

# **Proposed development near Barton Creek Square would be first to use eased environmental rules**

## **Company has requested rezoning to build condominiums and businesses at former site of Barton Creek Cinema.**

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An Austin company has plans for a mixed-use project near Barton Creek Square mall that would be the city's first development to make use of revised environmental rules for redevelopment over the Edwards Aquifer.

Cypress Real Estate Advisors wants to build condominiums and townhomes — plus retail and office space — on the 16-acre property at Walsh Tarlton Lane and Capital of Texas Highway (Loop 360). The site, which was home to a Cinemark theater that closed in 2008, is zoned for commercial use, and the company has filed a request that it be rezoned to allow residential properties.

Plans for the development, tentatively named Tarlton 360 Townhomes, call for 229 condos and townhomes, plus 75,800 square feet of office space and nearly 13,000 square feet of retail space, said John Burnham, vice president of investments for Cypress. The project is in the planning stages, and construction probably wouldn't begin until next year, Burnham said. The project will be designed by Dick Clark Architecture of Austin, Burnham said.

Lynne Lightsey, spokeswoman for the City of Austin's Planning Development and Review Department, confirmed that the project would be the first to use a revised city rule about redeveloping properties over the environmentally sensitive Edwards Aquifer, the Southwest Austin water source that feeds Barton Springs.

The amendment, which the City Council approved in 2007 at the urging of then-City Council member and now Mayor Lee Leffingwell, was intended to encourage construction and better water pollution controls in the Barton Springs segment of the Edwards Aquifer.

The amendment allows property owners to make major revisions to their property without having to use the impervious-cover standards set by the Save Our Springs ordinance. In return, property owners must install pollution controls and contribute money for aquifer protection.

The project site has about 53 percent impervious cover on it now, and Cypress intends to redevelop it to that same level, Burnham said. The Save Our Springs requirement would limit impervious cover to 20 percent, if it were vacant land to be developed.

In redeveloping the property, Burnham said Cypress would maintain the same amount of impervious cover, while "greatly enhancing" water-quality protections on the site.

Cypress intends to comply with Save Our Springs standards for water quality as much as possible, but won't be able to meet those requirements entirely on certain portions of the site, he said.

"For the portions of the property where we can't meet SOS standards, we will be making payments in the form of mitigation fees for the city to purchase land elsewhere," Burnham said. He said it could amount to "several hundred thousand dollars."

Steve Clark, chairman of Cypress, said the project would be the "first to use new rules designed to encourage existing owners to upgrade their old, outdated water quality facilities to current higher standards."

The original Save Our Springs ordinance, passed in 1992, sets strict impervious-cover standards to limit the amount of asphalt, buildings and other surfaces that water can't penetrate.

Leffingwell said that while he wasn't familiar with the proposed Tarlton 360 Townhomes project, the city "encourages use of the ordinance" for commercial redevelopment projects.

The ordinance "is designed to enhance environmental protections," Leffingwell said. "It does require that whatever is redeveloped have water quality controls, where likely none existed before."

Bill Bunch, executive director of environmental watchdog group Save Our Springs Alliance, said he didn't know enough about the project to comment.

Real estate law firm Armbrust and Brown, which is representing Cypress in the rezoning request, said in a letter to the Austin Planning Development and Review Department that the project offers "greater compatibility with the surrounding area than the existing approved site plan provides."

Burnham said that after a series of meetings, neighborhood groups near the site were in favor of the project. Included with the rezoning requests are letters from the South Bee Cave Neighborhood Association and the Hill Country Estates Homeowners Association, both expressing support.

"We wish to quit worrying about what will eventually wind up on this lot, and feel the development ... is best for the neighborhood and the City of Austin," wrote James Nash, chairman of the South Bee Cave association.

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