

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Bouldin Creek

CASE#: NPA-2023-0013.01

DATE FILED: February 24, 2023

PROJECT NAME: 200 W. Mary

PC DATE: June 11, 2024
May 28, 2024
December 12, 2023
November 14, 2023
September 26, 2023
August 8, 2023

ADDRESS/ES: 200 and 204 W. Mary Street

DISTRICT AREA: 9

SITE AREA: 0.1585 acres (6,904.43 sq. ft.)

OWNER/APPLICANT: Herb Bar Soco, LLC

AGENT: Husch Blackwell, LLP (Nikelle Meade)

CASE MANAGER: Maureen Meredith **PHONE:** (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2023-0021

From: SF-3-NP

To: GR-MU-NP (as amended)

NEIGHBORHOOD PLAN ADOPTION DATE: May 23, 2002

CITY COUNCIL DATE: July 18, 2024

ACTION:

PLANNING COMMISSION RECOMMENDATION:

June 11, 2024– Approved on the consent agenda Staff’s recommendation for Neighborhood Mixed Use land use. [A. Azhar – 1st; F. Maxwell – 2nd] Vote: 11-0 [G. Anderson abstained from Items #12 and #13. N. Barrera-Ramirez and G. Cox absent]

May 28, 2024 – Postponed to June 11, 2024 on the consent agenda at the request of staff. [F. Maxwell – 1st; A. Woods – 2nd] Vote: 10-0 [G. Cox off the dais. P. Howard and A. Phillips absent].

December 12, 2023 – Postponed Indefinitely on the consent agenda at the request of the Applicant. [F. Maxwell – 1st; A. Azhar – 2nd]. Vote: 11-0 [N. Barrera – Ramirez and P. Howard absent].

November 14, 2023 – Postponed to December 12, 2023 on the consent agenda at the request of the Applicant. [A. Azhar – 1st; F. Maxwell – 2nd] Vote: 12-0 [N. Barrera-Ramirez off the dais].

September 26, 2023 – Postponed to November 14, 2023 on the consent agenda at the request of Staff. [A. Azhar – 1st; F. Maxwell – 2nd] Vote: 10-0 [C. Hempel, P. Howard and J. Mushtaler absent. One vacancy on the dais].

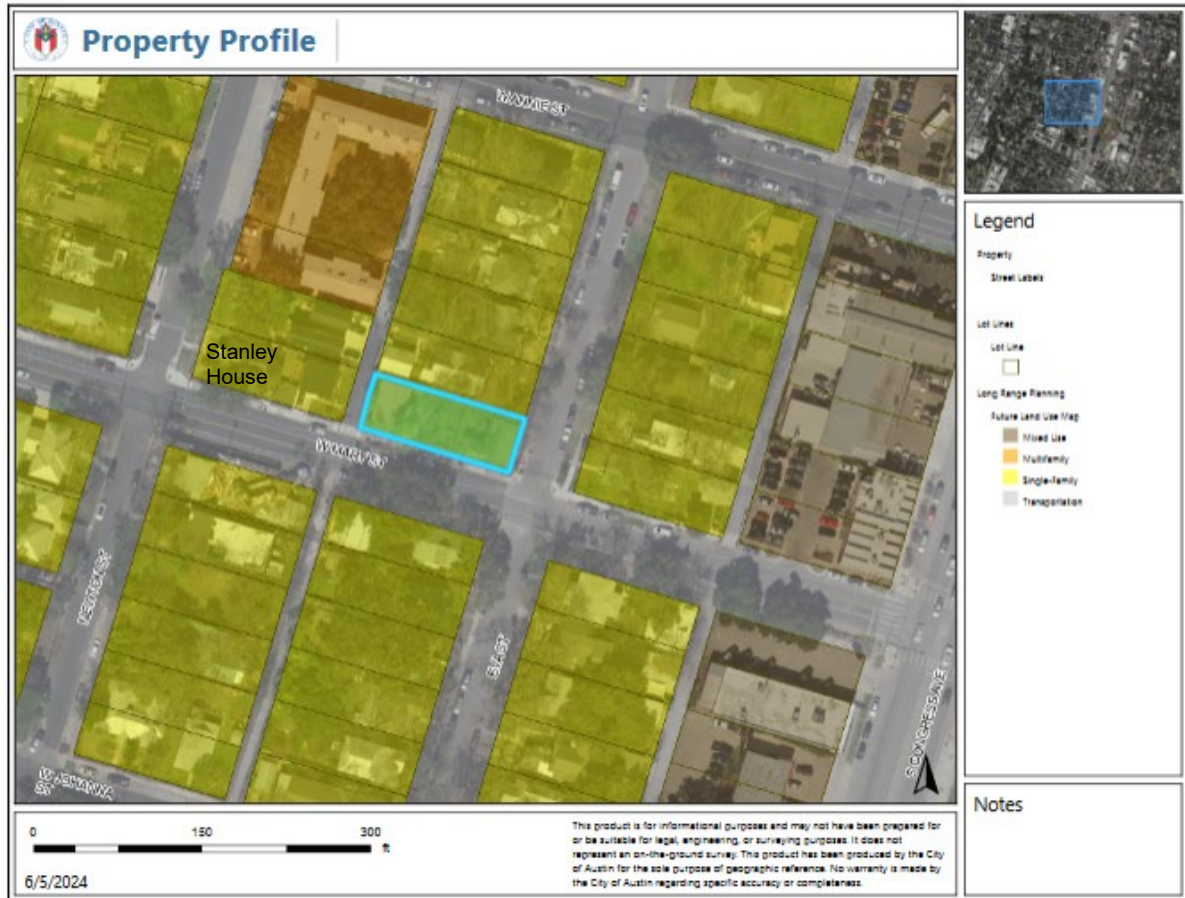
August 8, 2023 – Postponed to September 26, 2023 on the consent agenda at the request of Staff. [A. Azhar – 1st; F. Maxwell – 2nd] Vote: 10-0 [T. Shaw and J. Mushtaler absent. One vacancy on the dais].

STAFF RECOMMENDATION Staff recommends an alternate land use of **Neighborhood Mixed Use** to be consistent with the Zoning Staff recommendation of LR-MU-NP.

BASIS FOR STAFF’S RECOMMENDATION: Staff does not support the applicant’s request for **Mixed Use** land use, but instead supports **Neighborhood Mixed Use**, which is more compatible being adjacent to low-density residential development to the north, south, east, and west and is consistent with the zoning recommendation of LR-MU-NP. The property is 0.1586 acres (6,904.43 sq. ft.) in size. At 200 West Mary Street is the Herb Bar that sells herbal products in a 720 sq. ft. building. The 1,249 sq. ft. building at 204 W. Mary Street is a where Austin Massage Master is located. Staff feels the applicant’s proposal to rezone the property to expand the uses to include a small-scale restaurant with alcohol sales with patio seating, kitchen, food preparation, consulting, product preparation and storage, seminar and meeting space, office, and classroom is too intense for a small lot being near single family residential uses to the north, south, east and west. The property is approximately 370 feet South Congress Avenue, which is an Activity Corridor on the Imagine Austin Growth Concept Map.

The properties are associated with the Robert S. Stanley House located at 1811 Newton Street which is designated as a Texas Historic Landmark

(<https://texashistory.unt.edu/ark:/67531/metapth491640/>). The property at 200 West Mary Street was noted as a high-priority building on the City's Historic Preservation survey, which was built in 1927 as general store for Robert Stanley's wife to operate at the time and is now the Herb Bar. The property at 204 West Mary Street (built in 1935 according to TCAD) was noted as a low-priority building on the City's Historic Preservation survey, which is where a therapy massage business operates.



LAND USE DESCRIPTIONS:

EXISTING LAND USE:

Single family - Single family detached or up to three residential uses at typical urban and/or suburban densities.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and

3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

PROPOSED LAND USE:

Mixed Use - An area that is appropriate for a mix of residential and non-residential uses.

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge

3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

STAFF’S RECOMMENDED LAND USE:

Neighborhood Mixed Use - An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

Purpose

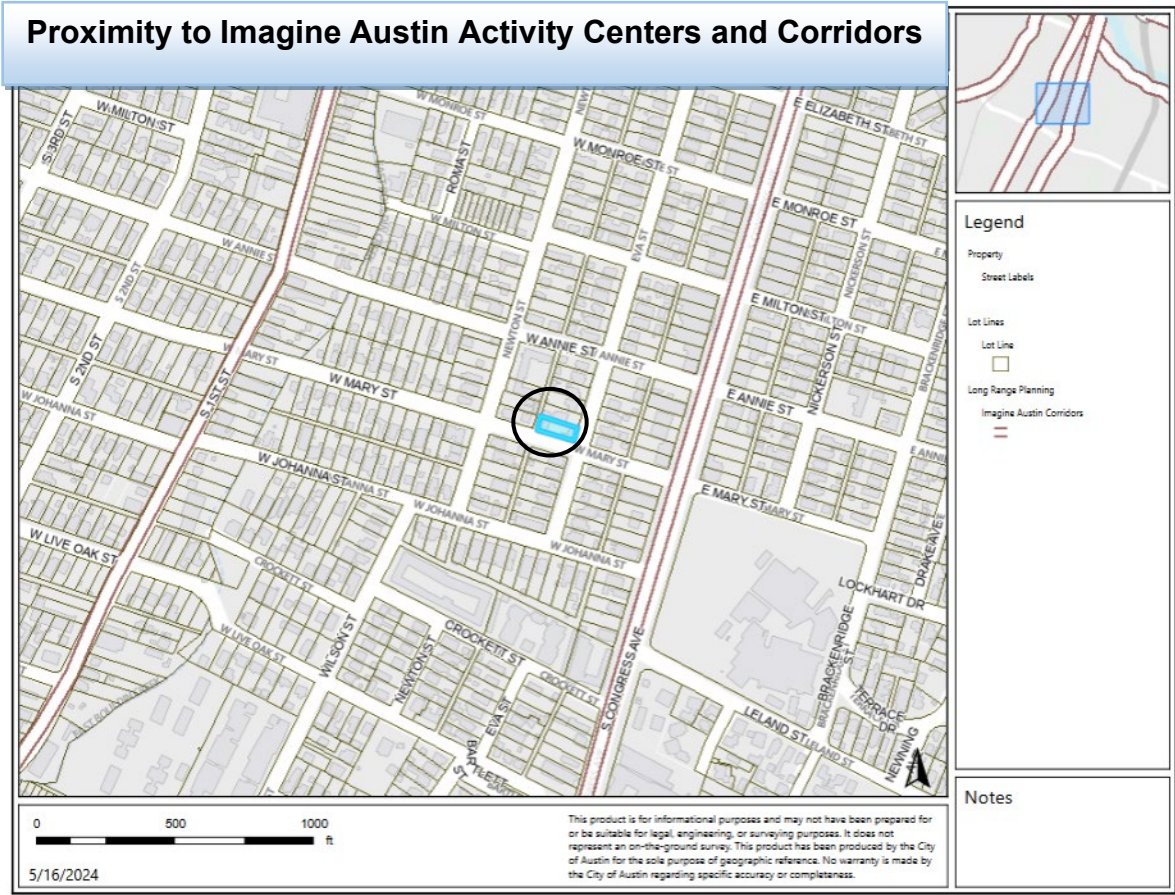
1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

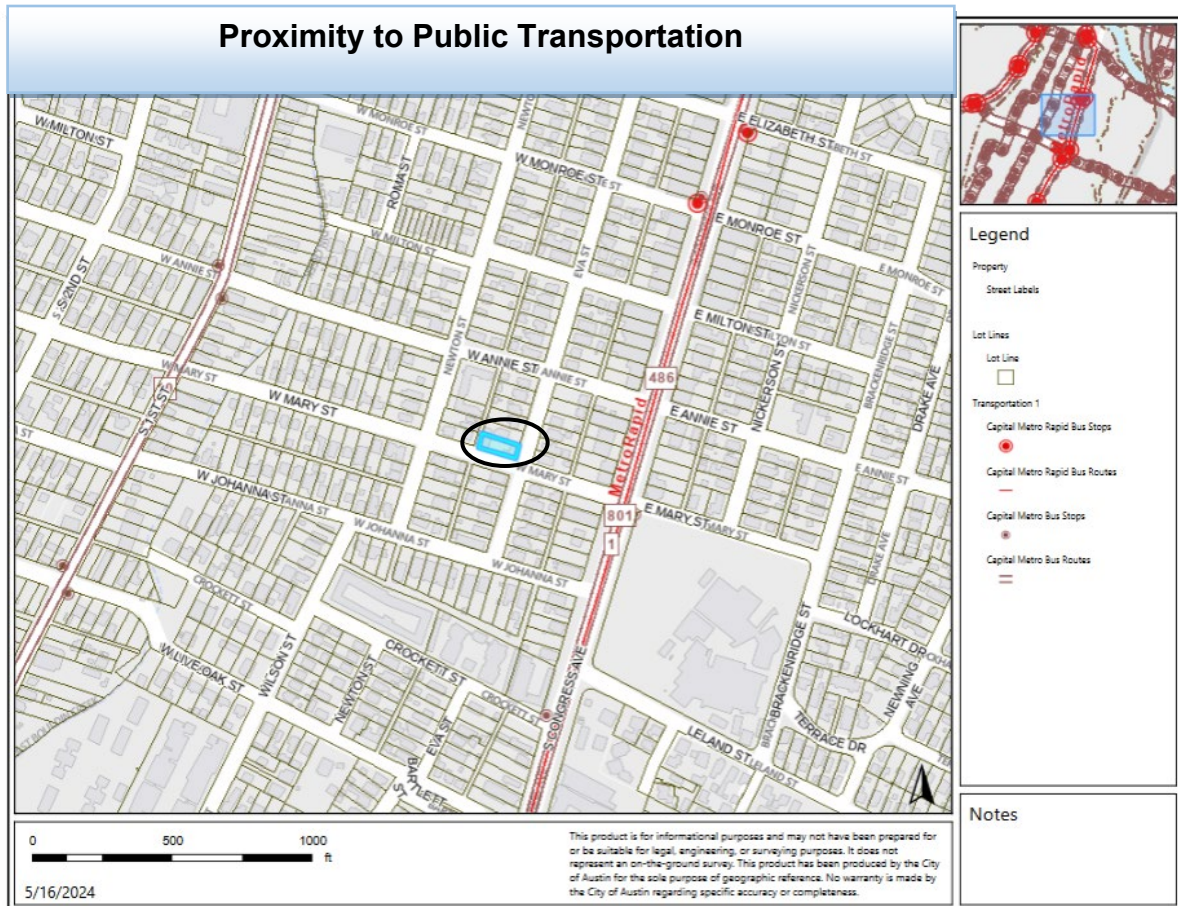
Application

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
Yes	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: • Approx. 400 feet from South Congress Ave. • Approx. 0.20 miles from S. 1st Street
Yes	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station. • Bus routes and Metro Rapid on South Congress Ave. • Bus routes on South 1st Street
Yes	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Yes	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and

	services, and/or employment center.
Yes	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market. • 0.2 miles from Tiny Grocer • 0.5 miles from H-E-B, 2301 S Congress Ave • 0.6 miles from David's Food
Yes	Connectivity and Education: Located within 0.50 miles from a public school or university. • 0.2 miles from Lively Middle School • 0.8 miles from Travis Heights Elementary School
Yes	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. • 0.3 miles from South Austin Island. • 0.7 miles from Blunn Creek Greenbelt • 0.8 miles from Little Stacy Neighborhood Park • 0.8 miles from Ricky Guerrero Park
No	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) • 0.8 miles from CommUnityCare: South Austin Health Center
No	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Yes	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint. • The proposed zoning of GR-MU-NP would allow for a mix of residential and commercial uses. The applicant is not proposing residential uses.
Yes	Mixed use: Provides a mix of residential and non-industrial uses. • The proposed zoning of GR-MU-NP would allow for a mix of residential and commercial uses. The applicant is not proposing residential uses.
Yes	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). • 0.6 miles from Austin Public Library, 1800 S 5th St
*	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site. • The properties are associated with the Robert S. Stanley House which is a Texas Historic Landmark (https://texashistory.unt.edu/ark:/67531/metaph491640/) • *200 West Mary Street was noted as a high-priority building on the City's Historic Preservation survey • *204 West Mary Street was noted as a low-priority building on the City's Historic Preservation survey
Not known	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
Not known	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
No	Industrial Land: Preserves or enhances industrial land.
10	Number of "Yes's"





IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although

fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Regional Centers - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

Activity Centers for Redevelopment in Sensitive Environmental Areas - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to

another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The applicant proposes to change the land use on the future land use map (FLUM) from Single Family to Mixed Use. Staff recommends Neighborhood Mixed Use land use because it is a more compatible land use being adjacent to single family land use to the north, south, east, and west.

The applicant proposes to change the zoning on the property from SF-3-NP (Family Residence district – Neighborhood Plan) to GR-MU-NP (Community Commercial district – Mixed Use – Neighborhood Plan). For more information on the proposed zoning, see case report C14-2023-0021.

The property is 0.15 acres in size. The applicant proposes to expand the existing uses to include a small-scale restaurant with alcohol sales and outdoor patio seating, kitchen, food preparation, product preparation and storage, consulting, seminar and meeting space, office, classroom uses.

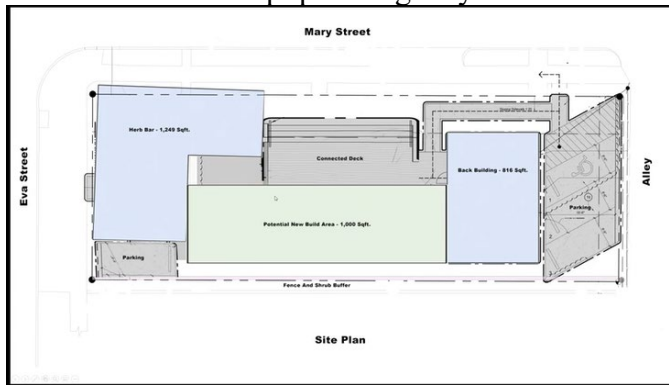
The properties are associated with the Robert S. Stanley House located at 1811 Newton Street which is designated as a Texas Historic Landmark (<https://texashistory.unt.edu/ark:/67531/metapht491640/>). The building at 200 West Mary Street was noted as a high-priority building on the City's Historic Preservation survey, which was built in 1927 as general store for Robert Stanley's wife to operate at the time and is now the Herb Bar. The building at 204 West Mary Street (built in 1935 according to TCAD) was noted as a low-priority building on the City's Historic Preservation survey, which is where a therapy massage business operates.



PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on April 27, 2023. The recorded meeting can be viewed here: <https://publicinput.com/b1170>. Approximately 696 meeting notices were mailed to people who have utility accounts or owned property within 500 feet of the subject property in addition to neighborhood and environmental groups who requested notification for the area. Two city staff members from the Planning Department attended, Maureen Meredith and Mark Walters, in addition to Alecia Mosadomi from Husch Blackwell, LLP, the applicant's agent. Five people from the neighborhood attended.

Below are highlights from Alecia Mosadomi's presentation:

- The property is located at 200 and 204 West Mary Street. This property has a long history of being an integral part of the neighborhood.
- Since 1900's there has been a general store on the property and has been the Herb Bar since the 1980's.
- We understand the role the Herb Bar has been to the neighborhood and want to maintain this relationship while making improvements.
- The prior uses have been general retail and food sales. The property is zoned SF-3-NP and we proposed CS-MU-NP (*amended to GR-MU-NP on May 10, 2024*) to add a small-scale restaurant use to the property.
- We want to modernize the buildings on the property and expand what we can offer, such as preparation and meeting space for the Herb Bar, restaurant, kitchen, and patio.
- This is a draft concept plan to give you an idea of what is proposed.



- We will add some parking spaces to the property.
- The Kendra Scott Flagship store property at 1701 S. Congress Ave is an example of what is proposed where the existing building is scaled for the neighborhood. It's made to look like a home.
- We need CS zoning for the food service and alcohol use and to expand what the Herb Bar wants to use the property for. They want to expand the Herb Bar to include office use, classroom and seminar space, consulting space and space for product preparation and storage. We also want to add a kitchen, restaurant, and patio to serve food and alcohol.

- LR doesn't allow the small-scale restaurant with a seating area and the GR does not allow us to maximum the small lot. We thought the CS zoning would allow the uses we want and maybe add future residential.
- We think would be consistent with Mixed Use FLUM to allow flexibility for changing marketplace.

Q: Where will you put the dumpster? What time will they pick up the dumpster? Where will they put the parking? I don't want to live next to a honky-tonk. Where is the guy getting the money to make all these improvements to the property?

A: This is just a conceptual plan, and I don't know where the dumpsters will be or when the dumpsters will be picked up. The intention is the try to park as the Code allows even if it means making the restaurant smaller. We heard the neighborhood's concerns about parking. We are talking about a small-scale restaurant that doesn't need a lot of parking.

Q: This is a single-family zoned site that has a historic use exception for a small shop. The request to upzone is no different than any house on Eva Street asking for the same. The desire to push commercial into the residentially zoned area will unlock the commercial possibilities on all the homes and push the commercial uses from South Congress Ave into the residential area.

A: I appreciate you comments, but part of the reason this property was chosen because it has a long precedent of food sales and retail on the property. We are adding the ability for people to sit outside and have light-bites and patronize the Herb Bar, which is why the property should not be zoned SF-3-NP. In 1900's a general store was started and continued until 1980's when the Herb Bar began operating.

Q: Where would the deck face?

A: The deck would face onto Mary Street

Q: What about music and audio entertainment, my understanding was from previous conversations with Ms. Mosadomi that there is going to be outdoor entertainment. How does this relate to the proposed zoning change?

A: It is my understanding the Code, in the LR zoning district, if you can do a restaurant that is less than 50% beer and wine, they cannot have outdoor music.

Q: How far from the property line is from the Lively Middle School. I think it might be near the State Mandated prohibition to sell alcohol near public schools.

A: I don't have that information in front of me, but we will look into this.

Comments:

- I live next door to the property. I am against it. I don't want to live next to a honky-tonk.
- It was a food store historically which makes it a stretch to make it a bar or restaurant.
- The City is in the process of getting rid of parking requirements.
- There are residential parking permits on Eva Street, so people won't be able to park in Eva Street.

Applicant Summary Letter from Application

City of Austin Application Packet for Neighborhood Plan Amendment
For Individual Property Owner

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Neighborhood Plan Amendment SUMMARY LETTER

We are seeking a zoning change and an amendment to the Future Land Use Map (the "FLUM") designation of the Property from Single Family to Mixed Use. The Property currently operates as a retail/food sales use and the applicant would like to add a restaurant component. This amendment would allow the addition of a restaurant along with associated improvements and upgrades to the Property.

Despite its residential zoning designation, retail/food sales and restaurant uses have existed on the Property, on and off, since the early 1900s. Additionally, an Amnesty Certificate of Occupancy was issued for the existing retail/food sales use in 2018. Approval of this amendment would codify and align the neighborhood plan with the existing and long-standing uses of the Property that is located within two blocks of S. Congress Avenue, a major corridor.

Additionally, the amendment would promote the Bouldin Creek Neighborhood Plan (the "Neighborhood Plan") in the following way:

The Neighborhood Plan was adopted in 2002 with a stated mission to "protect and improve the quality of current and future residential life of the Bouldin Creek Neighborhood and to support the success of existing and future locally owned business."

The Neighborhood Plan documents the history of this Property as a locally owned and operated general store serving the needs of the community since the early 1900s, and the Property continues to exist as a locally owned business that has balanced protecting quality of residential life while maintaining a presence in the community. This part of the neighborhood could benefit from the reintroduction of a restaurant use that increases food access and improves the quality of life for current and future residents.

The amendment would also be consistent with one of the purposes of the Mixed Use FLUM designation, to "Encourage more retail and commercial services within walking distance of residents" and would help to "Provide flexibility in land use standards to anticipate changes in the marketplace". The Property is situated on W. Mary St. between Eva St. and Newton St., making it an optimal location for retail and commercial services within walking distance of those in the neighborhood. The approval of the Mixed Use FLUM designation allows continued flexibility for the Property to anticipate and provide services to residents.

From: Meade, Nikelle <Nikelle.Meade@huschblackwell.com>
Sent: Friday, May 10, 2024 3:32 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>
Subject: Re: REVIEW May 28 PC Notice: NPA-2023-0013.01_200 W. Mary

External Email - Exercise Caution

Hi Jonathan,

By this email I am amending the zoning application in this case from a request for a base district of CS to a request for a base district of GR.
The rest of our request remains the same.

Thank you so much and apologies the delay in getting this to you.

Nikelle Meade
Partner
Husch Blackwell LLP
512.992.6001

**Letter of Recommendation from the Neighborhood
Plan Contact Team (NPCT)**

From: Bradford

Sent: Tuesday, September 19, 2023 4:28 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Cc: Bob Sessa <>; Gardner Selby <>; Jody Zemel <>

Subject: 200 West Mary, C14-2023-0021, NPA-2023-0013.01, PC 9/26/23

External Email - Exercise Caution

The Bouldin Creek Neighborhood Plan Contact Team (BCNPCT) is not prepared to support the proposed neighborhood plan change for the parcel containing two structures at 200 W. Mary. It is our understanding that this case may be heard at September 26, 2023 Planning Commission.

The applicant's representative met with the Bouldin Creek Neighborhood Association (BCNA) Zoning Committee on March 13, 2023 and as Chair of the BCNPCT, I attended to gather information and provide feedback for sake of efficiency given the unpaid nature of neighborhood plan contact team membership. The representative was informed that support for the changes from SF-3-NP to CS-MU-NP and the FLUM from Single Family to Commercial or Mixed Use were highly unlikely to be supported as proposed at the time without the applicant proposing a much narrower and restrictive path to achieve the goal of modest physical improvements to the structure. We anticipated, incorrectly, some applicant follow-up or proposal modifications to address the feedback and more closely adhere to the adopted plan or base zoning district.

Despite general neighborhood support for continued low impact retail uses, new zoning that would facilitate demolition of a potentially historic African American resource, and/or the introduction of restaurant, wine bar, grocery or any of the extensive CS-permitted land uses within the residential confines would likely not be acceptable. The "benefit" of such uses for the neighborhood is negated by the fact that each of those cited uses is in ample supply within a few blocks of the site already and located appropriately on the core transit corridors surrounding this portion of the residential neighborhood. The additional and intrusive impact of this variety of proposed, permissible uses while being surrounded and within a few dozen feet of residences is problematic for an already commercially burdened residential area.

The BCNA registered its opposition to the changes in June. The BCNPCT is not aware of any modifications to the proposal after that March discussion or filing of BCNA's opposition. Therefore, we cannot support the change as it does not conform to the letter or spirit of the adopted neighborhood plan. The written plan clearly articulates the goal of maintaining established single family residential character of the neighborhood interior, "properties located within the interior of the neighborhood that are zoned single family should remain as single family." (Goal 1, Objective 1.1)

It is important to note that this was accompanied by significant zoning of parcels along the corridors to balance protections while providing ample commercial and multifamily development opportunities.

We request that the amendment to the FLUM and the associated zoning change be denied.

- Brad Patterson
Chair, Bouldin Creek Neighborhood Plan Contact Team

**Letter of Recommendation from Neighborhood
Association(s)**



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.

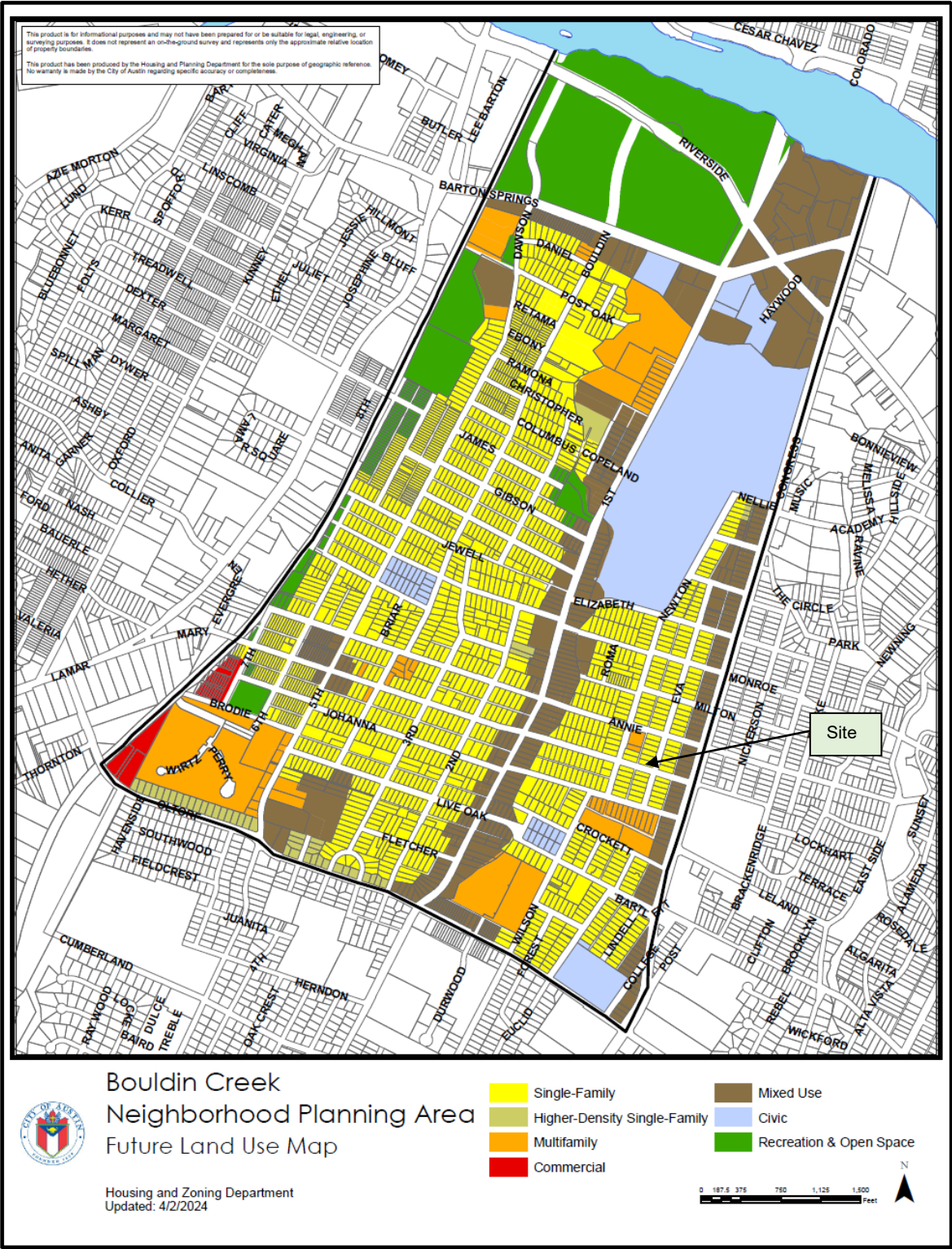
Please **OPPOSE** this upzoning.

Sincerely,

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

Thom Parker
President

Bouldin Creek Neighborhood Association, P.O. Box 3683, Austin, Texas 78764





**Bouldin Creek Neighborhood Planning Area
NPA-2023-0013.01**

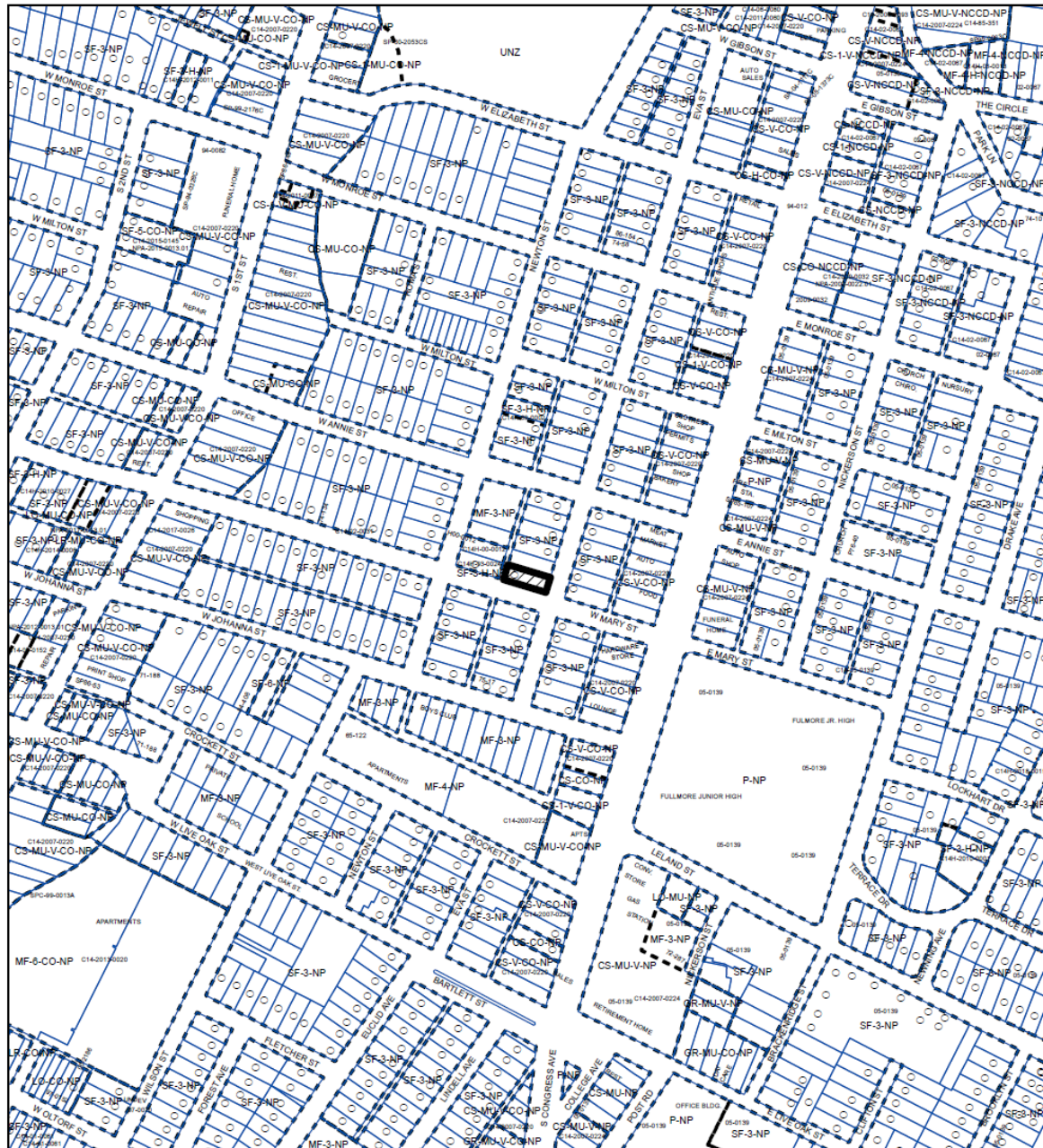
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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 completeness.

 City of Austin
Housing and Planning Department
Created on 3/8/2023, by: meekss

Future Land Use

	Subject Tract		Mixed Use/Office
	500 ft. notif. boundary		Multi-Family
	Civic		Recreation & Open Space
	Higher-Density Single-Family		Single-Family
	Mixed Use		Transportation


$$1'' = 400'$$

 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING

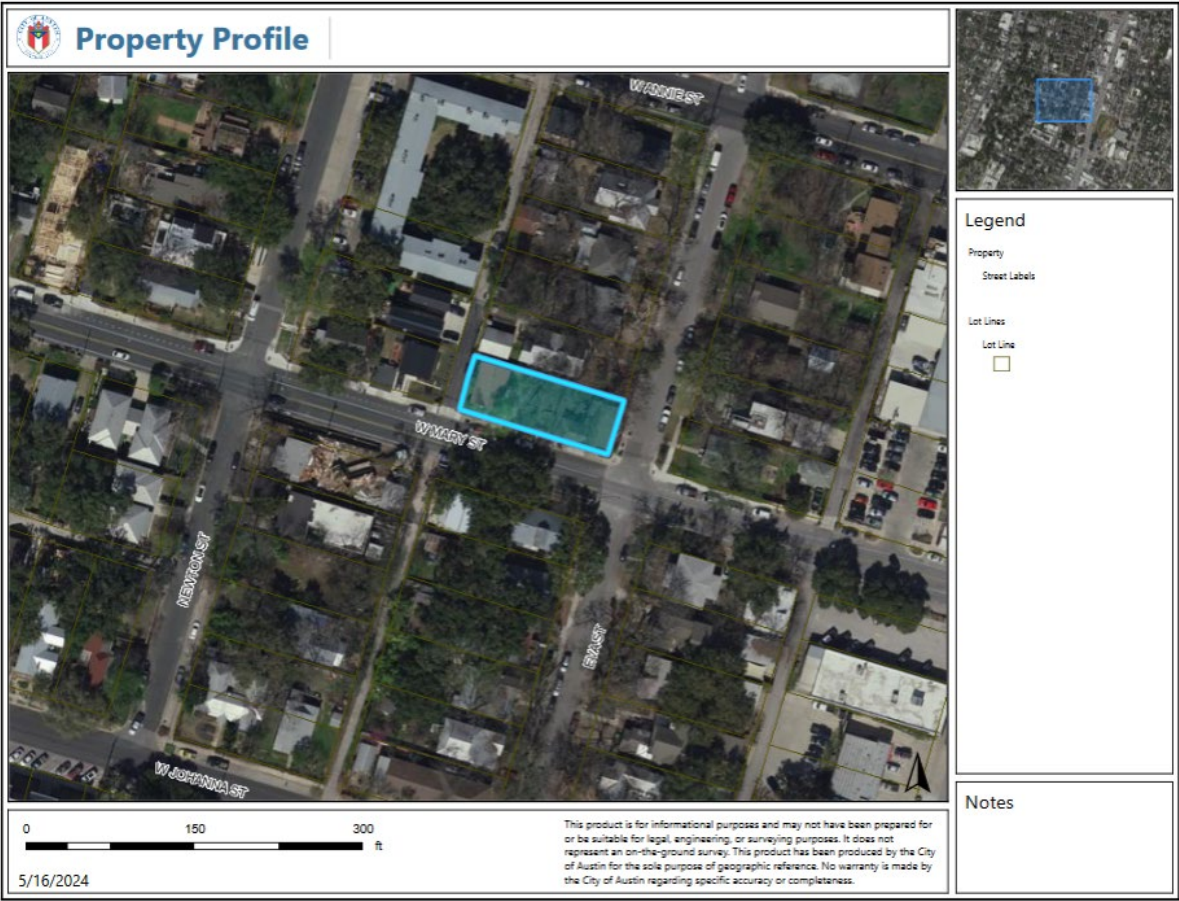
ZONING CASE#: C14-2023-0021

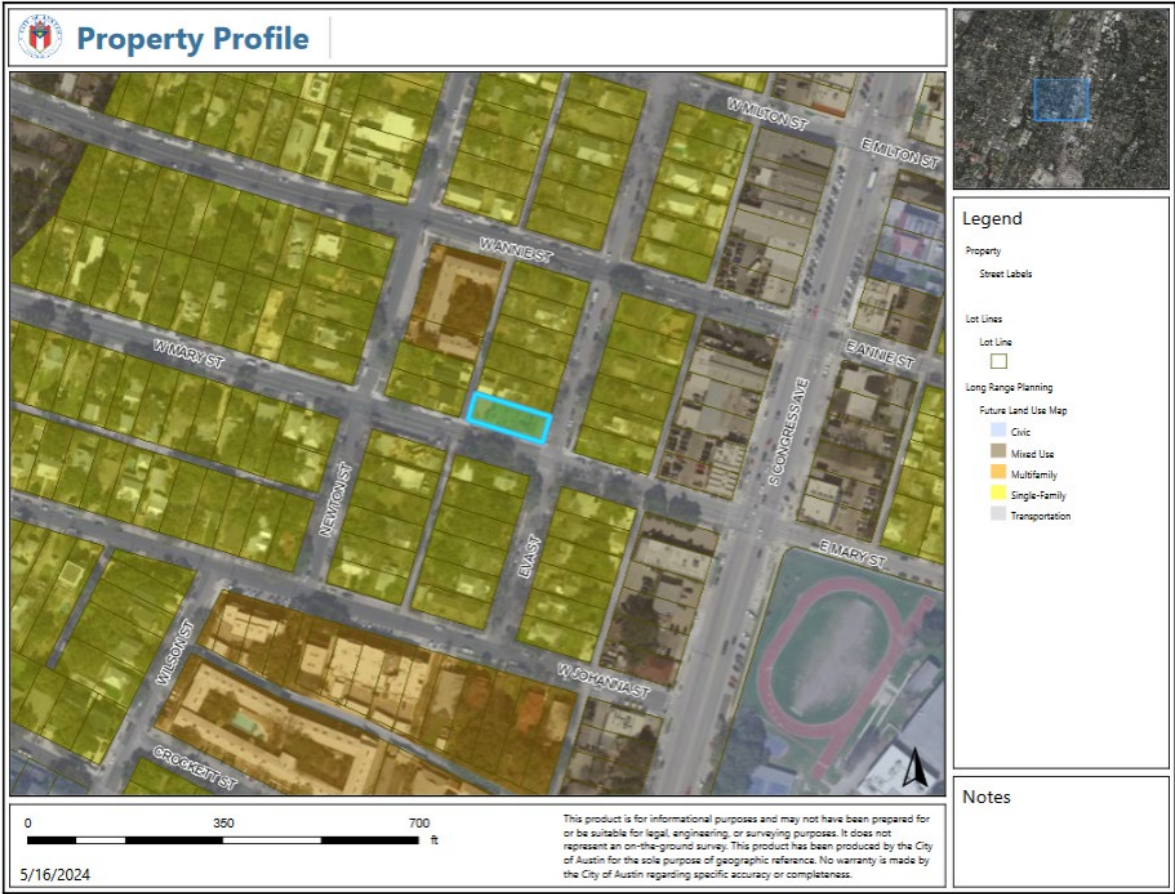
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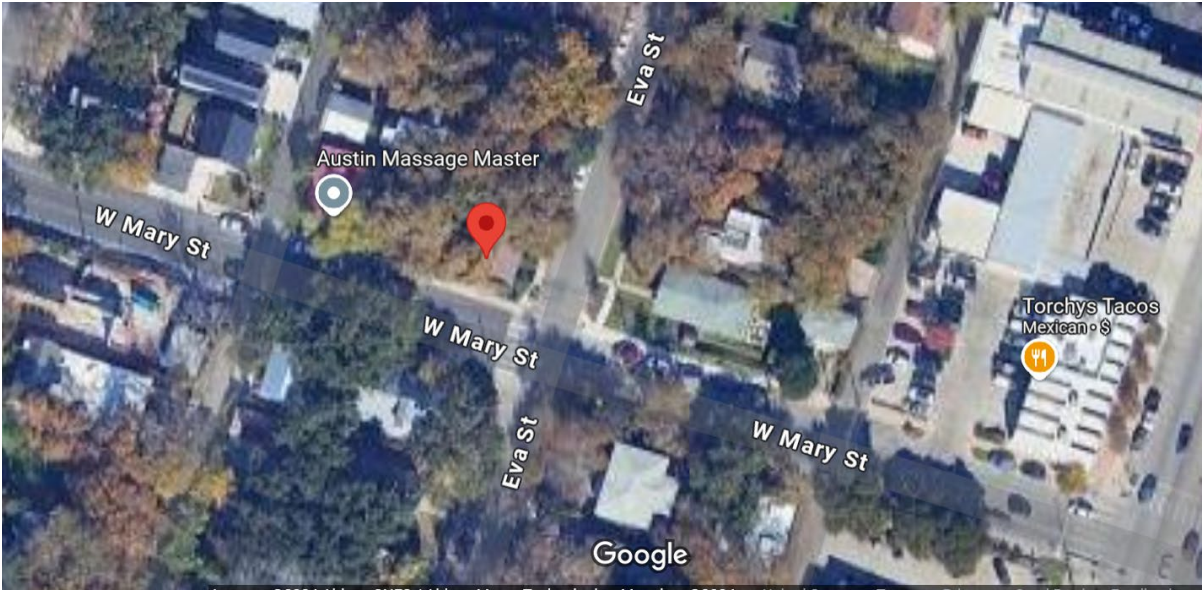
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Created: 3/10/2023









Alecia Mosadomi's Presentation at the Virtual Community Meeting

**Virtual Neighborhood Meeting
Bouldin Creek Neighborhood Association**

200 & 204 W Mary St
NPA-2023-0013.01

6:00-7:30 p.m. – April 27, 2023



Agenda

- ▶ Existing development
- ▶ Proposed development
- ▶ Comparative project
- ▶ Why Rezoning?
- ▶ Questions



▶ 2

Existing Development

- ▶ Prior uses: General Store, retail/food sales
- ▶ Current use: The Herb Bar
- ▶ Existing
 - Zoning: SF-3-NP
 - FLUM: Single-Family
 - Use: Retail/food sales



▶ 3

Proposed Development

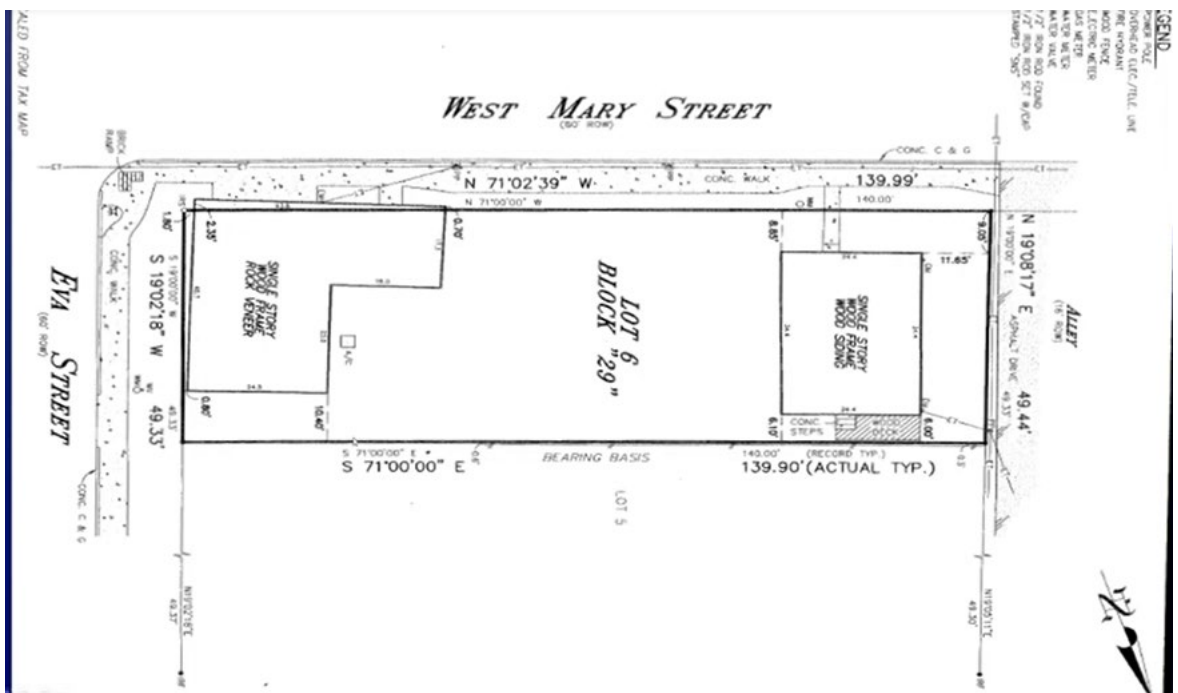
- ▶ Proposed
 - Zoning: CS-MU-NP
 - FLUM: Mixed Use
 - Use: Retail/food sales/restaurant

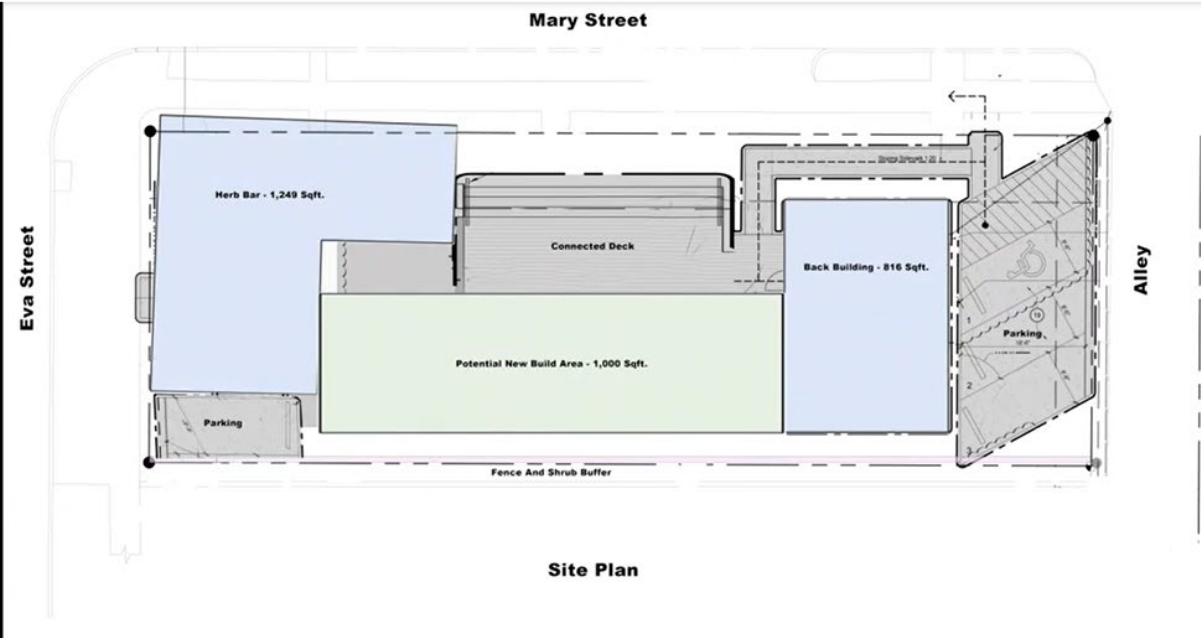
▶ 4

Proposed Development

- ▶ Modernize and improve existing structures to sustain the addition of:
 - ▶ Preparation and meeting space for Herb Bar,
 - ▶ Restaurant,
 - ▶ Kitchen, and
 - ▶ Patio.

▶ 5





Comparative Project at 1701 S. Congress
(formerly Hill Country Weavers)



Comparative Project at 1701 S. Congress



► 9

Reason for Zoning Change

- Align zoning with retail/food sales use of the property
- Expand the Herb Bar to include
 - Office use,
 - Classroom and seminar space
 - Consulting space
 - Space for product preparation and storage
- Add a Kitchen, Restaurant, and Patio to serve food and alcohol

► 10

Reason for Zoning and FLUM Change

- ▶ LR does not allow the restaurant with outdoor seating area.
- ▶ GR prevents maximizing use of small lot.
- ▶ CS-MU is important to allow the addition of a restaurant while maintaining the existing retail and ability for future residential.

▶ 11

Consistency with Mixed Use FLUM

- ▶ This amendment will “encourage more retail and commercial services within walking distance of residents” and “provide flexibility in land use standards to anticipate changes in the marketplace.”
- ▶ The amendment promotes self-sufficient neighborhood sustainability by increasing food access within walking distance of homes leading to improved quality of life for current and future residents.

▶ 12

Consistency with the Neighborhood Plan:

The Bouldin Creek Neighborhood Plan was adopted in 2002 with a stated mission to “protect and improve the quality of current and future residential life of the Bouldin Creek Neighborhood and to support the success of existing and future locally owned business.”

End of Presentation

Correspondence Received

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:
 Maureen Meredith
 City of Austin
 Street Jones Bldg.
 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: NPA-2023-0013.01
Contact: Maureen Meredith, 512-974-2695 or Maureen.Meredith@austintexas.gov
Public Hearing: Aug 08, 2023 - Planning Commission

Jody Zemel ☐ I am in favor
☒ I object

Your Name (please print)
 1807 Eva St.

Your address(es) affected by this application
 Jody D. Zemel 7/28/23
 Signature Date

Comments: I am opposed to this change from Single Family SF-3 use to Mixed Use because the zoning will be commercial. This is unacceptable in the midst of a single family street next to a busy commercial district.

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Public Hearing: Aug 08, 2023 - Planning Commission

☐ I am in favor

☒ object

David Oblish
Your Name (please print)

1907 East. 3 1902 Eva St
Your address(es) affected by this application

[Signature] 7/26/23
Signature Date

Comments:
This business should not be in a
residential community. That is what
commercial zones are for.
Parking is already a major issue. Please
reject this proposal.

submission.

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Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov

Public Hearing: Aug 08, 2023 - Planning Commission

☐ I am in favor
☒ I object

Sarah E. Campbell

Your Name (please print)

1201 Woodland Ave. 78704

Your address(es) affected by this application

Sarah E. Campbell

Signature

7/20/23

Date

Comments: Traveling E-W, I use Annie & Mary all the time. The Hab Bar with its minimal traffic is fine, but I absolutely DO NOT AGREE that this small residential lot should have m/zoning. It is abutted on 3 sides by residences. I like the idea of neighborhood bars, but not here ONE BLOCK from S. Congress, a much more reasonable place for a bar. Hab Bar does not invite people to congregate. Proposed uses do encourage congregation, and therefore, issues w/ park

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

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Case Number: NPA-2023-0013.01
Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov
Public Hearing: May 28, 2024 - Planning Commission

☒ I am in favor
☐ I object

Jody Zemel
Your Name (please print)

1807 Eva Street, Austin Texas 78704 512 447 0261

Your address(es) affected by this application

Jody A. Zemel June 6, 2024
Signature Date

Adjacent neighbors and members of the BCNA Neighborhood executive team and BCNA Neighborhood Plan Content team met on 5-13-23 with the applicant's attorney, Alicia Mendonca. We supplied our feedback and concerns at that time.

None of the adjacent neighbors, the Bouldin Creek Neighborhood Leadership Team (BCNLT), or the Bouldin Creek Neighborhood Plan Content Team (BCNPCT) have communicated with the applicant or their attorney since the email we received on August 1, 2023. (see attached PDF)

As an adjacent neighbor and member of the BCNA leadership team and a voting member of the BCNPCT, I am forced to conclude that the applicant has no interest in our concerns.

I oppose the neighborhood plan amendment request for Mixed Use at 200 and 204 W. Mary St.

From: Gerald Williams

Sent: Wednesday, June 12, 2024 7:51 AM

To: Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>

Cc: Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>; Azhar, Awais - BC <BC-

Awais.Azhar@austintexas.gov>; Meredith, Maureen

<Maureen.Meredith@austintexas.gov>; Tomko, Jonathan

<Jonathan.Tomko@austintexas.gov>

Subject: Procedural errors in June 11 meeting

I fear that I must object to the procedural errors in not allowing me to speak against item 9 of the agenda in yesterday's meeting and then going to to approve the item using a blanket authorization even though y'all knew it was inappropriate.

Relevant facts:

- I signed up to speak toward both items, and the next slide addressed how this was a significant change in both function and scope, which is relevant. I had organized them in case I was going to be time limited
- Others who were the only speaker on a topic were allowed the courtesy of being treated as the primary speaker and given 5 minutes even though they had not been previously listed as such

- I was never notified that I would only be given 3 minutes, despite having multiple reasons to expect that I should have more
- Having to speak to slides without seeing the video also slowed the process

Additionally:

- It was acknowledged that it was unusual that this should go for summary review when there was opposition.
- In fact, there was significant opposition (pretty much everyone except the owner and this commission are strongly opposed)
- Maureen's rationale did not really address this concern: for one, it presumed approval for item 8
- I was not able to say anything about any of this since I was muted and my "3" requests were ignored

In light of these procedural errors, the vote should be considered invalid.

Gerald Williams
610-509-2144

If you use this form to comment, it may be submitted to:
Maureen Meredith
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: NPA-2023-0013.01
Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov
Public Hearing: May 28, 2024 - Planning Commission

Harry Cabluck ☐ I am in favor
☒ I object

Your Name (please print)
1808 Eva St. Austin, Texas 78704

Your address(es) affected by this app: *Harry Cabluck* *23 MAY 2024*

Comments:
I oppose the applicant's proposed neighborhood plan amendment request for 200 and 204 West Mary Street in Austin 78704. The case number is NPA-2023-0013.01, 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 neighborhood plan amendment will negatively affect my personal quality of life, unsettling 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 mixed use project so near the South Congress corridor. There are numerous other commercial mixed use options within a half-block of this site.

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

-----Original Message-----

From: Williams, Gerald S

Sent: Thursday, May 23, 2024 2:05 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Gerald Williams

Subject: Case Number NPA-2023-0013.01

From the Public Hearing Comment Form:

Case Number: NPA-2023-0013.01

Contact: Maureen Meredith

Public Hearing: May 28, 2028 - Planning Commission

My name is Gerald Williams.

I live at 1809 Eva Street, across the street from the Herb Bar.

I OBJECT to the proposed amendment.

This is my work e-mail. I am CC'ing my home e-mail, to which you had sent a video link earlier. Thanks for providing that.

When we talked earlier, you mentioned that this was probably going to be postponed to June 11. Please confirm the new date. Also, please confirm that there will there be an option to attend virtually (presumably via

Comments:

- Do not let the Husch Blackwell lawyer bully you into accepting this proposal. This is a proposal to the Planning Commission. The job of this commission is to

ensure that the needs of the community are met and that established plans are followed. It is somewhat astonishing to me that this is even being considered. This is clearly an overreach, likely emboldened by changes to which other developers are getting Austin to agree.

- This property is residentially-zoned and in a residential area. The intent was for this to be a residential area, there is no reason to change it. There are commercial zones one block east and several blocks west, well-established along Congress and First Streets. Expanding into this intentionally residential area would be a terrible mistake and create an undue burden on the residents.

- Husch Blackwell is presenting this as a natural extension of the operation of the Herb Bar, although this is not the case at all. The folks actually running the Herb Bar lease the property and have nothing to do with this proposal. This is about a greedy landowner wanting to convert the land into a new purpose and trying to justify it on flimsy grounds while railroading the Planning Commission into accepting the proposal.

- Do not ignore real concerns about the planned use due to other zoning change Austin has made regarding minimum parking and such. This is in fact an excellent reason NOT to allow them to change their zoning. This is not a "deserved" change, in fact they have demonstrated quite the opposite based on what I heard in the video of the April meeting.

- It is not at all clear that uses of the property dating back over 40 years has any relevance in claiming a Historical Use exemption. Even if so, the landowner's plans for the property as a restaurant and bar have nothing to do with its use as a General Store, especially a black-owned store serving the local neighborhood community (including folks who might not have been able to shop at white-owned stores in the region).

- It is also worth noting that the Herb Bar is at 200 W. Mary St. They are not asking to merely make the zoning compatible with the Herb Bar, they are including 204 W. Mary St and a new planned building, plus wanting to take advantage of other commercial zoning changes. And once the zoning is changed, it's done and there is little to stop them from kicking out the Herb

Bar and converting the entire 2000-3000 square foot property into a restaurant or something else.

- There is already no parking in the area. It is very difficult for those of us who live on the street to even have folks come to the house. Even the 1000 square foot restaurant space in their proposal could bring hundreds of people to the area every day, which could easily triple once they have the zoning change and repurpose the other buildings. The parking spaces in their plan wouldn't even accommodate their staff, much less customers.

- They have not considered garbage at all. This alone makes the plan a non-starter. They are trying to downplay it but would need multiple dumpsters (which alone would occupy most of the planned parking and be a burden on the neighborhood). We back to Torchy's and already have to deal with dump trucks coming in at all hours and blocking our driveway at times. But at least that is in an alley. These would be much worse for the neighborhood in general.

- They were not even aware of the direct impacts the plans they presented had on the neighbors (e.g., the neighbor whose bedroom faces the proposed deck) and have given no real assurances that this will change, they just want us to trust them and give them their zoning change, after which they would have the upper hand. Don't give it to them.

I have more to say, but this e-mail is long enough and I have some additional fact-checking to do. Please put me on the list to speak. I will likely submit additional comments in advance.

-Jerry Williams
610-509-2144
Gerald Williams
Intel Corporation
Austin, TX, USA