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**PLANNING COMMISSION SITE PLAN  
CONDITIONAL USE PERMIT REVIEW SHEET**

**CASE NUMBER:** SPC-2010-0008A      **COMMISSION DATE:** April 27, 2010

**PROJECT NAME:** Two Steps Ahead Day Care

**ADDRESS OF APPLICATION:** 3028 Rogge Lane

**SITE AREA:** 43,423 sq. ft.

**WATERSHED:** Fort Branch (Urban)

**APPLICANT:** Belinda Shead  
5704 Sandhurst  
Austin, TX 78723

**AGENT:** Weiss Architecture Inc (Richard Weiss)  
2111 Travis Heights Blvd.  
Austin, TX 78704

**PROPOSED DEVELOPMENT:**

The applicant is requesting approval of a conditional use permit for Day Care Services (Commercial) in a SF-3-NP zoning district. Day Care Services (Commercial) use is the use of a site for the provision of daytime care for more than 20 persons. The applicant is proposing to care for a maximum of 40 children (with 4 employees).

The applicant is requesting a variance from Land Development Code section 25-2-1067(F) from a 50' setback for an outdoor play area to a 23' setback.

The applicant is requesting approval of a variance from Land Development Code Section 25-2-1067(H) from a 21' setback to a 5' setback to increase the width of the existing driveway to meet minimum fire lane requirements.

The existing building is to be utilized. No new construction is proposed with this site plan. This site meets all other requirements.

**EXISTING ZONING:** SF-3-NP –Family Residence

**NEIGHBORHOOD PLANNING AREA:** East MLK Combined NPA (Pecan Springs-Springdale)

**NEIGHBORHOOD ORGNIZATIONS:**

- 60—Pecan Springs—Springdale Neighborhood Assn.
- 511—Austin Neighborhoods Council
- 686—East MLK Neighborhood Combined COA Liaison
- 786—Home Builders Association of Greater Austin
- 972—PODER People Organized in Defense of Earth & Her Resources
- 981—Anberly Airport Association
- 1037—Homeless Neighborhood Assn.

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1075—League of Bicycling Voters  
1094—Sweeney Farms Neighborhood Association  
1097—Windsor Park—Pecan Springs Heritage Neighborhood Association  
1113—Austin Parks Foundation  
1197—East MLK Combined Neighborhood Contact Team  
1200—Super Duper Neighborhood Objectors and Appealers Organization  
1228—Sierra Club, Austin Regional Group  
1213—East MLK Combined Neighborhood Association  
1224—Austin Monorail Project  
1236—The Real Estate Council of Austin, Inc.

**C.I.P. STATUS:** Not applicable

**T.I.A.:** Not Required

**APPLICABLE WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance

**CAPITOL VIEW:** Not applicable

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit to allow Day Care Services (Commercial) use, which allows the provision of daytime care for more than 20 persons. The site is subject to compliance with all other applicable ordinance requirements.

Staff recommends approval of the compatibility setback variances for the playground to provide an outdoor play area and for the driveway setback to comply with minimum fire land width.

**DEPARTMENT COMMENTS:** The applicant is requesting approval of a conditional use permit for a day care facility (Day Care Services – Commercial) in a SF-3 zoning district. The applicant is proposing to care for a maximum of 40 children (with 4 employees). Neighborhood-based day care is a civic use, which is compatible for this district.

The day care will utilize an existing building, and no additional construction is proposed with this site plan. The proposed day care is located on Rogge Lane, between Manor and Springdale. It is bounded by single family development. The playground is twenty-three feet from the adjacent property.

**PLANNING COMMISSION ACTION:**

**CASE MANAGER:** Donna Galati  
[Donna.Galati@ci.austin.tx.us](mailto:Donna.Galati@ci.austin.tx.us)

Telephone: 974-2733

**PROJECT INFORMATION:**

**LEGAL DESCRIPTION:** ABS 258 SUR 26 Eldridge Tract Acr 1.00

**EXIST. ZONING:** SF-3-NP

**MAX. BLDG. CVRG ALLOWED:** 40%

**MAX. IMP. CVRG:** 45%

**EXISTING BLDG. CVRG:** 2,147 sq. ft. (5%)

**PROPOSED IMP. CVRG:** 9,800 sq. ft.  
(22.5%)

**MAX HEIGHT ALLOWED:** 35'

**REQUIRED PARKING:** 4

**EXISTING HEIGHT:** 32 (1 story)

**PROVIDED PARKING:** 4

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The applicant is requesting approval of a conditional use permit for Day Care Services (Commercial) in a SF-3-NP zoning district. Day Care Services (Commercial) use is the use of a site for the provision of daytime care for more than 20 persons. The applicant is proposing to care for a maximum of 40 children (with 4 employees).

The applicant is requesting a variance from Land Development Code section 25-2-1067(F) from a 50' setback for an outdoor play area to a 23' setback.

The applicant is requesting approval of a variance from Land Development Code Section 25-2-1067(H) from a 21' setback to a 5' setback to increase the width of the existing driveway to meet minimum fire lane requirements.

The existing building is to be utilized. No new construction is proposed with this site plan. This site meets all other requirements.

**Transportation:** The site fronts on Rogge Lane. The site plan complies with all transportation requirements.

**Environmental:** This site is located in the Fort Branch watershed and subject to Urban Watershed regulations. All Environmental comments have been cleared.

**SURROUNDING CONDITIONS:****Zoning/ Land Use**

<b>North:</b>	SF-3-NP (single family)
<b>East:</b>	SF-3-NP (single family)
<b>South:</b>	Rogge Lane, then SF-2-NP (single family)
<b>West:</b>	SF-3-NP (single family)

<b><u>Street</u></b>	<b><u>R.O.W.</u></b>	<b><u>Surfacing</u></b>	<b><u>Classification</u></b>
Rogge Lane	52'	40'	Collector

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**CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA**

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: **"The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section."** A conditional use site plan must:

**1. Comply with the requirements of this title:**

Staff Response: The site plan will comply with all regulations and requirements of the Land Development Code.

**2. Comply with the objectives and purposes of the zoning district;**

Staff Response: The SF-3 zoning district is intended for moderate-density residential development and development densities compatible with residential development including civic uses, such as day care. This site plan complies with all development regulations of the SF-3 zoning district, including height, impervious cover, and building cover. The Conditional Use Permit is requested to allow day care (commercial), which allows for care of more than 20 children.

A variance is requested and supported by staff for compatibility setback variances for the open play area and for an increase to the width of the existing driveway to comply with minimum fire lane requirements.

**3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**

Staff Response: The proposed development complies with the site development regulations of the SF-3 zoning district. The Conditional Use Permit is requested to allow the operation a day care (commercial) in SF-3 zoning district. Neighborhood-based day care is a civic use, which is compatible for this district.

**4. Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: the site plan complies with off-street parking and loading facility requirements. .

**5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will comply with all requirements of the Land Development Code and reasonably protects the health, safety, and welfare of persons and property.

**6. For a conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.**

Staff response: The proposed project is not in the East Austin Overlay. The proposed use meets the requirements of the East MLK combined neighborhood plan.

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**In addition, a conditional use site plan may not:**

**7. More adversely affect an adjoining site than would a permitted use;**

Staff Response: The proposed site plan complies with all development regulations of the SF-3 zoning district. Neighborhood-based day care is a civic use, which is compatible for this district.

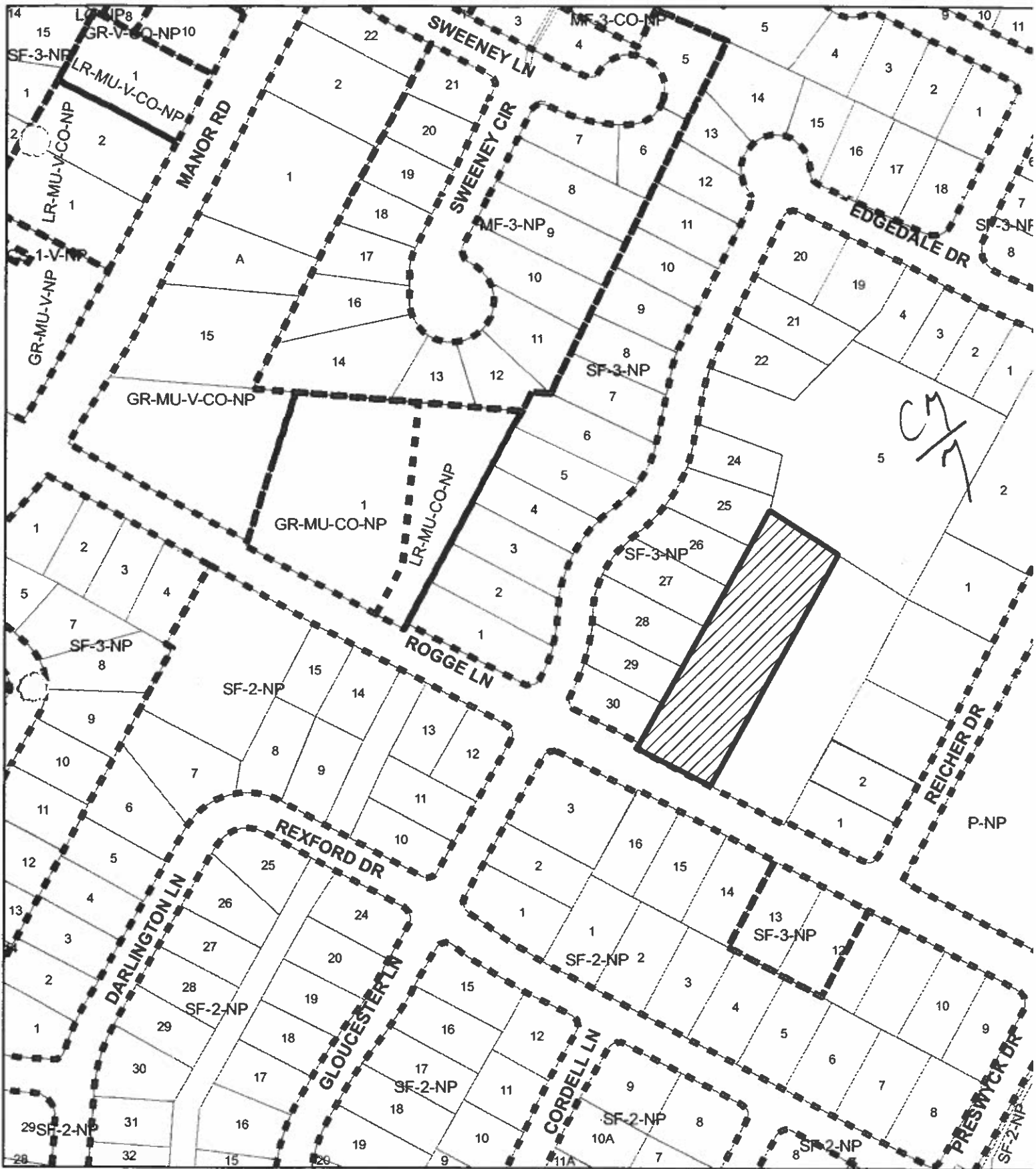
**8. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**

Staff Response: The site plan will not adversely affect the safety and convenience or vehicular and pedestrian circulation in the vicinity.

**9. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.**

Staff Response: All signs will comply with the requirements of the Land Development Code. Compatibility notes on the plans regulate lighting, and the applicant will demonstrate compliance with lighting requirements prior to release of the site plan. Any proposed signage will comply with the requirements of the Sign and Land Development Code.





# SITE PLAN



SUBJECT TRACT



ZONING BOUNDARY

CASE#: SPC-2010-0008A  
 ADDRESS: 3028 Rogge  
 CASE NAME: Two Steps Ahead Day Care  
 MANAGER: Donna Galati

OPERATOR: Donna Galati



This map has been produced by site plan review for the sole purpose of geographic reference.  
 No warranty is made by the City of Austin regarding specific accuracy or completeness.



