

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0019 – Walsh Tarlton and Loop 360 Project

**P.C DATE:** May 4, 2010

**ADDRESS:** 2614 Walsh Tarlton Lane

**OWNER/APPLICANT:** CRVI Loop 360, LP (Timothy Clark)

**AGENT:** Armbrust & Brown, L.L.P. (David Armbrust)

**ZONING FROM:** GR/LO **TO:** GR-MU

**AREA:** 16.242 acres (707501.52 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends GR-MU (Community Commercial) district zoning. A Traffic Impact Analysis (TIA) is required but has been deferred to the site plan application. Prior to any site plan approval, a traffic impact analysis ("TIA") shall be provided to the Planning and Development Review Department, or its successor department, of the City of Austin. All development on the Property shall be subject to the requirements of the TIA as set forth in Section 25-6, Article 3 (Traffic Impact Analysis) of the City Code and Section 2 of the Transportation Criteria Manual.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** (5/4/10) Approved staff recommendation of GR-MU; 7-0.

**DEPARTMENT COMMENTS:** This 16.242 acre site is currently developed with a movie theatre. The applicant seeks to rezone the property and replace the existing theatre with a mixed-use residential, retail and office development. The Mixed-Use district zoning designation requested will allow for the residential component of the project. The site is planned to consist of 75,819 square feet of office, 12,970 square feet of retail and a 229 condominium/townhome units.

### **EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>   | <b>LAND USES</b>            |
|--------------|-----------------|-----------------------------|
| <i>Site</i>  | GR              | Retail                      |
| <i>North</i> | LO              | Bank                        |
| <i>South</i> | PUD             | Undeveloped                 |
| <i>East</i>  | GR/LO           | Shopping Mall / Retail      |
| <i>West</i>  | GR-CO / SF-2-CO | Undeveloped / Single Family |

**NEIGHBORHOOD PLAN:** N/A

**TIA:** Required; Deferred to Site Plan

**WATERSHED:** Barton Creek (Barton Springs Zone)

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

Stoneridge Neighborhood Association  
Barton Creek North Property Owners  
South Bee Cave Woods Neighborhood Association  
Save Barton Creek Association  
Austin Neighborhoods Council

**CASE HISTORIES**

| NUMBER                     | REQUEST  | COMMISSION   | COUNCIL      |
|----------------------------|--|--------------|--------------|
| C14R-84-137 (SP-06-0464CR) | Retail Site Plan   | Approved     | N/A          |
| SPC-2010-0071C.MGA         | Mixed –Use development office/retail residential site plan | Under Review | Under Review |

**BASIS FOR RECOMMENDATION**

***1. Zoning should allow for reasonable use of the property.***

The recommended zoning will allow the property to be redeveloped into a mixed-use residential, retail and office use.

***2. Zoning changes should promote a balance of intensities and densities.***

The recommended zoning will promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

**EXISTING CONDITIONS**

**Environmental**

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

### **Water and Wastewater**

If the landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Transportation:**

No additional right-of-way is needed at this time.

Prior to any site plan approval, a traffic impact analysis ("TIA") shall be provided to the Planning and Development Review Department, or its successor department, of the City of Austin. All development on the Property shall be subject to the requirements of the TIA as set forth in Section 25-6, Article 3 (Traffic Impact Analysis) of the City Code and Section 2 of the Transportation Criteria Manual.

**Existing Street Characteristics:**

| Name          | ROW  | Pavement | Classification | Sidewalks    | Bike Route | Capital Metro |
|---------------|------|----------|----------------|--------------|------------|---------------|
| Walsh Tarlton | 75'  | 64'      | Arterial       | Yes (partly) | Yes        | Yes           |
| Loop 360      | 250' | Varies   | Expressway     | No           | Yes        | Yes           |

**Site Plan:**

There is a site plan currently approved for this site (SP-06-0464CR), as a replacement site plan [Sec. 25-5-64] for an old zoning site plan, C14R-84-137.

There is also a site plan currently under review for this property (SPC-2010-0071C.MGA) which provides for mixed office/retail buildings, restaurant, multi-level parking garage, 229 units and other associated improvements.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the northwest property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

The site is located within 1,000 feet of Capital of Texas Highway (Loop 360) and within a Hill Country Roadway Corridor; which is also a scenic roadway. The site is located within the moderate intensity zone of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

| Slope  | Maximum FAR |
|--------|-------------|
| 0-15%  | .25         |
| 15-25% | .10         |
| 25-35% | .05         |

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along Loop 360. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of Loop 360 the maximum height is 28 feet, and beyond 200 feet the maximum height is 40 feet.

This site is also located in the Barton Springs Zone. In the Barton Springs Zone, no individual retail use may exceed 50,000 square feet and no food sales use may exceed 100,000 square feet. [Sec. 25-2-651].

**CITY COUNCIL DATE:** August 19, 2010  
August 26, 2010

**ACTION:** Postponed by applicant

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

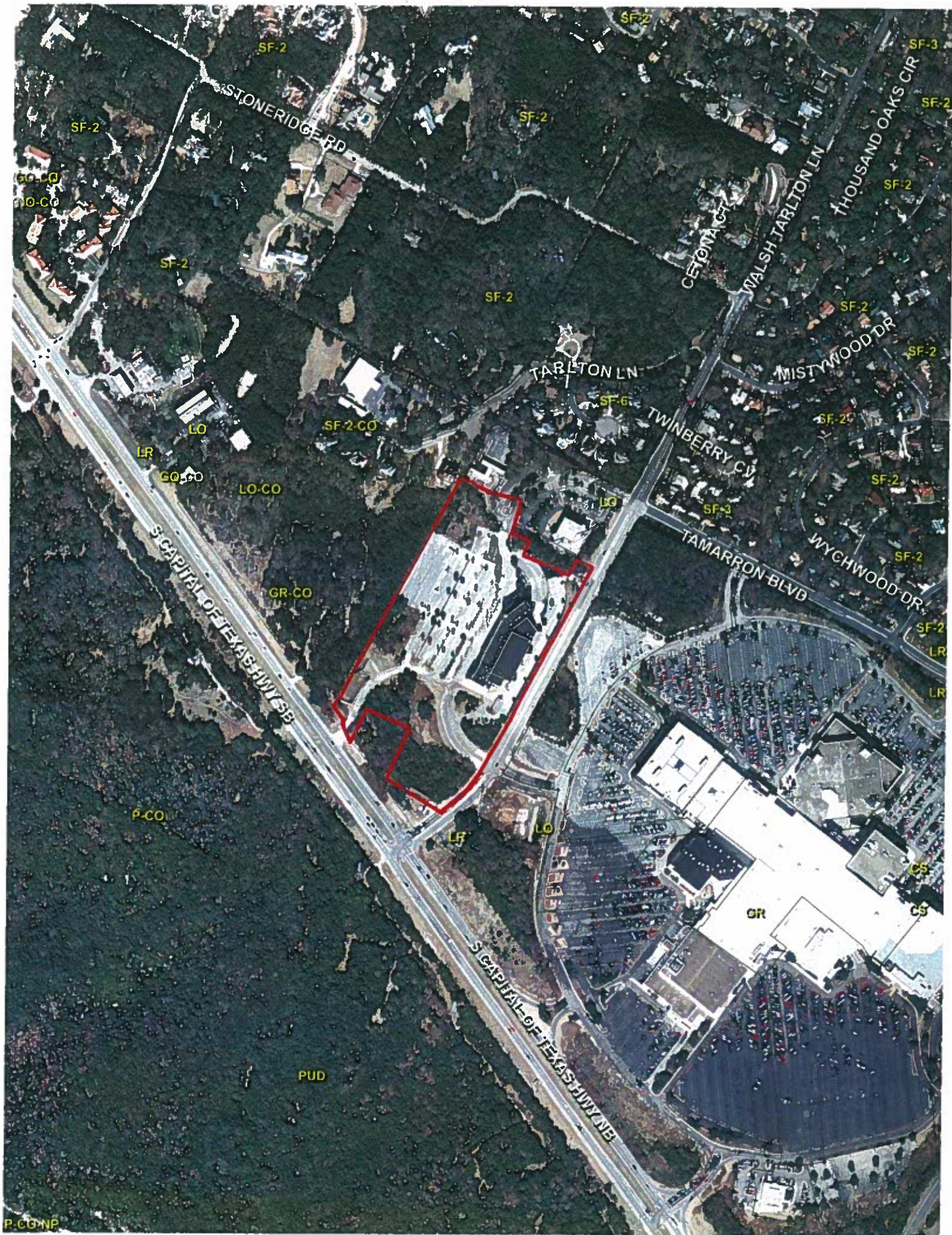
**CASE MANAGER:** Stephen Rye

**PHONE:** 974-7604  
[stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







**ARMBRUST & BROWN, L.L.P.**

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

February 23, 2010

Greg Guernsey  
City of Austin  
Planning Development and Review Department  
505 Barton Springs Road  
Austin, Texas 78701

Re: 2614 Walsh Tarlton Lane Rezoning (the "Application")

Dear Greg:

This firm represents and this letter is submitted on behalf of the applicant in the above referenced Application. It is our clients intent to rezone the property at 2614 Walsh Tarlton Lane, also known as Lot 1, Block A, Texas Commerce Bancshares Subdivision, and a portion of Lot 1, M-P Addition Subdivision, from GR/LO to GR-MU. The site consist of approximately 16.24 acres, which is currently developed with a movie theater.

The proposed zoning change is being requested to allow residential use on the site. It is our clients intent to redevelop the site with a mix of condominium/townhouse residential use, approximately 75,819 square feet of office use and 12,970 square feet of retail use. The existing movie theater will be eliminated. It should be noted that the proposed mixed use project will generate fewer traffic trips than the existing movie theater, and those uses contemplated as part of the approved entitlements for the site. Additionally, the mixed use project provides greater compatibility with the surrounding area then the existing approved site plan provides.

Should you have any questions, please feel free to contact me at 512-435-2368.

Respectfully submitted,



Amanda Morrow  
Land Development Consultant

cc: John Burnham  
David Armbrust  
Joe Longaro  
Alex Clarke

SCANNED



**SWBNA**  
**SOUTH BEE CAVE WOODS NEIGHBORHOOD ASSOCIATION**  
**P.O. Box 160434**

March 8, 2010

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

cc: Amanda Morrow

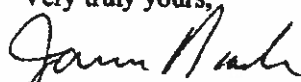
Dear Ms. Welch:

I am the Chair of the South Bee Cave Woods Neighborhood Association (SBWNA) and I am writing you concerning the development near our neighborhood referred to as the Tarlton 360 Townhomes, case number SP-2009-0094C. The SBWNA has been communicating with the developer about this development for over a year. The developer has had several meetings with my and other neighborhood associations affected by this development. In all cases, the developer and their associates have been very forthcoming about details of this development, keeping us up to date on site planning, mixed use, architectural proposals and other issues affecting this work of which the SBWNA has interest. They have listened to the concerns of the neighborhoods and nearby residents and are working with us to minimize impacts of the development on our quality of life in the neighborhoods.

The primary purpose of this correspondence is to inform the City Planning Department, that the SBWNA fully supports this development and site plan. We feel strongly that the site plan being proposed for the Tarlton 360 Townhomes is far superior to the currently approved site plan for this plot (all commercial, not mixed use) and will have a much less negative impact on the quality of life within our neighborhood from a traffic, noise and general livability point of view. Based on what the developers have shown us, the townhomes being planned are in line with the value of homes in our neighborhood as well. From what we have seen, this development fits in better with our neighborhood than anything else we have seen proposed for this lot over the last 20 + years, certainly much better than the currently approved site plan.

The SBWNA urges the City to move forward with approval of this development as quickly as possible. We wish to quit worrying about what will eventually wind up on this lot, and feel the development discussed in this correspondence is best for the neighborhood and the City of Austin. If you have any questions about this correspondence or the SBWNA's position on the proposed development, please feel free to contact me by phone.

Very truly yours,

  
James Nash  
Chair, SBWNA  
(512) 507-3493

## Rye, Stephen

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**From:** Welch, Sue  
**Sent:** Wednesday, June 23, 2010 3:56 PM  
**To:** Murphy, Pat; Rye, Stephen; Daniel, Leslie  
**Subject:** FW: SBWNA Communications

More scoop from the Tarlton neighborhood associations....

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

From: Greg S. Hughs [mailto:greg@biglookproductions.com]  
Sent: Wednesday, June 23, 2010 3:49 PM  
To: S Beecave Woods NA  
Cc: Phil Haught; Ken & MaryEllen Bartosh; Susan Heckmann; Jeff Lowe; Debbie Schaffer; Evelyn Nicholson; Pete & Cynthia Price; Val Williams; Jerry Valdez; Ruth Hughs; Marcie & Steve Hursting; Willis Carol; Robert Ochoa; Tom Polk; Nanci Boice; Claudia Byrne; Jennifer Getman; Daniel Babbs; Larry Buller; Joe Nall; dianne pingree; Lisa Plaggemier; Megan Haley; Dixie McGrath; Greg S. Hughs; Frank Drew; Earl & Macy Holderness; Steve & Lauranne Jarrett; Nick & Debbie Prior; Gary & Diane Schuman; Jill Bent; Mark Jamieson; Jen & Tony Latto; Robert & Cindy Allensworth; John Llorens; Richard Riley; Laura G. Hensley; Tanya Payne; David & Andrea Lofye; Jim & Cindy Hutcheson; Rich Wheeler; Jennifer Williams; Fred & Kay Bednarski; Paul Hudson; Jim Dunbar; Cliff & Kathy Zoch; Laure McLaughlin; E. Lee Higgins; Karl & Janice Buesing; Betty Hood; Marc Millis; Becky Games; Robert Powell; Jennifer Harrell; Vivian Spence; Juli Ott; Cynthia Alaniz & Gavin Villareal; Anne & Ted Clark; Jim & Cindy Lynn; Branigan & Cynthia Wainwright; Mark May; Hayashi Family; Edward Lee; Bill Wahlgren; Sue McClain; Cheryl Morse; Morrie & Carol Graves; Richard Metzger; Bob McIlvride; Daigle Armand & Josefina; Rana & Jimmy Squires; Jim Gudenrath; Judy Kostura; Jimmy & Marlene Clayton; Susan Soy; David Alsmeyer; Alisa Rayel; Chari Kelly; Gary Foster; Anjali Paipanandiker; Thomas Chapmond; Cindy Alaniz; Allison Hay; Cherry Haught; Jennifer & Richard Cheatham; Cynthia Dollar; Roopesh Sahu; Cleon Dunham; Nev Nicholson; Nikki Lyons; Jane Dunham; Jared & Kim Slosberg; Adele Ely; Joe White; Sandy Neilson-Bell; Patricia Finn Braddock; Patsy Heare; Welch, Sue  
Subject: SBWNA Communications

Jim,

I think we have a severe communication problem within the membership of SBWNA.

I sense your frustration about the lack of member involvement on an ongoing basis and the outcry that has arisen from the latest Tarlton 360 Townhome project.

I have spent some time trying to identify the source of my own negative feelings about the proposed project and, frankly, my issue is not so much with the development plan as it is with the way I learned about the development - a March article in the Statesman quoting the SBWNA's "full support" of the proposed development.

For many of us, this was the first time we had heard of the project.

Over a year ago, my wife and I joined the Association, paid our dues and attended an SBWNA meeting with the developers of the Barton Creek Mall project. To our knowledge, that was the only project on the books.

I went back to an email announcement about the May 25th meeting and re-read the Tarlton 360 Townhome Agenda notes. In that email communication it clearly states that now is the time to engage the general members and "establish a position" on the project. The fact is that a position had already been publicly established WITHOUT the support of the membership. This, to me, is a egregious act that you need to apologize to us for. You overstepped your bounds and went on record months before an official vote took place.

I am not saying that I disagree with the May 25th vote. I was not present and accept that I cannot voice an opinion to change or uphold that vote. What I am saying is that you, as an elected official to this Association, owe us an apology and assurance that you will not act on your own again - especially with respect to the 2 developments that are looming over our neighborhood.

On a different note, I spoke with Diane and she told me that SBWNA had determined that hand-delivered fliers was a more effective form of communication with the families in the neighborhood. I live on the corner of Walsh Tarlton and Mistywood. We get unsolicited material hand-delivered to our home, what seems like, daily. As a consequence, we don't read unsolicited communication that's left at our house. It goes straight in the trash. Please let me tell you that a hand-delivered sheet of paper is not an effective way to communicate with this house. This household prefers email communication.

Here's where I might offer some communication help. Perhaps a line can be added to the SBWNA membership application that asks how members would like to be contacted. Additionally, what if we adopted a policy that all SBWNA hand-delivered communication would be on a specific, pre-designated and consistent, colored paper. That way, we (and I hope others) would know that the paper hanging from my door handle, tossed in my driveway, left on my doorstep or mailbox, was from SBWNA and not some other random unsolicited communication.

Also, I think some simple design changes can be made to the fliers and PDF email attachments to help communicate important items better. If I may be of any help in the future with written communication to our neighborhood, please let me know. I truly want to help SBWNA communicate more effectively.

I don't feel a culture of community is being fostered right now. You say that you want people to be involved, but if someone shows up to a meeting who isn't a member, you make it very clear that your intention is to keep the floor and decision-making abilities to paid members only.

Last night, you kept pointing to the fact that details of the Tarlton 360 Townhome Project "were discussed at the May 25th meeting" and that you did not want to re-hash what was discussed in that meeting. My wife and I missed the May 25th meeting and have come to the following 2 meetings to hopefully learn more about what we missed (not to debate the vote, just to become educated on the issue). Unfortunately, anytime we seek out any real details, we're met with the "it was discussed at the May 25th meeting" response and are still really unclear about what was discussed. There seems to be a general disdain from the board toward anyone who was not present at the May 25th meeting and is asking questions.

Can I suggest, and even offer my own equipment and services, to videotape future General Meetings and have them available to people online a day or two after? I think it would be immensely helpful for members who can't attend those meetings to, at least, see what was presented. Hopefully, this will help mitigate any controversy surrounding these votes.

Finally, I feel your frustration with members and non-members who live in the neighborhood voicing their opinions after the fact. My wife and I lived in the neighborhood almost 3 years before we even heard about the Association. I heard a similar story from a frustrated neighbor last night. I think that we, as a neighborhood, need to communicate with each other better, to encourage our neighbors to come to each meeting.

Even outside of these meetings, we individually need to discuss issues with our neighbors. We need to hear the opinions of people who can't attend the meetings and bring their thoughts into the conversation. This is not an association of people who show up to the right meeting. This is a community that each of us, as residents and especially members, represent.

I especially think that there needs to be a more concerted effort by individuals to let NEW residents know about the association and its meetings.

Sincerely,

Greg Hughs  
2010 Mistywood Drive

**Amanda Morrow**

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**From:** David Steinwedell [david.steinwedell@att.net]  
**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



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. 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 its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://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 board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2009-0151

Contact: Clark Patterson, 512-974-7691

Public Hearing: Feb. 23, 2010, Planning Commission

Mar. 25, 2010, City Council

Your Name (please print)

W. J. Hobbs, NAIL

☒ I am in favor  
☐ I object

Your address(es) affected by this application

800 West 5th St. #1106

Signature

Date

Daytime Telephone:

(512) 656-1600

Comments:

See attached

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

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2010-0019

Contact: Stephen Rye, 512-974-7604

Public Hearing: May 4, 2010, Zoning & Planning Commission  
May 27, 2010, City Council

*I guess so too.*  
Your Name (please print)

☐ I am in favor  
☒ I object

*3518 Tanager Blvd*  
Your address(es) affected by this application

*[Signature]*  
Signature

*04/30/2010*  
Date

Daytime Telephone: *(512) 801-4157*

Comments:

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

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810