

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 87
AGENDA DATE: Thu 09/30/2004
PAGE: 1 of 1

SUBJECT: C14-03-0049 - House of Tutors - Approve second/third readings of 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) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. First reading on June 20, 2004. Vote: 4-3, Mayor Wynn, Mayor Pro Tem Goodman and Alvarez - nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading with conditions. Applicant: House of Tutors Inc. (Hussain Malik). Agent: Holland Architecture (Jimmy Holland). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0049

REQUEST:

Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 2400 Pearl Street from general office-mixed use (GO-MU) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multifamily highest density-conditional overlay (MF-6-CO) combining district zoning.

DEPARTMENT COMMENTS:

This property is within the University Neighborhood Overlay (UNO) zone, which was approved on September 2, 2004 (Vote: 7-0). The UNO district allowed 75 feet of height for the subject tract. However, the height could be increased by an additional 15 feet if the applicant meets certain affordable housing requirements.

At the June 10, 2004 Council hearing, Council requested that staff look into the UNO recommendation for this tract that altered building height from 90 feet to 75 feet. Originally, the neighborhood planning team and City staff came to a consensus for 90 feet along this portion of 24th and Pearl Streets. After notice of public hearing was sent out for this case, several adjacent property owner's contacted City staff to state their objections to the proposed 90 foot height. These new stakeholders joined the neighborhood planning process prior to the UNO boundary map being finalized and ultimately influenced the consensus height of 75 feet.

One of the items from the motion made at the June 10, 2004 Council hearing was to incorporate UNO standards into the conditional overlay. The majority of the UNO overlay requirements address design standards, off-site improvements and relaxes some of the site development requirements required by the Land Development Code and cannot be incorporated into a conditional overlay. A few of the UNO overlay requirements could be added and are as follows: 1) commercial off-street parking on a surface lot is prohibited; 2) Screening of utility equipment, mechanical equipment and large trash receptacles from a street; and 3) the minimum open space for each dwelling unit is 100 square feet.

Staff originally recommended the height allowed under MF-6, which is a maximum of 90 feet. The recommendation was based upon the proposed preliminary UNO boundaries. Since the boundaries have evolved through dialogue with various stakeholders, staff is amending the recommendation to limit the height of any building or structure to 75 feet. It should be noted that the Commission did not put a height limit on the property when they considered this case.

There is a valid petition on this case that has been calculated at 44.66%

APPLICANT: House of Tutors Inc. (Hussain Malik)

AGENT: Holland Architectural (Jimmy Holland)

DATE OF FIRST READING/VOTE:

June 10, 2004 – Approved general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning and multifamily highest density-conditional overlay (MF-6-CO) combining district zoning. Also, to allow a 90 foot height limit and to incorporate UNO standards (Vote: 4-3, W. Wynn, J. Goodman and R. Alvarez – nay).

CITY COUNCIL DATE:

June 10, 2004 – Approved on first reading

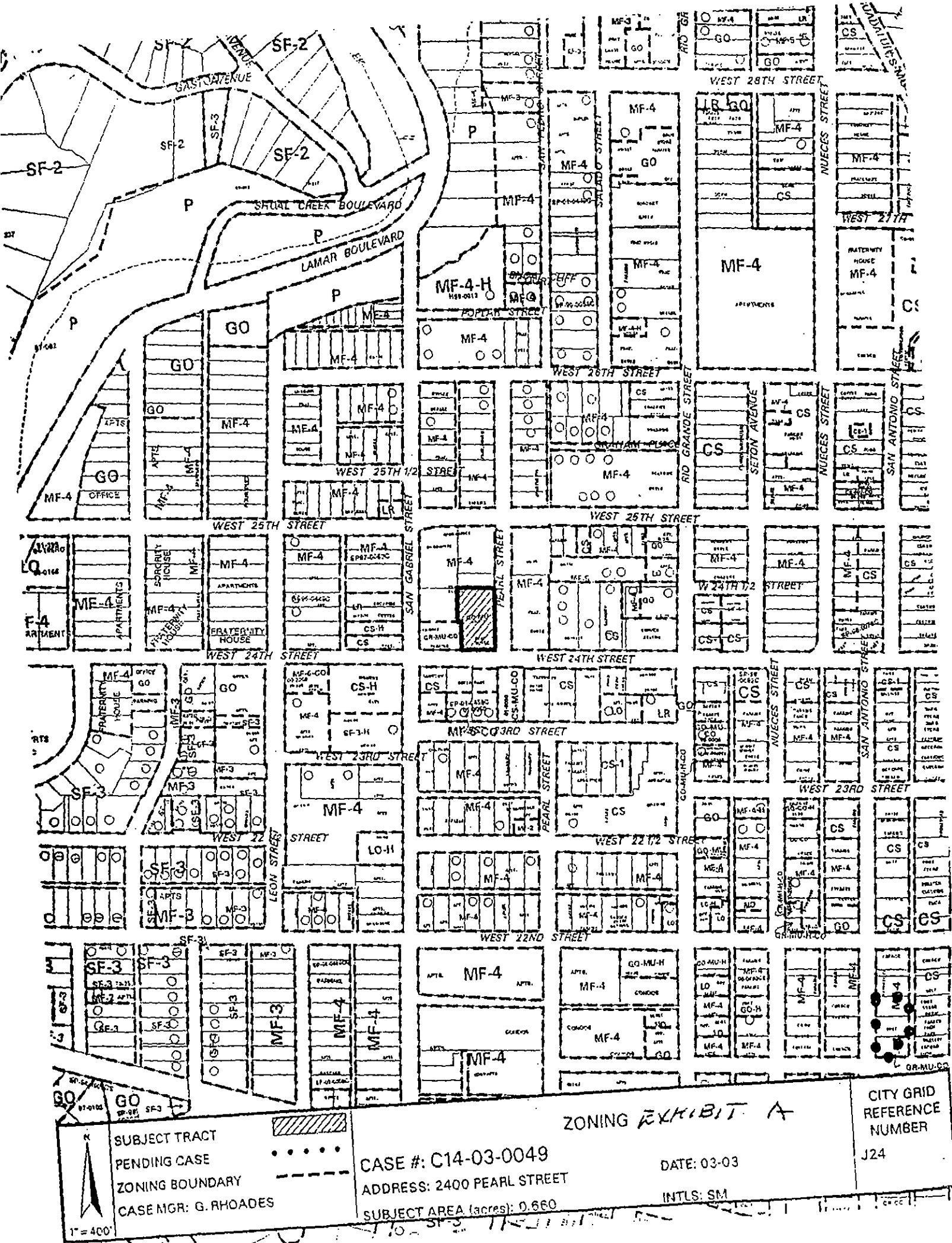
July 29, 2004 – Postponed at the request of staff to August 5, 2004.

August 5, 2004 – Postponed at the request of Council to September 2, 2004

September 2, 2004 – Postponed at the request of Council to September 30, 2004.

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



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 24th 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

§
§
§

Will Wynn
Mayor

21
22
23
24
25 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

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%
5	02-1401-0707	SIGMA ALPHA EPSILON ALUMNI OF KAPPA ALPHA THETA BUILDING ASN	62,404.15	23.54%
6	02-1401-0820		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%
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26				0.00%
27				0.00%
28				0.00%

Validated By:

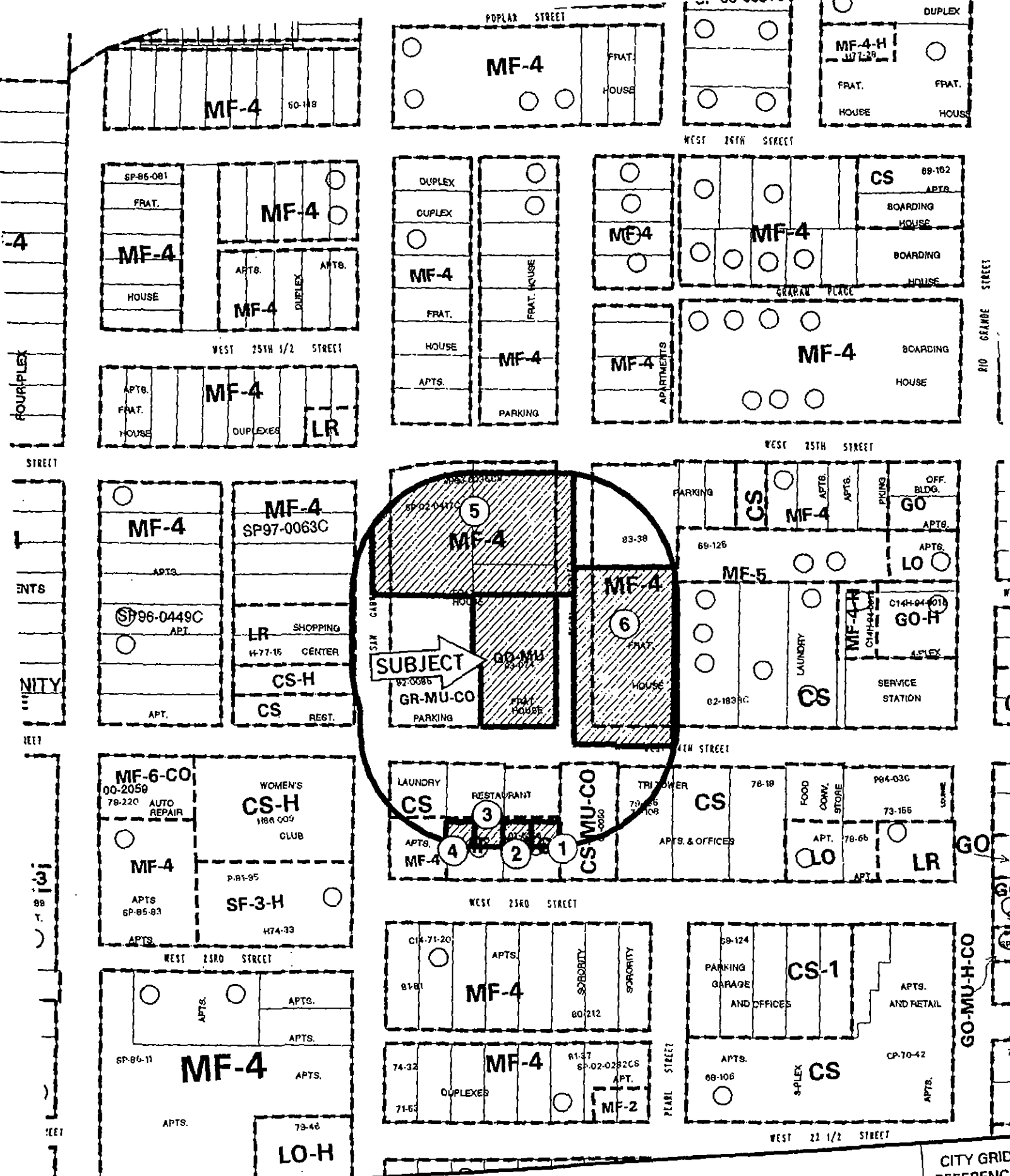
Stacy Meeks

Total Area of Petitioner:

118,385.80

Total %

44.66%



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: G. RHOADES

PETITIONS
 CASE #: C14-03-0049
 ADDRESS: 2400 PEARL STREET
 SUBJECT AREA (acres): 0.860

DATE: 04-01

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 J24

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

F. 45

Date: _____

File Number: C-14-03-0049

Address of

Address of
Rezoning Request: 2400 Pearl St.

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 SF 1 - SF 6 ; MF 1 - MF 4

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature: Glena Yake Printed Name: Kappa Alpha Theta Building Assn. Address: 2401 Pearl St.

Date:

1/27/64

Contact Names:

Contact Name: Glenn Yates
Phone Number: (830) 598-4898

Phone Number:

KAPPA ALPHA THETA

Facility Corporation
2401 Pearl Street
Austin, Texas 78701

January 27, 2004

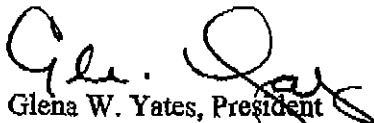
City Council
City of Austin
Austin, Texas

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

Dear City Council Members:

I Glena 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,



Glenn W. Yates, President

GWY/vv

Enclosure

PETITIONDate: 1/27/04
File Number: C-14-03-0049Address 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 G0-MU with residential limited to 60 ft. h.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<u>Tody L. Lane</u>	<u>Sigma Alpha Epsilon Alumni of U.T.</u>	<u>2414 Pearl St.</u>

The undersigned members of Sigma Alpha Epsilon
Fraternity feel very strongly that the height
is entirely too high for this neighborhood.

Date: 1/27/04Contact Name: Tody L. Lane
Phone 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


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.

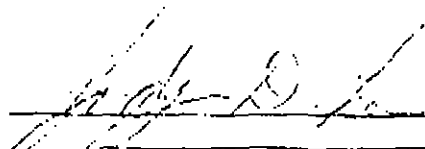
BE IT FURTHER RESOLVED, that the Board of Directors of the Corporation hereby adopts, approves, ratifies and confirms all valid acts taken or made by the Corporation's officers prior to the effective date of this written consent.

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

Address

Craig CoffeeWhite/Coffee Ltd.904, 906, 908, 910, 912 W. 23rdDate: 1.27.04Contact Name: Craig CoffeePhone Number: 512.327.5128

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
April 22, 2004
May 6, 2004
June 10, 2004
July 29, 2004
August 5, 2004
September 2, 2004
September 30, 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 24th Street be prohibited.

In the time between the Planning Commission hearing and March 4, 2004, the neighborhood planning team, after discussions with the Greek community and other stakeholders, 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).

Staff originally recommended the height allowed under MF-6, which is a maximum of 90 feet. The basis for our recommendation was based upon the original UNO boundaries. Since the boundaries have moved, staff is amending the recommendation to limit the height of any building or structure to 75 feet. It should be noted that the Commission did not put a height limit on the property when they considered this case.

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

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

3. Height will be limited to 40' for the first 75 ft. north of 24th 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).

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 staff is still collecting data and having meetings both internally and externally. The plan has not yet been to Planning Commission for final approval.

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-tiered 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:

	ZONING	LAND USES
<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 th St.	60'	33'	Collector	18,309
Pearl St.	60'	37'	Local	N/A

CITY COUNCIL DATE: January 29, 2004

March 11, 2004

April 22, 2004

May 6, 2004

June 20, 2004

July 29, 2004

August 5, 2004

September

ACTION: Postponed at the request of the applicant to 3/11/04. Vote: 5-0, W. Wynn-off dais, D. Thomas – absent.

Postponed at the request of the applicant to 4/22/04. (Vote: 7-0).

Postponed at the request of the applicant to May 6, 2004. (Vote: 7-0).

Postponed at the request of staff to June 10, 2004. (Vote: 7-0).

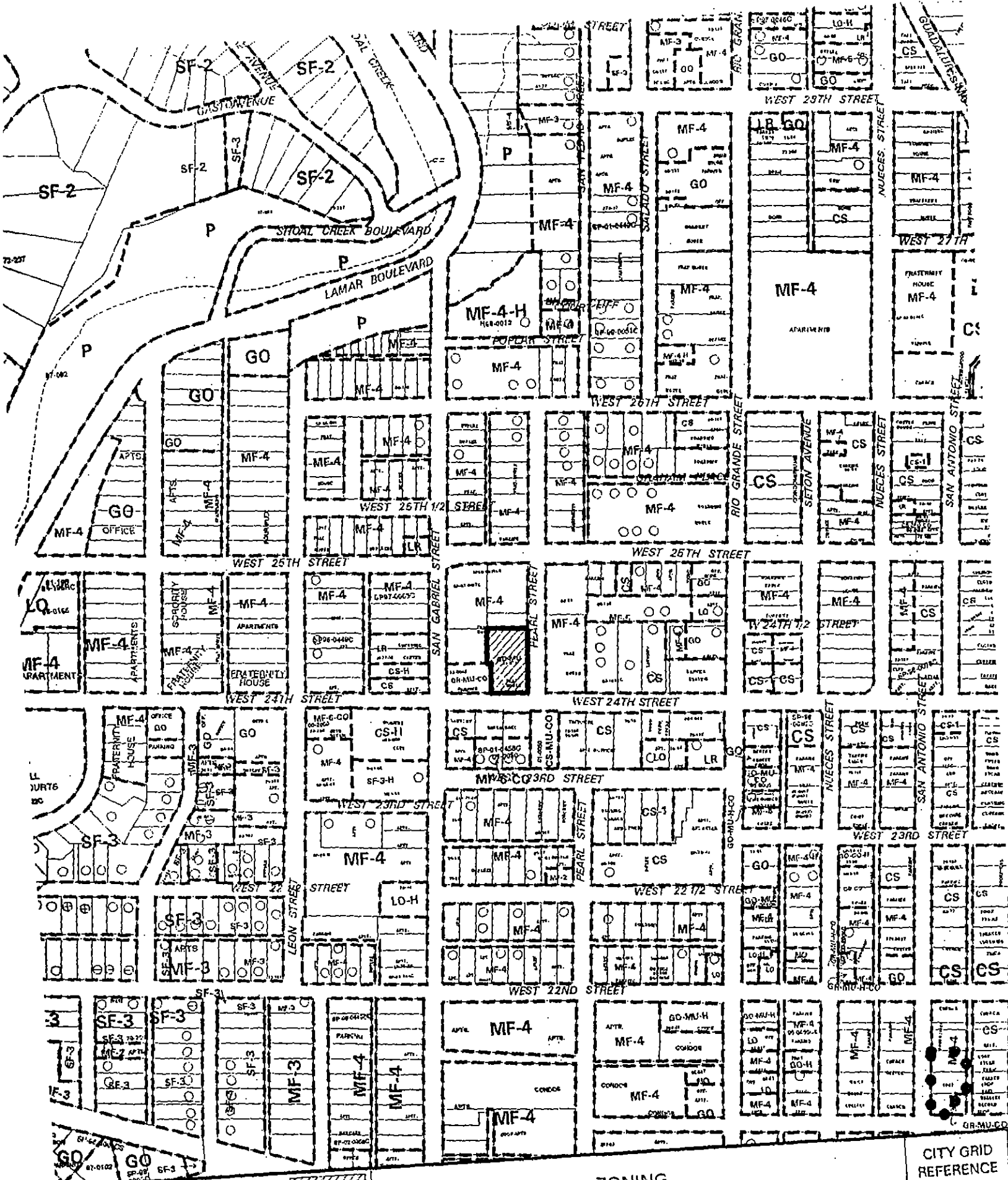
Approved CS-MU-CO and MF-6-CO on 1st reading. To allow a 90 foot height and UNO overlay requirements and to allow business and trade school (Vote: 4-3, Wynn, J. Goodman and R. Alvarez – no).

Postponed at the request of staff to 8/5/04 (Vote: 7-0).

Postponed at the request of Council to 9/2/4 (Vote: 5-0, McCracken and Goodman – off dais).

Postponed at the request of Council to 9/28/04. (Vote: 7-0).

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



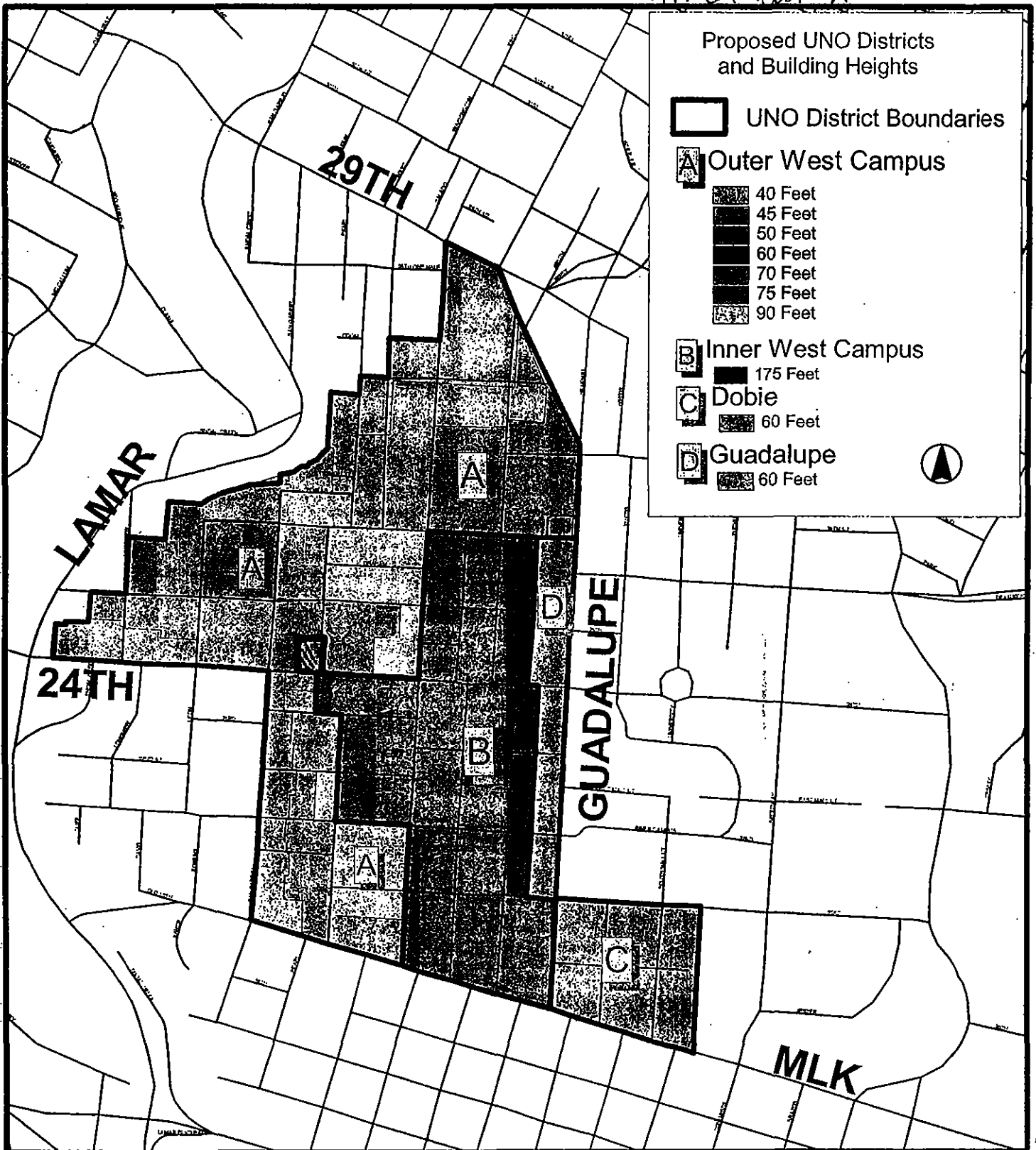
SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: G. RHOADES

CASE #: C14-03-0049
 ADDRESS: 2400 PEARL STREET
 SUBJECT AREA (acres): 0.660

ZONING

DATE: 03-03
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 J24



Proposed University Area Overlay (UNO) Districts

NPZD
City of Austin

500 0 500 1000 Feet

March 24, 2004

DRAFT





City of Austin Infrastructure Support Services

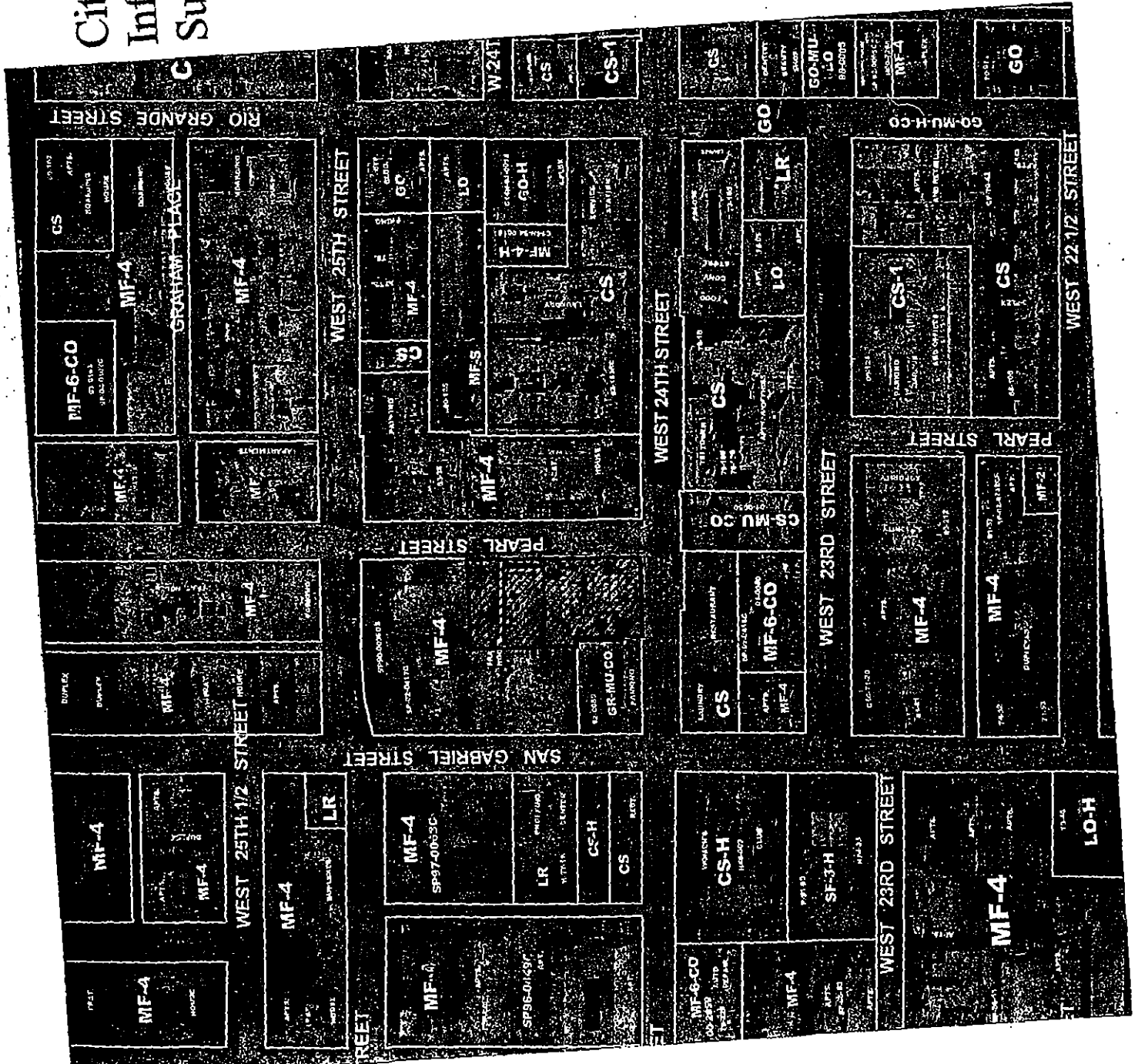
CASE # 05-0079

Zoning
Base



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City of Austin.

Thu Apr 15 11:19:58 2004



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 24th 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 24th 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. 24th St & Pearl St.

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

Capital Metro bus service is available along W. 24th 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.



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 within 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

Rhoades, Glenn

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

From: Glenna Yates [ctlt@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
ctlt@tstar.net

1/27/2004

Rhoades, Glenn

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: Glöna 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

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 [jmellard@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
jmellard@austin.rr.com

Noted
Jim Glogy
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

=====

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

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!

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.Slusher@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

Rhoades, Glenn

From: Kelly and Lewis Talbert [ktalbert@austin.rr.com]

Sent: Friday, January 30, 2004 6:16 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: Against house of Tutors zoning change

We have just found out about this. We feel we should be allowed a response time prior to changing the zoning. Please hold off on this until a proper hearing has been held.

Thank you;

Lewis Talbert

2/2/2004



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

File Number: C14-03-0049

Mailing Date of First Notice: April 11, 2003

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 3rd 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. 24th 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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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 9, 2003

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3rd 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) Ya-Fen Li 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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Mailing Date of this Notice: March 28, 2003

File Number: C14-03-0049

Mailing Date of First Notice: April 11, 2003

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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 3rd 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. 24th #230
Austin, TX

☐ 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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Mailing Date of this Notice: March 28, 2003

File Number: C14-03-0049

Mailing Date of First Notice: April 11, 2003

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 3rd 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~~ MAY 14, 2003

Name (please print)

SOMERSET PARTNERS

☐

I am in favor

(Estoy de acuerdo)

Address

Owners of 2307 Rio Grande

☒ I object

(No estoy de acuerdo)

This is primarily a residential neighborhood.
CS is incompatible with residential neighborhoods.



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

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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 3rd Floor, Training Room #325, Austin

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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)



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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Mailing Date of this Notice: March 28, 2003

File Number: C14-03-0049

Mailing Date of First Notice: March 11, 2003

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OWNER: House of Tutors, Inc.

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

PLANNING COMMISSION HEARING DATE: April 9, 2003

July 9+
PHONE: (512) 478-6554

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3rd 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)

To: The Zoning and Platting Commission Assistant
Re: File # C14-03-0049-GR
From: Angela Prescott
Dated: June 28th 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". The signature is stylized with a large, flowing "A" and a long horizontal stroke 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

Do you Yahoo!?
Yahoo! SiteBuilder - Free web site building tool. **Try it!**

Rhoades, Glenn

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 Ksiezyk [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 Ksiezyk

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


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

MOTION: APPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

4. **Code** C2O-03-020 - Amendments to Land Development Code relating to
Amendment: 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 24th 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-1st, DS-2nd; 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 24th Street.**

VOTE: (7-0; DS-1st, MC-2nd; 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.