

ITEMS 11:10
Postponement Request: 1st by Nhood

Welder, Kathleen

From: rex [rexford@jhaadvertising.com]
Sent: Wednesday, February 15, 2006 6:41 PM
To: Welder, Kathleen
Subject: C14-05-0106 and NP-05-0020 Postponement Request

>Dear Council Members,

>
>I am a representative of the Pleasant Hill neighborhood in the South
>Congress Combined Neighborhood Planning Area. We respectfully request
>a postponement of Cases C14-05-0106 and NP-05-0020 regarding the
>property at
>103 Red Bird Ln (Tract 30). This is our first request for this tract.

>Background:

>This Tuesday, February 14, 2006, we had a meeting with the property
>owner (Mr. Tommy Harper) and staff to discuss all of our concerns about
>the draft zoning ordinance and restrictive covenant, and about the case
>itself. At the end of the meeting, we came closer to reaching a
>compromise than we ever had before. We collectively decided to postpone
>the case on Thursday (Feb
>16) and staff was to redraft a restrictive covenant with conditions we
>all discussed. We were to meet again in a couple of weeks.
>Today, Wednesday, February 15th, we learned that the property owner has
>changed his mind and neither supports redrafting the restrictive covenant,
>nor recommends the postponement. Because this is so different than our
>understanding from Tuesday night, we would like a postponement.
>Moreover, we recently learned (and discussed at the meeting) a loophole
>regarding the zoning ordinance. The conditional overlay in the draft
>rezoning ordinance (an overlay that Council directed staff to write to
>address some of the neighborhood's concerns and make the site more
>compatible) may not take effect or be enforceable unless Mr. Harper
>files
a site plan. According to staff, a site plan triggers implementation of those conditions,
>and Mr. Harper most likely will not have to file one because of his
>grandfathering status.

>We discussed this with the property owner at our Tuesday meeting, and
>he was agreeable to putting those conditions in a restrictive covenant
>- since it is effective with or without a site plan. In fact, Mr.
>Harper stated that he sincerely wanted to make the property more
>compatible with the neighborhood and was already making plans to
>improve it at the time this zoning case came up as part of the
>Neighborhood Planning process. However, he has changed his position
>today, and we have not had the opportunity to talk with him further about it.

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>Please consider our request as we already believed we were postponing
>the case with the support of the property owner and were pursuing a
>compromise supported by all.

>Sincerely,
>Rex Burns
>Resident of the Pleasant Hill Neighborhood
205 Red Bird Ln.

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rexford burns
designer