

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-8  
AGENDA DATE: Thu 03/11/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0049 - House of Tutors - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2400 Pearl Street (Shoal Creek Watershed) from general office-mixed use (GO-MU) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multi-family residence highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architectural (James Holland). City Staff: Glenn Rhoades, 984-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0049

**P.C. DATE:** November 11, 2003  
December 9, 2003

**C.C. DATE:** January 29, 2004  
March 11, 2004

**ADDRESS:** 2400 Pearl Street

**OWNER/APPLICANT:** House of Tutors Inc.  
(Hussian Malik)

**AGENT:** Holland Architectural  
(Jimmy Holland)

**ZONING FROM:** GO-MU

**TO:** CS-MU  
Amended to CS-MU and  
MF-6

**AREA:** .66 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay district zoning and MF-6-CO, Multifamily Highest Density-Conditional Overlay district zoning. The conditional overlay will limit the property to 2,000 vehicle trips per day. In addition, staff recommends that access be limited to Pearl Street and that access to 24<sup>th</sup> Street be prohibited.

### **PLANNING COMMISSION RECOMMENDATION:**

November 11, 2003 – Postponed at the request of the applicant to 12/9/03 (Vote: 5-0, M. Armstrong, M. Casias and N. Spelman – absent).

December 9, 2003 – Approved staff recommendation with the following conditions:

1. Impervious cover will be limited to 80%.
2. A 15-foot front yard set back will be required
3. Height will be limited to 40' for the first 75 ft. north of 24<sup>th</sup> Street.

Vote: 7-0, L. Ortiz – on leave.

### **ISSUES:**

Staff has received several letters both in support and against the proposed zoning change (see attached). In addition, staff has received a petition against the proposed change that has been calculated at 44.66% (see attached).

In the time between the Planning Commission hearing and March 4, 2004, the neighborhood planning team has amended their recommendation for this tract. Originally, the subject tract was in the proposed high intensity zone of the University Area Overlay district (UNO), which recommended a height of 90 feet. The high intensity zone boundary has been moved further to the east and the property is now in a moderate intensity zone, which recommends a height of 75 feet (see attachment A).

The subject tract is a part of the proposed Central Austin Combined Planning Area (CACPA), which encompasses the West University, North University and Hancock neighborhoods. At this time the CACPA is in the very early stages and City staff is still collecting data and having the initial meetings both internally and externally. Staff does not have a future land use map created yet and recommendations for the subject tract are not yet incorporated into the plan. Therefore, staff is processing this rezoning application like any other zoning case. The reason for this case being presented before this Commission is due to Council resolution 020411-55, which initiated plans for the CACPA. The resolution became effective on September 1, 2002 and all zoning cases within the CACPA boundaries are required to be heard by this Commission.

The applicant's amended request is for CS-MU from ground level to 30 feet and MF-6 from 30 feet to 90 feet. The applicant is proposing retail or office, in addition to parking on the first two floors and multifamily above (see attached plan). While the Final Land Use Map has not yet been completed it does appear that staff would recommend the height and density being requested by the applicant. The reason for the two-tired request is because without final approval of the plan, it is the only tool available that will allow for a mixed-use project of this density. If the applicant had requested MF-6, the height would have been allowed. However, the project would have been restricted to residential only. If the applicant had requested CS-MU, a mixed-use project would have been allowed, but it would have been restricted to MF-4 development regulations and a height of 60 feet. The current request will allow for the height and the opportunity for a mixed-use project.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-MU	Personal Services
<i>North</i>	MF-4	Fraternity Center
<i>South</i>	CS	Retail, Office and Multifamily
<i>East</i>	MF-4	Fraternity, Multifamily
<i>West</i>	GR-MU	Parking lot and Retail

**AREA STUDY:** Central Austin Combined Neighborhood Planning Area

**TIA:** N/A

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#069 – University Area Partners

#511 – Austin Neighborhoods Council

#937 – Taking Action Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-95-0019	MF-4 to GO-MU	Approved GO-MU w/o conditions (Vote: 7-0). 2/28/95.	Approved PC recommendation (Vote: 6-0). 3/30/95.
C14-00-2059	LO to MF-6-CO	Approved MF-6-CO. The CO limits the height to 60 feet, limits property to 24 units and to 2 access points (Vote: 7-1). 5/9/00.	Approved PC recommendation (Vote: 7-0). 11/20/00.
C14-01-0017	MF-4 to GO	Withdrawn	
C14-01-0050	LO to CS-MU for tract 1 and MF-3 to MF-6-CO for tract 2	Approved CS-MU-CO for tract 1. The CO limits to 12 units and a height of 60 feet from ground level. Approved MF-6-CO for tract 2. The CO limits to 36 units (Vote: 6-2). 7/10/01.	Approved PC recommendation (Vote: 6-0). 8/30/01.

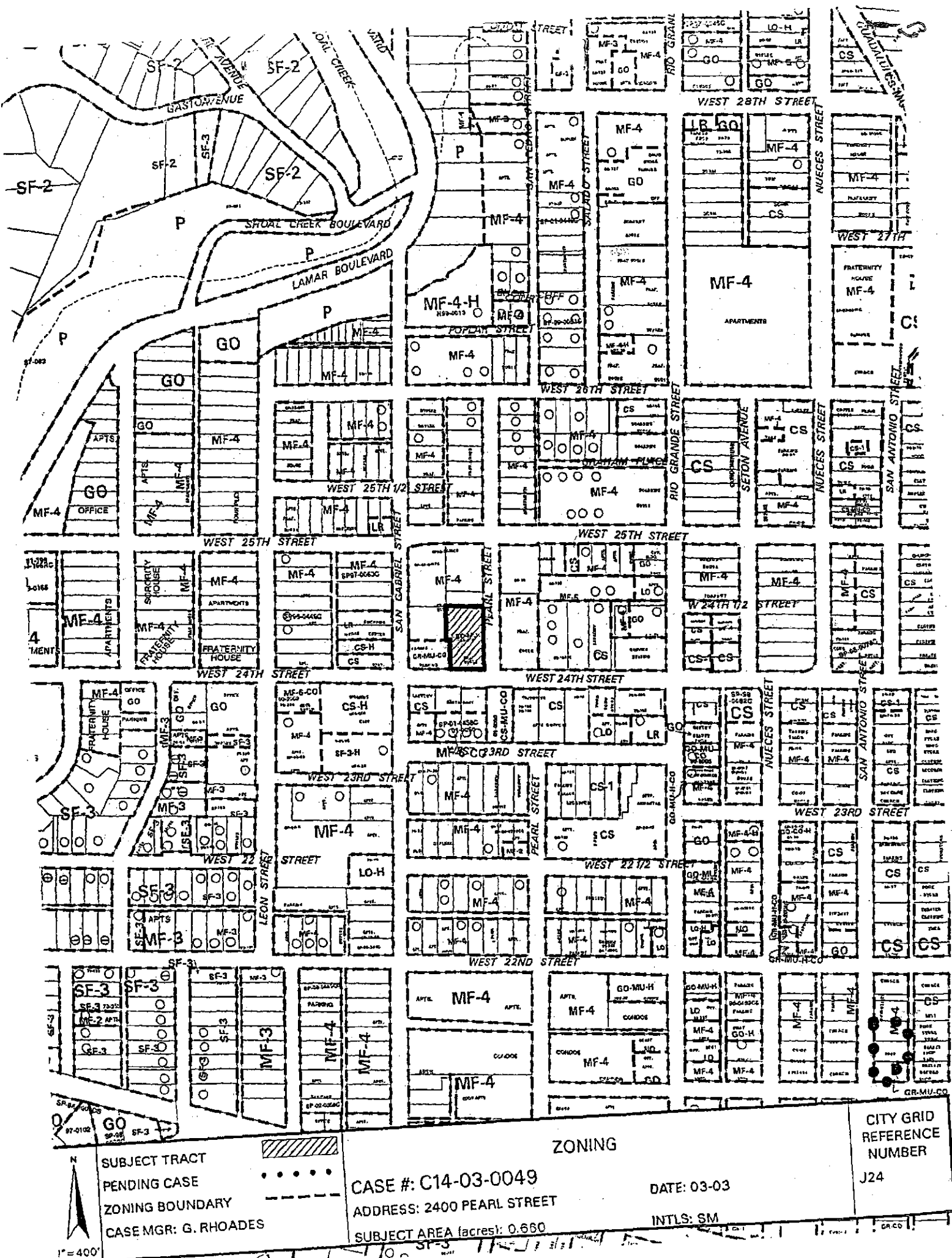
**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
W. 24 <sup>th</sup> St.	60'	33'	Collector	18,309
Pearl St.	60'	37'	Local	N/A

**CITY COUNCIL DATE:** January 29, 2004

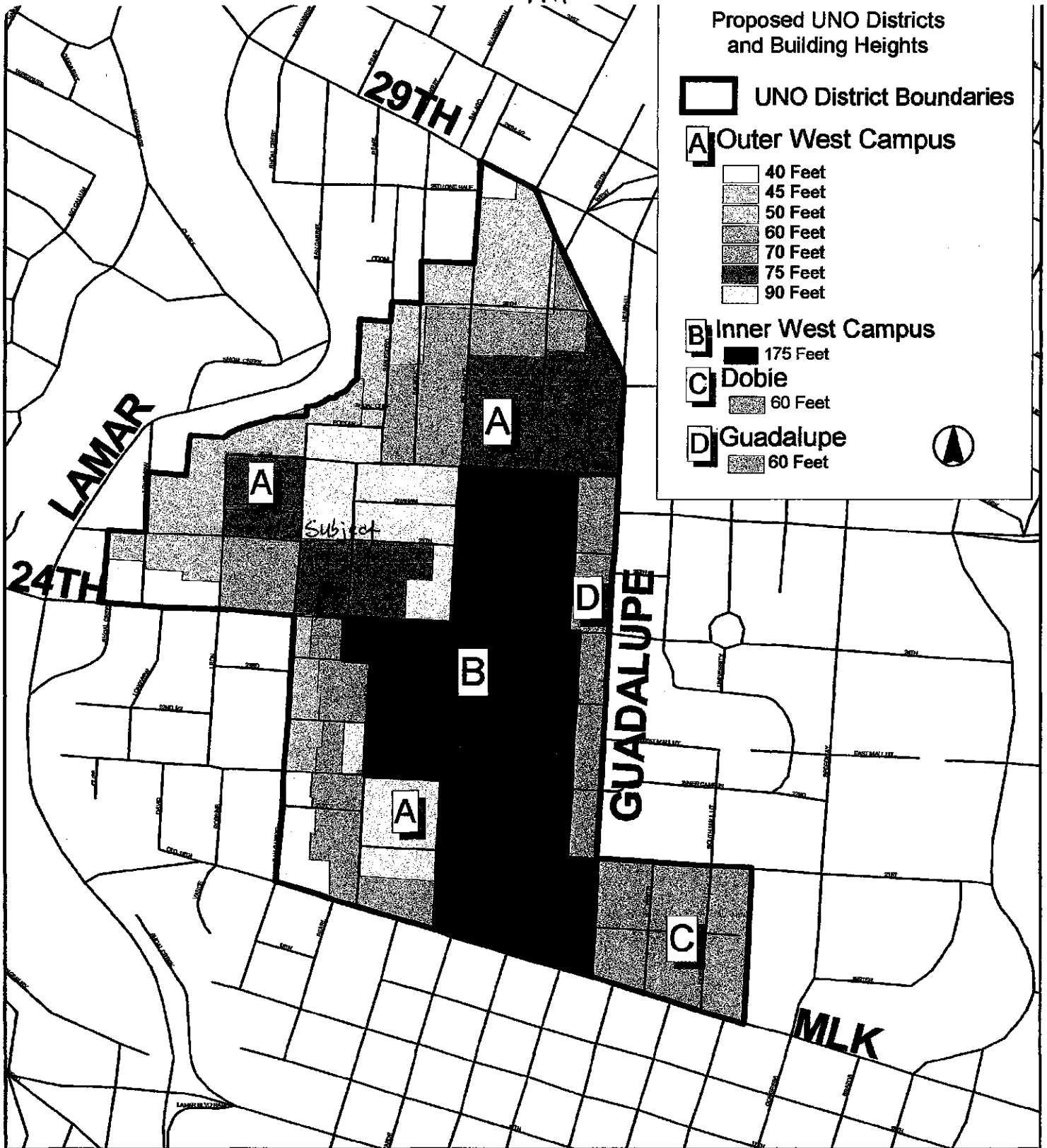
March 11, 2004

**ACTION:** Postponed at the request of the applicant to 3/11/04. Vote: 5-0, W. Wynn-off dais, D. Thomas – absent.**ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775





Attachment A



# Proposed University Area Overlay (UNO) Districts



NPZD  
City of Austin

500 0 500 1000 1500 2000 Feet



February 17, 2004

## DRAFT



## **STAFF RECOMMENDATION**

Staff's alternate recommendation is CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay district zoning and MF-6-CO, Multifamily Highest Density-Conditional Overlay district zoning. The conditional overlay will limit the property to 2,000 vehicle trips per day. In addition, staff recommends that access be limited to Pearl Street and that access to 24<sup>th</sup> Street be prohibited.

## **BASIS FOR RECOMMENDATION**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

CS – General Commercial Services district is intended for commercial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

MF-6 – Multifamily Highest Density is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers and in other selected areas where multifamily use is desirable.

The proposed change meets the purpose statements set forth in the Land Development Code. The subject tract is located along a commercial corridor and is located near downtown in close proximity to employment centers and institutional facilities.

- 2. The proposed zoning should promote consistency, and orderly planning.*

The proposed zoning would be consistent and compatible with the surrounding area. There is CS zoning to the west, south and east along 24<sup>th</sup> Street. In addition, there are residential buildings in the vicinity with densities similar to or exceeding MF-6 development regulations.

- 3. The proposed zoning should allow for a reasonable use of the property.*

The CS-MU and MF-6 zoning districts would allow for a fair and reasonable use of the site. CS-MU and MF-6 zoning is appropriate for this site because the location of the property and the mixed-use character of the area.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently occupied with a tutoring facility.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 4,776 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).



A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

There are existing sidewalks along both W. 24<sup>th</sup> St & Pearl St.

W.24<sup>th</sup> St. is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along W. 24<sup>th</sup> St.

### **Impervious Cover**

The maximum impervious cover allowed under CS zoning is 95%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

#### **Water and Wastewater**

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or relocation, or adjustments or system upgrades are required, the landowner will be responsible for all costs and for providing. Also, the utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility. The plan must be in accordance with the City's utility design criteria.

#### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

#### **Compatibility Standards**

Compatibility standards will not be triggered.

## PETITION

Case Number:

**C14-03-0049**

Date:

Jan. 29, 2004

Total Area within 200' of subject tract: (sq. ft.)

265,080.35

1	02-1401-1419	WHITE/COFFEE LTD	1,890.46	0.71%
2	02-1401-1420	WHITE/COFFEE LTD	1,910.27	0.72%
3	02-1401-1421	WHITE/COFFEE LTD	1,926.76	0.73%
4	02-1401-1422	WHITE/COFFEE LTD	1,803.93	0.68%
		SIGMA ALPHA		
5	02-1401-0707	EPSILON ALUMNI OF	62,404.15	23.54%
		KAPPA ALPHA THETA		
6	02-1401-0820	BUILDING ASN	48,450.22	18.28%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By:

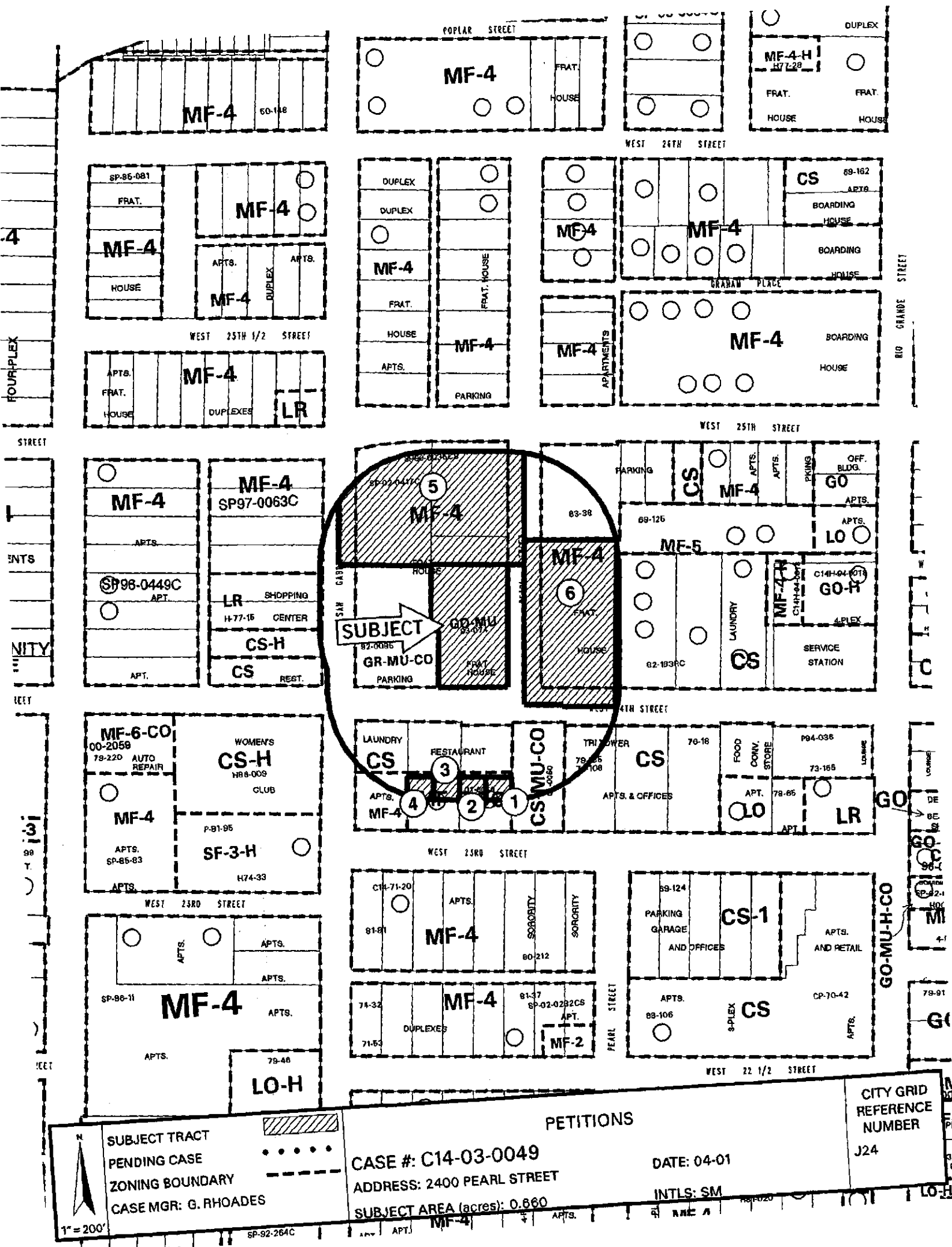
Stacy Meeks

Total Area of Petitioner:

118,385.80

Total %

44.66%



TO: GLENN RHOADES  
CITY OF AUSTIN NEIGHBORHOOD PLANNING  
AND ZONING DEPT.  
AND  
THE HONORABLE MAYOR WILL WYNN AND  
AUSTIN CITY COUNCIL MEMBERS:

FROM: PROPERTY OWNERS NEAR 2400 PEARL ST.  
(HOUSE OF TUTORS)

RE: CASE #C14-03-0049

DATE: January 28, 2004

TOTAL # PAGES SENT: 10

Attached please find our signed petition against the zoning change proposed for the referenced property. The originals will be delivered to your office today. Our contact information is included.

Thank you.



City of Austin Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF CITY COUNCIL PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: December 19, 2003

File Number: C14-03-0049

The Neighborhood Planning & Zoning Department has received the following described application for a zoning change. This notice has been mailed to you because City Ordinance requires that all property owners within 300 feet of a proposed development and affected neighborhood organizations be notified that an application for development has been filed.

**Address And/Or Legal Description of Proposed Zoning Change:** (See map) 2400 Pearl Street

**Proposed Zoning Change:**

**FROM:** GO-MU General Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district.

**TO:** CS-MU General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. MF-6--Multifamily Residence (Highest Density) district is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where highest density multifamily use is desirable.

**OWNER:** House of Tutors, Inc.

**AGENT:** Holland Architectural (James H. Holland Jr.)

**PHONE:** (512) 478-6554

**CITY COUNCIL HEARING DATE:** January 15, 2004

**TIME:** 4:00 PM

**LOCATION:** Lower Colorado River Authority's Hancock Bldg., 3700 Lake Austin Blvd.

As a property owner within 300 feet, you are not required to attend this hearing, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change. Applicants and/or their agents are expected to attend.

At its hearing, the City Council may grant or deny this zoning request, or it may classify the land to a less intensive zoning than requested, but in no case will it grant a more intensive zoning.

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call.

Property Owners Signing Petition against 2400 Pearl St.  
Case #C-14-03-0049

Address: 2401 Pearl St., Austin, TX  
Owner: Kappa Alpha Theta Building Assn/Facility Corporation  
Legal Description: S270.07 Ft. of Lot 6 & 6.78x46 Ft. AV OLT 46 DIV D Fraternity Row  
Parcel ID #:02140108200000

Address: 2414 Pearl St., Austin, TX  
Owner: Sigma Alpha Epsilon Alumni of Texas Rho House Corporation  
Legal Description: Lot 4 & N50.5 Ft Av of Lot 5 OLT 46 DIV D Fraternity Row Lot 2 Amended Plat Lts 1-3  
Parcel ID # 02140107070000

Address: 900 W. 23<sup>rd</sup> St., Austin, TX  
Owner: White/Coffee Ltd  
Legal Description: 5 parcels  
Parcel ID #s 2120706070000/02120706080000/ 02140114190000/  
02140114200000/02140114210000/ 02140114220000

7. 05

Phone Number: (830) 598-4898



## KAPPA ALPHA THETA

Facility Corporation  
2401 Pearl Street  
Austin, Texas 78701

January 27, 2004

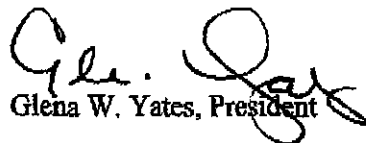
City Council  
City of Austin  
Austin, Texas

Re: Petition for File No. C-14-03-0049

Dear City Council Members:

I Glenna W. Yates, President of the Kappa Alpha Theta Facility Corporation., which owns the Kappa Alpha Theta House at 2401 Pearl St. , am authorized to sign as president the attached petition.

Sincerely,



Glenna W. Yates, President

GWY/vv

Enclosure

P E T I T I O NDate: 1/27/04File Number: C-14-03-0049

Address of

Rezoning Request: 2400 Pearl St.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GO-MU with residential limited to 60 ft. hts.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddressJody C. Lane Sigma Alpha Epsilon Alumni of UT 2414 Pearl St.

The owners, alumni, and members of Sigma Alpha Epsilon Fraternity feel very strongly that 90' height is absolutely too high for this neighborhood.

Date: 1/27/04Contact Name: Jody C. LanePhone Number: 214-353-6980

**WRITTEN CONSENT OF THE BOARD OF DIRECTORS  
OF  
SIGMA ALPHA EPSILON TEXAS RHO HOUSE CORPORATION**

We the undersigned, being all the members of the Board of Directors of Sigma Alpha Epsilon Texas Rho House Corporation (the "Corporation"), a Texas non-profit corporation, as presently constituted, do by our signatures below consent to the taking of the following actions and adopt the following resolutions.

**WHEREAS**, certain records of the Corporation have been lost and therefore prior lawful acts of the Corporation's officers and Directors need to be ratified and designation of current Directors and officers needs to be made;

**NOW THEREFORE, BE IT RESOLVED**, that the past service and lawful decisions of duly elected Directors of the Corporation are hereby adopted approved, ratified and confirmed.

**WHEREAS**, many acts and transactions have been taken or made for or on behalf of the Corporation by its Directors; and

**WHEREAS**, since these acts and transactions are not all reflected in the minutes of the written consents of the Board of Directors contained in the minute book of the Corporation;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Corporation hereby adopts, approves, ratifies and confirms all valid acts taken or made by the Corporation's Directors prior to the effective date of this written consent;

**BE IT FURTHER RESOLVED**, that all Directors and officers (past or present) are entitled to the full measure of indemnification and immunity as provided in the Corporation's Bylaws and/or Restated Articles of Incorporation;

**BE IT FURTHER RESOLVED**, that the following persons are hereby elected to serve as Directors of the Corporation until the next meeting of the Directors and until their successors have been duly elected and qualified:

Jody Lane

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**BE IT FURTHER RESOLVED**, that the past appointment and service of duly elected officers of the Corporation is hereby adopted, approved, ratified and

confirmed.

**BE IT FURTHER RESOLVED**, that the terms of Edmund Buckley, Gary Brooks, Derek Lewis, George R. Buckley, and J. D. Torian as directors and/or officers have expired and that these persons are relieved of any further duties and responsibilities as directors of the Corporation from the date of their original resignations and no later than the effective date of this written consent.

**BE IT FURTHER RESOLVED**, that the Board of Directors of the Corporation hereby adopts, approves, ratifies and confirms all valid acts taken or made by the Corporation's officers prior to the effective date of this written consent.

**AND FURTHER RESOLVED**, that the following persons are hereby elected to serve as officers of the Corporation until the next annual meeting of the Directors and until their successors have been duly elected and qualified:

Name

Title

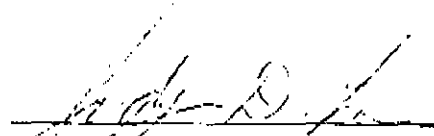
Jody D. Lane

President, Treasurer

  
Vice President, Secretary

The undersigned directors direct that a copy of this consent resolution be placed in the corporate minute book of the Company.

Dated to be effective Jan 20, 2007.

  
\_\_\_\_\_  
Jody D. Lane

\_\_\_\_\_

P E T I T I O N

Date: \_\_\_\_\_

File Number: C-14-03-0049

Address of

Rezoning Request: 2400 Pearl St.

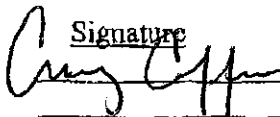
To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF1-SF6; MF1-MF4

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

900 W. 23

Signature  
Printed Name  
White/Coffee Ltd.Address  
904, 906, 908, 910, 912 W. 23rdDate: 1.27.04Contact Name: Craig CoffeePhone Number: 512-327-5128

January 27, 2004

Neighborhood Planning and Zoning Department  
P.O. Box 1088  
Austin, TX 78767

Re: New zoning for 2400 Pearl Street


I am a property owner of the properties directly across from the property at 2400 Pearl Street, parcel numbers, 02120706070000, 02120706080000, 02140114190000, 02140114200000, 02140114200000, 02140114210000, 02140114220000.

I have an objection to the zoning being proposed for the above property referenced. I am proposing that this property's zoning be reduced to a MF-1-MF-4 or SF-1-SF-4. The reason that I would like to propose this zoning is because it will limit the height restriction for this property to a maximum of 60 feet.

In June of 2003, we built an apartment building and were asked by the present neighborhood association, which was University Area Partners Association, to limit our height to 60 feet. To get the neighborhood associations and the planning and zoning commission's approval, we accepted this and it was provided in a covenant that we signed with this group. They are now, six month's later approving a height restriction that are not only higher than ours but is also setting a precedent that has not occurred in this area in over twenty years. I feel that the City Counsel does not need to allow for precedent cases before adequate discussions and studies and neighborhood input is put forth with public discussions and public notices provided.

Sincerely,

White/Coffee Ltd.

  
Craig Coffee - Owner

**Rhoades, Glenn**

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**From:** Susan Weber, Certified Travel Counselor

**Sent:** Tuesday, January 27, 2004 3:09 PM

**To:** glenn.rhoades@ci.austin.tx.us

**Subject:** Zoning/Variance Changes for 2400 Pearl St.

I want to voice my strong opposition to granting any variance or zoning change to the House of Tutors at 2400 Pearl Street.

If the developers had their way, the entire West Campus area would be covered with high-density, high-towered structures. We cannot destroy the remaining neighborhood character. Please do not vote for this change. Today this neighborhood, tomorrow yours.

Sincerely,  
Susan Weber  
Phone 512-320-0021

1/27/2004

**Rhoades, Glenn**

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**From:** Glenna Yates [cilt@tstar.net]

**Sent:** Tuesday, January 27, 2004 11:24 AM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** zoning change

I am President of the Facility Corporation of Kappa Alpha Theta, owner of the Kappa Alpha Theta House, which is positioned directly across the street from the House of Tutors, at 1901 Pearl. I found out today that there is a request for a zoning change for the House of Tutors before the City Council. We have not been notified of this request nor have we been given a chance to discuss this matter with the council. As the president of the corporation that owns this house, I must protest! We strongly urge the council to deny this request! Traffic and congestion in this area is already unmanageable and to add more retail and housing on that street will create a nightmare. I think you have been told by Mr. Malik that the sororities and fraternities on Pearl are in favor of this zoning change. Mr. Malik has not contacted us and he has tried to keep this very quiet so we would not know about it until it was a done deal. We would like an opportunity to present our side to the council and demonstrate why this is such a bad idea. Thank you for your time and I would be happy to discuss this matter with any of you.

Glenna Yates  
P. O. BOX 8953  
HORSESHOE BAY, TEXAS 78657  
830-598-4898  
830-598-4776 FAX  
cilt@tstar.net

1/27/2004



**Rhoades, Glenn**

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**From:** Susie Barnett [susieb24@sbcglobal.net]  
**Sent:** Wednesday, January 28, 2004 9:31 AM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarex@ci.austin.tx.us;  
glenn.rhoades@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us;  
Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us

**Subject:** House of Tutors

I am a member of the Facility Corp. of the Kappa Alpha Theta house at 2401 Pearl, and just found out yesterday that the House of Tutors across the street has proposed a zoning change to be voted on tomorrow to increase the height of their building and rebuild. Our house has been at this location for over 54 years, and I am very opposed to this change for many reasons. I also feel that this has not been properly handled in that none of the neighbors was informed about this until 2-3 days in advance. We also do not know what studies (if any) have been done with regard to effects on traffic, etc. I hope that this zoning request will be postponed until further information can be gathered and sent to those of us who will be most directly affected by such a change. Thank you, Susie Barnett

1/28/2004

**Rhoades, Glenn**

---

**From:** Fishinpohl6@aol.com

**Sent:** Wednesday, January 28, 2004 9:37 AM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
glenn.rhoades@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us;  
Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us

**Subject:** House of Tutors zoning change

As a member of the Kappa Alpha Theta (2402 Pearl St.) House Corporation Board for the last 8 years you should know that I strongly oppose and zoning change that would allow House of Tutors to build a 7 story building on its current property. 24th Street is extremely tight with no shoulder whatsoever and serves as a major artery for students and teachers to reach the UT campus. Drive it sometime and experience the congestion. That section of west campus doesn't need anymore development creating more traffic.

Thank you, Leslie Pohl

1/28/2004

**Rhoades, Glenn**

---

**From:** e. notestine [dovecote@worldnet.att.net]

**Sent:** Tuesday, January 27, 2004 9:36 PM

**To:** Will.Wynn@ci.austin.tx.us; jackie.goodman@ci.austin.tx.us; raul.alvarez@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us; betty.dunkerley@ci.austin.tx.us; brewster.mccracken@ci.austin.tx.us; daryl.slusher@ci.austin.tx.us; danny.thomas@ci.austin.tx.us

**Cc:** Glenna Yates

**Subject:** house of tutors proposed zoning change

Dear Council Member:

As a board member of the Kappa Alpha Theta Facility Corp., we request delay on the zoning change re building a 7 story building directly across from the Theta Sorority House. We are not in favor of such a building. The neighborhood is composed mostly of 2 story fraternity houses, apartments (underground parking) and historical properties. Traffic is quite congested now and would be horribly impacted by such a high-rise as suggested, and two floors of parking would be most unsightly.

We request time to respond with our disapproval of such a project, one about which we have only just

Elaine Folley Notestine

TX. registered interior designer

1/28/2004

**Rhoades, Glenn**

---

**From:** laura gruber [lauragruber@sbcglobal.net]

**Sent:** Friday, January 30, 2004 6:00 PM

**To:** Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us

Dear Sir;

Please do not allow any zoning changes to the area near 2401 Pearl where the House of Tudors operates. Allow the neighbors of the area to respond to the zoning change before a decision is made. Thank you for your time and consideration.

Laura Gruber

2/2/2004

## Rhoades, Glenn

---

**From:** Jane Calhoun [pjadams38@sbcglobal.net]  
**Sent:** Friday, January 30, 2004 4:02 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
glenn.rhoades@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us;  
Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us  
**Cc:** kpeelee@ausitn.rr.com

The sororities and fraternities are NOT in favor of the plans for the House of Tutors. Please check with the Thetas and others for yourselves before approving this.

Thank you,  
Jane Calhoun  
Kappa Alpha Theta

**Rhoades, Glenn**

---

**From:** Juli [jlmellard@austin.rr.com]  
**Sent:** Friday, January 30, 2004 2:51  
**To:** glenn.rhoades@ci.austin.tx.us  
**Subject:** Zoning change-House of Tutors  
**Importance:** High  
Councilman Rhodes,

It has come to my attention that Mr. Malik, the owner of the House of Tutors has requested a zoning change and has been so bold to state that all surrounding fraternities and sororities are in favor of this change. This couldn't be farther from the truth! Please delay your discussion/approval until the surrounding neighbors actually have time to respond. It is unfortunate that Mr. Malik has tried to railroad this project underneath the radar. Please allow us to address the council.

Sincerely

Juli Mellard  
3620 Josh Lane  
Austin, TX 78730  
512-343-6750  
[jlmellard@austin.rr.com](mailto:jlmellard@austin.rr.com)

Not Council  
Jim Hogg  
37th St.  
26th St.

2/2/2004

## Rhoades, Glenn

---

**From:** Jessica Stafford [jessica8199@yahoo.com]  
**Sent:** Friday, January 30, 2004 7:47 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
glenn.rhoades@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us;  
Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us  
**Subject:** House of Tutors Zoning

Hello, my name is Jessica Stafford and I am an Austin Alumnae member of Kappa Alpha Theta. I am writing in regards to the zoning change to the House of Tutors building. Mr. Malik, the owner has told the City Council that the fraternities and sororities around the House of Tutors all are in favor of the zoning change and have asked you all to approve it tomorrow. Please know that we are NOT in favor and would love for you to hold off on the approval until we have time to respond. Members of the Alumnae of Kappa Alpha Theta have asked for an opportunity to address the council.  
Thank you for your time and consideration on this matter.  
Sincerely,  
Jessica Stafford  
(512) 294-0601

=====

ON EARTH AS IT IS IN TEXAS!

Go Cougs!!

---

Do you Yahoo!?  
Yahoo! SiteBuilder - Free web site building tool. Try it!  
<http://webhosting.yahoo.com/ps/sb/>

**Rhoades, Glenn**

---

**From:** Jennifer Gose Fleming [jennifer\_gosefleming@hotmail.com]

**Sent:** Friday, January 30, 2004 6:56 PM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us

**Subject:** House of Tutors - Zoning Change

I have recently been notified that the House of Tutors has asked for a zoning change in order to build a seven story building with the first two stories being parking. I would like to state that I am not in favor, and I am displeased with the way this has been handled. I ask that my organization be given the opportunity to address the council in regards to this matter.

Thank you for your consideration,

Jennifer Gose Fleming

Kappa Alpha Theta Alumni

---

Check out the new MSN 9 Dial-up - fast & reliable Internet access with prime features!

2/2/2004



## Rhoades, Glenn

---

**From:** Martha Ernst [mernst@daniller.com]  
**Sent:** Friday, January 30, 2004 2:23 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
glenn.rhoades@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us;  
Brewster.McCracken@ci.austin.tx.us; Daryl.Siusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us  
**Subject:** Rezoning at 24th and Pearl

Dear Honorable Members of the Austin City Council:

As an alumni of Kappa Alpha Theta, we have just been informed that the House of Tutors at 2400 Pearl has requested a zoning change to build a seven story building at 24th and Pearl with the first two floors of the building designated as a parking garage. We are not in favor of this zoning change, have not been advised of the specifics of the plans, and would like for the City Council to delay any zoning changes on this property until all the fraternity and sorority houses in the area have had an opportunity to review the House of Tutor plans, respond to them and attempt to work with the House of Tutors on any proposed changes to be sure that the change will be in the best interest of everyone in the neighborhood.

We urge the City Council to delay action on this zoning request until the neighbors have had this opportunity. Thank you for your help.

Martha Ernst  
3515 Greenway Street  
Austin, Texas 78705



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF PLANNING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: March 28, 2003  
Mailing Date of First Notice: April 11, 2003

File Number: C14-03-0049

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 2400 Pearl Street

### PROPOSED ZONING CHANGE:

FROM: GO-MU General Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district.

TO: CS-MU General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district.

OWNER: House of Tutors, Inc.

AGENT: Holland Architectural (James H. Holland Jr.)

PHONE: (512) 478-6554

PLANNING COMMISSION HEARING DATE: April 23, 2003

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 23, 2003

Name (please print) John B. Stewart

☐ I am in favor  
(Estoy de acuerdo)

Address 806 W. 24<sup>th</sup> St, #323, Austin, TX

☒ I object  
(No estoy de acuerdo)

The higher density development will exacerbate the traffic and parking congestion in this neighborhood. The 80% of impervious cover under GO-MU is better for the neighborhood than the 95% impervious cover allowed under CS-MU. I strongly object, but cannot attend the hearing.

4/17/03

John B. Stewart



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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OWNER: House of Tutors, Inc.

AGENT: Holland Architectural (James H. Holland Jr.)

PHONE: (512) 478-6554

PLANNING COMMISSION HEARING DATE: April 9, 2003

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

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File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 9, 2003

Name (please print) Ya-Fenli and George Chen

Address POB 26385, Austin, TX 78755-0385

☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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File Number: C14-03-0049

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OWNER: House of Tutors, Inc.

AGENT: Holland Architectural (James H. Holland Jr.)

PHONE: (512) 478-6554

PLANNING COMMISSION HEARING DATE: April 23, 2003

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

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You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 23, 2003

Name (please print) John L. Patton

Address 806 W. 24<sup>th</sup> #230  
Austin, TX

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)



Mark Walter 974-7695  
City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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OWNER: House of Tutors, Inc.

AGENT: Holland Architectural (James H. Holland Jr.)

July 9<sup>th</sup>  
April 23<sup>rd</sup>

PHONE: (512) 478-6554

PLANNING COMMISSION HEARING DATE: April 9, 2003

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: April 9, 2003

Name (please print) ANGELA PRESCOTT

Address 2401 SAN GABRIEL, AUSTIN

78704

☒ I am in favor  
(Estoy de acuerdo)

☐ I object  
(No estoy de acuerdo)



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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OWNER: House of Tutors, Inc.

AGENT: Holland Architectural (James H. Holland Jr.)

PHONE: (512) 478-6554

PLANNING COMMISSION HEARING DATE: April 23, 2003

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

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You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0049-GR

PLANNING COMMISSION HEARING DATE: ~~April 23, 2003~~ MAY 14, 2003

Name (please print) FRAN ADAMS - WEST END GROOMING

☒ I am in favor

(Estoy de acuerdo)

Address 909 W. 24. AUSTIN TX 78705

☐ I object

(No estoy de acuerdo)

To: The Zoning and Platting Commission Assistant  
Re: File # C14-03-0049-GR  
From: Angela Prescott  
Dated: June 28<sup>th</sup> 2003

I own the property on 24th and San Gabriel where Freewheeling Bicycles is housed. My manager has tried to keep me up to date on the Zoning issues and I do have some concerns. I believe the area should be zoned for diversity or multiple use with sufficient parking to encourage foot and bicycle traffic.

I am saddened when I see local businesses on 24th street like the movie theatre, Mad Dog and Beans and Les Amis fail. These have added character to the area and encouraged foot traffic.

I would like to see different usage for the properties on 24th street. I note that the current plan is for 90 foot building height to the west side of Pearl street. I would like to suggest at least 60 feet to San Gabriel for visual stair stepping but also to allow for the properties to be developed for multiple uses.

I have had many offers for my property from developers who wish to put more housing there. I will not do this. If I developed this land it would be for multiple use to include the bike shop, sufficient parking, an eating establishment and other campus related local businesses as per my late husband, Frank Cook's vision.

His and my wish for this area includes more pedestrian traffic. I would love to see Guadalupe closed between 24th and Dobie Mall for pedestrian use only or 24th street through the businesses and campus similar to the Boulder, Colorado Mall.

So, I am in favor of multi-use and high density but with careful planning to encourage foot traffic and maintain the community.

Yours sincerely,

Angela Prescott

A handwritten signature in black ink that reads "Angela Prescott" with a stylized flourish at the end.

Freewheeling Bicycles  
2401 San Gabriel  
Austin, Texas 78704

**Rhoades, Glenn**

---

**From:** welcometosevanasworld@mail.utexas.edu  
**Sent:** Monday, January 26, 2004 11:55 PM  
**To:** glenn.rhoades@ci.austin.tx.us  
**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

I have been a student here at UT for the past four years and the proposed zoning change would help a great deal for the students and community here in Austin, especially the student population that is continually growing here at UT.

Thank you for your time,  
Sevana Melikian



## Rhoades, Glenn

---

**From:** Viresh Patel [president@texasaps.org]  
**Sent:** Monday, January 26, 2004 4:12 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us; vstafford@mail.utexas.edu; Aabir@mail.utexas.edu; Hoft@aol.com; Hmalik2001@hotmail.com; Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us; vstafford@mail.utexas.edu; Aabir@mail.utexas.edu; Hoft@aol.com; Hmalik2001@hotmail.com  
**Subject:** Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community. Many of my members seek tutoring help from the House of Tutors not only for their classes but also to prepare for standardized tests, like the MCAT. A larger facility would definitely provide a better atmosphere for the growing number of students that attend House of Tutors.

--  
Viresh Patel  
APS President  
---

**Rhoades, Glenn**

---

**From:** Ted Maa [tedmaa@yahoo.com]

**Sent:** Monday, January 26, 2004 11:47 AM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** RE: Zoning Change at 2400 Pearl St.; Case No. C14-03-0049

To Members of Austin City Council,

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl St. For years, the House of Tutors has been a place where students can learn in a comfortable environment, and the operators have always provided excellent services to the campus and community. A locally-owned business such as House of Tutors understands the needs of its customers better than the larger developers and I believe it will be able to address these needs more effectively were it allowed to expand. Thank you for your time and consideration.

Regards,

Ted Maa

BBA '03

The University of Texas at Austin

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1/27/2004

## Rhoades, Glenn

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**From:** Julie Martin [julie@on-your-mark.com]  
**Sent:** Monday, January 26, 2004 3:14 PM  
**To:** glenn.rhoades@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Will.Wynn@ci.austin.tx.us  
**Subject:** Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

As a former UT student, and former resident of the "Old Main" apartment complex on Pearl Street, I believe this change would benefit UT students, and be an asset to that area of the community in particular. Many student organizations are located near the House of Tutors, and the opportunity to gather and study in a common area closer than campus would reduce walking time at night, making it safer for female students living in West Campus. I, along with my female roommates at the time, would have really appreciated this option nearby.

Thank you for your time.

Julie Martin  
On Your Mark  
1801 Lavaca, Ste. 105  
Austin, TX 78701  
512-473-2900

## Rhoades, Glenn

---

**From:** Julia Ksiezuk [polishjulia@yahoo.com]  
**Sent:** Monday, January 26, 2004 6:15 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us;  
Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am a UT graduate (class of 2003) and have lived in Austin since 1990. I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community. Thank you for your time.

Julia Ksiezuk

---

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**Rhoades, Glenn**

---

**From:** john.c.tuttle@accenture.com

**Sent:** Monday, January 26, 2004 1:33 PM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am certainly in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community. I am a graduate of the McCombs School of Business at UT and I personally used House of Tutors when I was there as a student. Needless to say I have benefited quite well from it. The House of Tutors staff provides a tremendous service to the students of UT (past and present) and I foresee the new property benefiting the area in a positive way.

Thank you for your time.

Clint Tuttle  
UT Alumni - May 2003

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1/27/2004

## Rhoades, Glenn

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**From:** geeti mahajan [gootmaster@yahoo.com]  
**Sent:** Monday, January 26, 2004 11:12 PM  
**To:** will.wynn@ci.austin.tx.us; jackie.goodman@ci.austin.tx.us; raul.alvarez@ci.austin.tx.us;  
betty.kunkerly@ci.austin.tx.us; brewster.mccracken@ci.austin.tx.us;  
daryl.slusher@ci.austin.tx.us; danny.thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** Zoning change at 2400 Pearl St; Cast No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community. Thank you for your time.  
Geeti Mahajan

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**Rhoades, Glenn**

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**From:** Erin.Mathis@ey.com

**Sent:** Monday, January 26, 2004 2:46 PM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time.

Erin C. Mathis  
University of Texas

graduate

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1/27/2004

**Rhoades, Glenn**

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**From:** Engin Derkunt [mengind@yahoo.com]

**Sent:** Tuesday, January 27, 2004 12:47 AM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** High-density zoning for a minority-owned business

Dear Mayor & Councilmembers,

I have known House of Tutors (HofT) and its owners, Anjum & Hussain Malik (Moslems from the Gujarat province of India), since 1989, when I came from Brooklyn to Austin to go to law school. For HofT, I have tutored and taught economics and finance, which I used to teach at Hofstra University and at New York Institute of Technology.

I am supporting their petition for high-density zoning for the following reasons:

- a. They are the only known multidimensional minority (race, ethnicity, religion) property owners on West Campus. In this post-9/11 environment, it is probably important to have socially visible Moslem businesspeople in an enlightened university town like Austin.
- b. Their business is a low traffic, high value-added educational business which provides both the highest quality organized tutoring service to all levels of UT students (including First Daughter Jenna Bush) and also the most flexible part-time educational work to those more advanced undergraduate and graduate UT students.
- c. Their newly developing English as a Foreign Language (ESL) program contributes to our country's Balance of Payments and displays how this country treats its Moslem immigrant businesspeople to these impressionable students and their families back home. The future expansion of this program partially depends on the provision of on-site lodging to these young foreign students.
- d. The added housing and retail businesses will have a positive effect both economically by keeping rents at reasonably affordable levels and, also, socially by providing drug- and alcohol-free alternatives to students.
- e. Because the east side of Pearl Street will be high-density anyway and because the most natural boundry line between high- and moderate-density zoning is not the low-traffic Pearl Street but rather the higher-traffic San Gabriel Street, the boundry should be adjusted to include both sides of Pearl Street in the high-density zone.

Given the foregoing, I would respectfully suggest that the HofT petition be approved to include its property in the high-density zone.

Respectfully yours,

M. Engin Derkunt  
512-440-8359/512-656-3168  
(local civil rights attorney)

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**Rhoades, Glenn**

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**From:** Deidra Zimmerman [dmz@mbbowman.com]  
**Sent:** Monday, January 26, 2004 5:25 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** Zoning Change at 2400 Pearl St; Case No. C14-03-0049  
Subject: RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time.

Deidra Zimmerman

--

Deidra Mills Zimmerman, CPA

Mary Bird Bowman & Company, CPA's  
3724 Jefferson, Suite 312  
Austin, Texas 78731

phone 512-451-9095  
fax 512-451-9099

**Rhoades, Glenn**

---

**From:** Arun Shankar [snoopey100@yahoo.com]  
**Sent:** Monday, January 26, 2004 10:23 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

I have known the Malik family for 2 years now. They've been an inspiration to myself as well as many of my friends. I know that they have always been in support of the local Austin community and the students at UT.

Thank you for your time. Feel free to contact me if you need anything.

Sincerely,

2ndLt Arun Shankar, USMC

Arun Shankar  
47-685 Hui Kelu St. #4  
Kaneohe, HI 96744  
(281) 250-5407

---

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## Rhoades, Glenn

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**From:** amrin@mail.utexas.edu  
**Sent:** Monday, January 26, 2004 11:02 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** Subject: RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

Subject: RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time.

Amrin Malik  
amrin@mail.utexas.edu

**Rhoades, Glenn**

---

**From:** Zahid Yoosufani [zahidy1@yahoo.com]

**Sent:** Monday, January 26, 2004 10:16 AM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** Zoning Change at 2400 Pearl St; Case No. C14-03-0049

Dear members of the City Council, Austin

I am in favor of the proposed zoning change, which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

I have seen this business grow over last 20 years and have been very much impressed by the quality of services they offer to support the educational support activities in town. This homegrown business has been an asset to the citizens of Austin. Besides providing much needed educational services, the business also contributes to, and is active in social and worthy causes. Their expansion will only further benefit the city, UT as well as the community in Austin - at large. Their growth requires the change in building structure to effectively compete in the marketplace.

Sincerely,

Zahid Yoosufani

---

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**Rhoades, Glenn**

---

**From:** kristin walter [kristinadellew@yahoo.com]

**Sent:** Monday, January 26, 2004 11:35 AM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am current 3rd year UT student who has had many valuable experiences with the House of Tutors. I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community. House of Tutors is a business run with integrity and it's expansion will contribute greatly to the community by circulating money locally and the student body by providing effective, enhancing education services.

Thank you for your time.

Kristin Walter

---

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1/27/2004

## Rhoades, Glenn

---

**From:** Toby Peterson [testprep@houseoftutors.com]  
**Sent:** Tuesday, January 27, 2004 1:26 PM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us;  
Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** Subject: RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time.

Toby Peterson  
Director of Test Prep  
House of Tutors  
(512) 477-PREP  
www.houseoftutors.com

**Rhoades, Glenn**

---

**From:** Vandana Agarawal [vandanaagarawal@yahoo.com]

**Sent:** Tuesday, January 27, 2004 11:58 PM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To whom it may concern,

I am strongly in favor of the proposed zoning change at the House of Tutors located at 2400 Pearl Street. The House of Tutors has established itself as an honest and caring business on the UT Austin campus. As the mother of an ex Longhorn and a current one, I believe their expansion will greatly benefit the student community, both in terms of providing jobs to students who need them, and by providing quality tutoring.

Thank You,

Vandana Agarawal

---

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1/28/2004

**Rhoades, Glenn**

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**From:** Nils P Marchand [marchan@us.ibm.com]

**Sent:** Tuesday, January 27, 2004 5:48 PM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** Subject: RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To the Mayor and City Council members,

I am a former UT student, resident of West Campus, and very involved in Texas Exes Student Chapter as past-President, Division of Housing and Food at The University as Resident Assistant, Student Government member, and member of the Texas Cowboys. In my time at UT I was around many students and in west campus quite a bit. I believe that resources going in to rebuild, restore, revive areas of west campus are needed and should be encouraged. I know personally that House of Tutors understands and respects the West Campus community and I support their endeavors in rezoning and rebuilding on their current lot.

I apologize I can not be at this meeting in person as I will be in Dallas on business. If you would like to ask any questions please feel free to call me 214.402.6977.

Thanks for the time.

Hook'em  
Nils  
UT BBA '02

Nils Marchand  
IBM SurfAid - Operations Consultant  
marchan@us.ibm.com  
www.ibm.com/surfaid

\*\*\*\*\*  
Don't let your fears stand in the way of your dreams  
\*\*\*\*\*

1/28/2004



**Rhoades, Glenn**

---

**From:** Mamata Misra [mamata@earthlink.net]  
**Sent:** Wednesday, January 28, 2004 12:39 AM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049  
January 27, 2004

Subject: RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

Dear council member:

I am a UT Austin graduate living in Austin since 1974, volunteering in the Austin community and working with the student community. I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time.

Sincerely,

Mamata Misra

4217 Endcliffe Dr.

Austin, Texas, 78731

1/28/2004

## Rhoades, Glenn

---

**From:** kckline@mail.utexas.edu  
**Sent:** Wednesday, January 28, 2004 12:00 AM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us; Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I feel that their proposed plan will benefit the community. Increased choice of housing is always important to the growing number of University of Texas students. Also, students need nurturing environments in which to study.

Thank you for your time.

Sincerely,  
Kristin Kline

**Rhoades, Glenn**

---

**From:** Jessica Payne [jpayne@alumni.utexas.net]

**Sent:** Tuesday, January 27, 2004 10:36 PM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** RE: Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community. In addition, I have been a member of the Austin community for 6 years and have lived in West Campus for 3 of those years. I feel West Campus needs more developments like the one proposed for 2400 Pearl Street both to better accomodate the needs of the student population and improve the area's aesthetic appearance.

Thank you for your time.

Sincerely,

Jessica Payne

1/28/2004

**Rhoades, Glenn**

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**From:** Baovy Pham [baovypham@hotmail.com]

**Sent:** Tuesday, January 27, 2004 9:37 PM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us

**Subject:** zoning change

To Whom It May Concern:

I am a 3rd year UT student, and I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time.

Baovy Pham

---

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**Rhoades, Glenn**

---

**From:** Katherine Driscoll {msbaa487} [Katherine.Driscoll@bba01.mcombs.utexas.edu]

**Sent:** Friday, January 30, 2004 11:21 AM

**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us; Daryl.Slusher@ci.austin.tx.us;  
glenn.rhoades@ci.austin.tx.us

**Subject:** House of Tutors Rezoning

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of Tutors located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time,

Katie Driscoll

2/2/2004

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20. 20. 20.

**Rhoades, Glenn**

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**From:** Julie Grabowski [jagrabowski2006@yahoo.com]  
**Sent:** Tuesday, January 27, 2004 9:42 AM  
**To:** Will.Wynn@ci.austin.tx.us; Jackie.Goodman@ci.austin.tx.us; Raul.Alvarez@ci.austin.tx.us;  
Betty.Dunkerley@ci.austin.tx.us; Brewster.McCracken@ci.austin.tx.us;  
Daryl.Slusher@ci.austin.tx.us; Danny.Thomas@ci.austin.tx.us; glenn.rhoades@ci.austin.tx.us  
**Subject:** Zoning Change at 2400 Pearl St; Case No. C14-03-0049

To Whom It May Concern:

I am in favor of the proposed zoning change which is to take place at the House of The Lord located at 2400 Pearl Street. I support local businesses and I feel that their proposed plan will benefit the community.

Thank you for your time.

Julie Grabowski

---

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\\*http://webhosting.yahoo.com/ps/sb/](http://us.rd.yahoo.com/evt=21603/*http://webhosting.yahoo.com/ps/sb/)>

3. **Code Amendment:** **C2O-03-018 - Amendments to Chapter 25-10 of the Land Development Code relating to electronically-controlled billboards and sign area calculations**  
**Staff:** Donna Cerkan, 974-3345, donna.cerkan@ci.austin.tx.us  
Watershed Protection and Development Review

**MOTION: APPROVE BY CONSENT**

**VOTE: 7-0 (DS-1<sup>ST</sup>, NS-2<sup>ND</sup>; LO-ON LEAVE)**

4. **Code Amendment:** **C2O-03-020 - Amendments to Land Development Code relating to pedestrian-oriented uses and ROW vacations.**  
**Staff:** Katie Larsen, 974-6413, katie.larsen@ci.austin.tx.us  
Transportation, Planning & Sustainability Department

**~~PULLED. NO ACTION TAKEN.~~**

5. **Zoning:** **C14-03-0049 - House of Tutors**  
**Location:** 2400 Pearl Street, Shoal Creek Watershed, Central Austin NPA  
**Owner/Applicant:** House of Tutors Inc. (Hussain Malik)  
**Agent:** Jimmy Holland  
**Request:** GO-MU to CS-MU and MF-6  
**Staff Rec.:** **Alternate Recommendation of CS-MU-CO and MF-6-CO**  
**Staff:** Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

#### DISCUSSION

A 175 height limit is proposed for the area and Commissioner Sullivan expressed his surprise that the height limit proposed is higher than that permitted for DMU.

Commissioner Moore asked for clarification as to whether retail is planned and if it will be required. Mr. Rhoades said not required under the conditions of the zoning, just permitted.

Commissioner Spelman expressed her concern about future requests to increase the CS height, as was done for the case to the south. Mr. Rhoades explained that a request will be much more difficult because it will require a neighborhood plan amendment, which only occurs once a year.

#### PUBLIC HEARING

**Jimmy Holland**, architect for the applicant, said the applicant intends to keep the House of Tutors and to increase multi-family on the site. He noted that a market study was done and it said there is very little demand for commercial in the area. He said the applicant has included all neighborhood conditions into their development plans, including driveway and trees. He said the neighborhood expressed the concern about the tunneling affect of tall buildings along 24<sup>th</sup> Street, and so they agreed to a setback of the building. He explained that the first two floors will be the office, about 10,000sf total (5,000sf each). Parking is underneath, and then there are four floors of multi-family above the office.



Commissioner Spelman and Riley asked about the planned uses, the location of the garage. Commissioner Riley asked if there was consideration of continuing retail along the parking garage along Pearl Street. Mr. Holland explained that due to the skinny site, it would be difficult.

Commissioner Sullivan asked about the impervious cover limit planned for the site. Mr. Holland said that the building coverage is 80%.

FOR

**Hussein Malik**, owner of the learning center since 1982, said he intends to keep the business, and very keen to creating quality development. He said that they will exceed the landscaping requirement.

**Mike McHone**, representing the University Area Partners, helped Mr. Malik get the property in 1982. This is the first true MF-6. The MF-4 zoning blanketing the area does not permit the density desired. A restrictive covenant will be filed with the conditions agreed to, that will apply to this property. To bring the students back to the university, development needs to go vertical. An overlay is planned for the area to allow for higher vertical development.

Commissioner Sullivan asked about the plans for parking, including leasing. He said he thought the location of the garage would be too far from the university to lease to students. Mike McHone explained that there is excess parking for projects built to the code in the 1980s.

Mr. McHone said that the restrictive covenant will be between the owner and University Area Partners.

Commissioner Casias asked if it would also be appropriate to have a pedestrian café along Pearl Street. Mr. McHone said that there are residential sorority uses, and have to be careful to extend the retail. He said that they look at each street to look at appropriateness at becoming a mixed-use commercial corridor.

**MOTION: Close public hearing.**

**VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup> ; LO- on leave)**

**MOTION: Approve staff recommendation with additional conditions:**

- **Impervious cover limit of 80%**
- **15 foot front yard setback**
- **Height limit of 40 feet for the first 75 feet north of 24<sup>th</sup> Street.**

**VOTE: (7-0; DS-1<sup>st</sup>, MC-2<sup>nd</sup> ; LO- on leave)**

#### DISCUSSION OF MOTION

Commissioner Casias noted that if they did not have the information about the neighborhood plan, that the request would appear to be inconsistent. He said he does not know if that information is to be considered, but he said it opens up the other property owners for asking for the increased height.

Commissioner Armstrong asked why CS is requested instead of keeping the GO zoning district. Mr. Rhoades said the CS would permit more retail uses. Mr. Holland said that the CS permits the retail uses. Commissioner Armstrong said it seems GR would work, instead of the more intense GR zoning.

Commissioner Sullivan said that there is CS and MF-4 along the corridor. Commissioner Armstrong said that CS is not supposed to be compatible with residential, so the request is weird.

Mr. Malik added that the existing zoning is a mixed-use zoning. The property is already being used as multi-family and commercial.

6. **Zoning:** C14-03-0144 - 37th Street Houses  
**Location:** 609 West 37th Street, Waller Creek Watershed, Central Austin NPA  
**Owner/Applicant:** Lee Properties (Robert Lee)  
**Agent:** Lopez-Phelps and Associates (Amelia Phelps)  
**Request:** LO to SF-4A  
**Staff Rec.:** **Recommended**  
**Staff:** Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

Glenn Rhoades presented the staff recommendation.

#### PUBLIC HEARING

**Amelia Lopez-Phelps**, agent representing Robert Lee, said the property owner was aware of the LO zoning, and proceeded to close on the property after Ms. Phelps contacted the neighborhood to know if the neighborhood would support the rezoning to SF-4A. The neighborhood was supportive, however at the first scheduled public hearing, the applicant requested a postponement because a neighbor objected to the rezoning. She and the applicant met with the neighbor and agreed to some conditions, such as no windows except for bathrooms, facing her house.

Commissioner Spelman asked if it is common in the neighborhood to have the garage in the front. Ms. Phelps explained that there is a combination of duplexes, single-family uses on larger lots that do have garages in the back. Commissioner Spelman said that the proposed house is very suburban. Commissioner Medlin asked about the square footage of the houses. Ms. Phelps responded that the total is about 2600sf, including garage.

**Laurie Limbacher** responded to the comment about the garage facing the street at the front of the house. Ms. Limbacher said that they raised the concern too, and they suggested that the front porch be pulled forward ahead of the garage and to have the garage painted a color similar to the stone.

#### AGAINST

**Ron Thrower**, representing the owner of the MF-3 property to the west, said the client is opposed to the proposed rezoning. Mr. Thrower said that SF-4A is not appropriate across the street from LO and GO.

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 2400 PEARL STREET FROM GENERAL OFFICE-  
3 MIXED USE (GO-MU) COMBINING DISTRICT TO GENERAL COMMERCIAL  
4 SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING  
5 DISTRICT AND MULTIFAMILY RESIDENCE HIGHEST DENSITY  
6 CONDITIONAL OVERLAY (MF-6-CO) COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9  
10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base districts on the property described in Zoning Case No.C14-03-0049, on  
12 file at the Neighborhood Planning and Zoning Department, as follows:

13  
14 From general office-mixed use (GO-MU) combining district to general commercial  
15 services-mixed use-conditional overlay (CS-MU-CO) combining district for an  
16 area measured from ground level to a height of 30 feet; and

17  
18 From general office-mixed use (GO-MU) combining district to multifamily  
19 residence highest density-conditional overlay (MF-6-CO) combining district for an  
20 area measured from 30 feet above ground level to a height of 90 feet.

21  
22 The south 281.51 feet of Lot 5, Outlot 46, Division D, Fraternity Row Subdivision,  
23 a subdivision in the City of Austin, Travis County, Texas, according to the map or  
24 plat of record in Plat Book 4, Page 224, of the Plat Records of Travis County,  
25 Texas, (the "Property")

26  
27 locally known as 2400 Pearl Street, in the City of Austin, Travis County, Texas, and  
28 generally identified in the map attached as Exhibit "A".

29  
30 PART 2. The Property within the boundaries of the conditional overlay combining district  
31 established by this ordinance is subject to the following conditions:

- 32  
33 1. A site plan or building permit for the Property may not be approved, released, or  
34 issued, if the completed development or uses of the Property, considered cumulatively  
35 with all existing or previously authorized development and uses, generate traffic that  
36 exceeds 2,000 trips per day.  
37

1 2. The maximum impervious cover is 80 percent.

2 3. The minimum front yard setback is 15 feet.

3 4. The maximum height of a building or structure is 40 feet above ground level for the  
4 area beginning at the building setback line along 24<sup>th</sup> Street and extending north 75  
5 feet.  
6  
7

8  
9 Except as specifically restricted under this ordinance, the Property may be developed and  
10 used in accordance with the regulations established for the respective base districts and  
11 other applicable requirements of the City Code.  
12

13 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.  
14  
15

16 **PASSED AND APPROVED**

17  
18 §  
19 §  
20 \_\_\_\_\_, 2004 § \_\_\_\_\_  
21 Will Wynn  
22 Mayor  
23

24  
25 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
26 David Allan Smith Shirley A. Brown  
27 City Attorney City Clerk

