

From: Jennifer Hudson <
Sent: Wednesday, September 16, 2020 1:24 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Schlotzsky's PUD at 218 South Lamar

*** External Email - Exercise Caution ***

Dear Andrew – regarding the Schlotzsky's site at 218 South Lamar, please do not allow another developer to ignore zoning and height restrictions put in place by City Council to protect the beauty of the Zilker and lakefront areas.

Our neighborhood is under siege by such developments – you guys have allowed a high rise to go up near El Alma and a massive hotel at Riverside and S. Lamar. You've ignored zoning put in place by the city itself. Please don't sell out again to another developer. Help us preserve our beautiful part of Zilker.

Sincerely,
Jennifer Hudson
1501 Barton Springs. Rd. #227
Austin, TX 78704

From: W. Tucker
Sent: Friday, September 11, 2020 6:54 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: City Council Hearing on Schlotzsky PUD Rezoning

Hello,

I am a Zilker resident and I would my comments be included in the file for this rezoning case and in the information posted and distributed to the City Council for the Sept 17 public hearing.

I have pulled some info and words from the Zilker neighborhood info page and emails because their words are my words and they say what I am feeling very well:

Myself, the Zilker Neighborhood Association and many surrounding neighborhood associations "still supports the Waterfront Overlay, environmental protections, rational transportation planning, and affordable housing incentives. In a nutshell, it is outrageous that this one-acre project is trying to dodge the PUD minimum-size requirement of 10 acres by claiming the Waterfront Overlay environmental protections as a "special circumstance."

"ZNA vigorously opposes this Planned Unit Development (PUD) and other rezonings that violate the Waterfront Overlay Ordinance. Because this is a precedent-setting case with implications for planning across the city, ZNA has been joined by the Austin Neighborhoods Council, Barton Hills, Bouldin Creek, and South River City Citizens neighborhood associations in opposing this rezoning."

Now my words - based on the images of the proposed building to go on this site it is not only drastically out of the scale of the overlay ordinance, it is out of scale with every single building in the surrounding area. The south side of the lake should be taken care of and not become a source of visual pollution.

There are no "special circumstances" that should allow this building to be built larger than the overlay ordinance allows.

Thank you for your time.

Regards,

W. Tucker

w. tucker
www.wtucker-art.com
lightbeforelightbehindme.tumblr.com/

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

From: Larry Akers

Sent: Saturday, September 12, 2020 9:32 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Subject: Schlotsky PUD at 218 South Lamar, item 83 September 17

I write in stern opposition to the PUD application for 218 S. Lamar, the Schlotsky tract.

This proposal continues the misguided corruption of the planned unit development guidelines. The tract is only 1/8 the size required for PUD designation. There are no unique topographical constraints. The only special circumstances are that the tract lies within the Waterfront Overlay Zone, and the only purpose of the PUD application is to subvert the development constraints the community imposed when with very considerable thought and effort it created the zone.

Austin has been mocked in the national press for its abuse of the PUD concept of development, which has been most egregious within the Waterfront Overlay. The Hooters PUD and the Taco PUD among others have earned Austin's employment of PUDs as a "disease taken over by lawyers". Rather than treating these travesties as precedents, they should be treated as mistakes to be learned from and momentum to be reversed.

The Waterfront Overlay was created to require development in the Lady Bird Lake Corridor to be of appropriate scale for the waterfront area and explicitly to not allow the concrete canyon that these non-compliant developments embody.

The Planning Department staff has a history of bowing to developer lobbyists to deliberately misinterpret the intent of various ordinances governing development, including environmental ordinances in the Zilker neighborhood and very prominent developments in the lake corridor. The culture that has allowed this should be cleansed, starting with rejection of the Schlotsky PUD permit and an investigation into how it reached City Council.

When a non-compliant permit passes from the Planning Department, it puts the Planning Commission and Council in the disadvantaged position of trying to wheedle minor concessions from the developer. This style of negotiation allows Councilmembers, who are politicians, to score political points for their team (green rooves for environmentalists, token affordable housing allowances -- what a joke). It's just an expected cost of business for the developer. But the end product is fundamentally improper development.

So stop it.

Larry Akers
2311 Ridgeview
Austin, Tx 78704

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From: Marta Tienda

Sent: Sunday, September 13, 2020 10:00 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Subject: Matter of Rezoning PUD 218 S. Lamar Blvd.

Importance: High

To Austin City Council:

I am attaching two memos registering stance regarding the matter of Rezoning PUD 218 S. Lamar. One I prepared last May that may be buried in your piles of mail as this matter has been repeatedly postponed. The more recent was motivated by a recent incident that could have inflicted serious harm. I paste a copy of the most recent below. Both are in PDF format as attachments.

Thank you

Marta Tienda, Barton Place

Marta Tienda
1600 Barton Springs Rd. Unit 1301
Austin, Texas 78704

September 12, 2020

TO: Austin City Council

c/o Heather Chaffin, Case Manager for Rezoning PUD 218 S. Lamar Blvd.

Heather.Chaffin@austintexas.gov Andrew.rivera@austintexas.gov

In RE: Pedestrian Safety at Toomey & S. Lamar

I write to report my deep concern and strong opposition to the proposed Rezoning PUD 281 S. Lamar Blvd (formerly home to Shlotzsky's) on grounds on pedestrian safety. I returned to Austin last fall and purchased a residence at Barton Place. I love to walk for exercise and enjoy walking to Trader Joe's and Whole Foods to purchase groceries. I usually cross Lamar at the Toomey intersection. This past week I was almost hit by a driver turning left from Toomey Rd. on to S. Lamar.

Mid-afternoon on Thursday (September 10), I waited patiently on the east side of the Lamar-Toomey Rd intersection until the walk sign indicated it was safe to cross. I entered the cross-walk, keeping watch as a yellow car approached the intersection, assuming the driver would stop before reaching the pedestrian walkway on the south bound lane of Lamar. She did not, to my horror, and came within **ONE FOOT** of striking me with her vehicle. I screamed when I realized she was about to hit me and she hit the break. This occurred in mid-afternoon, not even during a rush hour (which I try to avoid when taking walks).

I can only imagine what would have happened had I been more trusting that drivers will respect pedestrians' right of way; had it been dusk or raining; had it been rush hour, when many drivers' impatience peaks.

Pedestrian safety MUST be a primary consideration in urban zoning. I registered a letter of opposition to the Rezoning plan on May 31, 2020 protesting the proposed development because of the huge increase in traffic on Toomey Rd., which already faces seasonal congestion and during public events like ACL. I now want to make the Council aware that pedestrian safety is also at high risk and reiterate my strong opposition to the rezoning plan for that reason as well.

Marta Tienda

1600 Barton Springs Rd. Unit 1301

Austin, Texas 78704

May 31, 2020

TO: Austin City Council

c/o: Heather Chaffin, Case Manager for Shlotzsky's PUD rezoning case

Heather.Chaffin@AustinTex.gov

I write to oppose the Rezoning PUD 218 S. Lamar Blvd (formerly home to Shlotzsky's) for several reasons. While I appreciate that the land is quite attractive to developers, the proposed office building will augment traffic backups on Toomey Road, which already has major back-ups and closures during various season (holidays) and events (ACL). The proposed oversized office building is inappropriate for an area that presumably is protected by the Waterfront Overlay Ordinance, which requires residential units.

From: Shelia Ham
Sent: Sunday, September 13, 2020 11:33 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Hearing Austin City Council September 17

*** External Email - Exercise Caution ***

I have resided in the Barton Hills and Zilker neighborhood since 1976 and have embraced an enormous amount of change during these years living in South Austin. I support the Waterfront Overlay, environmental protections, rational transportation planning, and affordable housing incentive that is currently in place and beg you to refuse permission to allow a massive office building (to sit vacant with several other nearby large unoccupied office buildings) on the site of the former Schlotky's Restaurant at Lamar and Toomey Road (218 South Lamar). There is absolutely no reason to by pass the current building code restrictions for this 1 acre site. Thank you for including my comments in the file for this rezoning case to be heard by the City Council on September 17th.

Sheila Ham
1307 Kinney Ave Unit 108
Austin, TX 78704

Sent from my iPhone

Sent from my iPhone

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From: Keith Kreitman

Sent: Tuesday, September 15, 2020 2:28 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: Comments to the city Council on the Schlotzsky's PUD hearing

*** External Email - Exercise Caution ***

Although I haven't looked deeply into the details of this issue, everything I have seen indicates that this is an end run around the existing restrictions on building in the Waterfront Overlay using the PUD in an improper manner. While I support increased housing (with limited parking) in this area close to downtown, I do not believe that large office buildings with big parking garages should be built there. Among other things, the increased traffic on Toomey and Sterzing that would occur during rush hour would present a significant hazard to bike and pedestrian traffic to and from the lakefront and downtown.

I can't really believe that you are considering this - is everyone a lying, cheating Republican now? I'm about to give up hope completely...

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

From: Shoehorndesign

Sent: Tuesday, September 15, 2020 4:49 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: Schlotsky's PUD Meeting

*** External Email - Exercise Caution ***

I wish to have it made public that I am very opposed to any building that violates the Waterfront Overlay Ordinance at the former Schlotsky's S. Lamar locale.

In advance, thank you for listening.

Sheila Stricker

2503 Briargrove Dr

78704

Sent from my iPad

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*** External Email - Exercise Caution ***

Ms. Chaffin and Mr. Rivera:

Below is my letter of opposition to the rezoning requested at 218 South Lamar. Please include it in the file for this rezoning case and in the information posted and distributed to the City Council for the Sept 17 public hearing.

Thank you for your assistance.

L. Atherton

To: Austin City Council

Re: Sept 17, 2020, City Council Agenda item 83, 218 S. Lamar (Schlotzsky's)

Rezoning in the Butler Shores Waterfront Overlay from CS-V to PUD

Dear Mayor and City Council Members,

This PUD has gone too far.

Throughout the review process for this rezoning case, the public has been told that the project would improve transit service, along with pedestrian and bicycle access, at the corner of Toomey and Lamar, contributing to its evolution as a gateway to the Butler Shores cultural and recreational district envisioned within the South Lamar Corridor. Last month, however, Capital Metro confirmed that the bus stop will be moved away from Toomey, two blocks to the north, to the Riverside intersection. The move cedes priority to 600-plus motorists lined up at Toomey to fill the massive parking garage beneath a proposed all-glass all-office building. The relocated bus stop is right on the corner at Riverside, so that any vehicles behind a stopped bus will block the crosswalk, the intersection, and the Lamar Bridge while the first bus is loading and unloading passengers, who will be an additional two blocks away from their destinations. That is an outrageous failure of transportation planning and a betrayal of the last 30 years of community effort to plan a better waterfront.

This is a major change from the South Lamar Corridor construction plan adopted in April 2018, when the assumption was that this site would be redeveloped with a VMU building with more than 100 residential units and only about 200 parking spaces. The application for the Schlotzsky's PUD office building was filed in October 2018. It looks like Capital Metro and the Corridor planners were pressured over the last two years to relocate the Lamar bus stops between Riverside and Barton Springs Road solely to accommodate the undesirable car traffic anticipated by the future owners of 218 S. Lamar.

To paraphrase long-time parks and waterfront advocate Larry Akers: When a noncompliant proposal passes the Planning Department, it puts the Planning Commission and City Council, along with the professionals trying to design our transportation system and public works, in the disadvantaged position of trying to wheedle concessions from the developer. The culture that has allowed this should be cleansed, starting with the denial of this PUD rezoning and an investigation into how it got so far. I would suggest that the Council include the City's embarrassing Carbon Impact Statement (page 73 in the current backup for this case) in its investigation.

Please support the incentives for increased multifamily housing and reduced car traffic in the Waterfront Overlay by denying this PUD--and then move the bus stop back to Toomey.

Thank you for your service to the community throughout these trying times.

Lorraine Atherton

District 5 pedestrian and bus rider

From: Rebecca Taylor < >

Sent: Tuesday, September 15, 2020 8:59 PM

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>

Subject: Re: relating to August 27 meeting item #116

*** External Email - Exercise Caution ***

Hi Andrew,

please add these comments to the rescheduled agenda item #83 for September 17 Council meeting.

Many thanks,

To the Austin City Council, in reference to the PUD commonly known as the "Schlotzsky's PUD" located at 218 S. Lamar Boulevard,

The Barton Place Homeowner's Association wishes to register its opposition to this project as a very close neighbor roughly 500' away from the above referenced location. Barton Place's main garage entrance for all 300 residents is located on Toomey Road and will be directly, negatively impacted by the project's current structure.

Our opposition is in alignment with every neighborhood association around us plus the Austin Neighborhood Association because of the following :

- The misuse of the PUD status/zoning (it is a development planning tool for special circumstances for 10 acres or more)
- The development is attempting to identify the Watershed Overlay as a special circumstance for their project being just over an acre, rather than what the Watershed Overlay is, which is to protect the area in relation to building height and progressive environmental standards.
- Faulty traffic studies and incomplete communication between the S Lamar Corridor Improvement Project.
 - 635 car garage will be exiting onto already burdened residential street, Toomey.
 - The addition of the Dougherty Arts Center Project garage plan of +200 parking garage onto Toomey.
 - Plus the addition of the Riverside & Lamar hotel/condo building project parking garage exit into that area.
 - Toomey feeds into South Lamar where the South Lamar Improvement project is reducing 6 lanes to 4 between Riverside and Barton Springs.

- The project is an office project with no residential, and does nothing to address the City's goal to improving availability of housing so badly needed in this community.

Our entire residential community will be directly and negatively impacted by the inability to enter or exit Toomey Road if this project is approved as currently structured. We will be effectively blocked from access to Lamar Boulevard, which is the only exit to access any roadways without being forced to make U-turns on Barton Springs Boulevard. This is unworkable and extremely unsafe.

Austin will be negatively impacted by the additional traffic directly in the flow of residents who come to the Hike and Bike Trail and the entire Zilker Park area. Heavy traffic added to what is already in the area will make it even harder for any resident of Austin to access the fitness trail, Barton Springs Pool, Umlauf Garden and Zilker Park, as well as Butler Shores and golf area and the Long Center.

This area is what makes Austin unique. It is absolutely critical that it be managed according to the existing Watershed Overlay Ordinance, which comprehends the desires of the people of Austin.

Please vote against this ill-considered plan.

Kind regards,
Nina Rowan Heller, Rebecca Taylor
President, Secretary
Barton Place Homeowner's Association

On Aug 26, 2020, at 11:52 AM, Rebecca Taylor <becky@tmountain.com> wrote:

Dear Andrew,

please add these comments to the packet for the meeting relating to the below referenced PUD request, item #116 on the agenda. Thank you.

To the Austin City Council, in reference to the PUD commonly known as the “Schlotzsky’s PUD” located at 218 S. Lamar Boulevard, which is on the agenda for August 27, 2020.

The Barton Place Homeowner’s Association wishes to register its opposition to this project as a very close neighbor roughly 500’ away from the above referenced location. Barton Place’s main garage entrance for all 300 residents is located on Toomey Road and will be directly, negatively impacted by the project’s current structure.

Our opposition is in alignment with every neighborhood association around us plus the Austin Neighborhood Association because of the following :

- The misuse of the PUD status/zoning (it is a development planning tool for special circumstances for 10 acres or more)
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 - Toomey feeds into South Lamar where the South Lamar Improvement project is reducing 6 lanes to 4 between Riverside and Barton Springs.
- The project is an office project with no residential.

Our entire residential community will be directly and negatively impacted by the inability to enter or exit Toomey Road if this project is approved as currently structured. We will be unable to access Lamar Boulevard, which is the only exit to access any roadways without being forced to make U-turns on Barton Springs Boulevard. This is unworkable and extremely unsafe.

Austin will be negatively impacted by the additional traffic directly in the flow of residents who come to the Hike and Bike Trail and the entire Zilker Park area. Heavy traffic added to what is already in the area will make it even harder for any resident of Austin to access the fitness trail, Barton Springs Pool and Zilker Park, as well as Butler Shores and golf area and the Long Center.

This area is what makes Austin unique. It is absolutely critical that it be managed according to the existing Watershed Overlay Ordinance, which comprehends the desires of the people of Austin.

Please vote against this ill-considered plan.

Kind regards,

Nina Rowan Heller, Rebecca Taylor

President, Secretary

Barton Place Homeowners Association

Rebecca Taylor

becky@tmountain.com

"Fellowship is the purpose behind our creation" - Marcus Aurelius