

## **INFO PROVIDED BY THE APPELLANT**

Group 2

## INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:  
[http://www.amlegal.com/austin\\_tx/](http://www.amlegal.com/austin_tx/)

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SPC-2008-0594A

Contact: Lynda Courtney, 974-2810

☐ I am in favor ☒ I object

☐ I meet the requirements for and request to be an interested party

Derek Wright

Name (please print)

512-349-4555  
Telephone number

300 E. Highland Mall Blvd Austin, 78752

Address(es) affected by this application (Street, City, ZIP Code)

300 E Highland Mall Blvd Austin 78752

Mailing address (Street, City, ZIP Code)

Derek Wright

Signature

Date

1/30/09

Comments: We oppose this due to our business being a learning center with people of all ages. Also, with the city's high \$\$\$ investment being adjacent to this area I can't see it being in their best interest to allow such a business to move in.

Mail comment forms to:

City of Austin

Watershed Protection and Development Review Department

Attn: Lynda Courtney

P. O. Box 1088

Austin, TX 78767-1088

To: All Planning Commission Members

From: Debra and Bill Taggart, Owners, Belle Saison Bridal, Lincoln Village

Subject: LaBare

Date: April 13, 2009

We did not attend the previous hearing because we were not notified by the landlord or by the City. We have, subsequently, watched a DVD of the hearing. The notices of the hearing were sent from the City to our utility address. Since Lincoln Village is a sub-metered property, this meant that the notices went to our landlord, William Hutchinson at Lincoln Dunhill Properties in Dallas. His office did not forward these notices to us or any other tenant that we have contacted. I am convinced that the first hearing would have been much more highly attended if the tenants had actually been notified. I am convinced that they deliberately withheld the notices.

We learned about the proposed lease of LaBare by an anonymous letter that was pushed under the doors of all tenants at Lincoln Village. It warned that LaBare would change to a topless club for men (not women) if they obtain the permit to operate as a sexually oriented business. We immediately contacted the City Planning Commission by phone and e-mail to learn more. Lynda Courtney put us on the e-mail list to be notified of the hearing. This did not happen and we did not know about the hearing until we saw it on the local news. Because of this, we are sending this e-mail to be sure that Commission Members understand that we are opposed to LaBare. We cannot attend the April 14 hearing as we are scheduled to attend a Bridal Market and our long-standing reservations cannot be cancelled.

We received a form letter from the owner of Lincoln Village, William Hutchinson, to all tenants dated February 19. He stated that he was surprised at the negative tenant response but that, because of the tough economy, they must review all potential tenants. In the hearing, however, the representatives of Mr. Hutchinson said that Lincoln Village had not received complaint calls from tenants who were worried about LaBare. If this is true, why would he send a form letter to all tenants to reassure them? Mr. Hutchinson's representatives stated at the hearing that LaBare would bring a lot of business to Belle Saison Bridal. It is actually just the opposite. Brides purchase bridal attire 6 to 12 months prior to the wedding and, therefore, well in advance of any bachelorette party that might be scheduled at a later date. We do not need or want LaBare for advertising.

Shortly after the hearing, Mr. Kevin Cox, owner of LaBare, came to my store to introduce himself and explain that LaBare would be a wonderful tenant for the Center. He was on a mission to talk with all tenants in an attempt to allay our fears. I want to be sure that Mr. Cox does not misrepresent our position at the April 14 hearing. I fear that he will tell Commission Members that he has talked with us and we are not concerned about LaBare being a tenant. I suggested that he put his promises in writing and send it

to all tenants. He agreed, but we have not received anything from him. During our 20-minute conversation, I made it crystal clear to him that we are opposed.

If you Google "LaBare Austin" you can click on a link to LaBare Austin's MySpace page as follows:

<http://www.myspace.com/87292846>

<http://viewmorepics.myspace.com/index.cfm?fuseaction=user.viewPicture&friendID=87292846&albumId=237791>

On this page, you will see the type of adult-oriented entertainment they intend to provide. By their own admission this business is a "Rated X Mature Audiences Only" type of establishment. Their advertising is quite at odds with the upscale image they intend to convey and does not square with the assurances of Mr. Cox.

On our area of I-35, Lincoln Village is one of the few upscale buildings in the area, and we want to maintain this positive image. The tenants include Carrabba's, Men's Wearhouse, Americus Diamond, Chase Bank, Cinnamon's Bakery, the Sprint Store, FedEx, Smoothie King, Gold's Gym, Mapsco, and Belle Saison Bridal. A sexually oriented business simply does not fit in this center. We appreciated the comments made during the last hearing with respect to the 1000-foot rule. One commission member stated that she was voting NO because the "spirit" of the law would allow commission members to exercise their discretion and deny the application. We agree. In fact, the same 1,000-foot rule would allow LaBare to relocate to the Arboretum, Arbor Walk or LaFrontera. If you agree that LaBare would not be a good fit in one of those Centers, would you not also agree that they are not a good fit for Lincoln Village? We want to maintain the upscale shopping experience at Lincoln Village in the same way. We do not want to be in a position down the road where we must "reclaim our neighborhood". If this venue goes forward, we believe that many of the existing tenants will opt to leave Lincoln Village at the point that their leases expire.

We would also like to clarify the hours of operation. Mr. Hutchinson's letter to tenants dated February 19 assures us that "it will be open in the evening and will not impact anyone during the day." However, Mr. Hutchinson's attorney stated that they will in fact be open for lunch for "private parties."

Our main worry is that LaBare will change its type of business to a strip club for men instead of women, or perhaps they will sell to another men's entertainment company, such as Sugar's. This happened in Dallas. If you Google LaBare Dallas you will find an article where this exact thing happened. A link is provided below. In the final paragraph you will see that this club was closed down (in March 2009) because of drugs, illicit sex acts on stage and other violations. It started innocently as LaBare, but after obtaining the license to operate as a sexually oriented business, it later had the legal means to become a topless club called Chicas Locas. The link follows:

<http://www.google.com/search?q=Chicas+Locas+LaBare&hl=en&start=0&sa=N>

Police officers testified at the hearing that there were more arrests at this club than at Texas Stadium during the same time period. That is a scary statistic.

On Thursday, April 9, another anonymous letter was delivered to Belle Saison. It provided a notice of the April 14 hearing as well as another warning:

“You have been made aware: the establishment that will certainly hurt our livelihoods here at Lincoln Village “LaBare Austin” is set to have a licensing hearing with the city on Tuesday, April 14. Remember they are attempting to get a sexually oriented business permit. It is up to us to stop them. They are going to change the type of business from male to female. We will end up with an all nude establishment next to us.”

We would like to stop LaBare from locating in Lincoln Village. If the permit they are obtaining allows them to change to a topless female venue, it will ruin this shopping center.

Thank you for your time.

Sincerely,  
Debra and Bill Taggart  
Owners, Belle Saison Bridal

# Comment Card

PLANNING COMMISSION



Agenda Item #: 20

Please indicate your position on this item:

- ☐ FOR  
☒ AGAINST  
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☒ YES  
☐ NO

Name (Please PRINT)

Sarah Berg

Address

6406 N IH-35, Ste 1250  
Austin, TX 78752

Email

~~sarah.berg@caplan.com~~

Phone

817-781-3077

Date

4/14/09

# Comment Card

PLANNING COMMISSION



Agenda Item #: 20

Please indicate your position on this item:

- ☐ FOR  
☒ AGAINST  
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☒ YES  
☐ NO

Name (Please PRINT)

KYLE FLORIO

Address

6406 N IH 35 Ste 1250  
Lincoln Village  
Austin, TX 78752

Email

~~kyle.florio@planet.com~~

Phone

512 454-4401

Date

4/14/09

# Comment Card

PLANNING COMMISSION



Agenda Item #: 20

Please indicate your position on this item:

- ☐ FOR  
☒ AGAINST  
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☒ YES  
☐ NO

Name (Please PRINT)

Sharon Doerre

Address

2147 Sage Creek  
Austin TX 78704

Email

~~shdoerre@bluevalley.com~~

Phone

Date



# Comment Card

PLANNING COMMISSION



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Please indicate your position on this item:

- ☐ FOR  
☒ AGAINST  
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☒ YES  
☐ NO

Name (Please PRINT)

Thomas Clites

Address

12021 Gerse Dr  
Austin, TX 78757

Email

~~thomas.clites@att.net~~

Phone

512-735-7233

Date

4/14/09

# Comment Card

PLANNING COMMISSION



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Please indicate your position on this item:

- ☐ FOR  
☒ AGAINST  
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☒ YES  
☐ NO

Name (Please PRINT)

SOROUSH AZADI

Address

1311 Fairwood Rd  
Austin, TX 78722

Email

~~sazadi@soroudi.com~~

Phone

512-628-0765

Date

4/14/09

# Comment Card

PLANNING COMMISSION



Agenda Item #: 20

Please indicate your position on this item:

- ☐ FOR  
☒ AGAINST  
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☒ YES  
☐ NO

Name (Please PRINT)

Damen Aouze

Address

7504 Northwest Blvd  
Austin TX 78752

Email

~~damen.aouze@att.net~~

Phone

761-2338

Date

4/14/09