



Newsletter of the  
Zilker Neighborhood  
Association

JULY 2020

Austin, Texas  
Established 1981

*A Message from ZNA President Dave Piper*  
**PUD Threatens Planning**

THE CITY IS LOSING its ability to put together a comprehensive plan for land development projects. The immediate threat is right here in the Zilker neighborhood, in the form of the Planned Unit Development (PUD) rezoning proposed for the Schlotzsky's site at 218 South Lamar. Its violations of the Waterfront Overlay (WO) ordinance would set a precedent that weakens the WO protections along the entire lake. I'll get into why this particular PUD is such a threat, but first some background.

PUD zoning has been used throughout the United States for decades. Its purpose is to give municipal governments extra authority over ordinary zoning in order to develop *large* tracts of land in a manner "superior" to what would other-

**Stay in Touch While Staying Home**

As we all try to keep up with historic and often wrenching public health emergencies, the Zilker Neighborhood Association has been re-thinking how we stay in touch with each other and our civic life. The Executive Committee has been experimenting with virtual meetings and hopes to try out more options for neighborhood communications in August.

See pages 5 and 6 for contact info.  
Once again, this newsletter is appearing online only, instead of being hand-delivered to more than 2500 households in the neighborhood.  
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wise be achieved on that land. In Austin's PUD ordinance, "large" is defined as a minimum of 10 acres, unless the property is characterized by "special" circumstances, usually considered to mean physical characteristics of the property



Artist's rendering of proposed office building at 218 S. Lamar, from the rezoning application.

that constrain its reasonable use.

Austin's Waterfront Overlay (WO) zoning ordinance was passed in the 1980s after a Hyatt hotel was built near Town Lake. The purpose of the WO is to protect approximately 1800 acres of land within the lake corridor from environmental degradation and "undesirable" types of development. The WO and PUD ordinances have undergone multiple revisions. The WO in particular was revised most recently in 2008-2009.

The WO is now divided into 16 subdistricts; the one in ZNA's boundaries is Butler Shores, which extends from Lady Bird Lake south to the cliffs above Barton Springs Road, between Lee Barton Road on the east and Barton Creek on the west. It has a special status in the WO because it is surrounded on three sides by the City's most heavily used dedicated parkland and public event spaces, and it functions as the primary access to Zilker Park, Restaurant Row, Zach Theatre, and 2000+ residents in numerous apartment and condo buildings.

The area is in dire need of a comprehensive plan. Traffic coordination, parks and trail access, tree protection, flood mitigation, parking, compatibility between land development projects, affordable housing, etc., will suffer without a comprehensive plan. For example, a major capital improvement project in Austin is the Barton Springs Road bridge over Barton Creek (see <http://zilkerneighborhood.org/bsrb.shtml>). If its reconstruction and land development within Butler Shores are not planned with each other in mind,

the traffic engineering analysis for the bridge, Zilker Park, Barton Springs Road, and Azie Morton Road will be inaccurate, and the future of the whole area could be compromised.

This brings us to the proposed Schlotzsky's PUD and how it threatens the City's ability to plan. The proposal is to build a large glass office building (artist's rendering on page 1) on a 1.26-acre site squeezed between the Zach complex and the Cole apartment building; the parking garage for 600+ cars will have a single entrance/exit on Toomey Road just off South Lamar. The rezoning case is headed to City Council for a public hearing and possible final zoning approval on July 30. **The ZNA Executive Committee vigorously opposes the rezoning because we believe it violates both the requirements and intent of the Waterfront Overlay Ordinance and the PUD Ordinance.**

ZNA opposition to PUDs on the waterfront stems from the projects' size (too small for a PUD, too tall for the WO) and uses (too car intensive, not enough housing). The Butler Shores subdistrict is designated in City ordinances to encourage redevelopment with higher-density residential buildings, as long as they are compatible with nearby public recreational and cultural assets. The existing zoning already includes an affordability component for new residential construction. Commercial space is discouraged, especially downtown-style office buildings with excessive parking. The projects ZNA opposes fall into that latter category, with too much commercial



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space and little or no housing.

Remember, a PUD must be at least 10 acres, unless the property is constrained by “special” physical circumstances. This PUD, however, is only a tenth of the minimum size, and it lists its location within the Waterfront Overlay as its only special circumstance. If this PUD is passed on the weak rationale that the WO constitutes a special circumstance, the precedent is set that a small PUD may be built on almost any site where there is some sort of overlay, and the City cedes its ability to use PUD zoning as a planning tool. It also destroys the integrity of any other comprehensive area planning efforts, like the Waterfront Overlay. Numerous development requirements contained within WO zoning, such as height and floor area limits, use restrictions, progressive environmental standards, and affordability bonuses are essentially eviscerated. For example, the first sentence of the 2009 WO ordinance explicitly incorporates the Town Lake Corridor Study, which states that an office complex is “not appropriate” in the Butler Shores subdistrict, and a later section provides floor area bonuses for higher-density multifamily residential projects, but not for office buildings.

A PUD must include features that are superior to what could otherwise be developed using the current zoning. The Schlotzsky's PUD contains a couple of things that are legitimately superior, such as a nonprofit art gallery, but most of the claimed “superior” items are things that would be done on any new development at

that location. For example: a 3-star (out of 5) energy rating, landscaping, bike lanes on Lamar (which the new Corridor Plan contains), traffic mitigation fees that are required anyway, irrigation and drainage, removing 113.5 caliper inches of existing trees and replacing them with only 40 inches of new trees, and adding only 6 bike spaces more than what is required. There are others, sometimes essentially the same items listed in different ways. The entire list is posted on the ZNA website at <http://zilkerneighborhood.org/dev/schlotzsky-pud.shtml>.

Perhaps the most dubious of the “community benefits” offered in the PUD is the parking garage, in the context of global warming and Austin’s

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deteriorating transportation plight. In most WO and PUD reviews, underground parking is preferred to aboveground parking, but to prevent the creation of car magnets, the size of the garage is supposed to be reduced to the absolute minimum necessary to support the project. City staff has commented repeatedly that oversized parking structures with excess parking are not desirable and will not receive a superior ranking. The greenhouse gases released by the additional excavation and concrete required for the oversized underground garage are not even estimated in the City’s review of this PUD or in the Carbon Impact Statement. Which raises again the need for comprehensive planning.

The Butler Shores section of South Lamar, between Barton Springs Road and the river, is one of the most congested stretches of road in the city. After looking at the traffic impact studies, the ZNA Zoning Committee thinks the office building and its 600-car parking garage are going to cause significant delays in traffic for everyone, including park visitors and restaurant customers, but especially for the residents who have to use Toomey Road. Paid parking in the garage will be available to anyone who can afford it, but the best solution for traffic and parking problems in Butler Shores is to locate excess parking capacity away from the congested area so it doesn't create more congestion from people driving to it. These issues were considered last year when City Council created the Zilker Park Working Group; see a two-page summary of the group’s recommendations at

<http://zilkerneighborhood.org/zpwwg.shtml>.

Back to the 10-acre issue: If this PUD is passed on the weak rationale that the Waterfront Overlay constitutes a “special circumstance,” the precedent is set that mini-PUDs may be built almost anywhere. The city's planning staff will just continue reacting to PUD zoning submissions instead of actually planning. Butler Shores is a unique area and deserves better.

Please help ZNA oppose this rezoning by submitting comments to the City Council before noon Wednesday. It’s item 30 on the Thursday, July 30, City Council agenda. Detailed instructions for public comment at Council meetings are on page 5. *Your neighbor, Dave Piper*

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*Speaker registration for the July 30, 2020, Council Meeting will open on Monday July 27 at 10 AM and close on Wednesday July 29 at noon.*

Public comment will be allowed via telephone; no in-person input will be allowed. All speakers must register in advance.

For items other than Zoning, public comment will be taken at 10 am. For all zoning items public comment will be taken at 2 pm.

To speak remotely at the Council Meeting, residents must submit the online registration form found at:

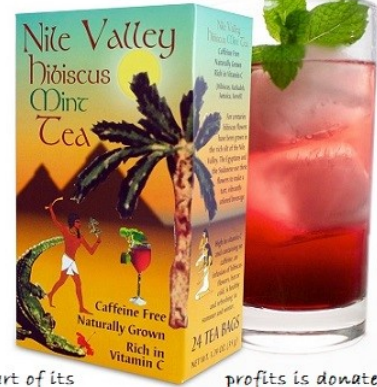
[https://cityofaustin.formstack.com/forms/austin\\_city\\_council\\_speaker\\_signup](https://cityofaustin.formstack.com/forms/austin_city_council_speaker_signup) by noon Wednesday,

July 29. Once the registration form is received, residents will receive either an email or phone call providing the telephone number to call on Thursday.

- Speakers must call in at least 45 minutes prior to meeting start in order to speak, late callers will not be accepted and will not be able to speak.
- Handouts or other information may be emailed to [City.Clerk@austintexas.gov](mailto:City.Clerk@austintexas.gov) by 12 p.m. on Wednesday. This information will be provided to Mayor and Council in advance of the meeting.
- Any speaker who speaks prior to being called upon by the Mayor will be disconnected and will not be able to rejoin the call.
- If you need Spanish Translation Services, you must email [City.Clerk@austintexas.gov](mailto:City.Clerk@austintexas.gov) at least 48 hours in advance of the meeting.

Residents may watch the meeting online at:  
<http://www.austintexas.gov/page/watch-atxn-live>

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ZNA is in City Council District 5, represented by Council Member ANN KITCHEN, at [district5@austintexas.gov](mailto:district5@austintexas.gov) or 512-978-2105. Our Austin Police District Rep is Officer Shawn Rougeou, at 512-974-5490 or [Shawn.Rougeou@austintexas.gov](mailto:Shawn.Rougeou@austintexas.gov)

*ZNA includes Zilker Park and Rabb Road on the west and extends to the railroad on the east, Barton Skyway on the south, and Lady Bird Lake on the north. Residents on both sides of boundary streets may join ZNA.*

**BECOME A ZNA MEMBER TODAY**

Membership is open to Zilker residents (renters or homeowners) 18 years old or older.

Nonresident property owners are not eligible for membership.

Annual dues are \$7 per person. Please list each member's name and e-mail address below.

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Please make checks payable to Zilker Neighborhood Association and mail with this form to:

ZNA Memberships, 1510 Oxford St, Austin, TX 78704

or bring this form with you to the next ZNA meeting

*For ZNA bylaws and other information, or to pay online, visit [zilkerneighborhood.org](http://zilkerneighborhood.org).*



**Newsletter of the  
Zilker Neighborhood  
Association**

[www.zilkerneighborhood.org](http://www.zilkerneighborhood.org)

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**2020 ZNA Executive Committee**

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*Parks and Environment:*

Gail Rothe

*Social:* Pat Cramer

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*Secretary:* James Russell

*Treasurer:* Bruce Wiland

*ANC Delegate:* Bobby Rigney

The Executive Committee may be  
emailed at

[ZNA@zilkerneighborhood.org](mailto:ZNA@zilkerneighborhood.org)

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**About the Zilker Neighborhood Association**

ZNA holds quarterly meetings on the last Monday of January, April, July, and October, at Zilker Elementary School, 1900 Bluebonnet Lane. The Executive Committee meets at the Umlauf Museum, 605 Robert E. Lee Road, 6:30 PM the first Monday of most months. Watch the Web site for updates.

**Our Purpose:** To improve the quality of life in the neighborhood in matters of land use, environmental protection, public services, consumer protection, preservation of the historic and unique character of the community; to provide support in other matters of neighborhood concern; and to promote and participate in the civic life of the city.

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