

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2023-0021 (200 West Mary)

DISTRICT: 9

ADDRESS: 200 and 204 West Mary Street

APPLICANT: Herb Bar Soco, LLC

AGENT: Husch Blackwell, LLP (Nikelle Meade)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 200 and 204 West Mary Street from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO-NP) combining district zoning.

PREVIOUS CITY COUNCIL ACTION:

July 18, 2024: Applicant postponement request to September 12, 2024.

September 12, 2024: Applicant postponement request to September 26, 2024.

September 26, 2024: Approved LR-MU-CO-NP on consent agenda, motion by Council Member Qadri, seconded by Mayor Pro Tem Pool, (10-0) with Council Member Alter off the dais, first reading only.

October 24, 2024: Neighborhood postponement request to December 12, 2024 granted.

December 12, 2024: Case is scheduled to be heard on 2nd and 3rd Reading by City Council.

ISSUES: N/A

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0021 (200 W. Mary)

DISTRICT: 9

ADDRESS: 200 and 204 West Mary Street

ZONING FROM: SF-3-NP

TO: GR-MU-NP (as amended)

SITE AREA: approximately 0.1585 acres (approximately 6,904 square feet)

PROPERTY OWNER: Herb Bar Soco, LLC

AGENT: Husch Blackwell, LLP (Nikelle Meade)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMEDATION:

Staff does not recommend granting community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning and offers the alternative recommendation of neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. The conditional overlay would prohibit financial services, off-site accessory parking, pedicab storage and dispatch, pet services, printing and publishing, professional office, service station, theater, college and university facilities. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 11, 2024: A motion to approve staff's recommendation for LR-MU-CO-NP was approved on the consent agenda on Vice Chair's Ahar's motion and Commissioner Maxwell's second, on a unanimous vote.

CITY COUNCIL ACTION:

July 1, 2024: Applicant postponement request to September 12, 2024.

September 12, 2024: Applicant postponement request to September 2, 2024.

September 2, 2024: Approved LR-MU-CO-NP on consent agenda, motion by Council Member Qadri, seconded by Mayor Pro Tem Pool, (10-0) with Council Member Alter off the dais, first reading only.

October 24, 2024: Neighborhood postponement request to December 12, 2024 granted.

December 12, 2024: Case is scheduled to be heard on 2nd and 3rd Reading by City Council.

ORDINANCE NUMBER:

N/A

ISSUES:

Applicant will need to coordinate with the Texas Historical Commission (THC) to determine what kind of work can be done to the building. The Stanley House is on the lot immediately to the west, but it is unclear how far the THC designation boundary extends. Any major work would need to also go through the Landmark Commission if it involves demolition because the main building at 200 West Mary Street was noted as a high priority building in one of the City's historic surveys. It is possible that the Commission would initiate historic zoning if it is eligible and if the proposed work endangers the building's ability to convey its significance. The building at 204 West Mary Street is a low priority building.

Although the property is zoned as residential, the property has operated as the Herb Bar, a commercial use, since 1986. Prior to 1986, there is also evidence of a retail/food sales use on

the property since the early 1900's when it operated as a general store providing groceries to the neighborhood. In 2018, an Amnesty Certificate of Occupancy was issued for the existing retail/food sales uses.

CASE MANAGER COMMENTS:

The property in question is currently the Herb Bar that sells herbal products in an approximately 720 square foot building built in approximately 1925. The approximately 1,249 square foot building at 204 West Mary Street was built in approximately 1935 contains Massage Master, a personal service use. To the north is a single-family dwelling built in approximately 1994, approximately 1,900 square feet. To the east are two single family dwellings, one built in approximately 1935 of approximately 1,250 square feet. A second built in 1940 is approximately 720 square feet. To the south, across West Mary Street are two single family dwellings, one built in approximately 1922 of approximately 1,600 square feet. A second built in 2022 is approximately 1,075 square feet. To the west across the alley is the Robert S. Stanley House, a historic single-family home built in approximately 1927 by Travis County Native Robert S. Stanley an African American stonemason and laborer.

BASIS OF RECOMMENDATION:

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

Community commercial (GR) is too intense of a zoning classification to plop within established single family uses on all sides. Staff would like to see a greater opportunity for transition between these uses within the heart of this neighborhood. Although the subject tract is approximately 370 feet west of South Congress Avenue and approximately 1,000 feet east of South 1st Street, which are both Imagine Austin Activity Corridors their more intense uses are not surrounded by single family zoning on all four sides.

Zoning changes should promote compatibility with adjacent and nearby uses.

Granting this request may set a precedent and extend requests for more intense uses, as seen one block to the east on South Congress Avenue or two blocks to the west on South 1st Street, within the neighborhood. Although there is a small amount of multifamily residential zoning within the neighborhood there is not currently any commercial zoning. Staff is offering an alternative of a less intense commercial zoning category in an attempt to bring the current use into compliance and offer the applicant some lower intensity options for the site that are more compatible with adjacent and nearby uses.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

Neither Eva Street nor West Mary Street are arterial roadways or major collectors. Eva Street is an ASMP level 1 street which serves as a local residential collector. West Mary Street is an ASMP level 2 street which serves as a collector. The alley to the west of the subject tract is an ASMP level 0 street. An ASMP level 3 or ASMP level 4 street would be classified as an arterial/major arterial.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
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<i>Site</i>	SF-3-NP	200 West Mary Street is the Herb Bar that sells herbal products in an approximately 720 square foot building built in approximately 1925. The approximately 1,249 square foot building at 204 West Mary Street was built in approximately 1935 contains Massage Master, a personal service use.
<i>North</i>	SF-3-NP	Single family dwelling built in approximately 1994, approximately 1,900 square feet.
<i>South</i>	SF-3-NP (across West Mary Street)	Two single family dwellings, one built in approximately 1922 of approximately 1,600 square feet. A second built in 2022 is approximately 1,075 square feet.
<i>East</i>	SF-3-NP (across Eva Street)	Two single family dwellings, one built in approximately 1935 of approximately 1,250 square feet. A second built in 1940 is approximately 720 square feet.
<i>West</i>	SF-3-H-NP (across the alley)	The Robert S. Stanley House, a historic single-family home built in approximately 1927 by Travis County Native Robert S. Stanley an African American stonemason and laborer.

NEIGHBORHOOD PLANNING AREA: Bouldin Creek Neighborhood Planning Area

WATERSHED: East Bouldin Creek Watershed

SCHOOLS: A.I.S.D.

Travis Heights Elementary School
Lively Middle School
Travis High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Bouldin Creek Neighborhood Association, Bouldin Creek Neighborhood Plan Contact Team, Bouldin Creek Zoning Committee, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group, South Central Coalition

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14H-00-0012 (Stanley Homestead Site)	To grant SF-3-H, Family Residence-Historic combining district zoning.	11.14.2000: To grant SF-3-H, Family Residence-Historic combining district zoning.	12.07.2000: To grant SF-3-H, Family Residence-Historic combining district zoning.

RELATED CASES:

NPA-2023-0013.01 Single Family to Mixed Use Future Land Use

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Bouldin 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments on rezoning

PARD – Planning & Design Review

PR1: Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2023, new commercial uses are subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

- SP 1. Site plans will be required for any new development other than single-family, two-family or duplex residential.
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. The site is subject to compatibility standards due to the adjacent SF-3-NP districts to all directions
- SP 3. This tract is already developed, and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan

approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation and Public Works Department – Engineering Review

- ATD 1. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

- ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for W MARY ST. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for W MARY ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

- ATD 3. EVA ST has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W MARY ST	Local Mobility - Level 2	84 feet	65 feet	39 feet	Existing 5 feet sidewalks	Bike lane (on-street)	Yes
EVA ST	Local Mobility - Level 1	58 feet	60 feet	27 feet	Existing 5 feet sidewalks	No	Yes

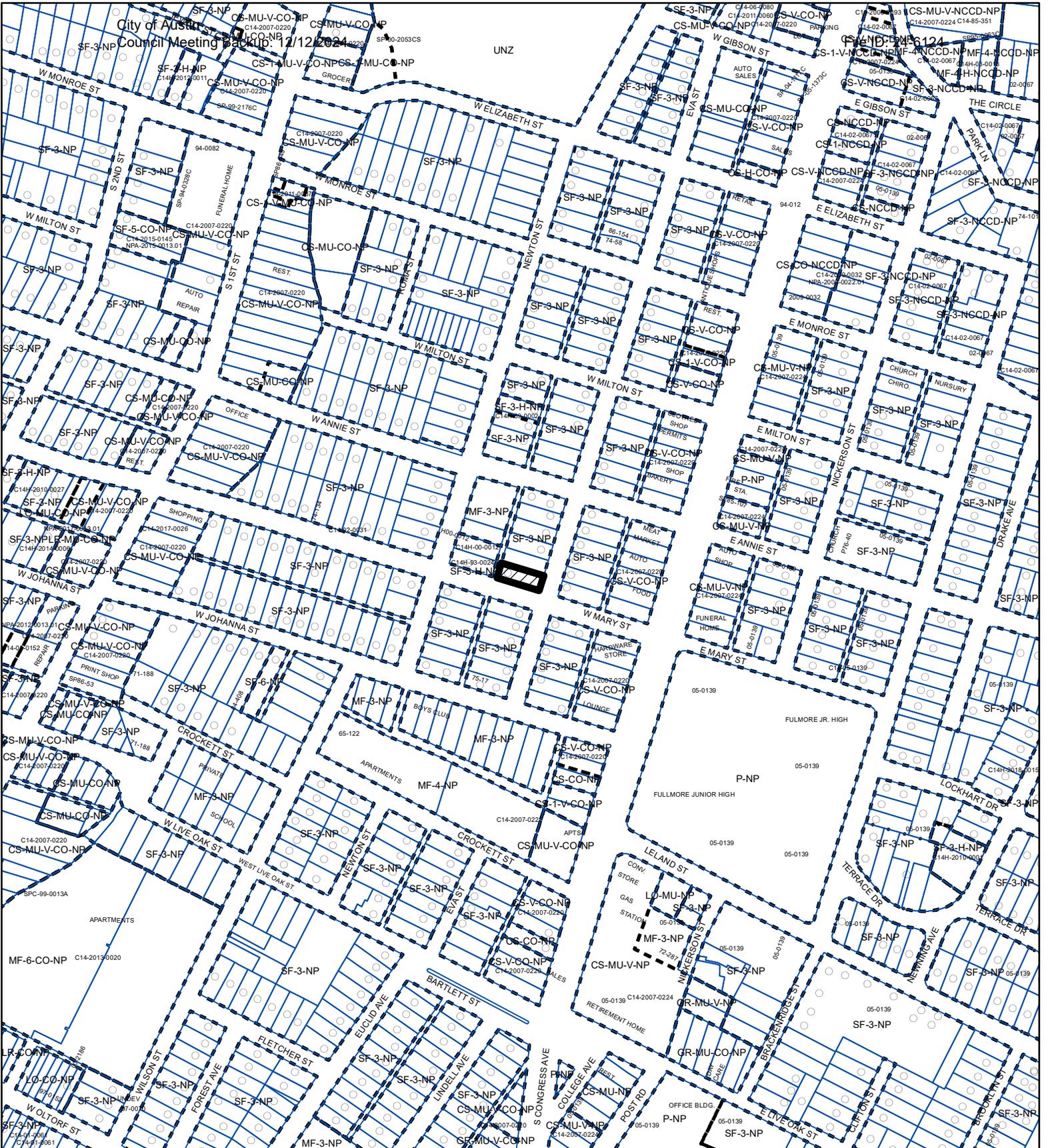
TIA: A traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

Austin Water Utility

No comments on rezoning

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
 - . Aerial Map
- C. Correspondence from interested Parties



ZONING

ZONING CASE#: C14-2023-0021

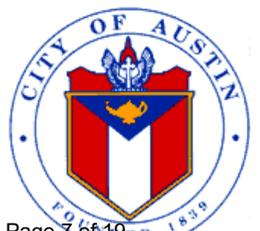
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

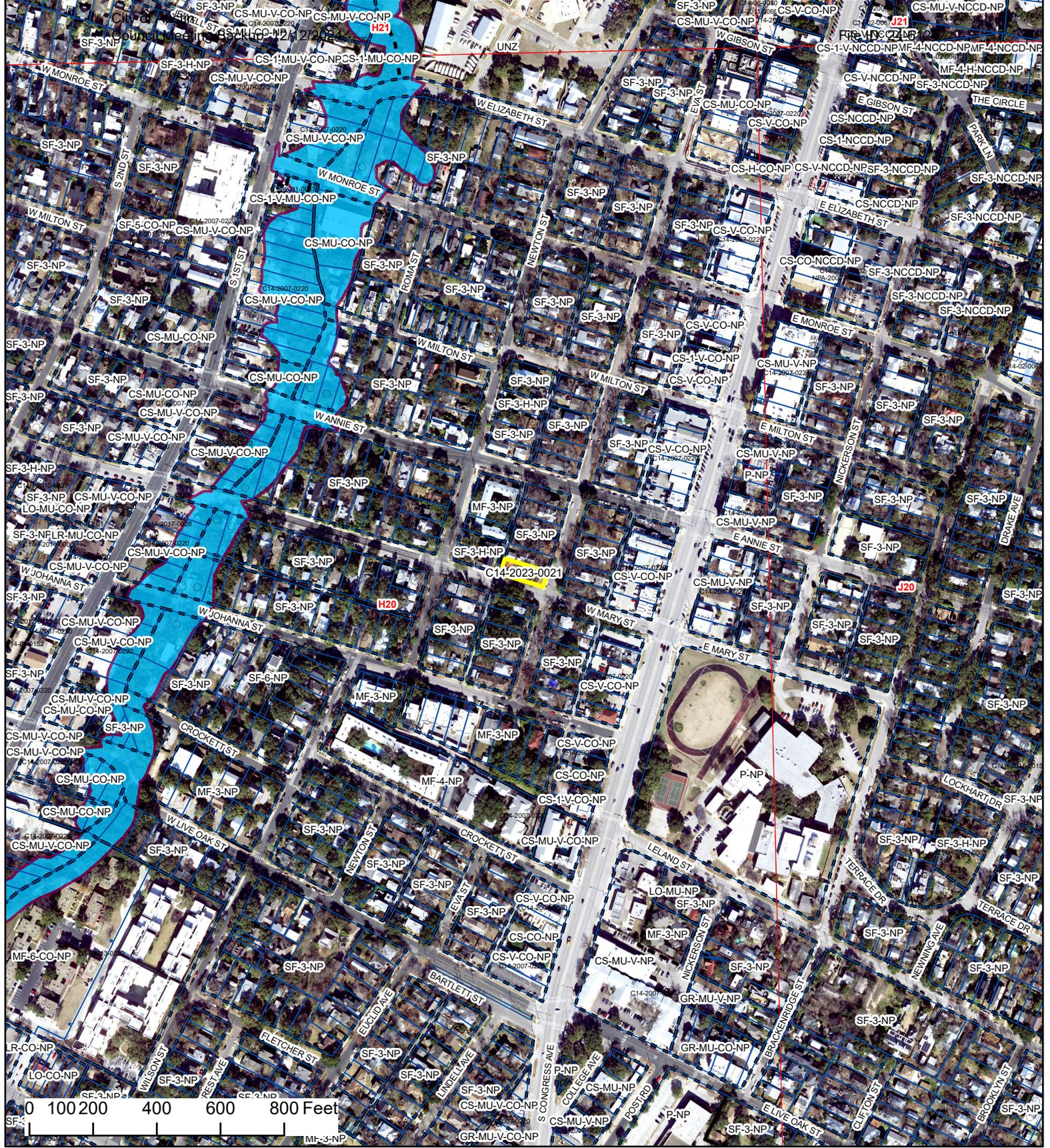


1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

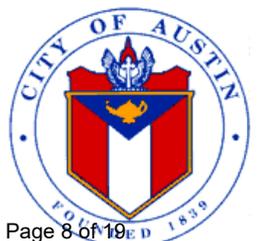




200 W. Mary

ZONING CASE#: C14-2023-0021
 LOCATION: 200 & 204 West Mary St
 SUBJECT AREA: 0.1585 Acres
 GRID: H20
 MANAGER: Michael Watson

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER



This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Comments 200 W. Mary Street (C14-2023-0021)

From: Harry Cabluck
To: Jonathan Tomko
May 3, 2023 5:52pm

Dear Jonathan,

Your sign that was posted on Eva Street regarding zoning changes for the Herb Bar did not survive the next day's rainstorms very well. It was necessary for me to straighten the folded sign in order to photograph it.

Looks like one staple was not enough. Subsequent weather moved into the bushes.

This poorly done job of sign-posting... and the difficulty of logging into the later zoom meeting hosted by Maureen Meredith... might lead one to believe that the City does not want very much to be known about the proposal.

I oppose any zoning changes to 200 and 204 West Mary Street.

Harry Cabluck
1808 Eva St.
Austin, Tx 78704



June 5, 2023

To the City of Austin, Planning Commission, and City Council:

The Bouldin Creek Neighborhood Association (BCNA) respectfully requests that you **OPPOSE** the applicant's upzoning and plan amendment request for 200 & 204 West Mary St. (Case # C14-2023-0021 and Case # NPA-2023-0013.01).

BCNA has considered the request and has concluded that it is entirely unacceptable to introduce commercial use directly adjacent to residential property. Approval of these cases would set an unreasonable precedent that any residential property use in the Bouldin Creek Neighborhood could be changed to commercial use, despite being in a residential area. Additionally, the property on West Mary St. is a block away from the commercial uses on South Congress Avenue and there is no reason or need to extend commercial uses into the heart of our residential area.

Please **OPPOSE** this upzoning.

Sincerely,

A handwritten signature in black ink, appearing to read "Thom Parker", with a long horizontal stroke extending to the right.

Thom Parker
President

From: Harry Cabluck
To: Jonathan Tomko
July 29, 2023 5:55pm

July 29, 2023

Jonathan Tomko
City of Austin Planning Department
P.O. Box 1088
Austin, Tx. 78767-8810

Dear Mr. Tomko,

Thank you for your mailing of July 27, 2023 regarding Notice of Public Hearing for Rezoning of

200 and 204 West Mary St. 78704.

As the taxpayer and owner of the property directly next door to 200 and 204 W. Mary St., I object to the proposed plan amendment and zoning change requests for the Herb Bar and adjacent residence at 200 and 204 W. Mary.

I purchased my property many years ago in the belief that it would remain a residential neighborhood. Up to now, the Herb Bar has been neighborhood friendly, not causing any problem with parking, traffic or noise. I am a customer there.

I have been understanding of the many changes with the evolution of south Congress because it benefits the city. This infestation by an outsider to change our residential community could set a precedent to other neighborhoods in the city.

Some of my objections include the likelihood of increased traffic, noise, parking problems and outdoor lighting. Also the location of the trash dumpster and its pickup time.

Why should Austin longtime residents who have supported the city in so many ways, including paying increased property taxes, be obliged to accept such a disruption from a newcomer?

Sincerely,

Harry Cabluck
1808 Eva St.
Austin, Tx. 78704

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2023-0021
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: Aug 08, 2023, Planning Commission

Your Name (please print) Jody A. Zemel I am in favor

Your address(es) affected by this application 1807 Eva St. I object

Jody A. Zemel Signature 7/31/23 Date

Daytime Telephone: 512 447 0261

Comments: I oppose this upzoning request from SF -> CS zoning at 200 209 W. Mary St. I own property + live across the street. The applicant has never spoken to me or my adjacent neighbors about his plans. His representatives have showed us plans for a dining + music venue in the middle of our residential neighborhood. Implausible, since

If you use this form to comment, it may be returned to:
City of Austin So, Congress Ave is literally
Planning Department one block away. Problematic
Jonathan Tomko to zone residential for commercial
P. O. Box 1088 use when we have
Austin, TX 78767-8810 a housing shortage.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2023-0021
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: Aug 08, 2023, Planning Commission

Sarah E. Campbell

Your Name (please print)

I am in favor
 I object

1201 Woodland Ave.

Your address(es) affected by this application

Sarah E. Campbell

7/31/23

Signature

Date

Daytime Telephone: 512.638.9255

Comments: Re-zoning to MU - which would kind of imply more than one story on such a small residential piece - is much too permissive. The precedent would negatively impact all residential neighborhoods. I can see a small store (i.e. the corner store) at most. No need for a bar with S. Congress one block away. The Hook bar was pretty low impact. This parcel should remain residential, or not be rezoned to MU unless there are specific restrictions that Braklin approves.

If you use this form to comment, it may be returned to:

City of Austin
Planning Department
Jonathan Tomko
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION	Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.
<p>This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.</p>	<p>Case Number: C14-2023-0021 Contact: Jonathan Tomko, 512-974-1057 Public Hearing: Aug 08, 2023, Planning Commission</p>
<p>During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.</p>	<p>Your Name (please print) <input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object <i>Donald G. Hatch</i></p> <p>Your address(es) affected by this application <i>2101 Nearden 78704</i></p> <p>Signature <i>Donald G. Hatch</i> Date</p> <p>Daytime Telephone: <i>512 445-5293</i></p>
<p>During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.</p>	<p>Comments: <i>Family years in neighborhood, Herb B. in was always been here. With all the changes in zoning and growth in Bouldin I believe the owners should be granted the zoning change to expand their business for the future.</i></p> <p><i>Donald G. Hatch</i></p>
<p>However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.</p>	<p>If you use this form to comment, it may be returned to: City of Austin Planning Department Jonathan Tomko P. O. Box 1088 Austin, TX 78767-8810</p>
<p>For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.</p>	

From: Jody Zemel
To: Jonathan Tomko
12/4/2023 10:45am

Jonathan, Maureen,
I am forwarding you my last communication with the applicant's attorney on these cases.

Active NP Case File Number	NP-02-0013; NPA-2023-0013.01
Active Zoning Case File Number	C14-02-0031

No attempt has been made by the applicant or their attorney since August 1, 2023, to meet with the Bouldin Creek neighborhood or the Bouldin Creek Neighborhood Plan Contact team to discuss these two cases.

We will not support any further applicant postponement of these cases and remain opposed to both the upzoning and neighborhood plan amendment requests. Please let me know if this case will have a public hearing at the December 12, 2023, Planning Commission Meeting.

Thank you, Jody Zemel, Chair, Bouldin Creek Neighborhood Association Zoning Committee

[REDACTED]

In a time of universal deceit, telling the truth becomes a revolutionary act.
- attributed to George Orwell, 1984

----- Forwarded message -----

From: **Meade, Nikelle** <[REDACTED]>
Date: Tue, Aug 1, 2023 at 5:21 PM
Subject: Herb Bar
To: Jody Zemel <[REDACTED]>

Hi Jody,

I think city staff let you know this, but please pass on to your folks that the notifications for public hearings for the Mary cases at Commission next week will only be for postponements. We, obviously, are still working on the cases.

Nikelle Meade

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2023-0021
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: May 28, 2024, Planning Commission

Jonathan Tomko - Austin Texas 01.05.24

Your Name (please print)

BRUCE DAN D JOLANSON

I am in favor
 I object

Your address(es) affected by this application

1904 EVA ST

5/21/23

Daytime Telephone: 512-426-9729 Signature BDJ Date

Comments: The noise and traffic from Mr. Rivers bar would disrupt our already density - the deed very hard
This was NOT filed by the BARBARA, but by the owners of MANY PROPERTIES IN THIS DENSITY

If you use this form to comment, it may be returned to:
City of Austin - Planning Department

Jonathan Tomko
P. O. Box 1088
Austin, TX 78767-8810

Or email to:
jonathan.tomko@austintexas.gov

PUBLIC HEARING COMMENT FORM

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a plan amendment request or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetas a la Ley de Información Pública de Texas (Capítulo 552) y pueden ser publicadas en línea.

If you use this form to comment, it may be submitted to:

Jonathan Tomko
City of Austin - PDC
Planning Department P.
O. Box 1088 Austin,
TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: C14-2023-0021
Contact: Jonathan Tomko 512-974-1057 or
Jonathan.Tomko@austintexas.gov
Public Hearing: May 28, 2024 - Planning Commission

I am in favor
 I object

Harry Cabluck

Your Name (please print)

1808 Eva St. Austin, Texas 78704

Your address(es) affected by this application

Comments: *Harry Cabluck* Date: *23 MAY 2024*

I oppose the applicant's proposed upzoning request for 200 and 204 West Mary Street in Austin 78704. The case number is #C14-2023-0021, scheduled for the May 28, 2024 Planning Commission meeting.

My long-time home is immediately next-door to the site, where I have enjoyed living in this peaceful neighborhood and have been paying taxes for more than 20 years. I am a long-time customer of the Herb Bar next door, a neighborhood-friendly small business that fits well within our enclave.

The increased commercialization proposed by this zoning change will negatively affect my personal quality of life, unraveling the residential character of my neighborhood and increasing noise and traffic.

The intersection of Mary and Eva streets cannot adequately accommodate this proposed additional higher-intensity commercial use so near the South Congress corridor. There are numerous other commercial options within a half-block of this site.

Please oppose this proposed upzoning request for 200 and 204 W. Mary Streets.
Sincerely, Harry Cabluck 1808 Eva St. Austin, Texas 78704 512 707-1295

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2023-0021
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: July 18, 2024, City Council

HARRY CARLUCK
Your Name (please print)

I am in favor
 I object

1808 EVA ST
Your address(es) affected by this application

Harry Carluck
Signature

11 July 2024
Date

Daytime Telephone: *512 907-1295*

Comments:
SUCH CHANGE WILL NOT
BENEFIT OUR NEIGHBORHOODS

If you use this form to comment, it may be returned to:
City of Austin - Planning Department
Jonathan Tomko
P. O. Box 1088
Austin, TX 78767-8810

Or email to:
jonathan.tomko@austintexas.gov

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Case Number: C14-2023-0021
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: July 18, 2024, City Council

Keith Diggs

Your Name (please print)

211 W. Annie St. #109

Your address(es) affected by this application

Signature

7/7/24

Date

Daytime Telephone: 703-409-5198

Comments: whatever the Herb Bar wants to do,
I'm okay with it!

it'd be nice if everywhere were mixed
use. segregating so much land for
low-density residential is terrible for
the environment (and also kind of silly).

I am in favor
 I object

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Jonathan Tomko
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Austin, TX 78767-8810

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