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ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0059 – Lot 2, Block Y
Circle C Phase B Section Nineteen

Z.A.P. DATE: July 17, 2012
August 7, 2012

ADDRESS: 10407 ½ Dahlgreen Avenue

OWNER: Circle C Land Corp
(Dave Ruehlman)

AGENT: Murfee Engineering Company, Inc.
(Ronée Gilbert)

ZONING FROM: GR-MU-CO

TO: GR-MU-CO, to modify the conditional overlay and remove the provision which prohibits vehicular access to Dahlgreen Avenue for a day care services use

AREA: 6.052 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning to modify the conditional overlay by removing the provision which prohibits vehicular access to Dahlgreen Avenue for a day care services use only. All other portions of the Conditional Overlay that apply to Lot 2 (the subject property) will remain unchanged.

ZONING & PLATTING COMMISSION RECOMMENDATION:

July 17, 2012: *MEETING CANCELLED; RESCHEDULED FOR AUGUST 7, 2012*

August 7, 2012:

ISSUES:

The Circle C Homeowners Association has provided a letter of support for the proposed modification to the Conditional Overlay.

DEPARTMENT COMMENTS:

The subject undeveloped property is described as Lot 2 of Tract A and is a part of Tract 110 of the Stratus Property at Circle C. It is located at the southeast corner of Dahlgreen Avenue and La Crosse Avenue, and the remainder of Tract 110 is adjacent to the east and south. Zoning for this tract as well as several other Stratus properties in the vicinity was approved in August 2002. Lot 2 is zoned community commercial – mixed use – conditional overlay (GR-MU-CO) district with the conditional overlay establishing prohibited uses, square footage restrictions for a single occupant leasable space and development standards. Access is limited to La Crosse Avenue, and is prohibited to MoPac by a plat note on an adjacent subdivision and to Dahlgreen by the 2002 zoning case. There are single family residences within Circle C Ranch Phase C across La Crosse Avenue to the north (I-SF-2), a creek and

undeveloped property to the south (GO-MU-CO; CS-MU-CO), and an AISD elementary school, undeveloped property and single family residences to the west (I-RR; RR; I-SF-2). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and C (2011 Rezoning Ordinance).

The Applicant's requested zoning change is to modify the conditional overlay by removing the provision which prohibits vehicular access to Dahlgreen Avenue, limited to a day care services (limited, general, commercial) use only. All other portions of the Conditional Overlay that apply to Lot 2 (the subject property) will remain unchanged. The Applicant's intent is to develop the property with a neighborhood child development center. All of the other conditional overlays associated with the subject property, as well as the Development Agreement between the City of Austin and the Circle C Land Corporation and the associated covenants, would remain unchanged.

Staff recommends the Applicant's request as it: 1) represents an incremental change in zoning on the property; and 2) allows for a use that is compatible with the nearby uses including single family residences, an elementary school and child care facilities.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU-CO	Undeveloped; Drainage and filtration pond
<i>North</i>	I-SF-2	Single family residences
<i>South</i>	GO-MU-CO; CS-MU-CO	Undeveloped
<i>East</i>	GR-MU-CO	Undeveloped
<i>West</i>	I-RR; RR; I-SF-2	Kiker Elementary School; Child care facility; Greenbelt; Single family residences

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Slaughter Creek –
Barton Springs Zone – Recharge Zone

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods (OHAN)
 384 – Save Barton Creek Association 427 – Circle C Homeowners Association
 705 – OHAN 78735 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin 943 – Save Our Springs Alliance
 967 – Circle C Neighborhood Association 1037 – Homeless Neighborhood Association
 1075 – League of Bicycling Voters
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group

1236 – The Real Estate Council of Austin, Inc. 1340 – Austin Heritage Tree Foundation
 1343 – Oak Hill Trails Association 1363 – SEL Texas

SCHOOLS:

Kiker Elementary School Gorzycki Middle School Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0205 – 5501-5617 La Crosse Ave.	GR-MU-CO to GR-MU-CO to modify the CO as it pertains to a college & university facilities use	To Grant a change to the CO and increase the square footage for a single occupant of a leasable space from 36,750 to 74,000 square feet on Lot 1 and to prohibit the use on Lot 2	Approved as Commission recommended (3-24- 2011).
C14-02-0040.109 – Lot 109 – West of Dahlgreen Ave. and approx. 930' south of La Crosse Ave.	I-RR to RR	To Grant	Approved (8-1-02).
C14-02-0040.111 – Tract 111 – Southeast corner of MoPac and La Crosse Ave.	I-RR to RR	To Grant	Approved (8-1-02).
C14-00-2035, Tract 4 – City of Austin (Bradley Parties) – 5827 La Crosse Ave.	I-RR to LO	To Grant LO-CO with CO limiting building or structure height to 35 feet	Approved LO-CO as Commission recommended (3-23- 00).

RELATED CASES:

The property was annexed into the full purpose jurisdiction of the City of Austin on December 19, 1997 and assigned I-RR district zoning. The rezoning area is a portion of Tract 110, known as Lots 1 and 2 of Tract A, was approved for GR-MU-CO district zoning on August 1, 2002 (C14-02-0040.110 – Tract 110). The Conditional Overlay for Lots 1 and 2 of Tract A prohibits vehicular access to Dahlgreen Avenue, establishes setbacks for a building or structure, limits height, establishes parking location, prohibits certain uses, and prohibits certain uses for a single occupant of any lease space over 36,750 square feet. In 2010, a rezoning request was made to the subject property as well as adjacent property to the east to modify the conditional overlay as it pertains to a college and university facilities

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use (C14-2010-0205 – 5501-5617 La Crosse Avenue). On the eastern tract (Lot 1), the square footage for single occupant leasable space for a college and university facilities use would be increased from its current limit of 36,750 to 74,000 with the intent to develop a graduate-level school specializing in physical and occupational therapy degrees on two buildings for a total of 74,000 square feet. The college and university facilities use which was previously permitted on Lot 2 (the subject tract) became a prohibited use. All of the other conditional overlays associated with the subject property, as well as the Development Agreement between the City of Austin and the Circle C Land Corporation and the associated covenants, remained unchanged. Please refer to Exhibit C.

The remainder of Tract 110 which is not part of this rezoning case is adjacent to the east and south.

The property was platted as Circle C Ranch, Phase B, Section Nineteen, a subdivision recorded on April 16, 1997 (C8-84-164.010.1A). The plat included a note which prohibits access to MoPac. A partial vacation of Circle C Ranch Phase B, Section Nineteen was recorded in on November 2003 (C8-84-164.01.13A(VAC)). A short form final plat application is currently in process (C8-2012-0078.0A). Please refer to Exhibit B.

There are no related site plan cases on the subject property.

ABUTTING STREETS:

Street Name	ROW	Pavement	Classification	Daily Traffic
La Crosse Avenue	100 feet	2 @ 24 feet	Collector	3,468+
Dahlgreen Avenue	90 feet	2 @ 22 feet	Collector	2,611++
Loop I (MoPac)	Varies	Varies	Expressway	N/A

+5700 Block of La Crosse Avenue – West of Rhett Butler Drive (12/01/04)

++ 10400 Block of Dahlgreen Avenue – South of La Crosse Avenue (5/14/01)

- There are existing sidewalks along La Crosse Avenue and Dahlgreen Avenue.
- Capital Metro bus service is not available within 1/4 mile of this property.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Dahlgreen Avenue (Route 303)	Wide Curb	Bike Lane
La Crosse Avenue (Route 90)	Wide Curb	Bike Lane

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CITY COUNCIL DATE: August 16, 2012

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719



- N
- SUBJECT TRACT
 - PENDING CASE
 - ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2012-0059

EXHIBIT A

1" = 400'

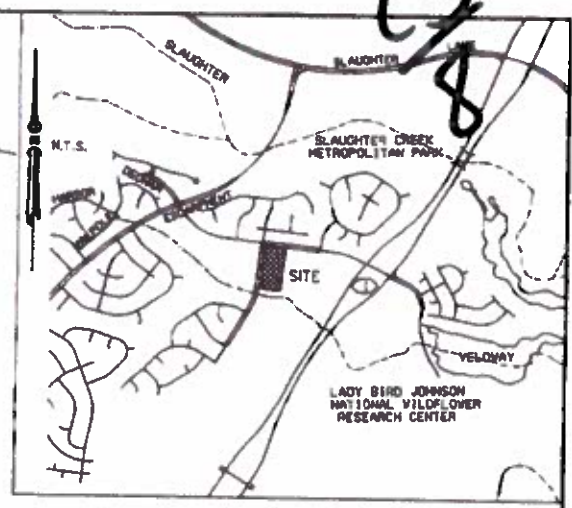
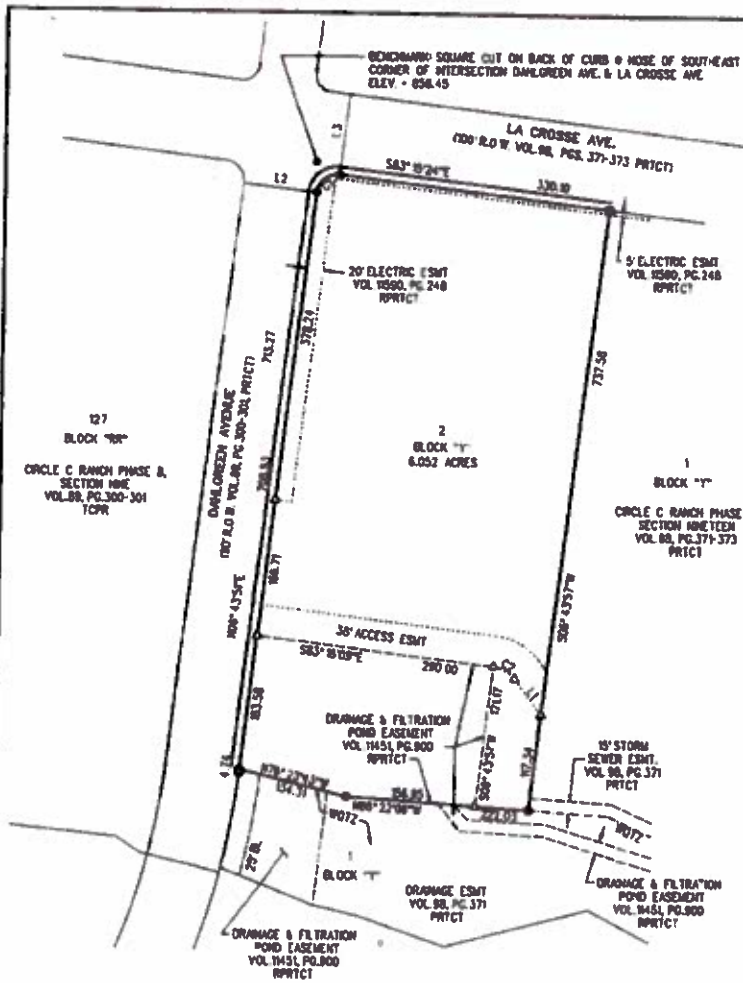
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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





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CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD
C1	38.30	90°03'52"	26.00	N51°38'51"E	35.38
C2	29.83	45°03'38"	38.00	S69°18'16"E	29.12

LINE	DIRECTION	DISTANCE
L1	S37°46'27"E	54.82
L2	N82°16'08"E	90.00
L3	N06°44'36"E	100.00

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH PLASTIC CAP MARKED "CAPITAL SURVEY CO INC" FOUND
- CONCRETE MONUMENT SET AT IRON ROD FOUND
- △ CALCULATED POINT
- BUILDING SETBACK LINE
- REAL PROPERTY RECORDS
- PRCT - TRAVIS COUNTY RECORDS
- PRCT - PLAT RECORDS TRAVIS COUNTY TEXAS
- SIDEWALK

TRICIA S. TICHENOR-ALTAMIRANO, AN AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1999 AS AMENDED, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ALL SLOPES ARE LESS THAN 15%.

Tricia S. Tichenor-Altamirano
TRICIA S. TICHENOR-ALTAMIRANO
REGISTERED PROFESSIONAL ENGINEER NO. 62688
TRICIA ALTAMIRANO CONSULTING ENGINEER, INC.
101 CAPITAL OF TEXAS HIGHWAY SOUTH
BUILDING D, SUITE 210
AUSTIN, TEXAS 78748

5/10/12
DATE

THE 100 YEAR FLOODPLAIN, AS DEFINED BY CITY REGULATIONS, IS CONTAINED WITHIN THE DRAINAGE EASEMENT(S) AS SHOWN HEREON. NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN OF ANY WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF FEDERAL FLOOD INSURANCE ADMINISTRATION FROM PANEL #48453C0380H DATED SEPTEMBER 26, 2008 FOR TRAVIS COUNTY AND INCORPORATED AREAS.

Tricia S. Tichenor-Altamirano
TRICIA S. TICHENOR-ALTAMIRANO
REGISTERED PROFESSIONAL ENGINEER NO. 62688
TRICIA ALTAMIRANO CONSULTING ENGINEER, INC.
101 CAPITAL OF TEXAS HIGHWAY SOUTH
BUILDING D, SUITE 210
AUSTIN, TEXAS 78748

5/10/12
DATE

WILLIAM H. RAMSEY, AN AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1999, AS AMENDED, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

William H. Ramsey
WILLIAM H. RAMSEY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4532
RAMSEY LAND SURVEYING, L.L.C.
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768

5/10/12
DATE

THE STATE OF TEXAS)
COUNTY OF TRAVIS) KNOW ALL MEN BY THESE PRESENTS:

THAT CIRCLE C LAND, L.P., A CORPORATION ORGANIZED AND EXISTING UNDER LAWS OF THE STATE OF TEXAS, HAVING ITS HOME OFFICE IN AUSTIN, TRAVIS COUNTY, TEXAS, ACTING HEREIN BY AND THROUGH ERIN D. PICKENS ITS SENIOR VICE PRESIDENT, OWNER OF THAT 8.052 ACRE TRACT CONVEYED TO THEM BY DEEDS RECORDED IN VOLUME 1820, PAGE 1126 OF THE REAL PROPERTY RECORDS OF SAID COUNTY AND DOCUMENT NO. 2003236285 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, BEING ALL OF LOT 2, BLOCK Y, CIRCLE C RANCH, PHASE B, SECTION NINETEEN A SUBDIVISION WHOSE PLAT IS RECORDED IN BOOK 88, PAGES 371 THROUGH 373 OF THE PLAT RECORDS OF SAID COUNTY, HAVING BEEN VACATED IN DOCUMENT NO. 2003272500 IN THE SAID OFFICIAL PUBLIC RECORDS, DO HEREBY PLAT 8.052 ACRES OF LAND IN ACCORDANCE WITH CHAPTER 212.013 OF THE TEXAS LOCAL GOVERNMENT CODE, IN ACCORDANCE WITH THE PLAT AS SHOWN HEREON, TO BE KNOWN AS "LOT 2, BLOCK Y, CIRCLE C RANCH, PHASE B, SECTION NINETEEN" AND WE DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ALLEYS, EASEMENTS, PARKS, AND OTHER OPEN SPACES AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS THE HAND OF *Erin D. Pickens* THIS THE 14TH DAY OF May, 2012, A.D.

Erin D. Pickens
ERIN D. PICKENS, SENIOR VICE PRESIDENT
CIRCLE C LAND, L.P.
212 LAVACA STREET, SUITE 300
AUSTIN, TEXAS 78701

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED ERIN D. PICKENS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 14TH DAY OF May, 2012, A.D.

NO. ANY PUBLIC IN AND FOR THE STATE OF TEXAS



EXHIBIT B
PROPOSED PLAT

LOT 2, BLOCK Y,
CIRCLE C RANCH,
PHASE B, SECTION NINETEEN

RAMSEY LAND SURVEYING, L.L.C.
8718 SOUTHWEST PARKWAY
P.O. BOX 92768
AUSTIN, TEXAS 78709-2768
PHONE (512) 301-9398
FAX (512) 301-9395
bramsey@ramsurveying.com

CG-2012-0078-0A

NO	REVISIONS	DATE
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ORDINANCE NO. 20110324-056

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5501-5617 LA CROSSE AVENUE FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-2010-0205, on file at the Planning and Development Review Department, as follows:

Lots 1 and 2, Block Y, Circle C Ranch, Phase B, Section Nineteen Subdivision, a subdivision in the City of Austin, Travis County according to the map or plat of record in Book 98, Pages 371-373 of the Plat records of Travis County, Texas (the "Property"),

locally known as 5501-5617 La Crosse Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Vehicular access from the Property to Dahlgreen Avenue is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- B. The following conditions apply to Lot 1:
 - 1. A building or structure may not be constructed within 25 feet of La Crosse Avenue.
 - 2. A building or structure occupied by a commercial use may not be constructed within 50 feet of La Crosse Avenue.

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3. Improvements permitted within these buffer zones are limited to nature trails, landscaping, picnic tables, benches, solid fences, small trash receptacles, i.e. 55 gallons or less, access to La Crosse Avenue, surface parking facilities unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
4. The maximum height of a building or structure is 40 feet from ground level.

C. The following conditions apply to Lot 2:

1. A building or structure may not be constructed within 75 feet of La Crosse Avenue.
2. A building or structure may not be constructed within 50 feet of Dahlgreen Avenue.
3. Improvements permitted within these buffer zones are limited to nature trails, landscaping, access to La Crosse Avenue, picnic tables, benches, solid fences, small trash receptacles, i.e. 55 gallons or less, a surface parking facility unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
4. Parking on Lot 2 shall be located at the rear or south of a building.
5. Not more than 20 percent of the required parking, including handicap parking, may be located within a street yard.
6. The maximum height for a building or structure is 35 feet from ground level.

D. The following uses of the property are prohibited uses on Lot 2:

Group residential
Automotive sales
Automotive washing (of any type)
Commercial off-street parking
Consumer repair services
Exterminating services
Food sales

Multifamily residential
Automotive rentals
Automotive repair services
Consumer convenience services
Drop-off recycling collection facility
Financial services
Funeral services

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General retail sales (convenience)
Hotel-motel
Indoor sports and recreation
Outdoor sports and recreation
Personal improvement services
Plant nursery
Restaurant (general)
Theater
Residential treatment
Transportation terminal

General retail sales (general)
Indoor entertainment
Outdoor entertainment
Pawn shop services
Pet services
Research services
Service station
Custom manufacturing
Transitional housing
College and university facilities

- E. The following uses are prohibited uses for a single occupant of any lease space over 36,750 square feet on Lot 2:

Bed & breakfast residential (groups 1&2)
Business or trade school
Communications services
Personal services
Restaurant (limited)
Club or lodge
Community recreation (private)
Counseling services
Day care services (commercial)
Day care services (limited)
Group home Class I (limited)
Hospital services (limited)
Private primary educational facilities
Public primary educational facilities
Religious assembly
Telecommunication tower
Medical offices (exceeding 5000 sf)

Art workshop
Business support services
Off-site accessory parking
Guidance services
Special use historic
Communication service facilities
Community recreation (public)
Cultural services
Day care services (general)
Group home Class I (general)
Hospital services (general)
Local utility services
Private secondary education facilities
Public secondary education facilities
Safety services
Urban farm

- F. A drive-in service use as an accessory use for a restaurant use is a prohibited use on Lots 1 and 2.

- G. The following uses are prohibited uses for a single occupant of any lease space over 36,750 square feet on Lot 1:

Bed & breakfast residential (groups 1&2)
Business or trade school

Art workshop
Business support services

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Commercial off-street parking
Consumer convenience services
Financial services
Funeral services
General retail sales (general)
Indoor entertainment
Off-site accessory parking
Outdoor sports and recreation
Personal services
Pet services
Restaurant (general)
Special use historic
Custom manufacturing
Community recreation (private)
Counseling services
Day care services (commercial)
Day care services (limited)
Group home Class I (limited)
Hospital services (limited)
Private primary educational facilities
Public primary educational facilities
Club or lodge
Safety services
Urban farm

Communications services
Exterminating services
Food sales
General retail sales (convenience)
Hotel-motel
Indoor sports and recreation
Outdoor entertainment
Plant nursery
Personal improvement services
Theater
Restaurant (limited)
Hospital services (general)
Communication service facilities
Community recreation (public)
Cultural services
Day care services (general)
Group home Class I (general)
Guidance services
Local utility services
Private secondary education facilities
Public secondary education facilities
Religious assembly
Telecommunication tower
Medical offices (exceeding 5000 sf)

H. A college and university facilities use is a prohibited use for a single occupant of any lease space over 74,000 square feet on Lot 1.

I. The following uses of the property are prohibited uses on Lot 1:

Group residential
Automotive sales
Automotive washing (of any type)
Service station
Drop-off recycling collection facility
Transportation terminal

Multifamily residential
Automotive rentals
Automotive repair services
Pawn shop services
Transitional housing
Residential treatment


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PASSED AND APPROVED

cos cos cos

Indoffman

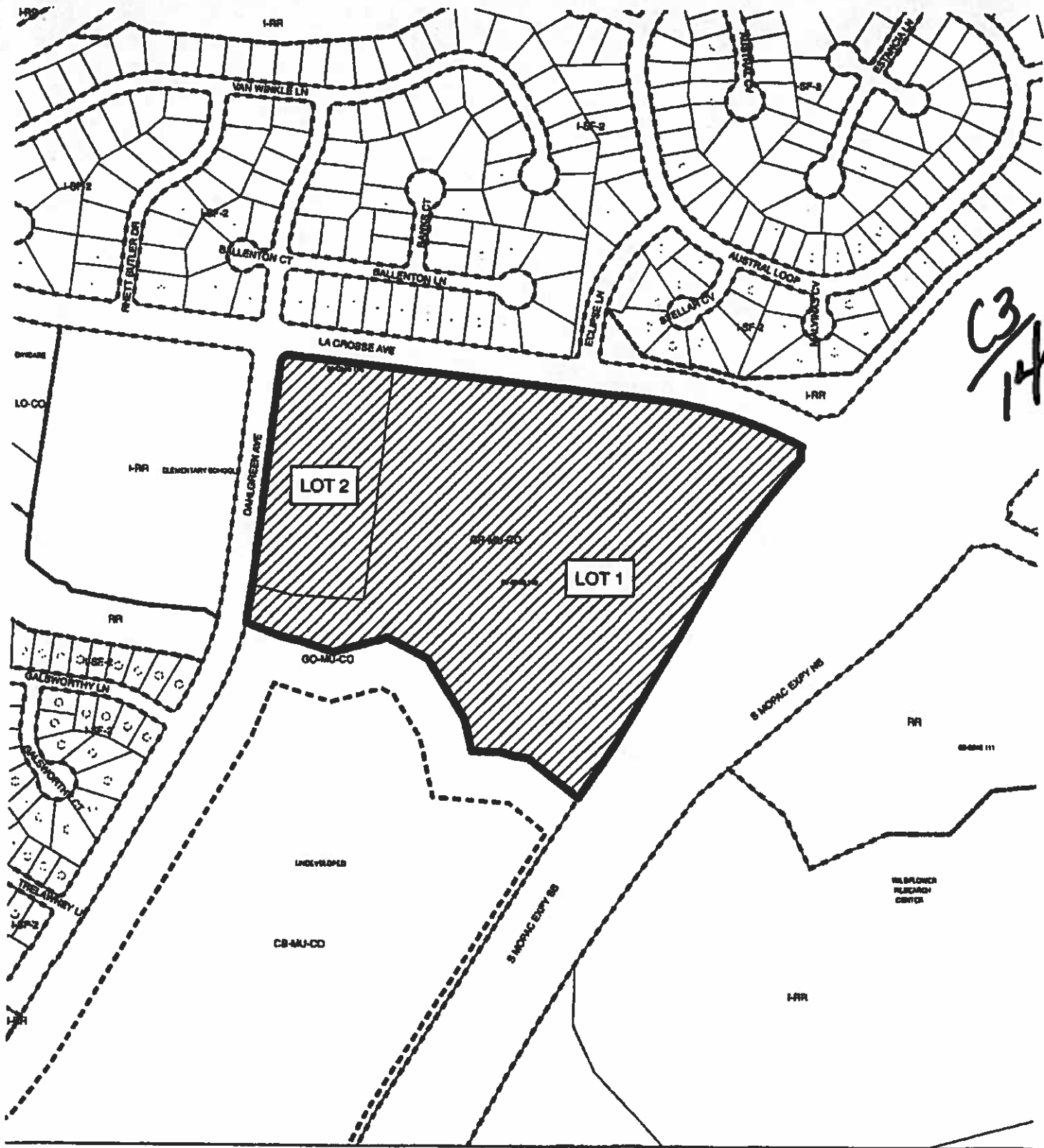
APPROVED:

WITNESSED: 
Karen M. Kennard
City Attorney

ATTEST:

Shirley A. Gentry

Shirley A. Gentry
City Clerk



ZONING EXHIBIT A



1" = 400'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

ZONING CASE#: C14-2010-0205
 LOCATION: 5501-5817 LA CROSSE AVE
 SUBJECT AREA: 33.790 ACRES
 GRID: B15-16
 MANAGER: WENDY RHOADES



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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15**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning to modify the conditional overlay by removing the provision which prohibits vehicular access to Dahlgreen Avenue for a day care services use only. All other portions of the Conditional Overlay that apply to Lot 2 (the subject property) will remain unchanged.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

2. Zoning changes should promote compatibility with adjacent and nearby uses, and should not result in detrimental impacts to the neighborhood character.

Staff recommends the Applicant's request as it: 1) represents an incremental change in zoning on the property; and 2) allows for a use that is compatible with the nearby uses including single family residences, an elementary school and child care facilities.

EXISTING CONDITIONS**Site Characteristics**

The tract is undeveloped and slopes to the south. There is a drainage and filtration pond contained within a designated easement located on the southern portion of the property.

Impervious Cover

The maximum impervious cover allocated to Tract 110 is 15% of 246.389 acres, as established by the Development Agreement between the City of Austin and Circle C Land Corp, effective as of August 15, 2002. No changes to the allocated impervious cover are contemplated with the rezoning application.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter 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.

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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 Circle C Agreement, development or redevelopment on this site will be subject to providing structural sedimentation, filtration and/or re-irrigation basins per Section 7 of the Agreement.

Transportation

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

The traffic impact analysis for this site was waived because this property is subject to the Development Agreement between the City of Austin and Circle C Land Corporation referenced and recorded in Document No. 2002151984 with Zoning Case C14-02-0040.110.

Water and Wastewater

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

This site is in the Scenic Roadway sign district. All signs must comply with Scenic Roadway sign district regulations.

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Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. The site is subject to compatibility standards. Along the north 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.

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Child Development Center

Michelle Moran
5917 La Crosse Avenue
Austin, TX 78739
April 19, 2012

Beau Armstrong, CEO
Stratus Properties
212 Lavaca Street
Suite 300
Austin, TX 78701

RE: Circle C Ranch, Tract 101, Lot 2 Amendment to Declaration of restrictive Covenants (Circle C: Tract 110)

Dear Mr. Armstrong,

The Circle C Child Development Center is requesting that Stratus Properties and the City of Austin grant permission to alter the tract covenant which currently states that access to Lot 2 can only be established via Lacrosse Avenue. Alternatively, we are asking to allow us to place our entrance on Dahlgreen. Listed below are some facts for your consideration:

- The design for our new center, places the structure on the back part of the lot. We plan to keep every tree possible and to have expansive natural playgrounds lining the front and the majority of the lot.
- Following this design means that the building will not be able to be seen from the homes on La Crosse or the homes on the South end of Dahlgreen.
- The covenant also states that the parking lot needs to be behind the building, which we support. Following this rule means that if our access is located on La Crosse, we would have to construct a driveway which runs the entire length of the site. This would necessitate more impervious cover, in turn affecting the overall plan and design for the building. This would increase the visibility of our center to the surrounding homes.
- Regardless of where we access - Dahlgreen or La Crosse - there will still be added traffic coming from the same areas. Very few families will be coming from Mopac; most will come from the main part of the Circle C community.
- The new CDC will be a full-time center, which means drop-off and pick-up will happen throughout the morning and afternoon. Because there is not a finite start and stop time like Kiker Elementary, the added traffic would be dispersed throughout the day.

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- There will be approximately 130 children and 30 staff members on this site.
- If the covenant is upheld, we are concerned that having an entrance on La Crosse Avenue may present safety issues. The city will not allow another curb cut on La Crosse Avenue, which would mean families would have to make a U-turn each time to enter and exit our center. The frequency of the U-turns near an already very busy intersection presents a significant risk to the community. Especially, during school hours when the pedestrian traffic and vehicle traffic are extremely high.

Thank you so much for your consideration. Please do not hesitate to contact me with any concerns or questions. I look forward to moving forward with this exciting project and continuing to offer quality childcare to the Southwest Austin area.

Sincerely,



Michelle Moran

Executive Director

Circle C Child Development Center

(512) 288-9792

mmoran@circleccdc.org

CIRCLE C HOMEOWNERS ASSOCIATION, INC.
7817 La Crosse Avenue, Austin, Tx 78739
512-288-8663 Info@Circlecranch.Info

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May 14, 2012

Beau Armstrong, CEO
Stratus Properties
212 Lavaca Street
Suite 300
Austin, Texas 78701

RE: Circle C Ranch, Tract 110, Lot 2 Amendment to Declaration of Restrictive Covenants [Circle C: Tract 110]

Dear Mr. Armstrong:

It is our understanding that you are in the process of negotiating the sale of Circle C Ranch, Tract 110, Lot 2 to the Circle C Child Development Center (CCCDC) for the purpose of construction of additional child care facilities to be operated by the CCCDC.

The Director of the CCCDC has expressed that one of the conditions of the purchase would be to allow access from the Dahlgreen Avenue (west side) of Lot 2, a condition that is currently prohibited by the existing Tract 110 Covenant, (Section B. 2). executed August 15, 2002.

Per Section 7. B. of the same tract covenant, the Tract Covenant may be amended "with the consent of 75% of the owners of the aggregate of the Property and the CCHOA (whose consent shall be expressed through the approval of the Board of Directors of the CCHOA)."

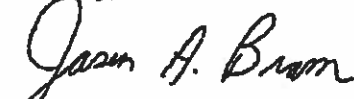
The Circle C Homeowners Association Board of Directors hereby gives consent for the Tract 110 Covenant to be amended as follows:

Section 2. Access Prohibition. There shall be no vehicular access for the purpose of ingress and egress from Tract 110 to Dahlgreen Avenue, an existing public right of way "except for one ingress and egress driveway to provide access to Lot 2 from Dahlgreen Avenue."

This amendment will be executed solely for the purpose of the sale of Lot 2 to the Circle C Child Development Center for additional child care facilities within Circle C Ranch.

Thank you for your continuing support of the Circle C Ranch community, and please let us know if you need further assistance in amending the Tract 110 Restrictive Covenant.

Sincerely,



Jason Bram, President
Circle C Homeowners Association, Inc

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.austintexas.gov

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: C14-2012-0059

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 17, 2012, Zoning and Planning Commission

August 16, 2012, City Council

Travis and Denise Ward

Your Name (please print)

10500 Galsworthy Ln, Austin TX 78739

Your address(es) affected by this application

7-8-2012

Date

Signature

Daytime Telephone: 512-507-3471

Comments: I have no doubt that you will pass this since this City Council will always side with business over the residents of Austin, but I will try anyway. Please stop destroying what natural habitat is left in southwest Austin. We moved here so my daughters could grow up around nature and slowly but surely you have allowed business after business ruin that for them. I ask you, for once, to do the right thing and save our neighborhood instead of whittle away at it.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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