic beverages are proposed to be sold is not located within 300 feet of a church or school;
- (2) The restaurant where alcoholic beverages are proposed to be sold is not located on property, two or more sides of which abut property in a residential district;

**ARTICLE III. - SPECIAL USES**

**Sec. 107-397. - Applicability.**

The regulations set forth in this article shall apply to land, buildings and structures located in a professional and business office district (C-1), a business district (C-2), a government and institutional zoning district (GI), a park zoning district (P), a hospital zoning district (H), and a PUD.

(Code 1995, § 14.02.701; Ord. No. 2014-05-21(E), § 12, 5-21-2014)

**Sec. 107-398. - Special uses; approval required.**

Special uses may be approved by the city council only as authorized under this article.

(Code 1987, ch. 11, subch. G, art. XII, § 2; Code 1995, § 14.02.702)

**Sec. 107-399. - Special use permits.**

(a) *Permit required.* No special use shall be established, operated, or maintained except as authorized by a special use permit approved in accordance with the requirements of this article.

(b) *Special use permit approved by city council.* A special use permit may be approved only for the special uses specified in this article, and only for the districts wherein such uses are authorized. A special use permit may be approved by the city council acting after notice, a public hearing and recommendation from the commission relative to the proposed permit.

(c) *Application.* An application for a special use permit shall be made in writing in a form prescribed by the city secretary, and shall be accompanied by such information as may be requested (including a site plan, if required) in order to provide for proper review of the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, traffic plans prepared by a licensed professional engineer with experience in traffic safety that includes an analysis of traffic to be generated by the proposed use and indicates the impact on existing traffic conditions within the city, including residential areas, and provides information on the potential congestion caused by ingress and egress, and operational data.

(d) *Report by city secretary or city inspector.* The city secretary or city inspector shall visit the site of the proposed special use and the surrounding area, and thereafter submit his written findings to the commission and the city council.

(e) *Notice and public hearings.*

(1)The commission and city council shall provide notice and hold a public hearing on each application for a special use permit, pursuant to this section and section 107-518(b).

(f) *Review and recommendation of the commission.*

(1) The commission shall review each application for a special use permit to determine whether the proposed special use complies with each of the general criteria in section 107-400, and with each of the specific criteria in section 107-401 applicable to the proposed use, and shall make a separate finding thereon for each criterion.

(2) The commission shall not recommend approval of an application unless it finds that the proposed special use as presented or as modified by the commission complies with each applicable general and specific criterion. A recommendation of approval may be conditioned on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to ensure compliance with the criteria.

(3) The commission shall forward its findings and recommendations to the city council in writing.

*(g) Review and action by city council.*

(1) The city council shall determine whether the proposed special use complies with each of the general criteria in section 107-400 and with each of the special criteria in section 107-401 applicable to the proposed use, and shall make separate findings thereon or adopt the findings made by the commission.

(2) The city council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to ensure compliance with the criteria.

(3) The city council shall not grant a special use permit unless it finds that the proposed special use, as presented or as modified by the council, complies with each applicable general and specific criterion; otherwise it shall deny the application.

(Code 1987, ch. 11, subch. G, art. XII, § 3; Code 1995, § 14.02.703; Ord. No. 2009-05-07B, §§ 4, 5, 5-7-2009; Ord. No. 2023-05-17-11 , § 2(Exh. A), 5-17-2023)

**Sec. 107-400. - General criteria applicable to all special uses.**

A proposed special use must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics of the proposed special use shall be compatible with the surrounding neighborhood and uses;

(2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;

(3) The proposed use will not create a nuisance nor otherwise interfere with the neighbors' enjoyment of their property or operation of their business;

(4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, safety hazards, nor parking problems in the area, nor will it disturb the peace and quiet of the neighborhood; and

(5) The proposed use complies with all other applicable city ordinances and regulations.

(Code 1987, ch. 11, subch. G, art. XII, § 4; Code 1995, § 14.02.704)

**Sec. 107-401. - Criteria applicable to individual special uses.**

(a) Alcoholic beverages sold in a restaurant for on-premises consumption. A proposal to sell alcoholic beverages in a restaurant for on-premises consumption must comply with the following specific criteria and conditions, as well as the general criteria prescribed under section 107-400:

- (1) The restaurant where alcoholic beverages are proposed to be sold is not located within 300 feet of a church or school;
- (2) The restaurant where alcoholic beverages are proposed to be sold is not located on property, two or more sides of which abut property in a residential district;
- (3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food; and
- (4) The permit shall be reviewed annually by the city secretary and if reissued, reissued at the end of the city's fiscal year.

(b) Alcoholic beverages sold in grocery stores for off-premises consumption.

- (1) The grocery store where the alcoholic beverages are proposed to be sold is not located within 300 feet of a church or school;
- (2) The grocery store where the alcoholic beverages are proposed to be sold is not located on property, two or more sides of which abut property in a residential district;
- (3) The permit shall be reviewed annually by the city secretary and if reissued, reissued at the end of the city's fiscal year;
- (4) Additional fees are to be collected after three years' operation in accordance with alcoholic beverage commission permit rules; and
- (5) A permit shall only be granted if:
  - a. The applicant agrees that all litter associated with off-premises consumption of alcoholic beverages within 200 feet of the applicant's premises is presumed to be the applicant's; and
  - b. The applicant agrees to collect and dispose of all litter within 200 feet of the boundary line of the premises from which alcoholic beverages are sold.

(c) Banks/savings and loan associations in C-1 districts. A proposed bank or savings and loan association in a C-1 district must comply with the following specific criteria and conditions, as well as the general criteria prescribed under section 107-400:

- (1) The site plan must provide adequate stack space for motor vehicles;
- (2) The site shall be designed and developed in a manner that will not impede the flow of traffic in the vicinity of the bank or savings and loan association;

(3) The site plan shall provide for adequate landscaping and the maintenance of landscaped areas shall be governed by the provisions of restrictive covenants enforceable by the city; and

(4) There shall be no more than one curb cut for access to the office complex unless otherwise approved by the city council.

(d) Personal wireless telephone service facility in certain parts of a C-1, C-2, and H district, and a PUD. A proposed personal wireless telephone service facility on a lot with frontage on Bee Caves Road in a C-1, C-2, or H district or in a PUD must comply with the following specific criteria and conditions as well as the general criteria prescribed under section 107-400:

(1) The facility shall have a design and appearance that mimics other uses and ancillary structures in the vicinity, such as a flagpole, tree trunk or other object compatible with surrounding buildings and uses, or, in lieu thereof, the lower 15 feet of a freestanding facility shall be screened by vegetation;

(2) The use or operation of the facility shall not be attended by noise or light that is incompatible with surrounding uses, or other attributes constituting a nuisance to surrounding uses;

(3) The facility will at all times be operated in compliance with applicable federal and state law, including law regulating radio frequencies, microwaves, and other electronic or magnetic emissions or transmissions; and

(4) No auxiliary generator or power source producing excessive noise or polluting emissions shall be included.

(Code 1987, ch. 11, subch. G, art. XII, § 5; Code 1995, § 14.02.705; Ord. No. 2009-05-07B, §§ 6, 7, 5-7-2009; Ord. No. 2014-05-21(E), § 13, 5-21-2014)

**Sec. 107-402. - General requirements for all special uses.**

(a) *Adherence to approved plans and regulations.* Each special use shall be established, operated and maintained in accordance with the plans, terms, conditions, and limitations contained in the permit approved by the city council.

(b) *Duration.* The duration or life of a special use permit shall be prescribed by the city council.

(c) *Revocation.* The city council, after notice and public hearing, may revoke any special use permit for one or more of the following reasons:

(1) A substantial violation of any of the plans, terms, conditions, or limitations applicable to the special use;

(2) A substantial violation of any applicable ordinance or regulation;

(3) Operation or maintenance of the special use in a manner that is detrimental to the public health or safety, or so as to constitute a nuisance; or

(4) Discontinuance of the use.

(d) *Lapse of permit.* A special use permit shall automatically expire if the use has not been commenced within one year of the date the permit was issued. If the particular special use requires the construction of a building or structure, a special use permit shall automatically expire if the construction of such building or structure has not been commenced within one year of the date the permit was issued.

(e) *Transfer.* A special use permit is only transferable within one year of the date the permit is originally issued, provided that none of the following occurs:

- (1) Any change of the plans, terms, conditions, or limitations applicable to the special use;
- (2) Any violation of any applicable ordinance or regulation;
- (3) Operation or maintenance of the special use in a manner that is detrimental to the public health or safety, or so as to constitute a nuisance; or
- (4) Discontinuance of the use.

(f) *Termination.* A special use permit shall cease upon the sale of the property unless transferred in accordance with subsection (e) of this section, or a change in the use of the property, or the expiration of the lease under which the property is held.

(Code 1987, ch. 11, subch. G, art. XII, § 6; Code 1995, § 14.02.706)