

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	7783	Agenda Number	48.
Meeting Date:	8/4/2011	Department:	Planning and Development Review	
Subject				
<p>Conduct a public hearing to consider appeals by CRVI LOOP 360 LP (David Armbrust, Armbrust and Brown, PLLC) and South Beecave Woods Neighborhood Association (Lynn Harrison-David, Chair) of the Land Use Commission's (Zoning and Platting Commission) decision to approve a Hill Country Roadway Site Plan application with waivers for Tarlton 360 Townhomes, SPC-2010-0071C.MGA. The project is located at 2500-2530 Walsh Tarlton. Related to Item # 12.</p>				
Amount and Source of Funding				
Fiscal Note				
There is no anticipated fiscal impact. A fiscal note is not required.				
Purchasing Language:				
Prior Council Action:	August 26, 2010- Council approved a Redevelopment Exception in the Barton Springs Zone per City Code Section 25-8-27 to retain the existing impervious coverage (54%) for this project.			
For More Information:	George Zapalac, 974-2725; Sue Welch, 974-3294			
Boards and Commission Action:	Recommended by the Zoning and Platting Commission, with conditions.			
MBE / WBE:				
Related Items:	Related to Item # 5318			
Additional Backup Information				

David Armbrust, representing the applicant and Lynn Harrison-David, representing the South Beecave Woods Neighborhood Association, are appealing the Zoning and Platting Commission's decision of May 17, 2011, to approve the Hill Country Roadway Site Plan, known as Tarlton 360 Townhomes (SPC-2010-0071C.MGA), located at 2500-2530 Walsh Tarlton Road.

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 Zoning and Platting Commission approved this Hill Country Roadway site plan as recommended by staff, and eliminating building #24, with the following waivers: § 25-2-1123: Construction on Slopes; § 25-2-1122, for the Floor-To-Area Ratio of a Nonresidential Building; and § 25-2-1124, to increase the height of the building from 40' to 53' in a moderate intensity zone of a Hill Country Roadway. The Commission also recommended to City Council that a Managed Growth Agreement (MGA) only be approved for a total of five years from the date of site plan approval. However, the MGA itself was not on the Commission's agenda, since only Council action is required.

The applicant believes the decision does not comply with the requirements of the City Code because the Zoning and Platting Commission is not authorized under the Code to act on a request to extend project duration under a Managed Growth Agreement.

Staff recommends disapproval of the applicant's appeal because the Commission's recommendation was not a condition of approval of the site plan. The Managed Growth Agreement is a separate item on Council's agenda and should be acted upon independently of the site plan.

The Neighborhood Association believes the Zoning and Platting Commission's first vote was to deny the waivers, 3-2-1 vote; the second vote was not made in accordance with the Commission's rules and/or Texas law and accordingly should be declared void.

Staff recommends disapproval of the neighborhood's appeal because the Commission's acted in accordance to the bylaws for the reconsideration of the first vote.

Staff recommends that Council uphold the Zoning and Platting Commission's decision to approve the site plan and waivers, with staff conditions, and eliminating building #24.