

**TARLTON 360 TOWNHOMES  
APPLICANT'S  
INFORMATION/EXHIBITS**

# **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

AMANDA MORROW  
(512)435-2368  
[AMORROW@ABAUSTIN.COM](mailto: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.

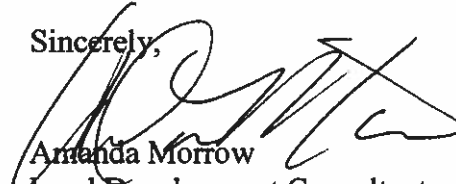
Attached hereto is a packet of material which specifically outlines the various exceptions.

**AMBRUST & BROWN, PLLC**

Page 2

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

Sincerely,

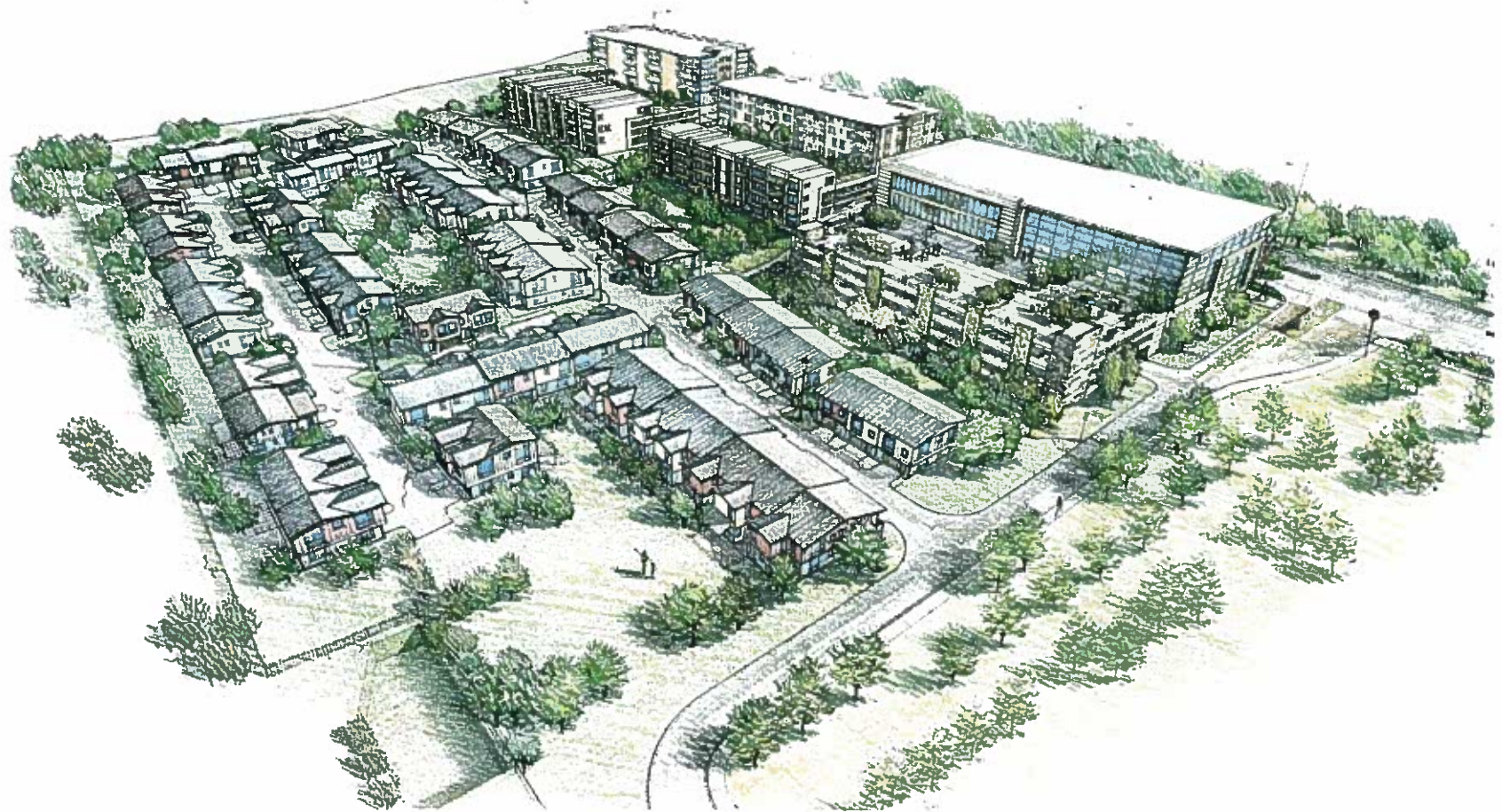


Amanda Morrow  
Land Development Consultant

**Attachments**

cc: David Armbrust  
John Burnham  
Alex Clarke

# Tarlton 360 Townhomes



## TARLTON 360 TOWNHOMES

WALKER TARTON LANE, AUSTIN TEXAS

JULY 09, 2010

ARTIST'S RENDERING LOOKING NE

DICK CLARK

ARCHITECTS



## **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.

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.

## 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;



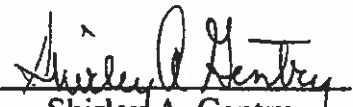
**NOW, THEREFORE,**

**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







## TARLTON 360 TOWNHOMES

WALSH TARLTON LANE, AUSTIN, TEXAS

JULY 22, 2010

AERIAL PHOTO

**EC** LONGARO & CLARKE  
Consulting Engineers  
Land Development • Surveying • Management • Water Resources  
7302 North Central Expressway • Building A • Suite 200 Austin, Texas 78731  
(512) 306-0098 • www.LongaroClarke.com • (512) 306-0539 fax

**DICK CLARK**  
ARCHITECTURE  
www.dickclark.com







## TARLTON 360 TOWNHOMES

WALSH TARLTON LANE, AUSTIN, TEXAS

JULY 22, 2010

AERIAL PHOTO

**EC** LONGARO & CLARKE **DICK CLARK**  
Consulting Engineers  
Land Development • Stormwater Management • Water Resources  
7301 North Capital of Texas Highway • Building A • Suite 250 • Austin, Texas 78731  
512.366.0300 • www.LongarClarke.com • 609.016.1111







## TARLTON 360 TOWNHOMES

WALSH TARLTON LANE, AUSTIN TEXAS

JULY 22, 2010

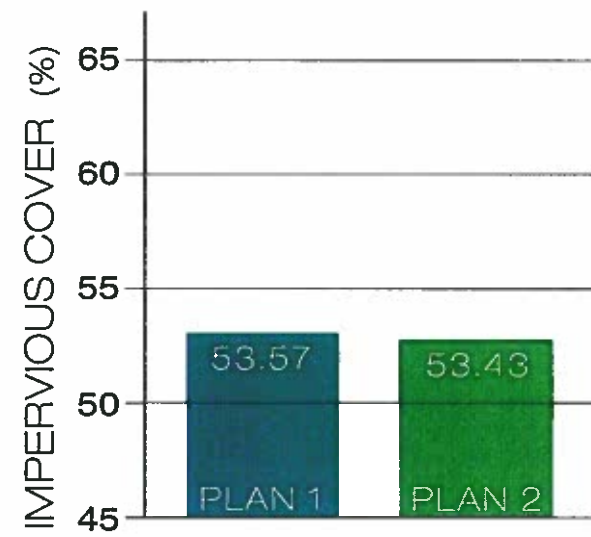
RENDERED SITE PLAN

DICK CLARK  
ARCHITECTURE  
512.472.4280  
www.ccarch.com

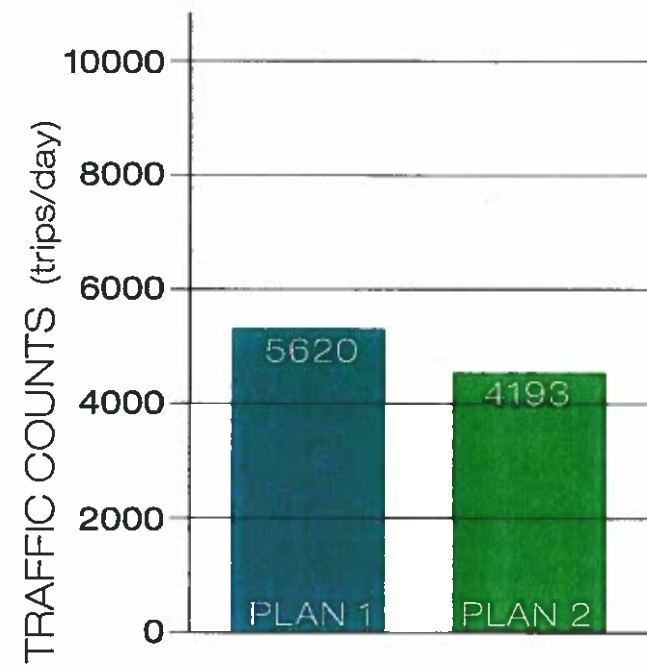




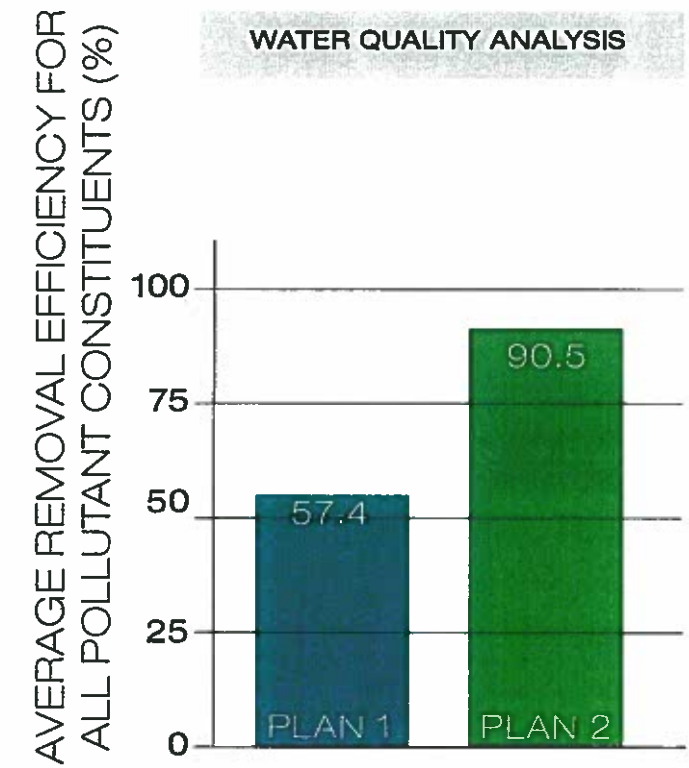
IMPERVIOUS COVER ANALYSIS



TRAFFIC ANALYSIS



WATER QUALITY ANALYSIS



PLAN 1: Existing Site Conditions  
PLAN 2: Mixed Use Plan

# TARLTON 360 TOWNHOMES

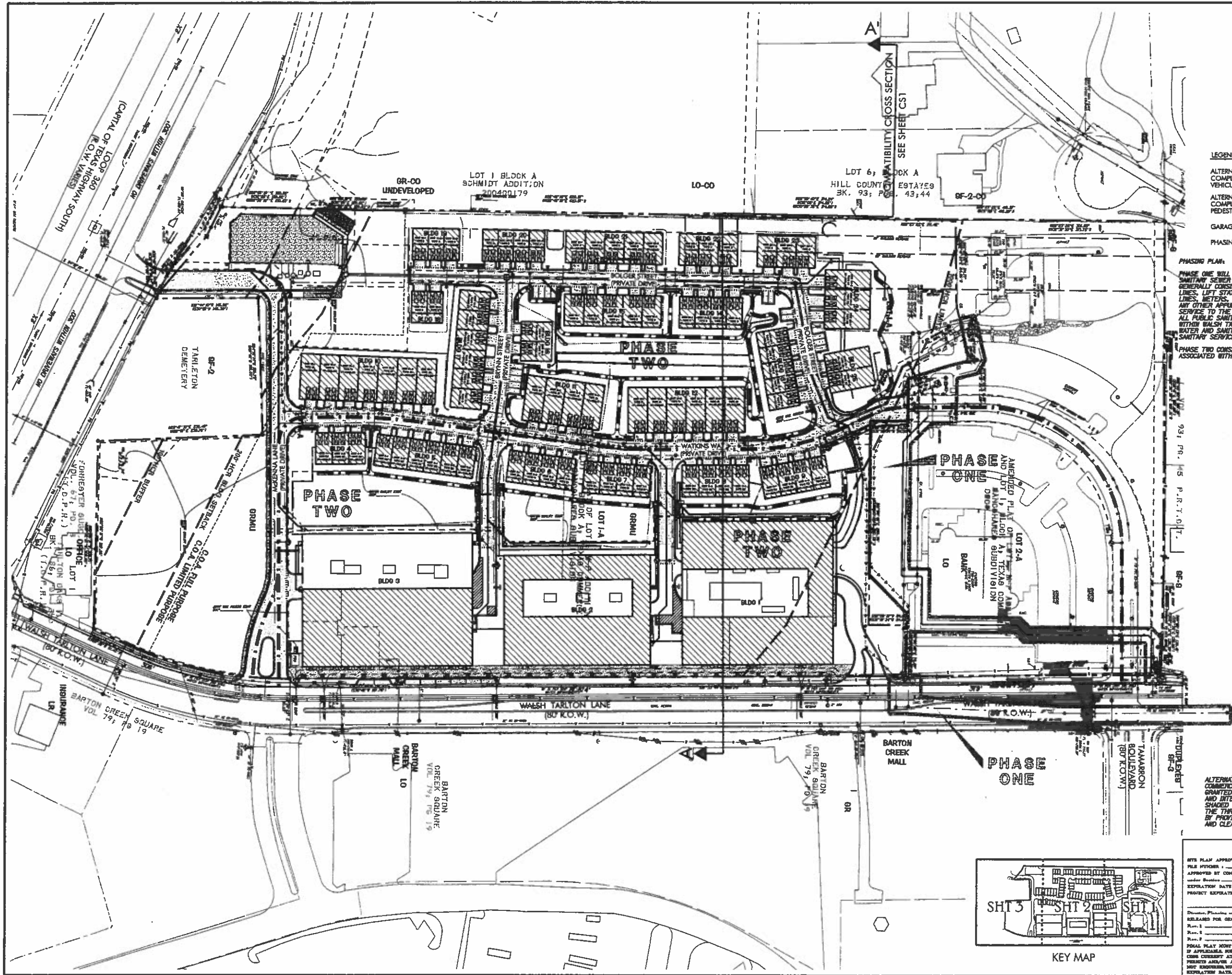
WALSH TARLTON LANE, AUSTIN, TEXAS

APRIL 01, 2011

GRAPHIC ANALYSIS

**EC** LONGARO & CLARKE  
Consulting Engineers  
Land Development • Stormwater Management • Water Resources  
200 North Capital of Texas Highway • Building A • Suite 200 • Austin, Texas 78728  
512.330.0255 • www.LongaroClarke.com • 512.330.0255 fax

**DICK CLARK**  
ARCHITECTURE  
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www.dckarch.com  
**dca**



- LEGEND:
- ALTERNATIVE COMPLIANCE VEHICULAR ICR
  - ALTERNATIVE COMPLIANCE PEDESTRIAN ICR
  - GARAGE SPACE
  - PHASING LINE

PHASING PLAN:

PHASE ONE WILL CONSIST OF ALL THE WATER SERVICE AND SANITARY SEWER SERVICE TO THE CHASE BANK SITE. THIS GENERALLY CONSISTS OF THE GRAVITY SANITARY PLUMBING LINES, LIFT STATION, FORCE MAIN, WATER SERVICE PLUMBING LINES, METERS, CONNECTIONS TO THE PUBLIC SYSTEM AND ANY OTHER APPURTENANCES REQUIRED TO BRING UPDATED SERVICE TO THE BANK. PHASE ONE WILL ALSO INCLUDE ALL PUBLIC SANITARY AND WATER IMPROVEMENTS LOCATED WITHIN WALSH TARLTON LANE NECESSARY TO BRING UPDATED WATER AND SANITARY SERVICE TO THE BANK AND THE SANITARY SERVICE TO THE TARLTON 360 TOWNHOMES SITE.

PHASE TWO CONSISTS OF ALL OTHER IMPROVEMENTS ASSOCIATED WITH THE TARLTON 360 TOWNHOMES PLAN.

ALTERNATIVE EQUIVALENT COMPLIANCE TO THE COMMERCIAL DESIGN STANDARDS HAS BEEN GRANTED FOR VARIATIONS IN THE BLOCK LENGTH AND INTERNAL CIRCULATION ROUTE BY PROVIDING SHADED WALKWAYS FROM THE TOWNHOMES TO THE THREE LARGE MIXED USE BUILDINGS 1-3 AND BY PROVIDING A 12' STREET TREE / FURNITURE AND CLEAR ZONES ALONG WALSH TARLTON LANE.



SITE PLAN RELEASE

SITE PLAN APPROVAL \_\_\_\_\_ REEST \_\_\_\_\_ OF \_\_\_\_\_

APPROVED BY COMMISSION ON \_\_\_\_\_ APPLICATION DATE \_\_\_\_\_

under Section \_\_\_\_\_ of Chapter \_\_\_\_\_ of the City of Austin Code

EXPIRATION DATE 06-01-2020: \_\_\_\_\_ CASE NUMBER \_\_\_\_\_

PROJECT EXPIRATION DATE 06-01-2020: \_\_\_\_\_ DATE \_\_\_\_\_

Director, Planning and Development Review Department

RELEASED FOR GENERAL COMPLIANCE: \_\_\_\_\_

Rev. 1 \_\_\_\_\_ Correction 1 \_\_\_\_\_

Rev. 2 \_\_\_\_\_ Correction 2 \_\_\_\_\_

Rev. 3 \_\_\_\_\_ Correction 3 \_\_\_\_\_

FINAL PLAN MUST BE RECORDED BY THE PROJECT EXPIRATION DATE, IF APPLICABLE, SUBSEQUENT SITE PLANS WHEN SO NOT COMPLY WITH THE FINAL EXPIRATION DATE. THE USER OF THIS PLAN AND ALL SUBSEQUENT VARIATIONS MUST PROVIDE A NOTICE OF CONSTRUCTION OF A BUILDING PERMIT IN NOT EXCEEDING 100% ALSO BE APPROVED PRIOR TO THE PROJECT EXPIRATION DATE.

REVISION BLOCK	
DATE	DESCRIPTION

DATE	DESIGN	STANDARD	QUALITY

TARLTON 360 TOWNHOMES  
SITE IMPROVEMENTS  
2500 WALSH TARLTON LANE  
OVERALL PROJECT LAYOUT



LONGARGO & CLARKE  
Consulting Engineers  
Lead Development: © Stormwater Management © Water Resources  
700 North Capital of Texas Highway, Suite 200 Austin, Texas 78701  
512-350-0058 www.longargoandclarke.com











# EXHIBIT B



7501 North Capital of Texas Highway Building A, Suite 250 Austin, Texas 78731 Tel: (512) 306-0228 Fax: (512) 306-0338

TBPEReg.No.F-544

June 15, 2010

Ms. Sue Welch  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road, 4<sup>th</sup> 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

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.

- 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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**TARLTON 360 TOWNHOMES**

WALSH TARLTON LANE, AUSTIN, TEXAS

JULY 22, 2010

CONSTRUCTION ON SLOPES

**LONGARO & CLARKE**  
 Consulting Engineers  
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 (512) 305-0238 • www.LongaroClarke.com • (512) 305-0336 fax

**DICK CLARK**  
 ARCHITECTURE  
512 473 4930  
 www.dickclark.com

July 14, 2010

Ms. Sue Welch  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road  
4<sup>th</sup> 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

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 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 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

**Tariton 360 Townhomes  
FAR on Slopes Waiver Request**

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.

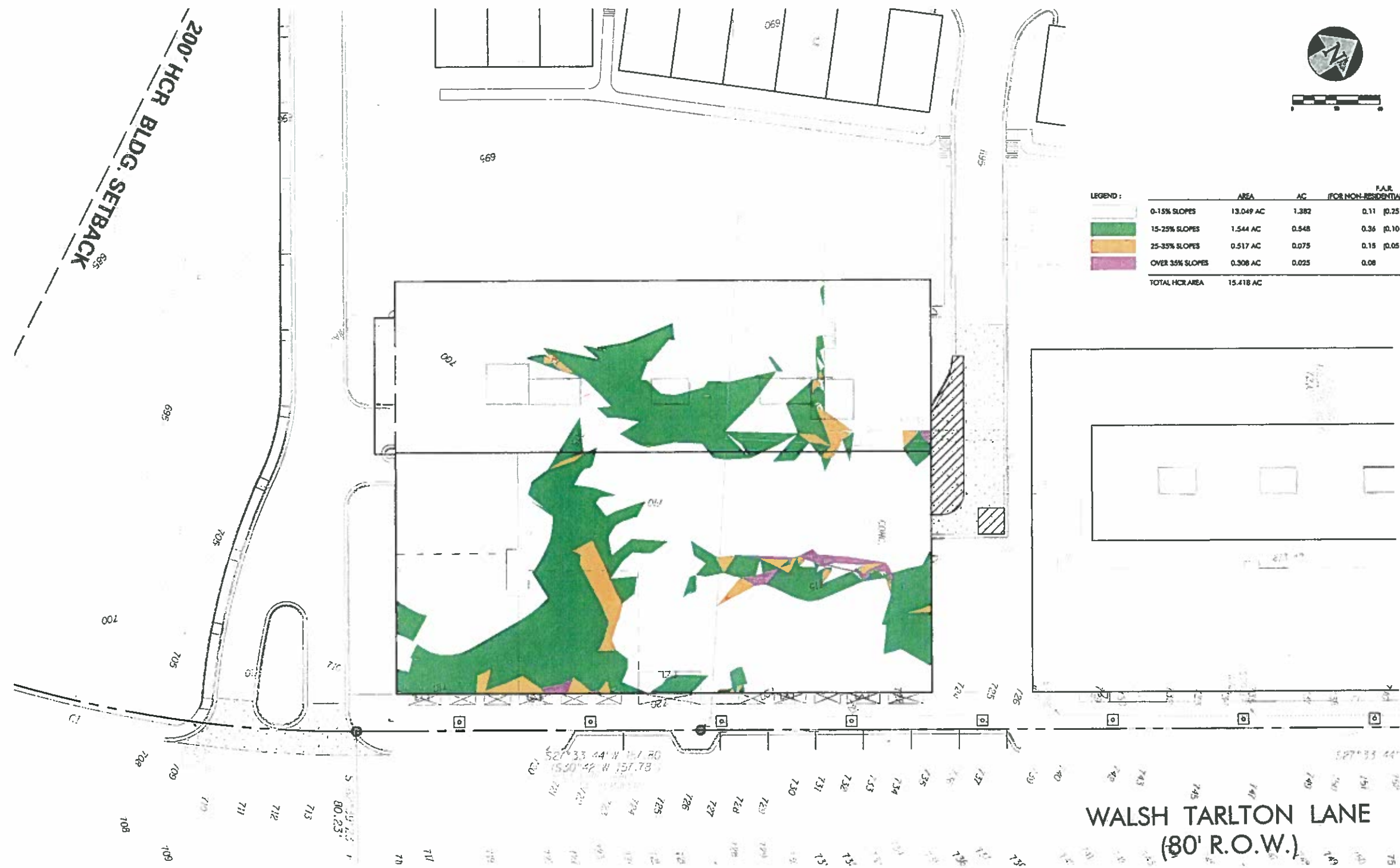


Alex Clarke, P.E.  
Vice President



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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LEGEND :

	AREA	AC	F.A.R. (FOR NON-RESIDENTIAL BUILDINGS)
0-15% SLOPES	13.049 AC	1.382	0.11 (0.25 MAX)
15-25% SLOPES	1.544 AC	0.548	0.36 (0.10 MAX)
25-35% SLOPES	0.517 AC	0.075	0.15 (0.05 MAX)
OVER 35% SLOPES	0.308 AC	0.025	0.08
TOTAL HCR AREA	15.418 AC		

**TARLTON 360 TOWNHOMES**  
 WALSH TARLTON LANE, AUSTIN, TEXAS  
 JULY 22, 2010  
 FLOOR TO AREA RATIO ON SLOPES

**EC** LONGARO & CLARKE  
 Consulting Engineers  
 Lead Development • Stormwater Management • Water Resources  
 2501 North Capital of Texas Highway • Building A • Suite 250 Austin, Texas 78728  
 (512) 500-0228 • www.LongaroClarke.com • (512) 500-0336 fax

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**DLA**



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Austin, Texas 78731

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## EXHIBIT D

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.

- 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.


(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.





BARTON CREEK  
WILDERNESS PARK

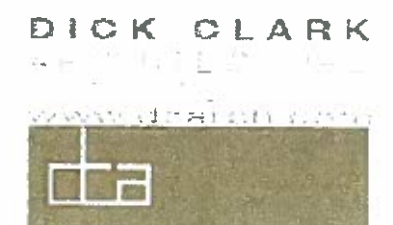
TARLTON 360

PRESERVED BARTON  
CREEK SCENIC VISTA

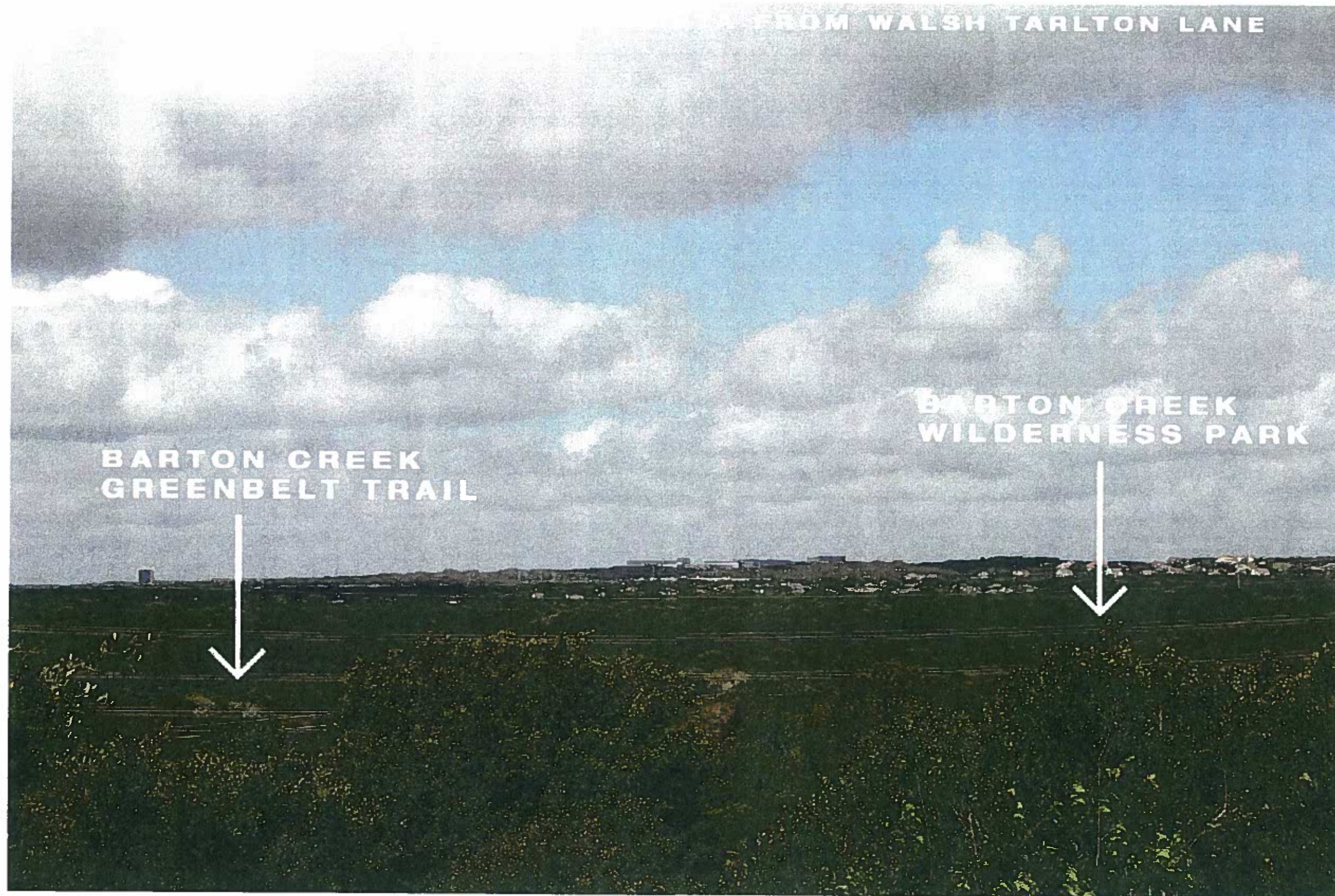
BARTON CREEK  
MALL

## TARLTON 360 TOWNHOMES

austin, texas  
june 18, 2010  
site views







## TARLTON 360 TOWNHOMES

austin, texas  
june 16, 2010  
site view 0

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# PRESERVED BARTON CREEK SCENIC VISTA

BARTON CREEK  
WILDERNESS PARK



## TARLTON 360 TOWNHOMES

Austin, Texas  
June 16, 2010  
Steve Vela





VISTA FROM PUBLIC PLAZA



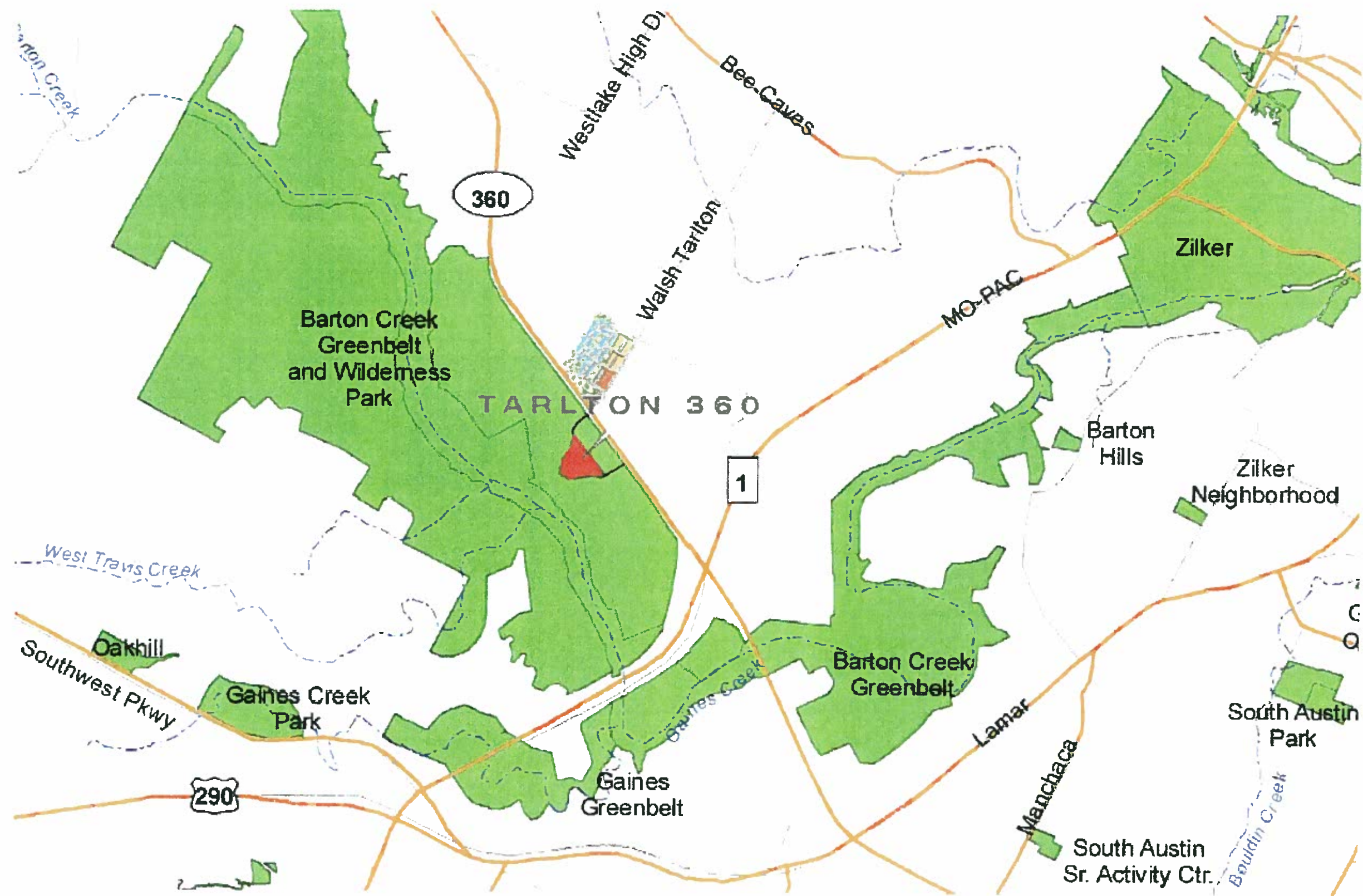
## TARLTON 360 TOWNHOMES

Austin, Texas  
June 10, 2010  
Site View 10

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# **TARLTON 360 TOWNHOMES**

austin, texas  
 June 19, 2010  
 Barton Creek Greenbelt Expansion



SECTION BOARD

ROOF - 7.0.0

LEVEL 4 - FINISH FLOOR - 7.00.0

LEVEL 3 - FINISH FLOOR - 7.00.0

LEVEL 2 - FINISH FLOOR - 7.00.0

LEVEL 1 - FINISH FLOOR - 7.00.0

LEVEL -05 - FINISH FLOOR - 7.00.0

LEVEL -05 - FINISH FLOOR - 7.00.0

LEVEL -05 - FINISH FLOOR - 7.00.0



METAL FACER

DRAWN BY

SET ISSUE  
06-15-10

## REVISIONS

**SHEET TITLE**

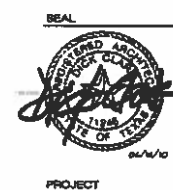
ELEVATIONS  
BLDG. 1

9-125T 24/12

**A 2.**

BPC-2010-0071CJGA

**CAUTION:** DO NOT SCALD YOURSELF OR OTHERS. ALWAYS USE THE PROPER WAY TO HANDLE THE APPLIANCE AND HOT OILS. IN CONJUNCTION WITH THIS PAGE



3 ELEVATION - WEST

2 ELEVATION - NORTH

Architectural elevation drawing of the proposed building for the 10000 block of 10th Avenue, NW. The drawing shows a multi-story structure with a central section labeled "STUCCO" and "METAL FACIA". The building is situated on a sloping lot. The drawing includes height markers on the left and right sides, ranging from 717'-0" to 788'-0". The drawing is labeled "STUCCO" and "METAL FACIA".

1 ELEVATION - SOUTH

NOTE: COMPLIANCE WITH BUILDING DESIGN STANDARDS, ARTICLE 3 OF SUB-CHAPTER E, IS REQUIRED, AND IS TO BE REVIEWED FOR COMPLIANCE DURING BUILDING CODE REVIEW.

[illegible]

**TARLTON 360  
TOWNHOMES  
AUSTIN, TEXAS**

**DRAWN BY**

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**SET ISSUE**

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08\_15\_10

**REVISIONS**

SHEET TITLE

ELEVATIONS  
BLDG. 2

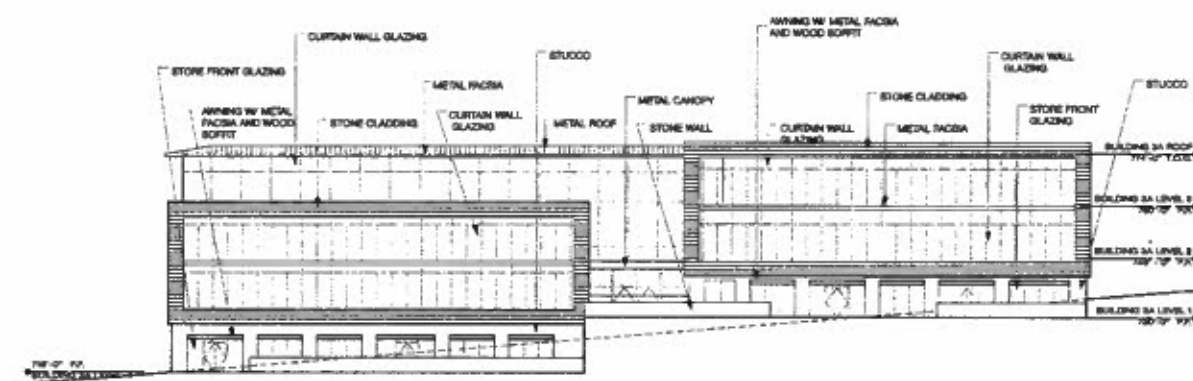
SHEET 25 / 123

A 2.2

SPC-2010-0071C.M4A

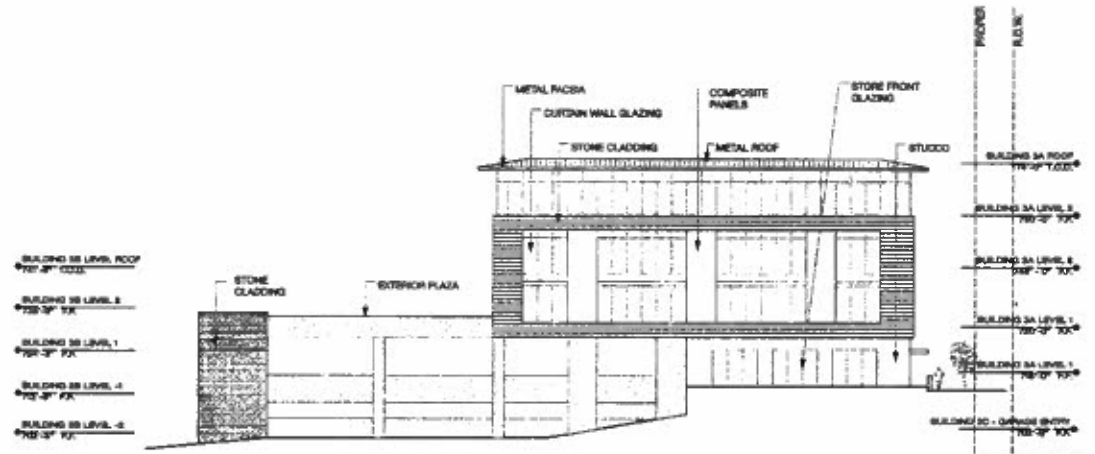
CHANGING DO NOT SCALE INFORMATION  
THIS INFORMATION IS THE PROPERTY OF  
THE ARCHITECT AND MAY ONLY BE USED  
IN CONNECTION WITH THIS PROJECT





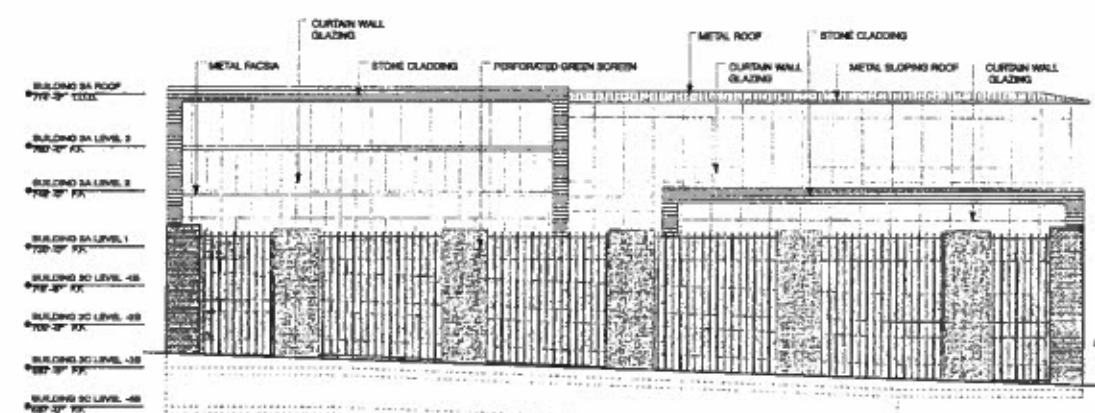
**4 ELEVATION - EAST**  
SCALE: 1" = 20' N

NOTE: BUILDING(S) SHALL BE DESIGNED TO UTILIZE, TO THE GREATEST EXTENT FEASIBLE, BUILDING MATERIALS SUCH AS ROCK, STONE, BRICK, AND WOOD, WHICH ARE COMPATIBLE WITH THE HILL COUNTRY ENVIRONMENT. MIRRORING GLASS WITH A REFLECTANCE GREATER THAN 20% IS PROHIBITED (SECTION 25-2-1126)



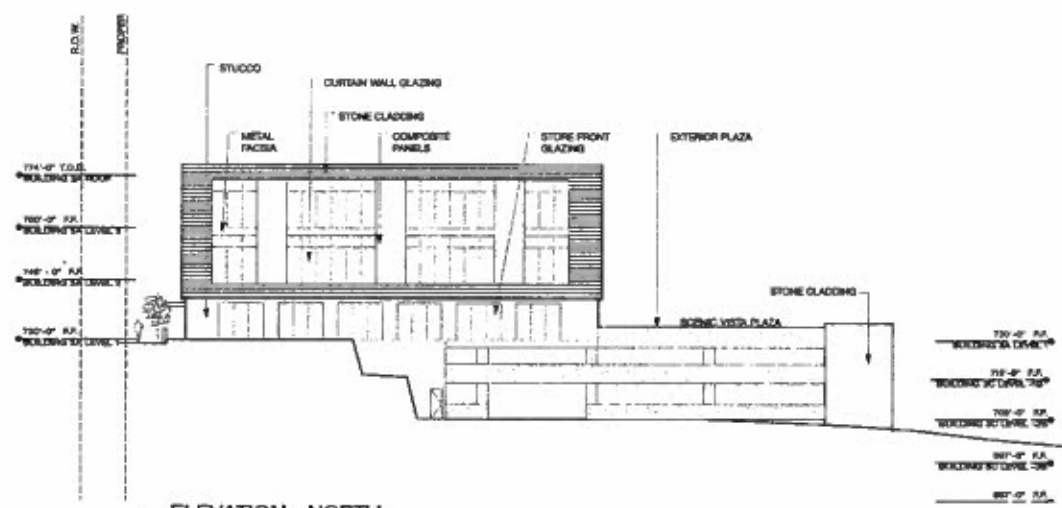
**3 ELEVATION - SOUTH**  
SCALE: 1" = 20' N

NOTE: BUILDING(S) SHALL BE DESIGNED TO UTILIZE, TO THE GREATEST EXTENT FEASIBLE, BUILDING MATERIALS SUCH AS ROCK, STONE, BRICK, AND WOOD, WHICH ARE COMPATIBLE WITH THE HILL COUNTRY ENVIRONMENT. MIRRORING GLASS WITH A REFLECTANCE GREATER THAN 20% IS PROHIBITED (SECTION 25-2-1126)



**3 ELEVATION - WEST**  
SCALE: 1" = 20' N

NOTE: BUILDING(S) SHALL BE DESIGNED TO UTILIZE, TO THE GREATEST EXTENT FEASIBLE, BUILDING MATERIALS SUCH AS ROCK, STONE, BRICK, AND WOOD, WHICH ARE COMPATIBLE WITH THE HILL COUNTRY ENVIRONMENT. MIRRORING GLASS WITH A REFLECTANCE GREATER THAN 20% IS PROHIBITED (SECTION 25-2-1126)



**1 ELEVATION - NORTH**  
SCALE: 1" = 20' N

NOTE: BUILDING(S) SHALL BE DESIGNED TO UTILIZE, TO THE GREATEST EXTENT FEASIBLE, BUILDING MATERIALS SUCH AS ROCK, STONE, BRICK, AND WOOD, WHICH ARE COMPATIBLE WITH THE HILL COUNTRY ENVIRONMENT. MIRRORING GLASS WITH A REFLECTANCE GREATER THAN 20% IS PROHIBITED (SECTION 25-2-1126)

NOTE: COMPLIANCE WITH BUILDING DESIGN STANDARDS, ARTICLE 3 OF SUB-CHAPTER II, IS REQUIRED, AND IS TO BE REVIEWED FOR COMPLIANCE DURING BUILDING CODE REVIEW.

**TARLTON 360**  
TOWNHOMES  
AUSTIN, TEXAS

DRAWN BY  
SET ISSUE  
06.15.20  
REVISIONS

SHEET TITLE  
**BUILDING 3**  
**ELEVATIONS**

SHEET **26/123**  
**A 2.3**

SITE PLAN RELEASE		
BY PLAN APPROVAL	DATE	BY
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE
DESIGNED BY	APPROVED BY	DATE

CAUTION: DO NOT REUSE DRAWINGS  
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DICK CLARK ARCHITECTURE AND IS NOT TO BE  
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LANDSCAPE CALCULATIONS:

STREET YARD		
TOTAL SITE AREA	REQUIRED N/A	PROVIDED 707,414 S.F.
TOTAL STREET YARD "A" AREA	N/A	22,802 S.F.
STREET YARD "A" LANDSCAPE	4,580 S.F. (20%)	8,353 S.F. (28%)
TOTAL STREET YARD "B" AREA	N/A	52,637 S.F.
STREET YARD "B" LANDSCAPE	10,527 S.F. (20%)	32,809 S.F. (62%)
TREES (STREET YARD "A")		
EXISTING TREES CREDIT 2" DIA. - 6" DIA.	REQUIRED 15	PROVIDED 41
6" DIA. OR GREATER	N/A	N/A
PROPOSED TREES (STREET YARD)	N/A	27
TREES (STREET YARD "B")		
EXISTING TREES CREDIT 2" DIA. - 6" DIA.	REQUIRED 27	PROVIDED 27
6" DIA. OR GREATER	N/A	N/A
PROPOSED TREES (STREET YARD)	N/A	5

REPLACEMENT TREES		
TOTALS	REQUIRED 440" TOTAL	PROVIDED 441" TOTAL
MINIMUM REPLACEMENT VALUES:		
PROTECTED TREES, CLASS I-II:	96" @ 50% = 48"	
PROTECTED TREES, CLASS III-IV:	0" @ 20% = 0"	
NON-PROTECTED TREES, CLASS I-II:	1415" @ 25% = 354"	
NON-PROTECTED TREES, CLASS III-IV:	378" @ 10% = 38"	
NUMBER & SIZE OF REPLACEMENT TREE:		
		147 @ 3" = 441"
ISLANDS, MEDIANS & PENINSULAS		
STREET YARD AREA (NO PROPOSED PARKING SPACES)	REQUIRED 128 S.F.	PROVIDED >128 S.F.
NON-STREET YARD AREA	80 S.F.	>80 S.F.

TOTAL HILL COUNTRY ROADWAY SITE AREA	671,808 S.F. (15.418 ACRES)
30.0% EXISTING NATURAL AREA	201,482 S.F. (4.625 ACRES)
40.0% TOTAL NATURAL AREA REQUIRED	268,643 S.F. (6.167 ACRES)
NATURAL AREA LEFT UNDISTURBED	106,183 S.F.
NATURAL AREA RESTORED	165,462 S.F.
40.4% TOTAL NATURAL AREA PROVIDED	271,645 S.F. (6.236 ACRES)

<u>RESTORATION PLANTING SCHEDULE</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
RESTORATION AREA	N/A	165,462 S.F.
NATIVE LARGE TREES (2" CALIPER MIN.)	1 PER 200 S.F.	**31
NATIVE SMALL TREES (6" HT. MIN.)	2 PER 200 S.F.	*436
NATIVE SHRUBS (5 GALLON MIN.)	8 PER 200 S.F.	*1,308
<u>PLANT MATERIAL:</u>		
NATIVE TREES AND SHRUBS WILL BE IN ACCORDANCE WITH THE PREFERRED PLANT LIST, APPENDIX N OF THE CITY OF AUSTIN'S ENVIRONMENTAL CRITERIA MANUAL.		

**HILL COUNTRY NATURAL AREA REVEGETATION NOTES:**

**UNDISTURBED NATURAL AREA:**  
NATURAL AREAS CONTAINING A SIGNIFICANT NUMBER OF TREES AND OTHER VEGETATION HAVE BEEN HIGHLIGHTED ON THIS PLAN. THESE "NATURAL" AREAS WILL BE PROTECTED IN ACCORDANCE WITH CITY OF AUSTIN STANDARD SPECIFICATIONS AND CITY OF AUSTIN STANDARDS FOR TREE PROTECTION.

**NATURAL AREA RESTORATION:**  
RESTORATION AREAS WHERE PREVIOUS DEVELOPMENT HAS OCCURRED HAVE BEEN HIGHLIGHTED ON THIS PLAN. THESE RESTORED "NATURAL" AREAS WILL BE PLANTED IN ACCORDANCE WITH CITY OF AUSTIN SPECIAL REVEGETATION CRITERIA FOR HILL COUNTRY ROADWAY SITES WITH THE QUANTITIES SHOWN IN THE RESTORATION PLANTING SCHEDULE.

**NATIVE GRASS SEEDING:**  
ALL DISTURBED AREAS IN HCR BETWEEN IMPERVIOUS COVER AND LIMITS OF CONSTRUCTION TO BE SEEDDED WITH A MIXTURE CONTAINING A MINIMUM OF 3 DIFFERENT SPECIES OF NATIVE GRASS AND 5 DIFFERENT SPECIES OF WILDFLOWER SEED PROVIDING COMPLETE COVERAGE.

**LEGEND**

SYMBOL	SPECIES
	PROPOSED TREE
	EXISTING TREE
	NATURAL AREA TO REMAIN UNDISTURBED
	NATURAL AREA TO BE RESTORED





# **TARLTON 360 TOWNHOMES**

WALSH TARLTON LANE, AUSTIN TEXAS

JULY 19, 2010

ARTIST'S RENDERING STREETScape

DICK CLARK

ARCHITECTS

3000 JAMES ST.

AUSTIN, TEXAS 78701







**TARLTON 360 TOWNHOMES**  
 WALSH TARLTON LANE, AUSTIN, TEXAS  
 JULY 22, 2010  
 ARTIST'S RENDERING LOOKING SW

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## TARLTON 360 TOWNHOMES

WALSH TARLTON LANE, AUSTIN TEXAS

JULY 09, 2010

ARTIST'S RENDERING LOOKING NE





# OVERALL PROJECT BENEFITS

- **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.
- **Re-irrigation**  
Irrigation of storm water and use of pervious pavers allows for more infiltration of waters into the aquifer and reduction of potable water demand.
- **Integrated Pest Management Plan**  
Compliance with an IPM Plan.
- **Grow Green**  
Compliance with the Grow Green native landscaping program.
- **Natural Area**  
Increasing the natural area of the site from 30% to 40% through vegetative restoration.
- **Wastewater**  
The new lift station will provide enhanced safety features to better protect the environment.
- **Traffic**  
Significant reduction in traffic.
- **Mixed Use**  
The nature of the mixed use project will be more compatible with the surrounding land uses.
- **Impervious Cover**  
Lower impervious cover than allowed under current ordinance.
- **Public Space**  
A large scenic vista will be provided atop Building 3 over looking the Barton Creek Greenbelt.
- **Commercial Design Standards**  
Pedestrian access will be encouraged along Walsh Tarlton Lane by creating an inviting streetscape with benches, large sidewalks and street trees.
- **Parkland Dedication**  
Compliance with parkland dedication requirement.
- **Barton Springs Zone Mitigation Fee:**  
In addition to the enhanced water quality pond, Tarlton 360 Townhomes will pay \$410,525 into the BSZ Mitigation Fund.