

# 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>
10				<u>0.00%</u>
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

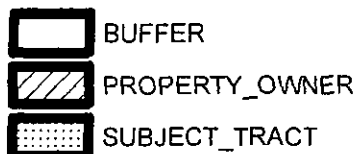
Total Area of Petitioner:

130,133.63

Total %

100.00%

*Late Backup*



# PETITION

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](mailto:landanswers@sbcglobal.net)

## MEMORANDUM

**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.

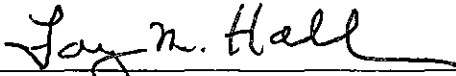
My reasons for filing this valid pretition are as follows:

- 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 cursive script, reading "Larry M. Hall", written over a horizontal line.

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

Attachments



**Zoning Case # C14-2010-0049**

Attachment #4

**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		
133	243376	9120 N IH 35 SVRD SB		GR
	243378 (portion)	9106 CAPITOL DR		
134	243375	601 MIDDLE LN	LR	SF-3-NP
	243358	602 MIDDLE LN		
	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			
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	GO-CO	
	243363	401 E RUNDBERG LN	LO	
	243341	311 E RUNDBERG LN		
		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.)

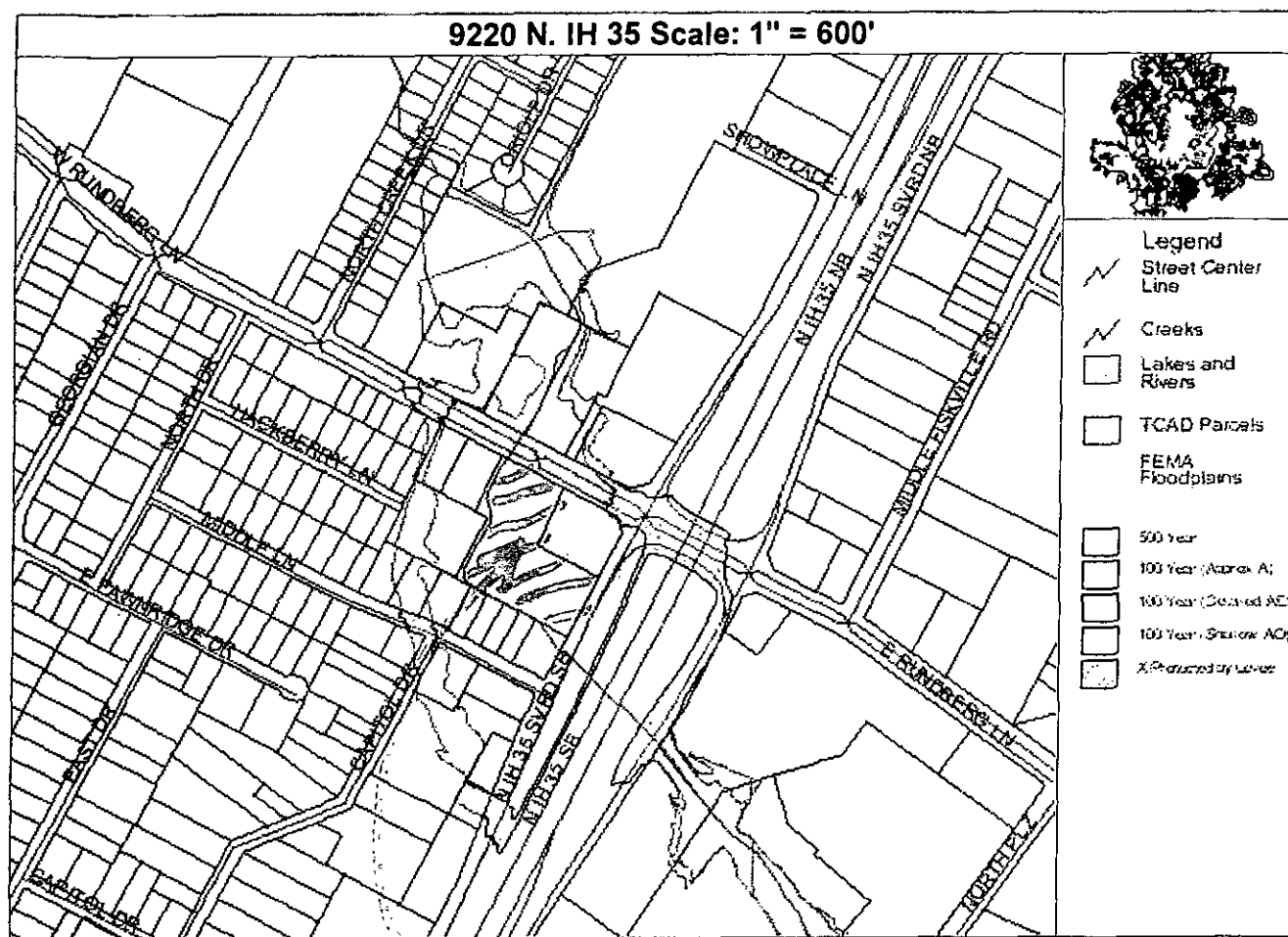
Private secondary educational facilities

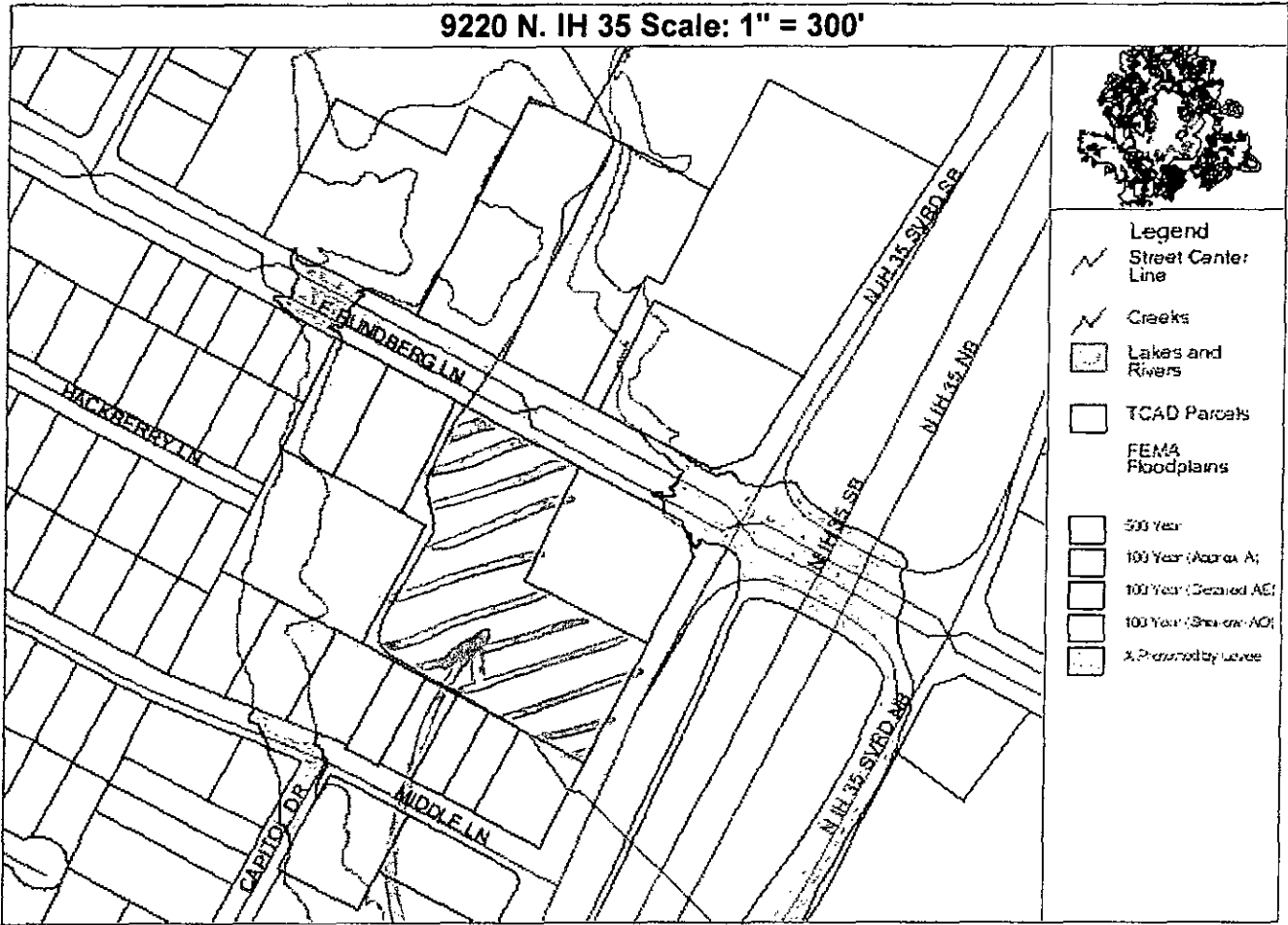
Medical offices (not exceeding 5000 sq. ft.)

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. 8<sup>th</sup> 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. 8<sup>th</sup> 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 Ref ID# 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 03302006

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 (1-0-1)☐ APPOINTMENT OF AGENT FORM☐ FREIGHT EXEMPTION☐ HOMESTEAD EXEMPTION FORM☐ PRINTER FRIENDLY REPORT☐ PROTEST FORM☐ RELIGIOUS EXEMPTION FORM☐ PLAT MAP (TIFF)☐ PLAT MAP (PDF)

## 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	50,900
202723	999207	601	POOL COMM L	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	1,600
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

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 <b>Tracts 32, 134, and 135B</b> and the section of the neighborhood plan relating to <b>Tract 32</b> on <b>pages 79-82</b>.</p> <p>Postpone action on <b>Tract 32</b> and the section of the plan on pages 79-82 pertaining to the tract to <b>July 29, 2010</b>.</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 <b>Tract 32</b> and the section of the neighborhood plan relating to <b>Tract 32</b> on <b>pages 79-82</b>.</p> <p><b>6-0, Morrison 1<sup>st</sup>, Martinez 2<sup>nd</sup>, Spelman off dais</b></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 <b>Tract 32</b>.</p> <p>Postpone Action on <b>Tract 32</b> to <b>July 29, 2010</b>.</p>	<p>On FIRST READING, closed the public hearing and approved the rezonings as recommended by the Planning Commission except for <b>Tract 32</b></p> <p><b>6-0, Martinez 1<sup>st</sup>, Shade 2<sup>nd</sup>, Spelman off dais</b></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**

<b>Proposed Rezoning: Georgian Acres Neighborhood Plan Combining District (NP)</b>				
<b>Motion</b>	<b>Agenda Item #</b>	<b>Proposed Action</b>	<b>Prior Council Action 05/27/10</b>	<b>Comments</b>
<b>3</b>	<b>112</b>	On SECOND and THIRD READINGS, approve Georgian Acres Neighborhood Plan Combining District (NP) as approved by City Council on first reading except for <b>Tracts 134 and 135B</b> .  <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.  <b>6-0, Morrison 1<sup>st</sup>, Riley 2<sup>nd</sup>, Spelman off dais</b>	<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**

<b>Motion</b>	<b>Tract # and Address</b>	<b>Current Use Current Zoning</b>	<b>Planning Commission Land Use and Zoning Recommendation</b>	<b>Neighborhood Stakeholder Land Use and Zoning Recommendation</b>	<b>Property Owner Land Use and Zoning Recommendation</b>	<b>Staff Alternative Land Use and Zoning Recommendation</b>	<b>Valid Petition</b>	<b>Prior Council Action 05/27/10</b>
<b>4</b>	<b>134</b> 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  <b>Conditions:</b> Restrict building height to 18'. <b>Conditional Uses:</b> <ul style="list-style-type: none"> <li>• Medical Offices less than 5,000 sq/ft</li> <li>• Medical Offices greater than 5,000 sq/ft</li> </ul>	<b>Yes</b>  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 <sup>nd</sup> and 3 <sup>rd</sup> readings.	On FIRST READING, closed the public hearing and approved the land use and rezonings as recommended by the Planning Commission.  <b>6-0, Morrison 1<sup>st</sup>, Riley 2<sup>nd</sup>, Spelman off dais</b>

**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	<b>135B</b> 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  <b>Conditional Use:</b> Hotel/Motel	Same as Planning Commission	<u>Commercial</u>  GR-NP	<b>Yes</b>  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.  <b>6-0, Morrison 1<sup>st</sup>, Riley 2<sup>nd</sup>,            Spelman off dais</b>

**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.  <b>6-0, Martinez 1<sup>st</sup>, Shade 2<sup>nd</sup>, Spelman off dais</b>	--

**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><b>Prohibited Uses</b>            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><b>Conditions:</b>            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.	<p>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.</p> <p><b>6-0, Shade 1<sup>st</sup>, Martinez 2<sup>nd</sup>, Spelman off dais</b></p>	<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><b>The following conditions were met:</b></p> <ul style="list-style-type: none"> <li>The receiver would donate an ~1.19 acre portion of the tract to PARD               <ul style="list-style-type: none"> <li>Zoning: P-NP</li> <li>FLUM: Recreation and Open Space</li> </ul> </li> <li>Zoning and land uses for the larger portion of the tract will be as follows:               <ul style="list-style-type: none"> <li>East: CS-V-CO-NP (Mixed Use FLUM)</li> <li>West: W/LO-CO-NP (Commercial FLUM)</li> </ul> </li> <li>Retain the GR-MU-CO-NP zoning on the portion of the tract fronting Rundberg Lane. "V" will be added per staff recommendation.</li> <li>The CO's are the same as found under the Property Owner Land Use and Zoning Recommendation column.</li> <li>Remove the condition that restricts access to Longspur Blvd. and Brownie Drive. (These will become the access points to the new park.)</li> </ul> <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>