

TRACT 135B**PETITION**Case Number: **C14-2010-0049** Date: June 24, 2010**9220 N IH 35 (TRACT 135B)**Total Area Within 200' of Subject Tract 130,133.63

| | | | | |
|----|-----------------------|------------------------|------------------|----------------|
| 1 | <u>02391902510000</u> | <u>9220 NIH 35 LLC</u> | <u>130133.63</u> | <u>100.00%</u> |
| 2 | | | | <u>0.00%</u> |
| 3 | | | | <u>0.00%</u> |
| 4 | | | | <u>0.00%</u> |
| 5 | | | | <u>0.00%</u> |
| 6 | | | | <u>0.00%</u> |
| 7 | | | | <u>0.00%</u> |
| 8 | | | | <u>0.00%</u> |
| 9 | | | | <u>0.00%</u> |
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| 11 | | | | <u>0.00%</u> |
| 12 | | | | <u>0.00%</u> |
| 13 | | | | <u>0.00%</u> |
| 15 | | | | <u>0.00%</u> |
| 16 | | | | <u>0.00%</u> |
| 17 | | | | <u>0.00%</u> |
| 18 | | | | <u>0.00%</u> |
| 19 | | | | <u>0.00%</u> |
| 20 | | | | <u>0.00%</u> |
| 21 | | | | <u>0.00%</u> |
| 22 | | | | <u>0.00%</u> |
| 23 | | | | <u>0.00%</u> |
| 24 | | | | <u>0.00%</u> |
| 25 | | | | <u>0.00%</u> |

Validated By:

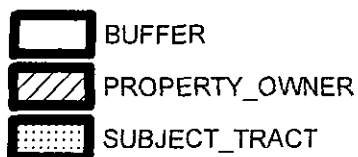
Stacy Meeks

Total Area of Petitioner:

130,133.63

Total %

100.00%**Late Backup**



CASE#: C14-2010-0049
ADDRESS: 9220 N IH 35 (TRACT 135B)
GRID: L30
MANAGER: J. BROWNING



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Land ANSWERS

Land Development Consulting Services
3606 Winfield Cove
Austin, Texas 78704
512/416-6611 Fax: 512/416-6610
E-mail: landanswers@sbcglobal.net

M E M O R A N D U M

DATE: June 23, 2010
TO: Sherri Sirwaitis
FROM: Larry Hearold
RE: Valid Petition for
Case No. C14-2010-0049

Sherri,

Attached is a Valid Petition for Case No. C14-2010-0049 for a portion of tract 135, more particularly known as 9220 N. IH 35.

Thanks,



Larry Hearold

P E T I T I O N

Date: 06/22/2010

File Number: C14-2010-0049

Address of

Rezoning Request: 9220 N. IH 35

To: Austin City Council

I, the undersigned owner of property affected by the requested North Lamar Combined Neighborhood Planning Area zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property located at 9220 N. IH 35 to any classification other than GR-NP.

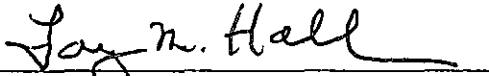
My reasons for filing this valid pretition are as follows:

- 1) The existing land use of the site is Hotel-Motel, which is a permitted use under the current GR zoning.
- 2) At some point in time after the existing hotel was built in 1974, the U.S. Army Corps of Engineers designated this entire property to be within the 100 year floodplain, due to an undersized drainage culvert under IH 35, which was constructed by TxDOT in 1952. As a result, the City of Austin will not issue permits for any future redevelopment on this site, due to it being located within the 100 year floodplain.
- 3) On December 1, 2008 the City of Austin's Law Department, Code Enforcement Department, and Police Department filed suit to close this property, under the State of Texas Nuisance Abatement Law. Prior to taking this case to trial, the City of Austin agreed to drop the nuisance abatement charges on July 23, 2009. If the City of Austin were to ever initiate similar nuisance abatement charges in the future, this property would be required to obtain a Conditional Use Site Plan prior to reopening, in the event that the proposed Conditional Overly is added. It would become nearly impossible to secure the necessary Planning Commission support for the Conditional Use Site Plan, due to the bad publicity that would be associated with the "alleged" charges associated with the nuisance abatement filing. If the Conditional Use Site Plan application were denied, the existing structure would become unusable. Because the property is located within a 100 year floodplain (due to engineering decisions and design by TxDOT), the property could not be redeveloped for a reasonable alternative use. Under the proposed North Lamar Combined Neighborhood

Overlay, which is intended to change the current legal land use of the site to a conditional use, this site could become unusable for any legal purposes, without even requiring proof that a violation of the State's nuisance abatement law occurred! This site is testimony to the reality of this scenario, since it has already occurred once and could in fact occur again.

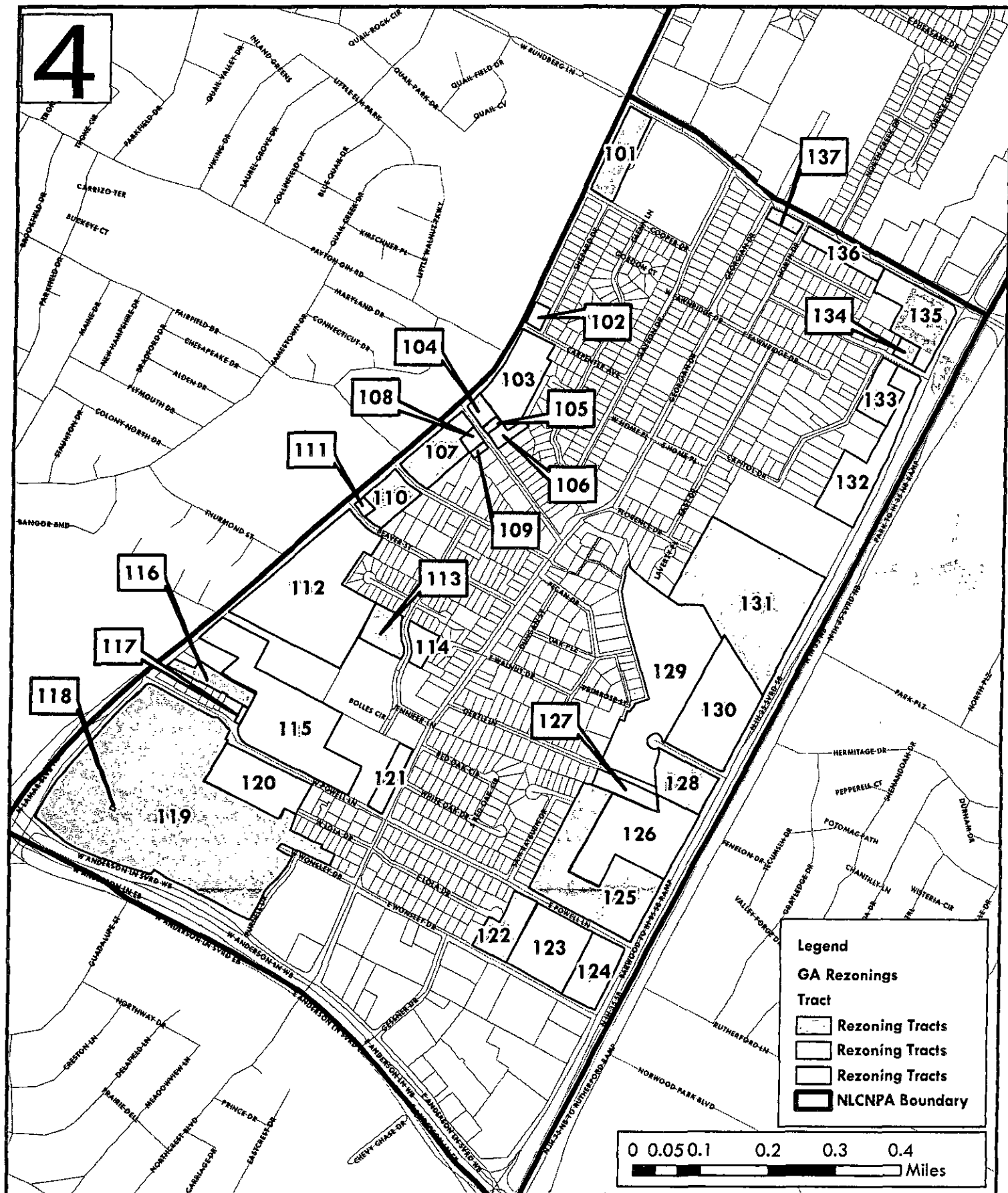
I urge you to oppose the proposed Conditional Overlay for this property.

Respectfully submitted,

A handwritten signature in black ink, reading "Larry M. Hall", written over a horizontal line.

Larry M. Hall
Sole Managing Partner for
9220 NIH 35, L.L.C.

Attachments



North Lamar Combined Neighborhood Planning Area **Georgian Acres Neighborhood Plan Combining District** **Zoning Case # C14-2010-0049**

Georgian Acres Planning Area Rezoning Tract Chart
C14-2010-0049

| Tract # | TCAD Prop ID | COA Address | Current Zoning | Proposed Zoning |
|---------|----------------------|------------------------|----------------|-----------------|
| 131 | 239687 | 8618 N IH 35 SVRD SB | CS | MF-4-CO-NP |
| | | 8630 N IH 35 SVRD SB | | |
| | | 8720.5 N IH 35 SVRD SB | | |
| | | 8820 N IH 35 SVRD SB | | |
| | | 8800 N IH 35 SVRD SB | | |
| 132 | 242067 | 9000 N IH 35 SVRD SB | SF-3 | CS-CO-NP |
| | 242066 | 9010 N IH 35 SVRD SB | CS | |
| | | 9014 N IH 35 SVRD SB | | |
| | | 9038 N IH 35 SVRD SB | | |
| | 242065 | 9034 N IH 35 SVRD SB | | |
| | 243377 | 9038 N IH 35 SVRD SB | | |
| | 243378 (portion) | 9106 CAPITOL DR | | |
| 243376 | 9120 N IH 35 SVRD SB | | | |
| 133 | 243378 (portion) | 9106 CAPITOL DR | GR | GR-CO-NP |
| | 243375 | 601 MIDDLE LN | | |
| 134 | 243358 | 602 MIDDLE LN | LR | SF-3-NP |
| | 243361 | 604 MIDDLE LN | | |
| | 243360 | 606 MIDDLE LN | | |
| 135 | 243345 | 700 MIDDLE LN | GR | GR-CO-NP |
| | | 9200 N IH 35 SVRD SB | | |
| | | 9204 N IH 35 SVRD SB | | |
| | 243367 | 9220 N IH 35 SVRD SB | | |
| | | 9304.5 N IH 35 SVRD SB | | |
| | | 9318 N IH 35 SVRD SB | | |
| 243357 | 505 E RUNDBERG LN | | | |
| 243356 | 503 E RUNDBERG LN | LO | | |
| 136 | 243343 | 411 E RUNDBERG LN | LO | LR-MU-V-CO-NP |
| | 243342 | 409 E RUNDBERG LN | SF-3 | |
| | 243366 | 407 E RUNDBERG LN | | |
| | 243365 | 405 E RUNDBERG LN | | |
| | 243364 | 403 E RUNDBERG LN | | |
| | 243363 | 401 E RUNDBERG LN | | |
| | 243341 | 311 E RUNDBERG LN | LO | |
| | | 313 E RUNDBERG LN | | |
| | 244948 | 305 E RUNDBERG LN | SF-3 | |
| | 244947 | 301 E RUNDBERG LN | | |
| | 244932 | 205 E RUNDBERG LN | LO-CO | |
| | | 9306.5 NORTH DR | | |
| 137 | 244931 | 201 E RUNDBERG LN | LO | LR-MU-V-CO-NP |
| | 244930 | 105 E RUNDBERG LN | LO-MU-CO | |
| | 244929 | 101 E RUNDBERG LN | | |

(1) The Tract # refers to the numbered tracts on the Georgian Acres Planning Area Zoning Recommendation Tract Map.

(2) Each TCAD Prop ID number represents a separate property, as recorded by the Travis Central Appraisal District.

(3) The COA Address or Legal Description listed for each property are those addresses on file with the City pertaining to that property. The legal descriptions are those on file with the Travis Central Appraisal District pertaining to that property.

Hotel/motel

Tract 128

Existing Conditions (Prop ID 568102):

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

Proposed Conditional Uses (ALL properties):

Hotel/motel

Tract 130

Proposed Conditional Uses:

Hotel/motel

Tract 131

Proposed Conditions:

Redevelopment of the entire property, shall require construction and maintenance of a six foot privacy fence and a vegetative buffer 50 feet wide along the western portion of the property sufficient to insure privacy between the tract and the existing single-family development adjacent to the tract.

Tract 132

Proposed Conditional Uses:

Hotel/motel

Tract 133

Proposed Conditional Uses:

Hotel/motel

Tract 135

Proposed Conditional Uses:

Hotel/motel

Tract 136

Existing Prohibited Uses (Prop ID 243365):

Art gallery

Business or trade school

Business support services

Communications services

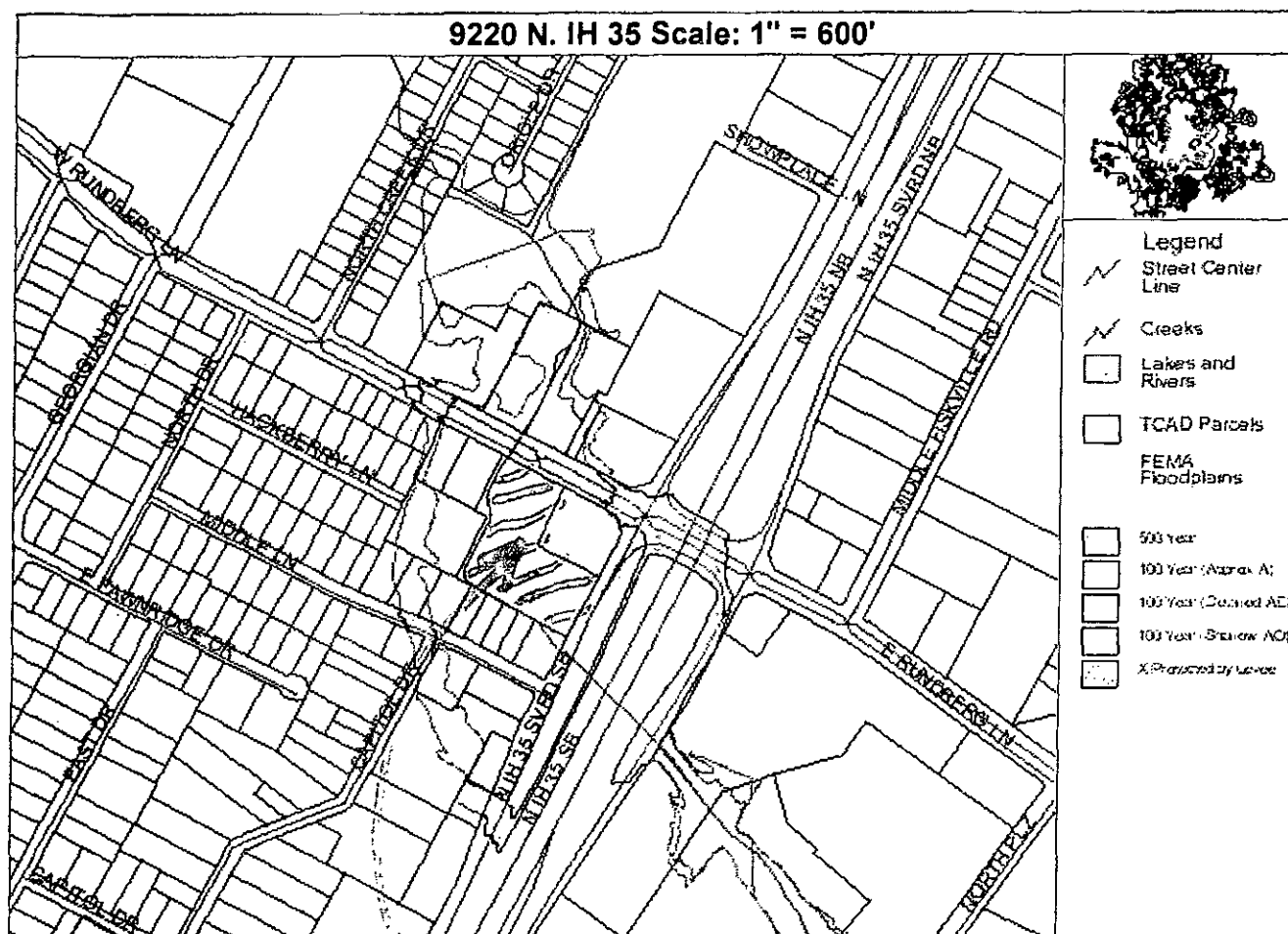
Medical offices (exceeds 5000 sq. ft.)

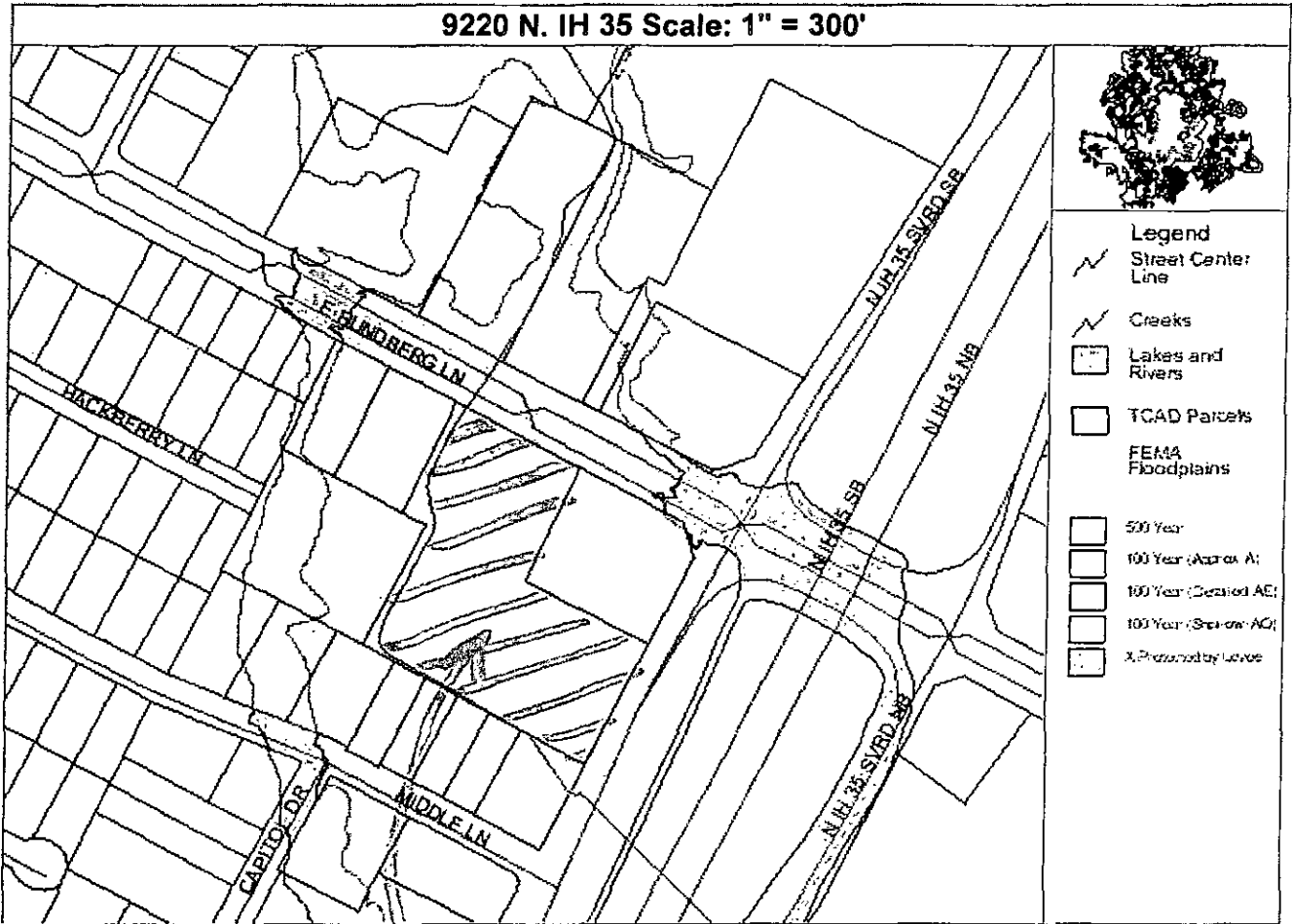
Private secondary educational facilities

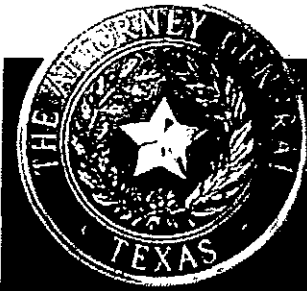
Medical offices (not exceeding 5000 sq. ft.)

Off-site accessory parking

College and university facilities







ATTORNEY GENERAL OF TEXAS GREG ABBOTT

Nuisance Abatement

Under the Texas nuisance abatement statute, any property can be closed down by court order if it is being used as a crack house, brothel, gang headquarters, or other base of operations for criminals. The statute works by holding the property owners and managers responsible for what happens on their property.

The Attorney General helps law enforcement use nuisance abatement laws to shut down gang hangouts and to keep gang members from publicly assembling in areas where criminal activity is rampant.

FOR MORE INFORMATION:

Nuisance Abatement: Civil Suits
a Powerful Tool for Law
Enforcement

Nuisance Abatement Manual

Civil lawsuits close down havens for crime

Chapter 125 of the Texas Civil Practice & Remedies Code and Section 101.70 of the Texas Alcoholic Beverage Code are considered the "Texas Nuisance Abatement Statutes." These statutes permit law enforcement agencies to close any piece of property involved in illegal activities, including violations of the Texas Penal Code, the Texas Alcoholic Beverage Code and the Texas Controlled Substances Act.

The Office of the Attorney General (OAG) helps Texas municipalities, local prosecutors and law enforcement agencies (including police departments, sheriff's offices, task forces and the Texas Alcoholic Beverage Commission) in targeting, processing and filing suit against property owners who allow public and common nuisances to exist on their property.

The purpose of a nuisance abatement lawsuit is not to show or prove that the property owner is guilty of illegal acts, but rather to prove that the property owner allowed the illegal activity to occur on the property and failed to make reasonable attempts to stop it.

Many police departments have become skilled at this procedure and have great success on their own. When local law enforcement lacks the resources or experience in such cases, the OAG will send staff when requested to any area of the state to provide technical assistance in initiating the nuisance abatement process.

Evidence will be compiled and sent to the OAG for review. Arrest reports, calls for police service and search warrants contained in local departmental records, as well as police officers' and residents' affidavits, are all used in this process. When the OAG determines that sufficient evidence exists, a lawsuit will be filed on behalf of the State. In these cases, the OAG will provide legal representation for the duration of the lawsuit.

Revised: February 21 2008



APD NEWS

Public Information Office: (512) 974-5017

715 E. 8th St. Austin, Texas 78701

FOR IMMEDIATE RELEASE

Jan. 9, 2009

Contact: Public Information Office, 974-5017

City of Austin helps community improve quality of life by closing hotel

The City of Austin's Police Department Nuisance Abatement Unit, Solid Waste Services' Code Enforcement Division, City of Austin Law Department's Affirmative Litigation Division, and Travis County District Attorney's Office are working together to provide relief to the community from an Austin hotel long known for repeatedly attracting drug and prostitution activity.

The City filed suit on Dec. 1, 2008, against the Budget Lodge Hotel, located in the 9200 block of IH-35. This suit asks the Court to declare the hotel a public nuisance and seeks to immediately end its operations in an effort to protect the surrounding community from the devastating impact of the activities being conducted at the hotel.

"I am pleased that our newly formed Affirmative Litigation Division is working closely with the District Attorney's Office on this important case," said City Attorney David Smith.

From Jan. 1, 2007, through Oct. 1, 2008, APD responded to 463 emergency and non-emergency incidents at the Budget Lodge Hotel. More than 100 of those incidents involved illegal narcotics possession (both sold and used), prostitution, aggravated sexual assault of a child, indecency with a child by contact and aggravated robbery with a deadly weapon. Hotel employees committed a number of the crimes in question. The others were committed by hotel visitors and residents.

"I am proud of our Nuisance Abatement Unit for their diligence and commitment to this community, and the ongoing work to ensure a good quality of life for all," said Police Chief Art Acevedo. "Every officer in our department shares a commitment to assure safety in all parts of our city."

In addition to the repeated criminal activity at this hotel, inspectors with the City's Code Enforcement Division have issued numerous citations for violations of City Code at the property. This fall, the City's Building and Standards Commission



APD NEWS

Public Information Office: (512) 974-5017

715 E. 8th St. Austin, Texas 78701

FOR IMMEDIATE RELEASE

July 23, 2009

Contact: Public Information Office, 974-5017

City of Austin, Budget Lodge agree to permanent injunction prohibiting nuisances on property

On December 1, 2008, the Austin City Attorney's Office and the Travis County District Attorney's Office jointly filed suit on behalf of the City of Austin against the Budget Lodge Hotel, located at Rundberg and I-35. The lawsuit was filed under the state's nuisance abatement statute, in response to the high volume of criminal activity occurring at the hotel.

Today the Budget Lodge agreed to a permanent injunction prohibiting it from maintaining a nuisance on the property. As a condition of this injunction, the Budget Lodge has agreed to implement twenty specific measures to abate the criminal activity on the property.

Nuisance abatement actions like the one against Budget Lodge are effective complements to traditional law enforcement measures in an effort to restore the safety and welfare of neighborhoods. The cooperation of the citizens of this area was essential to the success of the abatement lawsuit.

If Budget Lodge fails to comply with the terms of the agreement, they will have 7 days to correct the problem. Failure to do so could result in the court ordering the property closed for one year.

###



TaxNetUSA: Travis County Property Information

Property ID Number: 243367 RefID2 Number: 02391902510000

Owner's Name 9220 NIH 35 LLC

Mailing Address 1538 E MAIN ST
EL CAJON, CA 92021-5901

Location 9220 N INTERSTATE HY 35 78753

Legal LOT 1 *LESS N 8.75AV REINDALE ACRES (COMMERCIAL PERSONAL PROPERTY)

Property Details

Deed Date 03302008

Deed Volume

Deed Page

Exemptions

Freeze Exempt F

ARB Protest T

Agent Code 2454

Land Acres 3.0157

Block

Tract or Lot 1

Docket No.

Abstract Code S11260

Neighborhood Code 37003

Value Information

2010 Preliminary

| | |
|---------------------------|--------------|
| Land Value | 709,360.00 |
| Improvement Value | 1,735,777.00 |
| AG Value | 0.00 |
| AG Productivity Value | 0.00 |
| Timber Value | 0.00 |
| Timber Productivity Value | 0.00 |
| Assessed Value | 2,445,137.00 |
| 10% Cap Value | 0.00 |
| Total Value | 2,445,137.00 |

Data up to date as of 2010-06-15

☐ AGRICULTURAL (1-D-1)☐ APPOINTMENT OF AGENT FORM☐ FREEPORT EXEMPTION☐ HOMESTEAD EXEMPTION FORM☐ PRINTER FRIENDLY REPORT☐ PROTEST FORM☐ RELIGIOUS EXEMPTION FORM(TIFF) ☐ PLAT MAP(PDF) ☐ PLAT MAP

Value By Jurisdiction

| Entity Code | Entity Name | 2009 Tax Rate | Assessed Value | Taxable Value | Market Value | Appraised Value |
|-------------|---------------------------|---------------|----------------|---------------|--------------|-----------------|
| 0A | TRAVIS CENTRAL APP DIST | 0.000000 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 |
| 01 | AUSTIN ISD | 1.202000 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 |
| 02 | CITY OF AUSTIN | 0.420900 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 |
| 03 | TRAVIS COUNTY | 0.421500 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 |
| 2J | TRAVIS CO HEALTHCARE DIST | 0.067400 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 |
| 68 | AUSTIN COMM COLL DIST | 0.094600 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 | 2,445,137.00 |

Improvement Information

Improvement ID

State Category

Description

202723

F1

MOTEL-EXTND STAY

202724

F1

SPECIAL (NODEPR)

202725

F1

SPECIAL (NODEPR)

Segment Information

| Imp ID | Seg ID | Type Code | Description | Class | Effective Year Built | Area |
|--------|---------|-----------|------------------|-------|----------------------|--------|
| 202723 | 235743 | 1ST | 1st Floor | D4 | 1974 | 17,975 |
| 202723 | 235744 | 2ND | 2nd Floor | D4 | 1974 | 18,740 |
| 202723 | 235745 | 3RD | 3rd Floor | D4 | 1974 | 16,675 |
| 202723 | 235746 | LOBBY | Lobby | D4 | 1974 | 7,014 |
| 202723 | 999197 | 501 | CANOPY | A* | 1974 | 255 |
| 202723 | 999198 | 501 | CANOPY | A* | 1974 | 4,849 |
| 202723 | 999199 | 501 | CANOPY | A* | 1974 | 4,849 |
| 202723 | 999200 | 501 | CANOPY | A* | 1974 | 4,354 |
| 202723 | 999201 | 276 | ELEVATOR COM PAS | 3A* | 1974 | 1 |
| 202723 | 999202 | 413 | STAIRWAY EXT | A* | 1974 | 1 |
| 202723 | 999203 | 482 | LIGHT POLES | ** | 1974 | 16 |
| 202723 | 999204 | 501 | CANOPY | A* | 1974 | 240 |
| 202723 | 999205 | 501 | CANOPY | A* | 1974 | 1,617 |
| 202723 | 999206 | 551 | PAVED AREA | AA* | 1974 | 60,900 |
| 202723 | 999207 | 601 | POOL COMM | CA* | 1974 | 800 |
| 202723 | 2070396 | 611 | TERRACE | CA* | 1974 | 1,600 |
| 202723 | 3126571 | SO | Sketch Only | SO* | 0 | 8,288 |
| 202723 | 3126572 | SO | Sketch Only | SO* | 0 | 2,065 |
| 202723 | 3126573 | SO | Sketch Only | SO* | 0 | 6,042 |
| 202723 | 3126574 | SO | Sketch Only | SO* | 0 | 6,042 |
| 202723 | 3126575 | SO | Sketch Only | SO* | 0 | 6,042 |
| 202723 | 3126576 | SO | Sketch Only | SO* | 0 | 5,488 |
| 202723 | 3126577 | SO | Sketch Only | SO* | 0 | 5,488 |
| 202723 | 3126578 | SO | Sketch Only | SO* | 0 | 5,488 |
| 202723 | 3126579 | SO | Sketch Only | SO* | 0 | 5,145 |
| 202723 | 3126580 | SO | Sketch Only | SO* | 0 | 5,145 |
| 202723 | 3126581 | SO | Sketch Only | SO* | 0 | 5,145 |

| | | | | | | |
|-------------------|---------|------|---------------|-----|------|--------|
| 202724 | 235747 | MISC | Miscellaneous | ** | 1991 | 1 |
| 202724 | 3126582 | SO | Sketch Only | SO* | 0 | 7,014 |
| 202724 | 3126583 | SO | Sketch Only | SO* | 0 | 1,300 |
| 202724 | 3126584 | SO | Sketch Only | SO* | 0 | 2,065 |
| 202724 | 3126585 | SO | Sketch Only | SO* | 0 | 1,617 |
| 202724 | 3126586 | SO | Sketch Only | SO* | 0 | 240 |
| 202724 | 3126587 | SO | Sketch Only | SO* | 0 | 495 |
| 202724 | 3126588 | SO | Sketch Only | SO* | 0 | 495 |
| 202724 | 3126589 | SO | Sketch Only | SO* | 0 | 255 |
| 202725 | 235748 | MISC | Miscellaneous | ** | 1991 | 1 |
| 202725 | 3126590 | SO | Sketch Only | SO* | 0 | 6,042 |
| 202725 | 3126591 | SO | Sketch Only | SO* | 0 | 6,042 |
| 202725 | 3126592 | SO | Sketch Only | SO* | 0 | 6,042 |
| 202725 | 3126593 | SO | Sketch Only | SO* | 0 | 5,488 |
| 202725 | 3126594 | SO | Sketch Only | SO* | 0 | 5,488 |
| 202725 | 3126595 | SO | Sketch Only | SO* | 0 | 5,488 |
| 202725 | 3126596 | SO | Sketch Only | SO* | 0 | 5,145 |
| 202725 | 3126597 | SO | Sketch Only | SO* | 0 | 5,145 |
| 202725 | 3126598 | SO | Sketch Only | SO* | 0 | 5,145 |
| 202725 | 3126599 | SO | Sketch Only | SO* | 0 | 7,600 |
| 202725 | 3126600 | SO | Sketch Only | SO* | 0 | 800 |
| 202725 | 3126601 | SO | Sketch Only | SO* | 0 | 4,354 |
| 202725 | 3126602 | SO | Sketch Only | SO* | 0 | 4,354 |
| 202725 | 3126603 | SO | Sketch Only | SO* | 0 | 4,354 |
| Total Living Area | | | | | | 60,404 |

Land Information

| Land ID | Type Code | SPTB Code | Homesite | Size-Acres | Front | Depth | Size-Sqft |
|---------|-----------|-----------|----------|------------|-------|-------|-----------|
| 239430 | LAND | F1 | F | 3.016 | 0 | 0 | 131,363 |

[show history](#)

Entity Details - Secretary of State, Nevada

<http://nvsos.gov/sosentitysearch/PrintCorp.aspx?lx8nvq=%252FTiQ...>**9920 NIH35, LLC***AKA BUDGET LODGE*

| Business Entity Information | | | |
|-----------------------------|------------------------------------|-----------------------|---------------|
| Status: | Active | File Date: | 9/01/2004 |
| Type: | Domestic Limited-Liability Company | Entity Number: | LLC19852-2004 |
| Qualifying State: | NV | List of Officers Due: | 9/30/2010 |
| Managed By: | Managing Members | Expiration Date: | 9/01/2504 |
| NV Business ID: | NV20041200705 | Business License Exp: | |

| Registered Agent Information | | | |
|------------------------------|---|--------------------|----------------------|
| Name: | PARACORP INCORPORATED | Address 1: | 318 N CARSON ST #208 |
| Address 2: | | City: | CARSON CITY |
| State: | NV | Zip Code: | 89701 |
| Phone: | | Fax: | |
| Mailing Address 1: | | Mailing Address 2: | |
| Mailing City: | | Mailing State: | NV |
| Mailing Zip Code: | | | |
| Agent Type: | Commercial Registered Agent - Corporation | | |
| Jurisdiction: | NEVADA | Status: | Active |

| Financial Information | | | |
|---|---|-----------------|------|
| No Par Share Count: | 0 | Capital Amount: | \$ 0 |
| No stock records found for this company | | | |

| Officers <input type="checkbox"/> Include Inactive Officers | | | |
|---|--------------------|------------|-----|
| Manager - HALL GABRIEL | | | |
| Address 1: | 1538 E MAIN STREET | Address 2: | |
| City: | EL CAJON | State: | CA |
| Zip Code: | 92021 | Country: | USA |
| Status: | Active | Email: | |
| Managing Member - LARRY M HALL | | | |
| Address 1: | 1538 E MAIN ST | Address 2: | |
| City: | EL CAJON | State: | CA |
| Zip Code: | 92021 | Country: | USA |
| Status: | Active | Email: | |

| Actions/Amendments | | | |
|----------------------------|--------------------------|-----------------|---|
| Action Type: | Articles of Organization | | |
| Document Number: | LLC19852-2004-001 | # of Pages: | 1 |
| File Date: | 9/01/2004 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Initial List | | |

| | | | |
|----------------------------|---------------------------------|-----------------|---|
| Document Number: | 20050304337-27 | # of Pages: | 1 |
| File Date: | 8/06/2005 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | 20050451990-45 | # of Pages: | 1 |
| File Date: | 9/29/2005 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | 20060523780-53 | # of Pages: | 1 |
| File Date: | 8/15/2006 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Registered Agent Address Change | | |
| Document Number: | 20060801896-40 | # of Pages: | 1 |
| File Date: | 12/14/2006 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | 20070569968-92 | # of Pages: | 1 |
| File Date: | 8/17/2007 | Effective Date: | |
| 07-08 | | | |
| Action Type: | Annual List | | |
| Document Number: | 20080603646-65 | # of Pages: | 1 |
| File Date: | 9/10/2008 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Amended List | | |
| Document Number: | 20090698949-36 | # of Pages: | 1 |
| File Date: | 9/21/2009 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | 20090697415-63 | # of Pages: | 1 |
| File Date: | 9/23/2009 | Effective Date: | |
| (No notes for this action) | | | |

Late Backup

NORTH LAMAR COMBINED NEIGHBORHOOD PLAN City Council Motion Sheet, June 24, 2010 Agenda Items 110 - 113 and 116 - 117

AGENDA ITEMS 110 - 113

| North Lamar Combined Neighborhood Plan | | | | |
|--|---------------|---|---|--|
| Motion | Agenda Item # | Proposed Action | Prior Council Action 05/27/10 | Comments |
| 1 | 110 | <p>On SECOND and THIRD READINGS, approve the North Lamar Combined Neighborhood Plan as approved by City Council on first reading except for Tracts 32, 134, and 135B and the section of the neighborhood plan relating to Tract 32 on pages 79-82.</p> <p>Postpone action on Tract 32 and the section of the plan on pages 79-82 pertaining to the tract to <u>July 29, 2010</u>.</p> | <p>On FIRST READING, closed the public hearing and approved the North Lamar Combined Neighborhood Plan as recommended by the Planning Commission except for Tract 32 and the section of the neighborhood plan relating to Tract 32 on pages 79-82.</p> <p>6-0, Morrison 1st, Martinez 2nd, Spelman off dais</p> | <i>This motion includes actions taken by the City Council regarding Tract 125A on first reading.</i> |

| Proposed Rezoning: North Lamar Neighborhood Plan Combining District (NP) | | | | |
|--|---------------|--|---|--|
| Motion | Agenda Item # | Proposed Action | Prior Council Action 05/27/10 | Comments |
| 2 | 111 | <p>On SECOND and THIRD READINGS, approve the North Lamar Neighborhood Plan Combining District (NP) as approved by City Council on first reading except for Tract 32.</p> <p>Postpone Action on Tract 32 to <u>July 29, 2010</u>.</p> | <p>On FIRST READING, closed the public hearing and approved the rezonings as recommended by the Planning Commission except for Tract 32</p> <p>6-0, Martinez 1st, Shade 2nd, Spelman off dais</p> | <i>This motion includes actions taken by the City Council regarding Special Use Infill Options and Design Tools approved by the City Council on first reading.</i> |

NORTH LAMAR COMBINED NEIGHBORHOOD PLAN
City Council Motion Sheet, June 24, 2010
Agenda Items 110 - 113 and 116 - 117

| Proposed Rezoning: Georgian Acres Neighborhood Plan Combining District (NP) | | | | |
|--|----------------------|--|--|--|
| Motion | Agenda Item # | Proposed Action | Prior Council Action 05/27/10 | Comments |
| 3 | 112 | On SECOND and THIRD READINGS, approve Georgian Acres Neighborhood Plan Combining District (NP) as approved by City Council on first reading except for Tracts 134 and 135B . <i>These tracts will be discussed in the following two motions.</i> | On FIRST READING, closed the public hearing and approved the rezonings as recommended by the Planning Commission. 6-0, Morrison 1st, Riley 2nd, Spelman off dais | <i>This motion includes actions taken by the City Council regarding Tract 125A and the Design Tools approved by the City Council on first reading.</i> |

Agenda Item #112

| Motion | Tract # and Address | Current Use Current Zoning | Planning Commission Land Use and Zoning Recommendation | Neighborhood Stakeholder Land Use and Zoning Recommendation | Property Owner Land Use and Zoning Recommendation | Staff Alternative Land Use and Zoning Recommendation | Valid Petition | Prior Council Action 05/27/10 |
|---------------|--|---------------------------------------|---|--|--|---|---|---|
| 4 | 134 602, 604, 606 Middle Lane Owner: Sam Chen | <u>Vacant land</u> LR | <u>Single-Family</u> SF-3-NP | Same as Planning Commission | <u>Commercial</u> GR-NP (This would constitute an upzoning of the site) | <u>Office</u> LO-CO-NP Conditions: Restrict building height to 18'. Conditional Uses: <ul style="list-style-type: none"> • Medical Offices less than 5,000 sq/ft • Medical Offices greater than 5,000 sq/ft | Yes 6 votes are needed to approve the SF-3-NP or LO-CO-NP zoning. 5 votes would be needed to approve GR-NP for 2 nd and 3 rd readings. | On FIRST READING, closed the public hearing and approved the land use and rezonings as recommended by the Planning Commission. 6-0, Morrison 1st, Riley 2nd, Spelman off dais |

NORTH LAMAR COMBINED NEIGHBORHOOD PLAN

City Council Motion Sheet, June 24, 2010

Agenda Items 110 - 113 and 116 - 117

Agenda Item #112

| Motion | Tract # and Address | Current Use Current Zoning | Planning Commission Land Use and Zoning Recommendation | Neighborhood Stakeholder Land Use and Zoning Recommendation | Property Owner Land Use and Zoning Recommendation | Valid Petition | Prior Council Action 05/27/10 |
|--------|---|-------------------------------|---|--|--|--|--|
| 5 | 135B 9220 N. I-35 Budget Lodge Owner: 9220 N. I-35 LLC (Larry Hall) Agent: Larry Hearold Land Answers | <u>Hotel</u> GR | <u>Commercial</u> GR-CO-NP Conditional Use: Hotel/Motel | Same as Planning Commission | <u>Commercial</u> GR-NP | Yes 6 votes are needed to approve GR-CO-NP zoning. | On FIRST READING, closed the public hearing and approved the land use and rezonings as recommended by the Planning Commission. 6-0, Morrison 1st, Riley 2nd, Spelman off dais |

Proposed Amendment to Article 5 & Figure 1 of Chapter 25-2 of the LDC, Subchapter E

| Motion | Agenda Item # | Proposed Action | Prior Council Action 05/27/10 | Comments |
|--------|------------------|---|---|----------|
| 6 | 113 | On SECOND and THIRD READINGS, approve an amendment to Article 5 and Figure 1 of Subchapter E of the Land Development Code to add North Lamar Boulevard (from West Anderson Lane/US HWY 183 to West Braker Lane) to the list of Core Transit Corridors as approved by City Council on first reading. | On FIRST READING, closed the public hearing and approved an amendment to Article 5 and Figure 1 of Subchapter E of the Land Development Code to add North Lamar Boulevard (from West Anderson Lane/US HWY 183 to West Braker Lane) to the list of Core Transit Corridors as recommended by the Planning Commission. 6-0, Martinez 1st, Shade 2nd, Spelman off dais | -- |

NORTH LAMAR COMBINED NEIGHBORHOOD PLAN
City Council Motion Sheet, June 24, 2010
Agenda Items 110 - 113 and 116 - 117

Agenda Item # 116 & 117 (If not postponed to 7-29-2010)

| Motion | Tract # & Address | Current Use Current Zoning | Planning Commission Land Use and Zoning Recommendation | Neighborhood Stakeholder Land Use and Zoning Recommendation | Property Owner Land Use and Zoning Recommendation | Staff Alternative Land Use and Zoning Recommendation | Prior Council Action 05/27/10 | Comments |
|--------|----------------------------|---|---|---|---|---|---|--|
| 7 | 32 320 E. Rundberg Lane | Vacant Land MF-3, MF-2, LO, GR-MU-CO, GR | <p><u>Northern Portion</u> High-Density Single-Family FLUM SF-6-NP</p> <p>Allow Urban Home and Residential Infill Special Uses</p> <p>Retain the section of the North Lamar Combined Neighborhood Plan relating to tract 32.</p> <p><u>Southern Portion</u> Neighborhood Mixed Use FLUM LR-MU-V-CO-NP</p> | Same as Planning Commission | <p><u>Northern Portion</u> Single-Family FLUM SF-3-NP</p> <p><u>Eastern Portion</u> Commercial FLUM CS-CO-NP</p> <p><u>Western Portion</u> Commercial FLUM W/LO-CO-NP</p> <p>Prohibited Uses Bail Bond Services Campground Kennels Pawn Shop Services Vehicle Storage Outdoor Entertainment Hotel/Motel Adult Oriented Businesses Equipment Repair Services Equipment Sales Automotive Repair Services Automotive Sales Automotive Washing (of any type) Service Station</p> <p>Conditions: No access onto Longspur Blvd. or Brownie Dr.</p> <p><u>Southern Portion</u> GR-MU-V-CO-NP Mixed-Use</p> | Staff requests a postponement to July 29, 2010, to facilitate the agreements made between the property owner, area stakeholders, and COA staff mentioned under the Comments section at right. | No action taken; postponed to June 24, 2010, on account that the receiver meet with the neighborhood to come up with a reasonable solution for Tract 32. 6-0, Shade 1st, Martinez 2nd, Spelman off dais | <p>At the May 27, 2010, City Council hearing Robert Kleeman, attorney for the property receivership of Tract 32, was mandated to meet with neighborhood stakeholders to come to a definitive solution for the property's future land use and zoning.</p> <p>On June 15, 2010, Mr. Kleeman met with a neighborhood representative, PDRD, PARD, and COA Real Estate staff to come to a resolution for Tract 32.</p> <p>The following conditions were met:</p> <ul style="list-style-type: none"> • The receiver would donate an ~1.19 acre portion of the tract to PARD <ul style="list-style-type: none"> ○ Zoning: P-NP ○ FLUM: Recreation and Open Space • Zoning and land uses for the larger portion of the tract will be as follows: <ul style="list-style-type: none"> ○ East: CS-V-CO-NP (Mixed Use FLUM) ○ West: W/LO-CO-NP (Commercial FLUM) • Retain the GR-MU-CO-NP zoning on the portion of the tract fronting Rundberg Lane. "V" will be added per staff recommendation. • The CO's are the same as found under the Property Owner Land Use and Zoning Recommendation column. • Remove the condition that restricts access to Longspur Blvd. and Brownie Drive. (These will become the access points to the new park.) <p>The section of the Land Use chapter of the NLCNPA Plan relating to Tract 32 on pages 79-82 will be changed to reflect these decisions.</p> |