


TARLTON 360 TOWNHOMES
walsh taplton lane austin. texas
AERAAL PHOTO
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TARLTON 360 TOWNHOMES


TARLTON 360 TOWNHOMES
WALSH TARLTON LANE, AUSTIN TEXAS
JuLY 22. 2010
RENDERED SITE PLAN






June 15, 2010
Ms. Sue Welch
City of Austin
Planning and Devélopment Review Department
505 Barton Springs Road, $4^{\text {th }}$ 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 25-21123(A). Please note that the Project will meet those conditions as required by LDC 25-8-27(F) and therefore those limited environnental 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 cuis/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 $0.93^{\text {" }}$ of sand filtration water quality benefit with an average pollutant removal rate of $57.4 \%$. The Project will provide $0.86^{\prime \prime}$ of retention/irrigation and $0.14^{\prime \prime}$ 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-060464 CR , 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

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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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G:325-011DOCSWWaiver Request-Construction on Slopes DOC


TARLTON 360 TOWNHOMES
Walsh tarlton lane austin texas
JuLY 22. 2010
CONSTRUCTION ON SLOPES

July 14, 2010
Ms. Sue Welch
City of Austin
Planning and Development Review Department
505 Barton Springs Road
$4^{\text {th }}$ Floor
Austin, Texas 78704
RE: Tariton 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 \#325-04-40

## 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 aliow 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 $\mathbf{2 5 \%}$ 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 manmade 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 $0.93^{n}$ of sand filtration water quality benefit with an average pollutant removal rate of $57.4 \%$. The Project will provide $0.86^{n}$ of retention/irrigation and $0.14^{\prime \prime}$ 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 biend 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 entitiements approved with SP-060464CR, 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.

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,


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.

G:I325-01DOCSIVariance Request-FAR07-14-10.DOC


TARLTON 360 TOWNHOMES
walsh tarlton lane, austin. texas
July 22, 2010
floor to area ratio on slopes

June 21, 2010

Ms. Sue Welch<br>City of Austin<br>Watershed Protection \& Development Review Department<br>505 Barton Springs Road<br>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 $0.86^{n}$ 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 Tarton 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 Baton 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 $100^{\circ}$ Roadway Vegetative Buffer and the $200^{\prime}$ 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 $3,859 \mathrm{sf}$, 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.

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.


TARLTON 360 TOWNHOMES


TARLTON $36 O$ TOWNHOMES

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TARLTON 360 TOWNHOMES


3 ELEVATION - WEST



1 ElLEVATION - NORTH




A
A 2.1



4 EIEVATION - EAST



3 elevation-west



2 ELEVATION - NORTH



ELEVATION - SOUTH


A 2.2



4 Elevation - EASt




3 ELEVATION - SOUTH $\qquad$
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A 2.3





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TARLTON 360 TOWNHOMES
JUYYOg 2010

## OVERALL PROJECT BENEFITS

- Water Quality

Increased water quality benefit by providing a retention/irrigation pond which will provide an average pollutant removal rate of $\mathbf{9 0 . 5 \%}$. 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.

