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**ZONING AND PLATTING COMMISSION
HILL COUNTRY ROADWAY
SITE PLAN REVIEW SHEET**

CASE NUMBER: SPC-2010-0071C.MGA **COMMISSION DATE:** 05/03/2011
Postponed by Applicant: 03/15/2011
Postponed by Neighborhood: 4/19/2011

PROJECT NAME: Tarlton 360 Townhomes

ADDRESS: 2500-2530 Walsh Tarlton Road

AREA: 16.24 Acres

APPLICANT: Cypress Realty Advisors, Inc. (John Burnham)
301 Congress Ave., Suite 500
Austin, TX 78701
Telephone: (512) 494-8610

AGENT: Armbrust & Brown (David Armbrust)
100 Congress Avenue, Ste. 1300
Austin, TX 78701
Telephone: (512) 435-2368

ENGINEER: Longaro & Clarke (Alex Clarke)
7501 N. Capitol of Texas Highway, Bldg. A, Ste. 250
Austin, TX 78731
Telephone: (512) 306-0228

CASE MANAGER: Sue Welch Telephone: 974-3294
Sue.Welch@ci.austin.tx.us

PROPOSED DEVELOPMENT: The applicant is proposing a mixed use project consisting of 229 residential units and approximately 75,819 square feet of office use, 8,300 square feet of retail, and 3500 sq. ft. of restaurant use, parking garage and other associated improvements. The applicant requested and received approval from City Council for the Redevelopment Exception in the Barton Springs Zone per City Code Section 25-8-27 (approved 8/26/2010).

APPLICANT'S REQUESTS: The site is located within a Moderate Intensity area of the Hill Country Roadway Corridor (within 1000-feet of Capitol of Texas Highway - Loop 360; Land Development Code {LDC} Section 25-2-1121). The applicant is requesting approval of this Hill Country Roadway site plan with the following waivers: LDC Section § 25-2-1123: Construction on Slopes; LDC Section § 25-2-1122, for the Floor-To-Area Ratio of a Nonresidential Building; and LDC Section § 25-2-1124, for the height of the building to exceed the requirement from 40' to 53' in a moderate intensity zone of a Hill Country Roadway.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of this Hill Country Roadway site plan and the waivers with conditions (below). It will meet the all applicable requirements of the Land Development Code prior to its release.

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Staff recommends approval of the site with the following conditions:

1. Austin Energy Green Building, minimum 1-star for the proposed buildings.
2. A scenic vista of Barton Creek will be preserved.
3. Extending the required vegetative buffer from 100 to 200 feet from the Loop 360 right-of-way and restoring 40% of the site to natural Hill Country character.
4. The project will provide a mixed-use development with pitched roof for all buildings, private community facility, and pervious pavers for pedestrian routes.
5. An Integrated Pest Management Plan and Grow Green/native landscaping will be provided for the site.
6. Requirements per the TIA memo (see Transportation section).

The applicant has agreed to all conditions with notes on the coversheet.

PREVIOUS ZONING AND PLATTING COMMISSION ACTION:

RELATED CASES:

C14-2010-0019: On May 4, 2010, the Zoning and Platting Commission approved staff's recommendation of GR-MU (by consent 8-0). City Council approved zoning GR-MU on August 26, 2010 (6-0 by consent).

ENVIRONMENTAL BOARD ACTION:

SPC-2010-0071C.MGA – Environmental Board received a courtesy review of the Hill Country Roadway zoning waivers, Barton Springs Zone Redevelopment Exception and Service Extension Request. The Board approved staff recommendation (5-0-1-1) on August 4, 2010. The Redevelopment Exception in the Barton Springs Zone was approved by City Council on August 26, 2010.

PROJECT INFORMATION

Site Area	16.24 Acres	707,414 sq. ft.
Proposed Zoning	GR-MU (C14-2010-0019)	
Jurisdiction	Full & Limited	
Watershed	Barton Creek (Edwards Aquifer Recharge Zone)	
Watershed Ordinance	Barton Springs Redevelopment Exception	
Traffic Impact Analysis	A T.I.A. has been submitted.	
Capitol View Corridor	Not In View Corridor	
Proposed Access	Loop 360 & Walsh Tarlton	
	Allowed/Required	Existing Proposed
Floor-to-Area Ratio	1:1	.07:1 0.675:1 **
Building Coverage	75%	7 % 34%
Impervious Coverage	15% (SOS)	54% 54%*
Height	40' per HCRO	63' 40'/50' w/waiver
Number of Units (per MU)	589	229
Parking	817	921

*allowed per Redevelopment Exception in Barton Springs Zone (approved by Council on 8/26/2010)

** requesting waiver for FAR on slopes

LEGAL DESCRIPTION: Lot 1-A, Amended Plat of Lot 1, M-P Addition and Lot 1 Block A, Texas Commerce Bancshares Subdivision

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3**SUMMARY COMMENTS ON SITE PLAN:**

Land Use: The applicant is proposing a mixed use project consisting of 229 residential units and approximately 75,819 square feet of office use, 8,300 square feet of retail, 3500 sq. ft. of restaurant uses, parking garage and other associated improvements. The majority of the site is located within the full purpose jurisdiction, with a small area being within the City's limited purposed annexation area. The site was partially developed under the provision of a 1986 site plan (C14r-86-136 & 137) and is primarily covered with the existing (vacant) theater which will be demolished, along with parking lots, utilities, drainage and water quality facilities.

The site is located within a Moderate Intensity area of the Hill Country Roadway (HCR) Corridor (LDC Section 25-2-1121). The site is requesting three waivers to Hill Country Roadway from LDC Section § 25-2-1123: Construction on Slopes; LDC Section § 25-2-1122, for the Floor-To-Area Ratio of a Nonresidential Building; and LDC Section § 25-2-1124, for the height of the building to exceed the requirement from 40' to 53' in a moderate intensity zone.

The applicant is requesting a waiver to LDC § 25-2-1123: Construction on Slopes. No buildings or parking areas shall be constructed on slopes in excess of fifteen (15%), provided, however, that building and parking structures may be located on slopes of 15-25% when the four criteria under Section 25-2-1123 and 25-8-302, "Construction on Steep Slopes" are met. The applicant is also requesting development on slopes over 25%. The slopes are primarily man-made due to the existing development and were constructed with the previous cinema site plan. That site plan was approved and constructed prior to enactment of the construction on slopes provision (old Loop 360 ordinance). The applicant is proposing to use terracing techniques, and re-vegetate the disturbed areas with native vegetation and stabilizing the slope per 25-8-032. *Please see Exhibit B of the applicants' packet for additional information.* Staff recommends approval of the waiver.

It should also be noted the applicant is requesting two other waivers to the Hill Country Roadway Ordinance (HCRO). One waiver to HCRO under LDC § 25-2-1122, is for the Floor-To-Area Ratio (FAR) of a Nonresidential Building. This waiver is for Building 3. HCRO limits the FAR to .10 on slopes more 15-25%, and the applicant is requesting .36. On slopes 25-35%, HCRO limits the FAR to .05 and the applicant is requesting .15; and for slopes over 35% the request is .08. These slopes are man-made due to the existing development and were constructed with the previous cinema site plan. *Please see Exhibit C of the applicants' packet for additional information.* Staff recommends approval of the waiver.

The last waiver is for the height of the building to exceed the requirement from 40' to 53' in a moderate intensity zone (LDC § 25-2-1124). The Land Use Commission must approve the Development Bonus, under the criteria for 25-2-1129. The applicant is proposing to meet 7 of the 12 criteria (only 6 are required). The existing cinema is approximately 63 ft. *Please see Exhibit D of the applicants' packet for additional information.* Staff recommends approval of the waiver.

The applicant will be restoring the previously-disturbed 40% natural area per Hill Country requirements. The site will comply with compatibility standards as well as the Subchapter E Design Standards. The project will also comply with the One-Star Green Building Program and will provide a Grow Green /native landscaping program. Several neighborhood groups have expressed support of the project although there is opposition from South Bee Caves Woods Neighborhood Association.

It should also be noted the applicant is requesting a 10-year expiration date to the site plan through a Managed Growth Agreement to City Council. The Managed Growth Agreement must be approved by City Council. .

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Environmental: It is within the Barton Creek Watershed and over the Edwards Aquifer Recharge Zone. The site is proposing to be redeveloped under the Redevelopment Exception to the Barton Springs Zone (BSZRE), per Land Development Code (LDC) § 25-8-27. This section supersedes Article 12 (Save Our Springs Initiative), to the extent of conflict. This tract has approximately 54% impervious coverage that will be allowed to be retained. Redevelopment of the property includes on-site water quality controls with sedimentation/sand filtration equivalency and is proposing to mitigate its impervious cover through the purchase of off-site mitigation land per LDC §25-8-27 (I). The applicant is proposing to pay approximately \$410,525 into the Barton Spring Zone Mitigation Fund to achieve this off-site land mitigation. A Redevelopment Exception to the Barton Springs Zone (per LDC§25-8-27) was approved by City Council on August 26, 2010. This site will also have an Integrated Pest Management Plan for pollution prevention and source control of pesticides and herbicides. This project will be constructed and maintained in accordance with the terms and conditions of the SOS Ordinance provisions under the Redevelopment Exception.

Transportation: A traffic impact analysis was done in conjunction with the site plan for this development, and was also reviewed by the Transportation Department and Texas Department of Transportation. The proposed traffic is anticipated to be 1,427 trips per day less than the estimated traffic level based on the previous uses on the property. The movie theatre would generate 5,620 trips per day, compared to 4,193 daily trips for the proposed mixed use development. The proposed plan will also generate 5,487 trips *less* than the previously-approved site plan on the property, although much of it was never built. The applicant is proposing to take access from three existing driveways; one driveway to Capital of Texas Highway (Loop 360) and two driveways along Walsh Tarlton. The Texas Department of Transportation has re-approved the driveway location along Loop 360 with improved access as proposed in the plan.

The applicant will post a pro-rata share of fiscal surety for improvements to several intersections (approximately \$71,483). The applicant will improve the existing driveway to Loop 360 per TxDOT's driveway standards to provide improved access. The applicant has also agreed to reserve 15 spaces for car-pooling vehicles and 3 spaces for COA car sharing program on the site plan, encourage flexible work schedule for workers to reduce the am/pm peak travel, and provide free bus passes to all employees who give up their parking space in the garage.

SURROUNDING CONDITIONS: Zoning/ Land Use

North: LR – existing bank

East: ROW for Walsh Tarlton, then GR/LO, office & Barton Creek mall (retail)

South: LO, office building, and ROW for Hwy – Loop 360

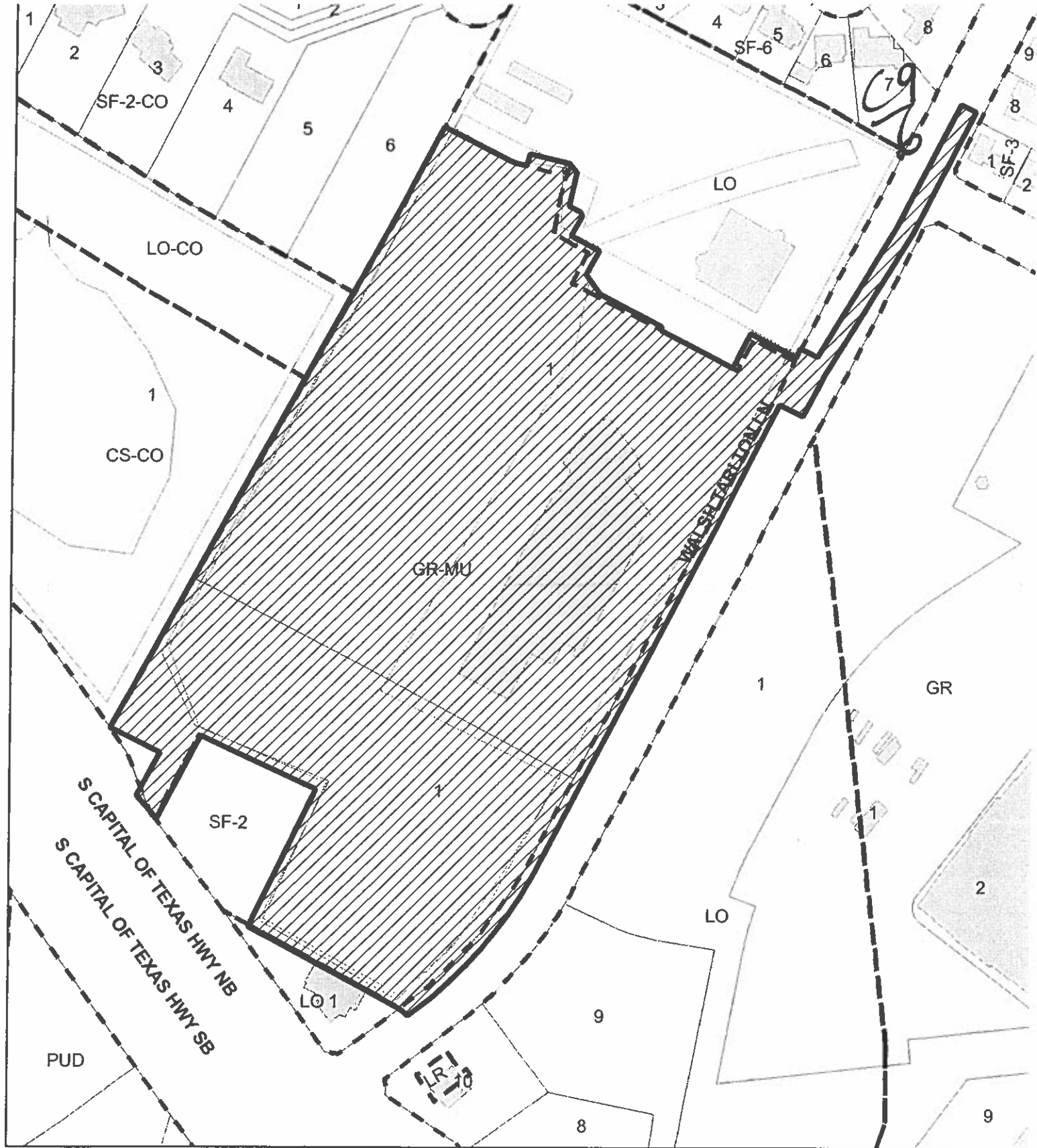
West: GR/LR-CO, vacant and SF-2-CO single family residence

ABUTTING STREETS:

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
Loop 360	250'	2 @ 42' (each way)	Highway (MAD4)
Walsh Tarlton	80'	2 @ 24' (each way)	Arterial (MAD4)

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/5**NEIGHBORHOOD ORGANIZATIONS:**

Austin Parks Foundation
Austin Neighborhood Council
Austin Monorail Project
Barton Creek North Property Owners
City of Rollingwood
League of Bicycling Voters
Homeless Neighborhood Association
Home Builders Association of Greater Austin
Real Estate Council of Austin
Save Barton Creek Association
Save Our Springs Alliance
Sierra Club, Austin Regional Group
South Bee Cave Woods Neighborhood Assn.
Stoneridge Neighborhood Association
Super Duper Neighborhood Objectors and Appealers Organization



SITE PLAN



SUBJECT TRACT



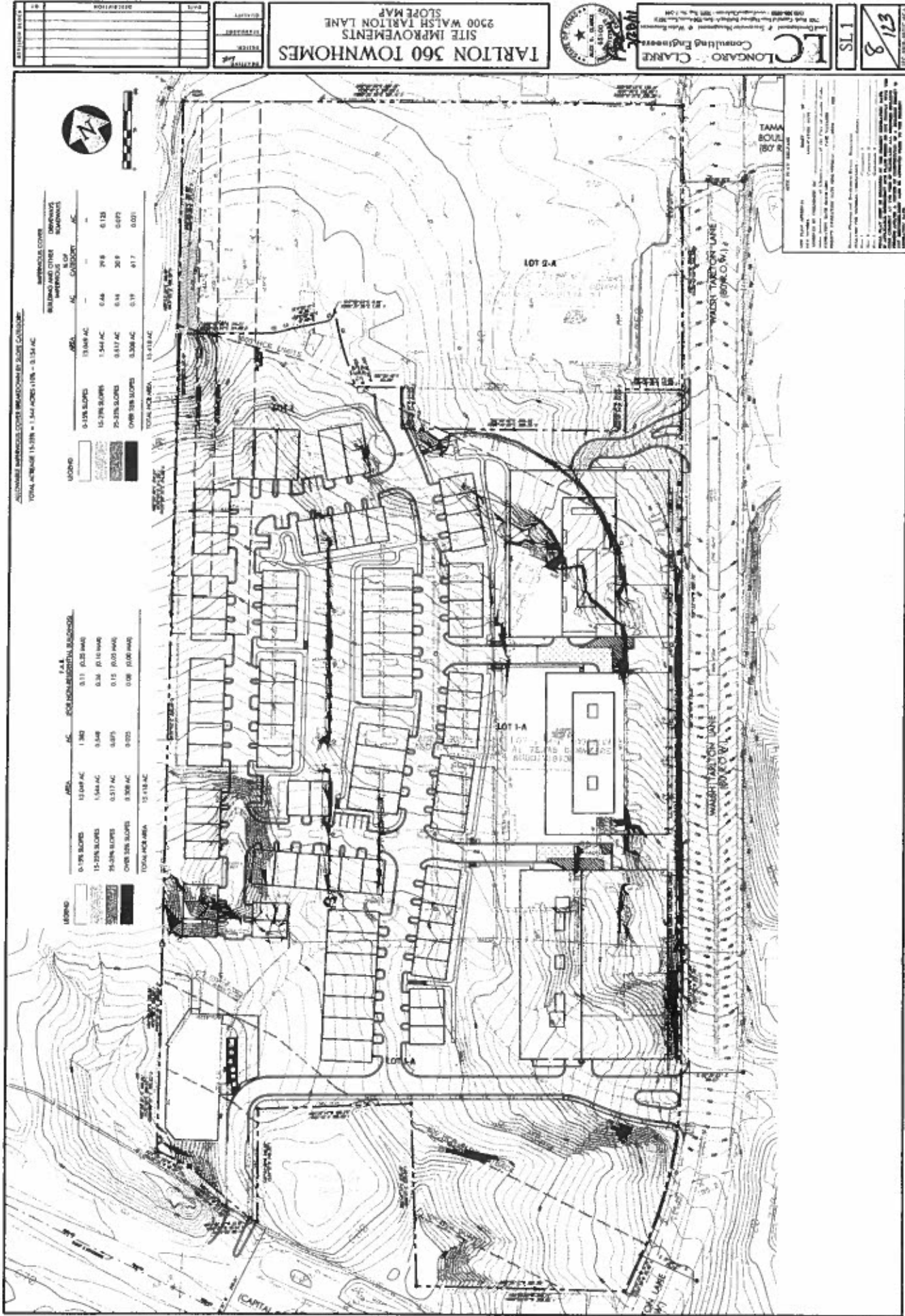
ZONING BOUNDARY

OPERATOR:

CASE#: SPC-2010-0071C.MGA
ADDRESS: 2500-2530 Walsh Tarlton
GRID:
MANAGER: Sue Welch

This map has been produced by site plan review for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

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ENVIRONMENTAL BOARD MOTION 080410-5a

Date: August 4, 2010

Subject: Tarlton 360 Townhomes SPC-2010-0071C.MGA.

Motioned By: Phil Moncada

Seconded by: Robin Gary

Recommendation

Recommend conditional approval and support of the Tarlton 360 Townhomes project allowed by the redevelopment exception to the SOS ordinance in the Barton Springs Zone (25-8-27). There are no Environmental Board conditions.

Support is based on staff's recommendation that the water quality ponds will be retrofitted to enhance and provide a higher level of pollutant removal using retention/ irrigation and that the owner will also provide \$410,525 into the Barton Springs Zone mitigation fund. Finally, redeveloping this site reuses existing development, preserves green space, increases the tax base, and is the first redevelopment case that has neighborhood support.

Vote 5-0-1-1

For: Moncada, Beall, Maxwell, Gary, and Neely

Against:

Abstain: Schissler

Absent: Anderson

Approved By:

Mary Gay Maxwell
Environmental Board Chair

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360
FACSIMILE 512-435-2399

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AMANDA MORROW
(512)435-2368
AMORROW@ABAUSTIN.COM

April 7, 2011

Mrs. Betty Baker
Chair, Zoning and Platting Commission
Austin, Texas 78701

Re: Tarlton 360 Townhomes

Dear Mrs. Baker:

Tarlton 360 Townhomes is a mixed use project that is located at the intersection of Walsh Tarlton Lane and Capital of Texas Highway (Loop 360). This project came before the Commission on May 4, 2010. At that time, the Commission voted to recommend rezoning the site to GR-MU, and recommend the Service Extension Request to the Council. On August 26, 2010 the Council approved the rezoning request, the Service Extension Request. In addition the Council approved Resolution 20100826-0404 declaring the Tarlton 360 Townhomes as a project permitted to redevelop in accordance with the Barton Springs Redevelopment Exception Ordinance.

The site is currently home to the abandoned Cinemark Movie Theater. The Tarlton 360 Townhomes project proposes to integrate 229 residential dwelling units, 8,300 square feet of retail, 3,500 square feet of restaurant and 75,819 square feet of office. While the Tarlton 360 Townhomes meets or exceeds the criteria of the Land Development Code, three exceptions are necessary to develop the project. These exceptions include:

1. construction on slopes waiver;
2. floor-to-area ratio for non-residential buildings waiver; and
3. development bonus to exceed a height of 40 feet within the Hill Country moderate intensity zone to 53 feet.

Attached hereto is a packet of material which specifically outlines the various exceptions.

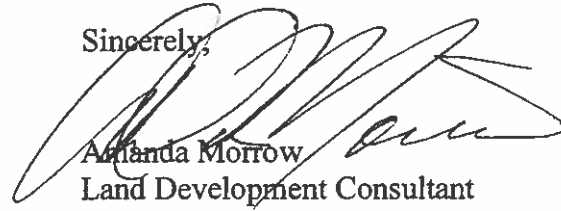
ARMBRUST & BROWN, PLLC

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Should you have any questions, or require additional information, please do not hesitate to contact David Armbrust, or me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arianda Morrow', is written over the typed name and title.

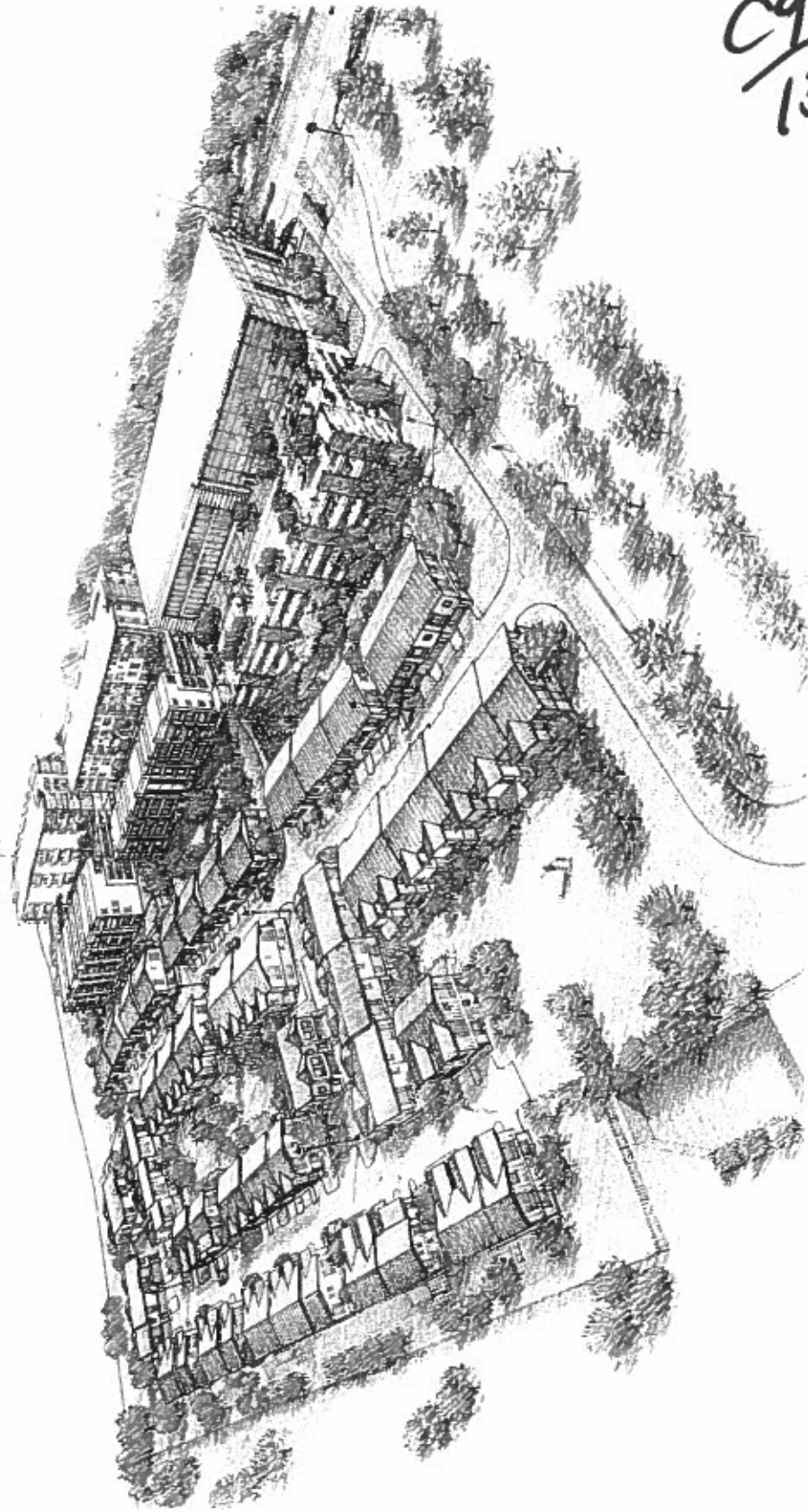
Arianda Morrow

Land Development Consultant

Attachments

cc: David Armbrust
John Burnham
Alex Clarke

Tarlton 360 Townhomes



TARLTON 360 TOWNHOMES

WALTON TARTLTON LANE, AUSTIN TEXAS

MAY 03, 2010

ARTIST'S RENDERING LOOKING NE

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DICK CLARK
ARCH



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TARLTON 360 TOWNHOMES
EXECUTIVE SUMMARY

Tarlton 360 Townhomes is a mixed use project that is located at the intersection of Walsh Tarlton Lane and Capital of Texas Highway (Loop 360). The site is currently home to a vacant Cinemark movie theater. The existing impervious cover is 53.57% with a natural area of 30%. The Tarlton 360 Townhomes project proposes to construct 229 residential dwelling units, 8,300 square feet of retail, 3,500 square feet of restaurant and 75,819 square feet of office. The site will be redeveloped in accordance with the Barton Springs Redevelopment Ordinance. While the Tarlton 360 Townhomes meets or exceeds the criteria set forth by the City of Austin Land Development Code (City Code), three exceptions are necessary to develop the project.

On August 26, 2010 the Austin City Council approved Resolution No. 20100826-040 declaring the Tarlton 360 Townhomes as a project permitted to redevelop in accordance with the Barton Springs Redevelopment Exception. Attached as Exhibit "A" is a copy of the Resolution.

The following is a brief summary of the proposed City Code exceptions, and benefits of the Tarlton 360 Townhomes project.

Exceptions:

1. Exception to Construction on slopes.

Because the site will be redeveloped in accordance with the Redevelopment Ordinance, Sections 25-8-301 & 25-8-302 (Construction on Slopes) do not apply to the redevelopment of the property. However since the site is located within the Hill Country Roadway Corridor the project must comply with the requirements of these provisions.

Justification

Justification for this exception is that the slopes are man-made and were constructed prior to the enactment of the Construction on Slopes provisions. Attached as Exhibit "B" is an Engineer's summary letter that further explains the proposed exception.

2. Exception to the Floor-to-Area Ratio (FAR) for non-residential buildings.

The City Code limits FAR for non-residential buildings within the Hill Country Roadway Corridor moderate intensity zone. This exception is limited to Building 3, which is the office/commercial building. Buildings 1 and 2 and the townhome units are residential buildings and therefore they are not included in this exception.

Justification

Justification for this exception is that the slopes located in the area of Building 3 are entirely man-made due to the existing developed conditions which were constructed prior to the enactment of the Hill Country Roadway Ordinance. Attached as Exhibit "C" is an Engineer's summary letter that further explains the proposed exception.

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3. Exception to exceed a height of 40 feet within a Hill Country Roadway Corridor moderate intensity zone to 53 feet. The City Code requires an applicant to meet at least six (6) criteria to achieve this bonus. The project proposes to meet seven (7) of the 12 development bonuses necessary to obtain this exception.

It should be noted that the existing Cinemark movie theater is 63 feet. Briefly summarized below are the development bonuses the project meets. Attached as Exhibit "D" is an Engineer's summary letter that further explains the proposed exception.

- a. Preserves a scenic vista
- b. Increases setback by more than 50% above the amount required for development.
- c. Provides a mixed-use development
- d. Participation in the green building program to reduce energy and water consumption
- e. Reduces building mass
- f. Uses pervious pavers
- g. Uses pitched roof design

Project Benefits

1. Water Quality – Increased water quality benefit by providing a retention/irrigation pond which will provide an average pollutant removal rate of 90.5%. This is well above the current removal rate of 57.4%, or that would otherwise be required under the Redevelopment Ordinance.
2. Re-irrigation – Irrigation of storm water and use of pervious pavers allows for more infiltration of waters into the aquifer and a reduction of potable water demand.
3. Integrated Pest Management Plan – Compliance with an IPM Plan.
4. Grow Green – Compliance with the Grow Green native landscaping program.
5. Natural Area – Increasing the natural area of the site from 30% to 40% through vegetative restoration.
6. Wastewater – The new lift station will provide enhanced safety features to better protect the environment.
7. Traffic – Significant reduction in traffic.
8. Mixed Use – The nature of the mixed use project will be more compatible with the surrounding land uses.
9. Impervious Cover – Lower impervious cover than allowed under current ordinance.

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10. Public Space – A large scenic vista will be provided atop Building 3 over looking the Barton Creek Greenbelt.
11. Commercial Design Standards – Pedestrian access will be encouraged along Walsh Tarlton Lane by creating an inviting streetscape with benches, large sidewalks and street trees.
12. Parkland Dedication – Compliance with parkland dedication requirement.
13. Barton Springs Zone Mitigation Fee – In addition to the enhanced water quality pond, the Applicant will pay \$410,525 into the BSZ Mitigation Fund.

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/17**RESOLUTION NO. 20100826-040**

WHEREAS, City Code section 25-8-27 (*Redevelopment Exception in the Barton Springs Zone*) provides an exception from the application of Chapter 25-8 Article 12 (*Save Our Springs Initiative*) for redevelopment of existing commercial development under specific conditions; and

WHEREAS, section 25-8-27 requires City Council approval for a redevelopment that proposes more than 25 dwelling units, is located outside the City's zoning jurisdiction, is proposed on property with an existing industrial or civic use, is inconsistent with a neighborhood plan, or will generate more than 2,000 vehicle trips a day above the estimated traffic level; and

WHEREAS, the Tarlton 360 Townhome redevelopment, described in Site plan number SPC-2010-0071C.MGA, proposes more than 25 dwelling units; and

WHEREAS, City Council has taken into consideration the following factors in determining whether to approve the Tarlton 360 Townhome redevelopment:

- (1) benefits of the redevelopment to the community;
- (2) whether proposed mitigation or manner of development offsets potential environmental impact;
- (3) effects of offsite infrastructure requirements of the redevelopment;
and
- (4) compatibility with the city's long-range planning goals;

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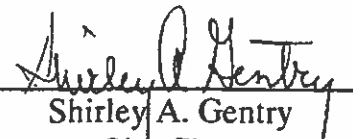
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council approves the application of City Code section 25-8-27
(*Redevelopment Exception in the Barton Springs Zone*) to the proposed
Tarlton 360 Townhome redevelopment, described in site plan number SPC-
2010-0071C.MGA.

ADOPTED: August 26, 2010

ATTEST:


Shirley A. Gentry
City Clerk



June 15, 2010

Ms. Sue Welch
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 4th Floor
Austin, Texas 78704

RE: Tarlton 360 Townhomes SPC-2009-0094C (Project)
Updated Waiver Request from LDC 25-2-1123, Construction on Slopes
Longaro & Clarke, L.P. Project #325-01-40

Dear Sue:

This letter is written to address site plan comment SP-23 for the above-referenced Project. As City staff notes, the Project is subject to LDC 25-2-1123(A). This section requires that development of property in the Hill Country Roadway corridor must comply with the requirements of Chapter 25-8, Subchapter A, Article 7, Division 3, (Construction on Slopes) and specifically LDC 25-8-301 and 25-8-302. Additionally, the Project is being redeveloped pursuant to the Leffingwell Ordinance, which was codified as LDC 25-8-27. According to the provisions of this section, the requirements of Chapter 25-8, Subchapter A, do not apply to the redevelopment of property if certain conditions are met during the redevelopment; thus, the Project would normally be exempt from LDC 25-8-301 and 25-8-302 if not subject to LDC 25-2-1123(A). Please note that the Project will meet those conditions as required by LDC 25-8-27(F) and therefore those limited environmental regulations will apply.

The extent of the waiver is indicated below and should be considered minimal:

- 1) LDC 25-8-301, Construction of a Roadway or Driveway. We are requesting a waiver for: 0.125 acres between 15% and 25%, 0.072 acres between 25% and 35%, and 0.021 acres over 35% for construction of driveways.
- 2) LDC 25-8-302, Construction of Building or Parking Area. We are requesting a waiver for: 0.306 acres above the 10% allowance for slopes between 15% and 25%, 0.16 acres on 25% and 35%, and 0.21 acres over 35% for construction of building and parking areas.

In accordance with LDC 25-2-1105, Waivers, a person applying for the waiver must demonstrate that the provision imposes an undue hardship on the development because of the location, topography, or peculiar configuration of the tract. Justification for approval of the waiver is as follows:

- 1) The slopes are primarily man-made due to the existing developed conditions of the site. The existing ponds and retaining systems are at 3:1 slopes to near vertical walls creating small areas with very large slopes. It is our opinion that LDC 25-2-1123 is not intended to regulate man-made slopes with existing development, but rather natural slopes on undeveloped tracts of land. It should

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be noted that the current improvements were constructed prior to the enactment of the Construction on Slopes requirements. As a result, we believe the existing man-made topography of the site places an undue hardship on the redevelopment of the Project.

- 2) The slopes that are not man-made are located in the northwest corner of the tract. In this area a small portion of the driveway and portions of Buildings 24 and 25 are located on slopes between 15 and 25%.
 - a) The portion of the construction on slopes located under the driveway is necessary to access an area of at least two acres that is less than 15% slope. Additionally, the driveway is required to access a least five residential units. Therefore the area of driveway on slopes greater than 15% meets LDC 25-8-301(A). All cuts/fills will be sloped and revegetated pursuant to LDC 25-8-301(B).
 - b) The portion of slopes located under Buildings 24 and 25 are allowed as long as the amount of the sloped area located in the 15-25% category does not exceed 10% of the overall area of that slope category. If the amount of construction on slopes in this slope category for the construction on the man-made slopes is not counted towards the 10% maximum then the slopes located under these units will not exceed the 10% maximum of the balance of the slopes that are not man-made in the 15-25% category. All cuts/fills will be revegetated and slopes [pursuant to LDC 25-8-302(B)(2-4).

In addition, the above construction on slopes will meet the applicable sections of 25-2-1123(D-F) regarding terracing, sloping and revegetation of cuts and fills.

- 3) As mentioned above, if the site were not located in the Hill Country Roadway corridor, the Project would be exempt from the requirements of LDC 25-8, Subchapter A and particularly LDC 25-8-301 and 302. As a result, we believe the location of the site places an undue hardship on the redevelopment of the Project.

Furthermore, LDC 25-2-1105 (A)(3) requires that if the waiver is approved, the development will provide the following benefits over what would otherwise be required:

- 1) Environmental Protection. Currently the site provides a level of 0.93" of sand filtration water quality benefit with an average pollutant removal rate of 57.4%. The Project will provide 0.86" of retention/irrigation and 0.14" of extended detention which will provide an average pollutant removal rate of 90.5%. This decrease in pollutant loads will have a positive impact on the surrounding environment and the water quality of Barton Creek. In addition, the Project will provide the same increase in water quality benefit to the Chase Bank site located directly to the north of the Project. The additional water quality benefit provided to the Chase Bank site is over and above what the Project is required to provide.

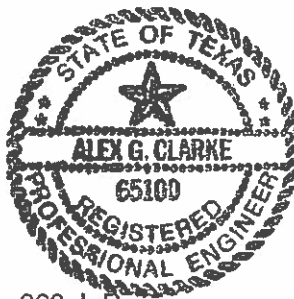
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- 2) Aesthetic Enhancement. Currently this site has an aging movie theater building that has been vacant for many years. The proposal is to redevelop the site as a mixed use project with residential, office, and retail use. The construction material used on the buildings will blend well into the Hill Country setting. Additionally, the architectural elements of the buildings will be aesthetically pleasing. Lastly, given the current conditions of the site, we believe that the mixed use project will serve to enhance the surrounding area.
- 3) Land Use Compatibility. Currently there is a vacant movie theater building located on the site. The surrounding land uses adjacent to the site consist of (i) to the north a bank and a residential neighborhood, (ii) to the east Barton Creek Mall, (iii) to the west vacant land, and a residential neighborhood, and (iv) to the south a cemetery and an office building. The site currently has existing entitlements which were approved with site plan SP-06-0464CR. These entitlements include (i) 232,000 square feet of office, (ii) 60,000 square feet of retail, and (iii) 12,000 square feet of restaurant. Given the surrounding land uses, the existing conditions of the site, and the existing entitlements approved with SP-06-0464CR, we believe that the residential, office, and retail components will fit well into the surrounding neighborhood. Please note, we have met with several of the neighborhood groups in the area, and so far we have received positive feedback on the Project.
- 4) Traffic Considerations. As shown by the TIA worksheet included with the Update #2 submittal, the proposed Project decreases traffic levels over the traffic generated by the permitted land uses approved by SP-06-0464CR.

Given the demonstration of undue hardships and the additional benefits listed above we respectfully request that the waiver from Construction on Slopes be granted. We appreciate your review of this waiver request. If you have any questions, or require any additional information, please do not hesitate to call.

Very Truly Yours,
LONGARO & CLARKE, L.P.


Alex G. Clarke, P.E.
Vice President



cc: John Burnham, CRVI Loop 360, L.P.
David Armbrust, Armbrust & Brown, L.L.P.
Amanda Morrow, Armbrust & Brown, L.L.P.
Joseph Longaro, Longaro & Clarke, L.P.

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July 14, 2010

Ms. Sue Welch
City of Austin
Planning and Development Review Department
505 Barton Springs Road
4th Floor
Austin, Texas 78704

RE: Tarlton 360 Townhomes SPC-2010-0071C.MGA (Project)
Waiver Request from LDC 25-2-1122, Floor-to-Area Ratio of a non-Residential Building
Longaro & Clarke, L.P. Project #325-01-40

Dear Sue:

Pursuant to our conversation on April 5, 2010, we are requesting a waiver from provisions of LDC 25-2-1122(A)(2) limiting the Floor-to-Area Ratio (FAR) of a non-residential building in a moderate intensity zone. Please note that this waiver is limited to only Building 3 as shown on site plan SPC-2010-0071C.MGA. Buildings 1 and 2 and the townhome units are residential buildings and therefore are not subject to LDC 25-2-1122.

The particulars of the waiver are set forth below and should be considered a minimal departure from LDC 25-2-1122:

- 1) LDC 25-2-1122 (A)(2)(b), limiting FAR to 0.10 on property with a gradient more than 15% but not more than 25%. This waiver request is to allow an FAR of 0.36 for a building on property with a gradient more than 15% but not more than 25%.
- 2) LDC 25-2-1122 (A)(2)(c), limiting FAR to 0.05 on property with a gradient more than 25% but not more than 35%. This waiver request is to allow an FAR of 0.15 for a building on property with a gradient more than 25% but not more than 35%.
- 3) This waiver request is to allow an FAR of 0.08 for a building on property with a gradient more than 35%.

In accordance with LDC 25-2-1105, Waivers, a person applying for the waiver must demonstrate that the provision imposes an undue hardship on the development because of the location, topography, or peculiar configuration of the tract. Justification for approval of the waiver is as follows:

- 1) The slopes located within the area of the proposed Building 3 are entirely man-made and created when the Cinemark Theater was built. It should be noted that the Cinemark development was constructed in accordance with rules and regulations that predated the requirements of the Hill County Ordinance, thus the Cinemark development was not subject to the FAR limitation regarding construction on slopes. As a result, the grading associated with the construction

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of the Cinemark development created numerous areas with slopes in excess of 15%, while the retaining systems created near vertical slopes in excess of 35%. It is our opinion that LDC 25-2-1122 is not intended to regulate man-made slopes with existing development, but rather natural slopes on undeveloped tracts of land. As a result, we believe the existing man-made topography of the site places an undue hardship on the redevelopment of the Project.

Furthermore, LDC 25-2-1105 (A)(3) requires that if the waiver is approved, the development will provide the following benefits over what would otherwise be required:

- 1) Environmental Protection. Currently the site provides a level of 0.93" of sand filtration water quality benefit with an average pollutant removal rate of 57.4%. The Project will provide 0.86" of retention/irrigation and 0.14" of extended detention which will provide an average pollutant removal rate of 90.5%. This decrease in pollutant loads will have a positive impact on the surrounding environment and the water quality of Barton Creek. In addition, the Project will provide the same increase in water quality benefit to the Chase Bank site located directly to the north of the Project. The additional water quality benefit provided to the Chase Bank site is over and above what the Project is required to provide.
- 2) Aesthetic Enhancement. Currently this site has an aging movie theater building that has been vacant for many years. The proposal is to redevelop the site as a mixed use project with residential, office, and retail use. The construction material used on the buildings will blend well into the Hill Country setting. Additionally, the architectural elements of the buildings will be aesthetically pleasing. Lastly, given the current conditions of the site, we believe that the mixed use project will serve to enhance the surrounding area.
- 3) Land Use Compatibility. Currently there is a vacant movie theater building located on the site. The surrounding land uses adjacent to the site consist of (i) to the north a bank and a residential neighborhood, (ii) to the east Barton Creek Mall, (iii) to the west vacant land, and a residential neighborhood, and (iv) to the south a cemetery and an office building. The site currently has existing entitlements which were approved with site plan SP-06-0464CR. These entitlements include (i) 232,000 square feet of office, (ii) 60,000 square feet of retail, and (iii) 12,000 square of restaurant. Given the surrounding land uses, the existing conditions of the site, and the existing entitlements approved with SP-06-0464CR, we believe that the residential, office, and retail components will fit well into the surrounding neighborhood. Please note, we have met with several of the neighborhood groups in the area, and so far we have received three letters of support from the various Associations.
- 4) Traffic Considerations. As shown by the TIA worksheet included with prior submittals, the proposed Project decreases traffic levels over the traffic that would be generated by the permitted land uses approved in accordance with site plan SP-06-0464CR and what the existing Cinemark Theater would generate if it were still operating.

Ms. Sue Welch
City of Austin
June 14, 2010
Page 3 of 3

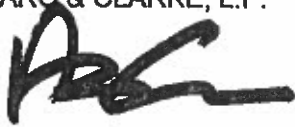
*Tarleton 360 Townhomes
FAR on Slopes Waiver Request*

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Given the demonstration of undue hardships and the additional benefits listed above, we respectfully request a waiver specifically for Building 3 from the requirements of LDC 25-2-1122.

If you have any questions, or require any additional information, please do not hesitate to call.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex Clarke, P.E.
Vice President



cc: John Burnham, CRVI Loop 360, L.P.
David Armbrust, Armbrust & Brown, L.L.P.
Amanda Morrow, Armbrust & Brown, L.L.P.
Joseph Longaro, Longaro & Clarke, L.P.

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June 21, 2010

Ms. Sue Welch
City of Austin
Watershed Protection & Development Review Department
505 Barton Springs Road
Austin, Texas 78704

RE: Tarlton 360 Townhomes SPC-2009-0094C (Project)
Updated Development Bonus Request Pursuant to LDC 25-2-1128

Dear Sue:

This letter is written to address site plan comments SP19-21 for the above-referenced Project. The site is located within the moderate intensity zone of the Hill Country Roadway corridor. As set forth in LDC 25-2-1124, a building may not be constructed that is more than 40 feet in height in a moderate intensity zone. However, Section 25-2-1128 of the Code permits the Land Use Commission to increase the building height to 53 feet in the moderate intensity zone if the Land Use Commission determines that: 1) an unusual circumstance exists, as defined in Subsection (C); and 2) the proposed development as constructed will comply with at least 50% of the criteria identified in LDC 25-2-1129. The following is our justification for the granting of the Development Bonus:

- 1) An unusual circumstance exists on this tract pursuant to LDC 25-2-1128(C)(2)(a)(b) that would allow the granting of the Development Bonus due to the use of innovative site planning and land use design. The purpose of the Project is to create a unique, pedestrian friendly, mixed-use project that will provide amenities for the residential tenants of the property and be compatible with nearby neighborhoods. The Project proposes to combine complementary uses of residential, office, and retail. Additionally, the Project will be the first to develop in accordance with the "Leffingwell" Ordinance, LDC 25-8-27. This section of the Code provides for a redevelopment exception for property with existing commercial development that is located in the Barton Springs Zone. As set forth by the requirements of LDC 25-8-27, impervious cover cannot be increased beyond existing site conditions, and an increased water quality benefit must be provided. The level of impervious cover for the Project will not be increased over the existing site conditions. Most importantly, the Project will provide a superior level of water quality benefit. This will be achieved by providing a retention/irrigation pond that will re-irrigate 0.86" of runoff over the site's open space. By providing this level of water quality benefit, an average of 90.5% pollutant removal rate will be accomplished. This will increase the water quality benefit of the tract to the Barton Creek watershed by almost 60% over what would be the minimum required level of 57.4% provided by a sedimentation/filtration pond. In addition, the Project will provide water quality benefit for the Chase Bank site located directly to the north of the Project. The additional water quality benefit to the Chase Bank site will also be increased by 60%, which is over and above what the Project is required to provide.

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- 2) In addition, the Project will comply with at least 50 percent of the twelve criteria listed in LDC 25-2-1129, Criteria for Approval of a Development Bonus. The following list provides the criteria which are proposed as part of this development. Also included is a description of how each of those criteria will be met within the Project:

(1) Preserves a scenic vista and provides a place where the public can view the scenic vista. The proposed Project will preserve a scenic vista of the Barton Creek Greenbelt and the Barton Creek Wilderness Park. Presently, motorists traveling on Walsh Tarlton toward Loop 360 enjoy a view of Barton Creek open space which is partially obstructed by the Cinemark movie theater. In addition to maintaining this view, the Project will include a 20,000 sf Scenic Vista Plaza on top of the Building 3 parking garage. Building 3 includes retail, office and restaurant uses. The Scenic Vista Plaza will be accessible and open to the public by parking located within the Building 3 parking garage and on-street parking located on Walsh Tarlton Lane. The Scenic Vista Plaza will include plantings, benches and tables for the convenience of the public. This Scenic Vista overlook will provide a view to the south west of Barton Creek Greenbelt and the Barton Creek Wilderness Park. Attached are exhibits that illustrate the existing view from Walsh Tarlton Lane, along with an enhanced view of the proposed Scenic Vista from Building 3. It should be noted that on March 11, 2010, the City of Austin and the Nature Conservancy of Texas purchased 13 acres within the Barton Creek Wilderness Park that was slated for intense commercial development. Attached is a map that identifies the location of this parcel. With this recent purchase, the property located immediately to the south of the Tarlton 360 project will now be preserved as a greenbelt in perpetuity. A view of Barton Creek itself is not possible, due to steep topography and dense vegetation between the existing/preserved scenic vistas and Barton Creek.

(4) Increases a setback by more than 50% for the development. The Project is not proposing any buildings between the 100' Roadway Vegetative Buffer and the 200' building setback line. Within this area, construction of buildings no more than 28' in height is allowed. By not building within this area we have effectively increased the Vegetative Roadway Buffer by 100%.

(5) Provides a mixed-use development. The Project is proposing a mixed use development with approximately 229 residential units (including 89 Townhomes and 140 lofts), 75,819 square feet of office development, 8300 square feet of retail and 3500 sf of restaurant. Private community facilities, including swimming pool and recreation room, will be provided in Building 1 for the entire residential community, including the 89 townhome units.

(6) Reduces building mass by breaking up buildings. Instead of creating large mass buildings over the entire site the larger mixed-used buildings are located adjacent to and fronting on Walsh Tarlton Lane. The rest of the buildings are 89 residential Townhomes located interior to the project. Within this modified Site Plan there is no building massing along the HCR corridor of Loop 360.

09/27


(7) Uses pervious pavers. The project will use pervious pavers/pervious concrete on the pedestrian ways along Walsh Tarlton Lane and along the southern driveway to Loop 360. This amounts to 19,297 sf and an impervious cover credit of 20%, or 3,859 sf, which the project is not claiming but would otherwise be entitled to.

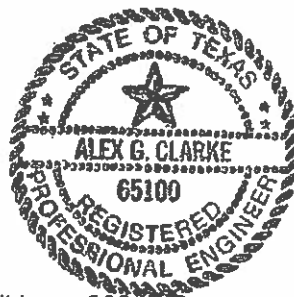
(9) Uses pitched roof design features. Pitched roof design features will be proposed for the residential structures and for the three large mixed use buildings.

(12) Use of energy-conserving or water-conserving devices that reduce energy or water consumption below City requirements. The Project is proposing to use a One-Star Green Building rating to reduce energy consumption. In addition, the project is proposing to reduce the potable water demand for landscape irrigation by 1) providing a retention/irrigation water quality benefit that is above that required by the Leffingwell Ordinance and 2) providing a HCR Natural Area landscaping plan over 40% of the site. The re-irrigation of the stormwater will reduce potable irrigation water use and allow for infiltration of more stormwater into the aquifer. The use of HCR native vegetation will reduce potable irrigation demand by providing native vegetation that is more drought tolerant than that provided by the normal landscaping requirements. In addition, the project will provide an IPM Plan and a Grow Green/native landscaping program.

Given the innovative use of site planning and land use design and the additional criteria listed above we respectfully request that the Development Bonus be granted. We appreciate your review of this request. If you have any questions, or require any additional information, please do not hesitate to call.

Very Truly Yours,
LONGARO & CLARKE, L.P.


Alex Clarke, P.E.
Vice President



cc: John Burnham – CRVI Loop 360, L.P.
David Armbrust – Armbrust & Brown, L.L.P.
Amanda Morrow – Armbrust & Brown, L.L.P.
Joe Longaro - Longaro & Clarke, L.P.

Amanda Morrow

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From: David Steinwedell [REDACTED]
Sent: Thursday, April 08, 2010 11:25 AM
To: Sue.Welch@ci.austin.tx.us
Cc: 'Litschi, Robert'; Amanda Morrow
Subject: Tarlton 360 Townhomes - SP-2009-0094C

Sue Welch
Case Manager
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 4th Floor
Austin, TX 78701

RE: SP-2009-0094C - Tarlton 360 Townhomes

Dear Ms. Welch:

We are writing you on behalf of the Hill Country Estates Homeowners Association regarding the proposed development adjacent to our neighborhood referred to as the Tarlton 360 Townhomes, case number SP-2009-0094C. We fully support the new development and site plan as a mixed use development with townhomes, condos, office and retail. As the neighborhood directly adjacent to the site, we feel the use as currently proposed is far superior to both the old theatre and the 3 building multi story office complex that was previously proposed.

We understand that there is an issue with living unit equivalents (LUE) under the mixed use plan. We believe that a use that increases home ownership and provides a small additional amenity base is a good use of LUE allocation for the City especially since a plan with greater LUE's was previously approved.

If you have any questions about this correspondence or the homeowner's position on the proposed development, please feel free to contact David Steinwedell at 512-592-9906 who is the resident in the neighborhood leading our evaluation of this project.

Respectfully,

Robert Litschi
President
Architectural Control
Hill Country Estates Homeowners Association

David Steinwedell

Rebecca H. Games
2006 Stoneridge Terrace
Austin, TX 78746

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May 3, 2010

Sue Welch, Case Manager
City of Austin
Planning and Development Review Department
905 Barton Springs Rd., 4th Floor
Austin, TX 78701

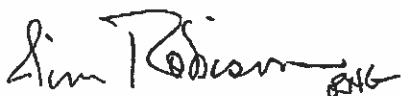
Re: Tarlton 360 Townhomes/ Zoning Case #C14-2010-0019.

Dear Ms. Welch:

Since 2008, the Stoneridge Neighborhood Association has been included in all meetings held by the developer for Tarlton 360 Townhomes. The location of the proposed development is 2224-2620 Walsh Tarlton Lane. At every step of the project the key individuals involved have taken extraordinary steps to involve the community. Mr. David Armbrust, Ms. Amanda Morrow, and Mr. John Burnham have actively sought the participation of neighbors and been amenable to suggestions regarding features of the plan and their potential impact on the community. At no point have they endeavored to proceed without community support. Having had a representative present at all of their meetings, we have witnessed this first hand.

At 6PM tomorrow, May 3rd, the Zoning and Platting Commission will consider their request to rezone the property to include Mixed Use. This will enable the developer to orient the project more toward an emphasis on upscale townhomes and condos which will blend in with the neighborhood, rather than have the entire emphasis be on office buildings for commercial use.

We support this proposed use of the property and urge the City to approve the requested re-zoning request. If you have any questions or need further clarification, please feel free to contact us at the phone numbers listed below.



Jim Robison, MD
Chair, Stoneridge Neighborhood Assn.
377-0480



Rebecca H. Games
Past Chair, Stoneridge N.A.
378-5178

PUBLIC HEARING INFORMATION

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2010-0071C.MGA

Contact: Sue Welch, 512-974-3294 or

Yolanda Parada, 512-974-2784

Public Hearing: Zoning and Platting Commission, Mar 15, 2011

DEEPAK BURMAN

Your Name (please print)

3208 Tamarron Blvd

Your address(es) affected by this application

Q and mar 3/14/11

Signature

Daytime Telephone: 512-788-3887

Date

Comments:

The area is Very crowded why you want to add more office & residential Building. There is big traffic problem currently.

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

City of Austin

Planning and Development Review - 4th floor

Sue Welch

P. O. Box 1088

Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

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.

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- appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: **SPC-2010-0071C.MGA**

Contact: **Sue Welch, 512-974-3294 or**

Yolanda Parada, 512-974-2784

Public Hearing: **Zoning and Platting Commission, Mar 15, 2011**

Maria Trinidad Rivera
Your Name (please print)

☐ I am in favor
☒ ~~I am~~ object

3808 Twilberry Ct.

Your address(es) affected by this application

Maria Trinidad Rivera
Signature

03-07-2011

Date

Daytime Telephone: _____

Comments: _____

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

City of Austin

Planning and Development Review – 4th floor

Sue Welch

P. O. Box 1088

Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

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Case Number: SPC-2010-0071C.MGA

Contact: Sue Welch, 512-974-3294 or

Yolanda Parada, 512-974-2784

Public Hearing: Zoning and Platting Commission, Mar 15, 2011

L-Guadalupe de Haro

Your Name (please print)

3218 Tamaron Blvd

Your address(es) affected by this application

03-11-2011

Date

[Signature]

Signature

Daytime Telephone:

Comments:

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

City of Austin

Planning and Development Review - 4th floor

Sue Welch

P. O. Box 1088

Austin, TX 78767-8810

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October 27, 2010

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Ms. Sue Welch
Case Manager
City of Austin
Planning and Development Review Department
505 Barton Springs Rd., 4th Floor
Austin, TX 78701

Dear Ms. Welch:


As residents of the South Bee Cave Woods neighborhood, we oppose planned development of the Tarlton/360 Townhomes project at the intersection of Walsh Tarlton Dr. and Loop 360 (Capital of Texas Highway). We believe the development plan that is currently under consideration would be detrimental to our neighborhood for the following reasons:


1. The density of the proposed development includes 4 four-story commercial buildings and 229 condos and townhomes on 16 acres, which would be more than one-half of the total number of residences in our neighborhood.
2. Increased and excessive traffic through our residential streets would result, which are already being used as cut-throughs from Mopac to Walsh Tarlton via Thousand Oaks Dr. and on streets from Thousand Oaks to Barton Creek Square Mall.
3. Not only is the site in close proximity to the sensitive Barton Springs Greenbelt, but the increase in impervious cover very likely would be detrimental to the environment in this area.

On March 8, 2010, Jim Nash, Chairman of the South Bee Caves Woods Neighborhood Association, sent you a letter stating that "...the SBWNA fully supports this development and site plan" and urged the City "to move forward with approval of this development as quickly as possible." That letter was sent without prior knowledge or approval of committee members or other members of the Association. After his letter was made known through an interview with the *Austin American Statesman*, Mr. Nash then called a general meeting of the SBWNA on May 25 to have members vote for or against the development, which he had already publicly supported. As a result, the election may have been biased in favor of the developer. Furthermore, membership in the Association includes only a small percentage of residents and may not represent the opinions of the majority of homeowners in the neighborhood.

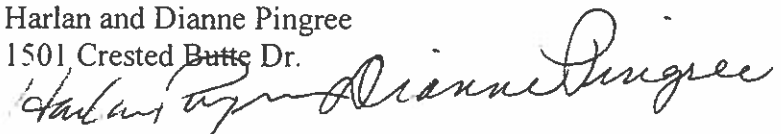
In view of the above, we wish to reiterate our strong opposition to the development plan as currently submitted. A list of other homeowners who oppose this development will be forwarded to you.

Very truly yours,

 Macy Holderness
Earl and Macy Holderness
2943 Thousand Oaks Dr.
Austin, TX 78746

 Dario and Lynne David
3201 Foxfire Dr.
Austin, TX 78746

Harlan and Dianne Pingree
1501 Crested Butte Dr.



Welch, Sue

From: SOUTH BEECAVE WOODS NA [REDACTED]
Sent: Friday, April 15, 2011 10:11 AM
To: Welch, Sue
Subject: Request for a postponement for Public Hearing for Case SPC-2010-0071C.MGA

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Ms Welch,

On behalf of the Executive Committee of the South Beecave Woods Neighborhood Association, I am requesting a postponement of the public hearing regarding the Waiver / Variance Requests.

We are currently in communication with the City and Developers regarding this development and have outstanding questions and issues under discussion.

Let me know if you require any further details

Regards

Lynne Harrison-David
Chair South Beecave Woods NA

--

SWBNA
SOUTH BEECAVE WOODS NEIGHBORHOOD ASSOCIATION
P.O. Box 160434
Austin, Texas 78716-0434

4/15/2011