



4-22-04
Z-5

UNIVERSITY AREA PARTNERS, INC.

RECEIVED

RECEIVED

APR 19 2004

APR 19 2004

Mayor and Members of the City Council
Neighborhood Planning & Zoning

Neighborhood Planning & Zoning
April 19, 2004

RE: House of Tutors Inc. 2400 Pearl Street Austin Texas 78705, C14-03-0049

Dear Mayor Wynn and Council Members:

University Area Partners (UAP) is writing to clarify our letter of support for zoning case C14-03-0049, The House of Tutors Inc.

The initial support from UAP was conditioned upon entering into a private restrictive covenant between the owner and UAP to insure that specific design considerations and ROW improvements would be made by the owner. This private restrictive covenant is similar to the restrictive covenant that UAP has entered into with every property owner that has asked for a zoning change or a variance from the Board of Adjustments. These covenants have been received from all manner of owner from Co-ops rebuilding a single lot to projects building on 2 or more acres. To date the applicant has refused to enter into such an agreement. Because of the applicant's refusal and recent actions concerning an agreed postponement, it is imperative that a signed restrictive covenant be filed and recorded prior to any action by the City Council on this zoning case.

At the initial meetings with UAP the applicant indicated that the zoning change was supported by the adjacent neighbors especially those on the north side of 24th Street. It is now apparent that this is not the case and these neighbors oppose the zoning change. UAP would like the opportunity to resolve this inner neighborhood conflict and would request that this case be delayed until a meeting between all the parties can be held. It is UAP's understanding that this is not a project that is scheduled to be built or started any time in the near future so such a delay would not impose a hardship on the owner. In fact the owner has indicated that they plan to keep operating the House of Tutors which has always been a good neighbor. A delay would create an opportunity to resolve any misunderstanding now that all parties are at the table.

Finally, all of the neighborhood associations with in the Central Austin Combined Neighborhoods Planning Area have sent letters to the City Council requesting a delay of all zoning cases until the Combined Neighborhood plan is acted on by the City Council. The plan is scheduled to come before the Council on May 6.

UAP urges the Council for all the reasons stated to delay action on this case. UAP has told the Applicant at every meeting to enter into a restrictive covenant and to get the support of the immediate neighbors. Any delay is the fault of the applicant.

IN THE EVENT THE CITY COUNCIL CHOOSES TO ACT ON THIS MATTER AT THIS TIME, UAP OPPOSES THE PROPOSED ZONING CHANGE.

Sincerely,


Cathy Norman President