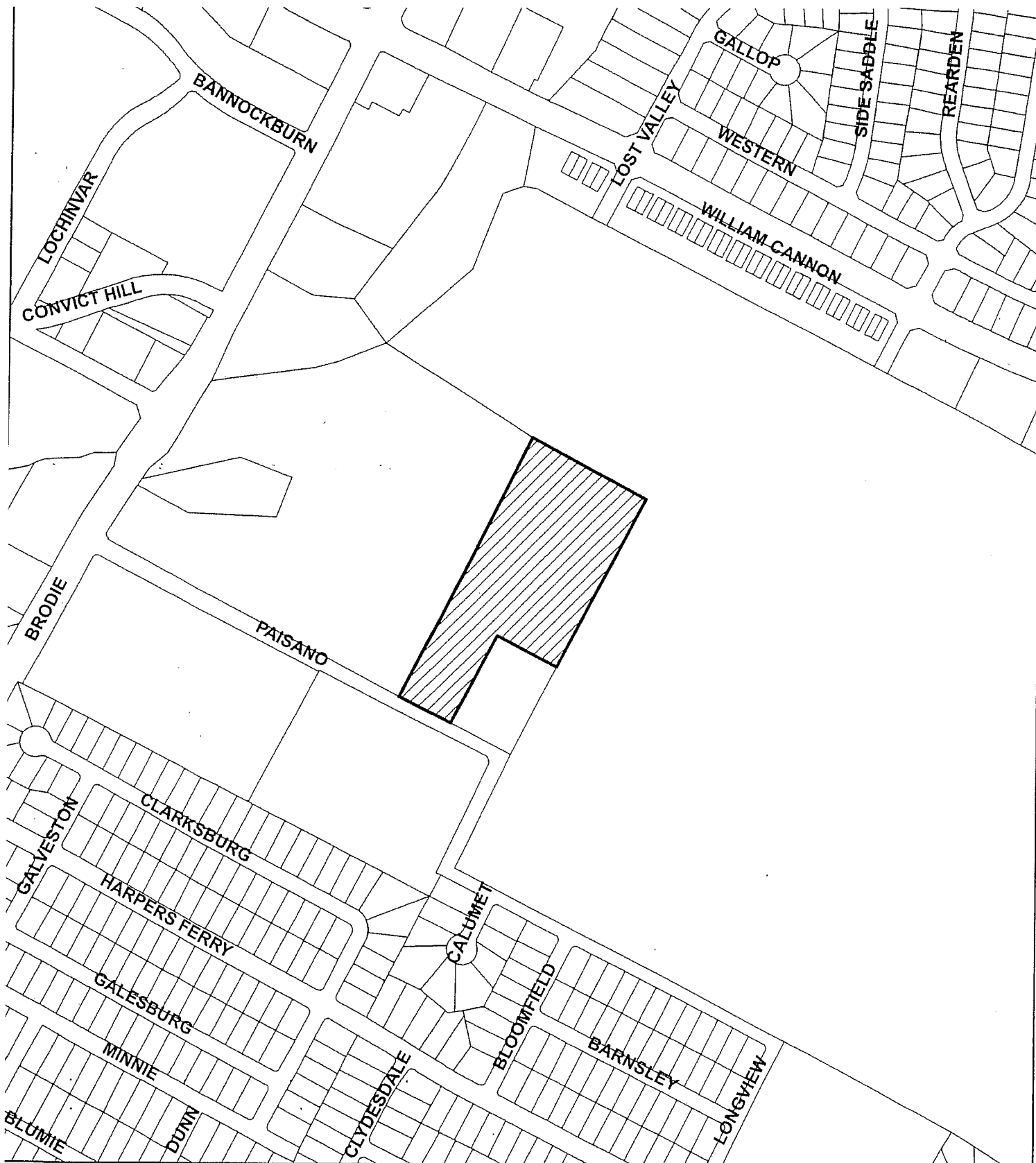
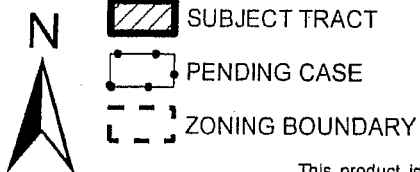


L2
1



NOTIFICATIONS

CASE#: C15-2016-0021
3338 PAISANO TRAIL



1" = 417'

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.



C15-2015-0021

L2
1/2

HUSCH BLACKWELL

Alexandra C. Jashinsky
Attorney

111 Congress Avenue, Suite 1400
Austin, TX 78701
Direct: 512.479.1182
Fax: 512.479.1101
alex.jashinsky@huschblackwell.com

March 28, 2016

City of Austin Board of Adjustment
505 Barton Springs Road
Austin, Texas 78704

Re: Mariposa Montessori (C15-2016-0021)

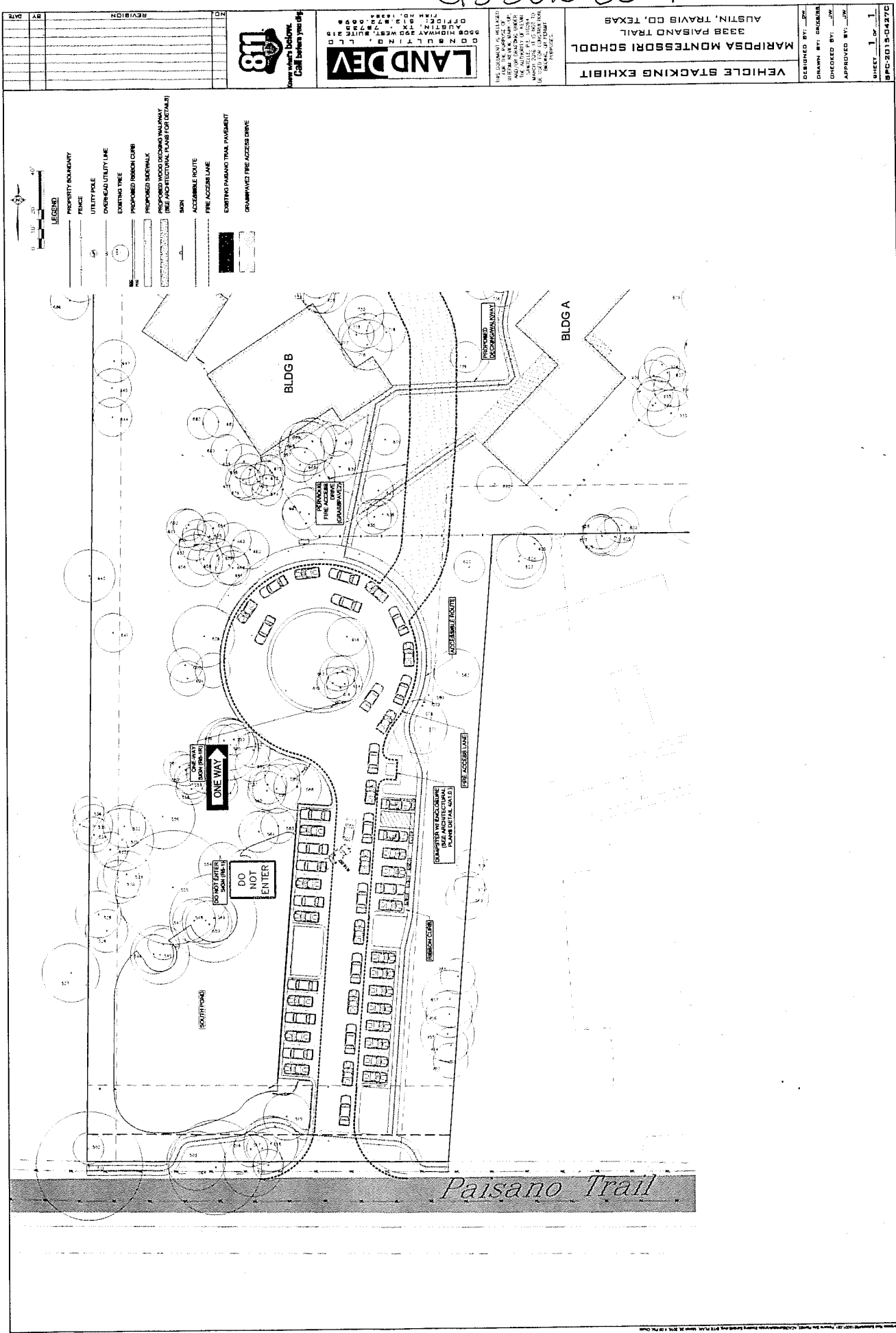
Dear Chairman, Vice Chair and Board Members:

As requested by the Board, the enclosed exhibit demonstrates that cars will never stack up along Paisano Trail because the school's driveway can accommodate plenty of cars during school and daycare drop-off and pick-up times. Parents dropping-off and picking-up children will pull up along the circular driveway and the children will get out of the car along the right-hand side of the driveway where there is a sidewalk leading to the classrooms. There is room for approximately eight cars to queue along the sidewalk at one time. Behind those eight cars, there is room for approximately twelve cars to queue in the driveway while they wait to approach the circular drop-off/ pick-up zone. There is also a lane on the inner part of the circular drop-off/ pick-up zone for parents to pull into once they're finished dropping-off or picking-up their child.

Sincerely,



Alex Jashinsky

$$12\frac{1}{3}$$


Mariposa Montessori (C15-2016-0021)
Item M-2- Board of Adjustment, March 14, 2016

FINDINGS

1. The current regulations do not allow for a reasonable use of the property because the property cannot be used as a school without the street-width variance. This site is ideal for a school and the other uses permitted in an SF-2 zoning district are not appropriate for this site.
2. Hardship is unique to this property because (i) the other schools in the area are located on streets with 40' paved width, (ii) the street-width requirement only applies to school uses (iii) this is the most ideal site in the area for a private school, but it is located on a street with less than 40' of paved width, and (iv) AE poles and heritage trees along the street prevent it from being widened to 40'.
3. The hardship is not general to the area because the street width requirement only applies to school uses and all other schools in the area have been developed on streets with larger street widths. This street is narrower than other streets because of the heritage trees and AE poles, and because most of the properties it serves are not developable, so there is not much traffic flow or a need for a wider street.
4. The variance will not alter the character of the neighborhood because a private school is consistent with the surrounding uses. The only neighboring use is a church, which supports the school, and the rest of the land is undevelopable City-owned property.



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

12/5

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

For Office Use Only

Case # C15-2016-002 ROW # 11483693 Tax # 0416230501
TEADV

Section 1: Applicant Statement

Street Address: 3338 Paisano Trail, Austin, Travis County, Texas 78745

Subdivision Legal Description:

7.28 acres out of the Theodore Bissell League in Travis County, as recorded in Document No. 2015038231 of the Official Public Records of Travis County, Texas.

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF-2

I/We Nikelle Meade on behalf of myself/ourselves as
authorized agent for Mariposa Real Estate, LLC affirm that on
Month January, Day Select, Year 2016, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: A private primary and secondary school.

12/6

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 25-2-832(a) of the City Code, which requires that a primary or secondary private school must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The property cannot be used as a private school without the variance. A private school will serve the nearby residential properties. The property is not suitable for single-family use (it is too large and surrounded by vacant land), or religious assembly use (there is a church nextdoor), or daycare use (the property is too large) or, group home or family home uses (there is not a need for these uses in the area).

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The property is located on a neighborhood street with a pavement width of ~17 feet, whereas most other schools in the city are located on larger streets and arterials. Schools are required to have larger street widths because of emergency access and maneuvering radii of school buses, but there is sufficient fire access to the property and the school does not use buses.

Additionally, unlike most properties on streets with 40' of paved width in this area, this property is surrounded by trees and is close to nature, which is safer and more ideal for school children than being located on the other high-traffic wider streets in the area.

b) The hardship is not general to the area in which the property is located because:

The property is the only property in the area that does not meet the street width requirement because the street width requirement applies only to schools and most other properties have been developed as single family uses or churches, and there is not another school in the area that is not located on a street with a pavement width of at least 40'.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will allow the property to be developed as a private school, which is consistent with the surrounding uses. The only developed use adjacent to the property is a church. The remaining surrounding properties are undeveloped, and the property to the east will remain undeveloped because it is part of the Stephenson Nature Preserve. The closest developed properties are single family lots, which can benefit from the school.

12/7

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____

Nikelle S. Meade

Date: 1/15/16

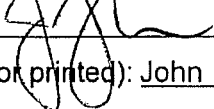
Applicant Name (typed or printed): Nikelle Meade, Husch Blackwell LLP

12/8

Applicant Mailing Address: 111 Congress Avenue, Suite 1400
City: Austin State: Texas Zip: 78701
Phone (will be public information): (512) 479-1147
Email (optional – will be public information): nikelle.meade@huschblackwell.com

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 1/14/16
Owner Name (typed or printed): John Falcon, Managing Member of Mariposa Real Estate LLC
Owner Mailing Address: 4622 South Lamar Boulevard
City: Austin State: Texas Zip: 78745
Phone (will be public information): (512) 891-0093
Email (optional – will be public information): john@mariposamontessori.com

Section 5: Agent Information

Agent Name: Nikelle Meade, Husch Blackwell LLP
Agent Mailing Address: 111 Congress Avenue, Suite 1400
City: Austin State: Texas Zip: 78701
Phone (will be public information): (512) 479-1147
Email (optional – will be public information): nikelle.meade@huschblackwell.com

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

12/9

January 15, 2016

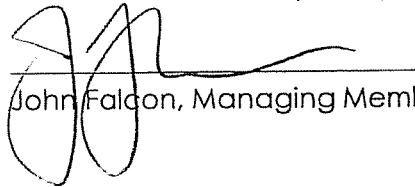
City of Austin
505 Barton Springs Road, 13th Floor
One Texas Center
Austin, Texas 78704

Re: Letter Appointing Agent Regarding Board of Adjustment Variance
Application for #338 Paisano Trail.

To Whom It May Concern:

The undersigned, Mariposa Real Estate, LLC, as the owner of the property subject to the above referenced variance application hereby appoints Husch Blackwell LLP (Nikelle Meade), as agent in the above-referenced matter.

MARIPOSA REAL ESTATE LLC,
a Texas limited liability company


John Falcon, Managing Member

ZONE: SF-2

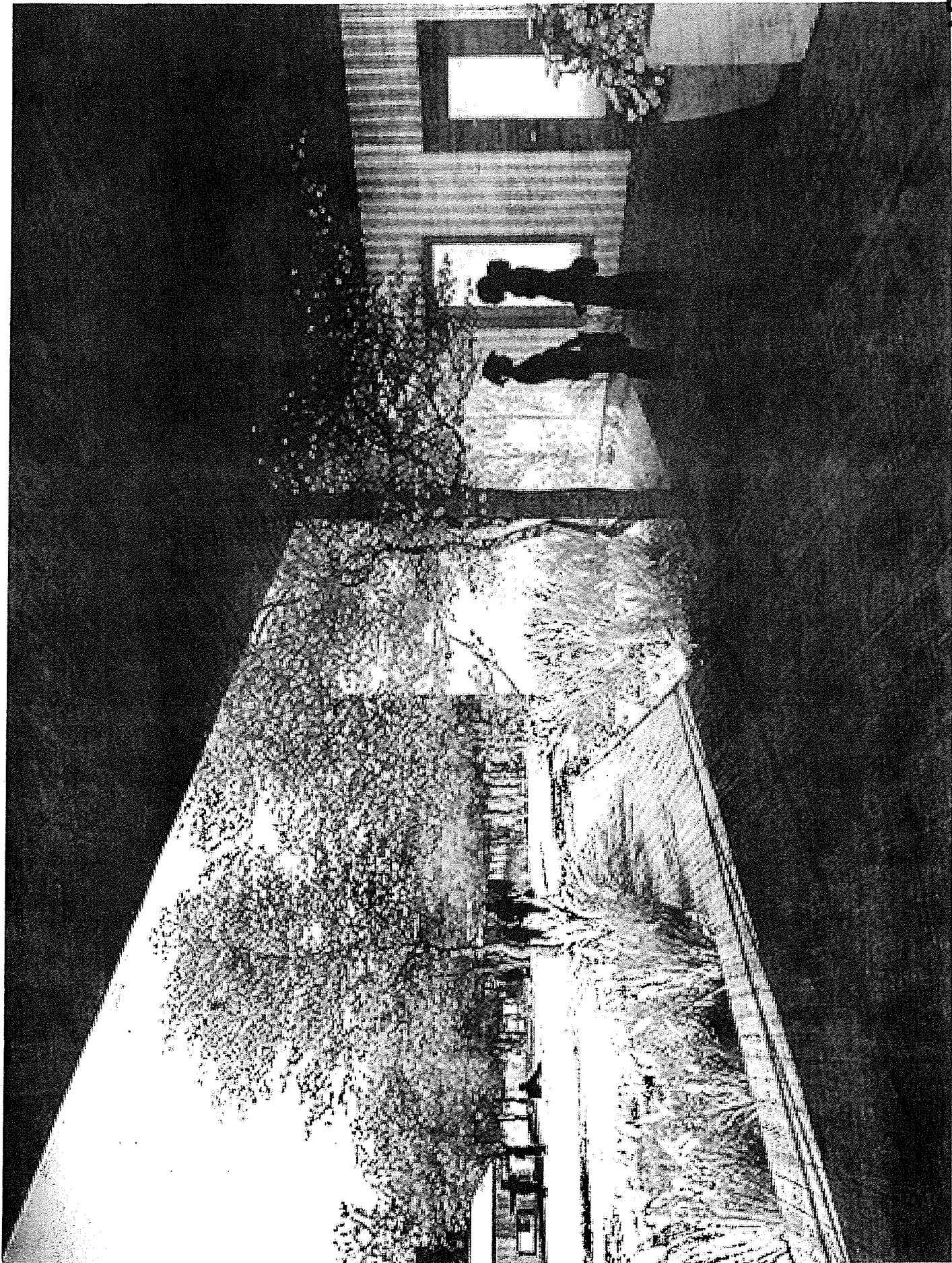
ZONE: PUD

SITE PLAN AND CALCULATIONS

MARIPOSA MONTESSORI SCHOOL
3338 PAISANO TRAIL
AUSTIN, TRAVIS CO, TEXAS



12/11

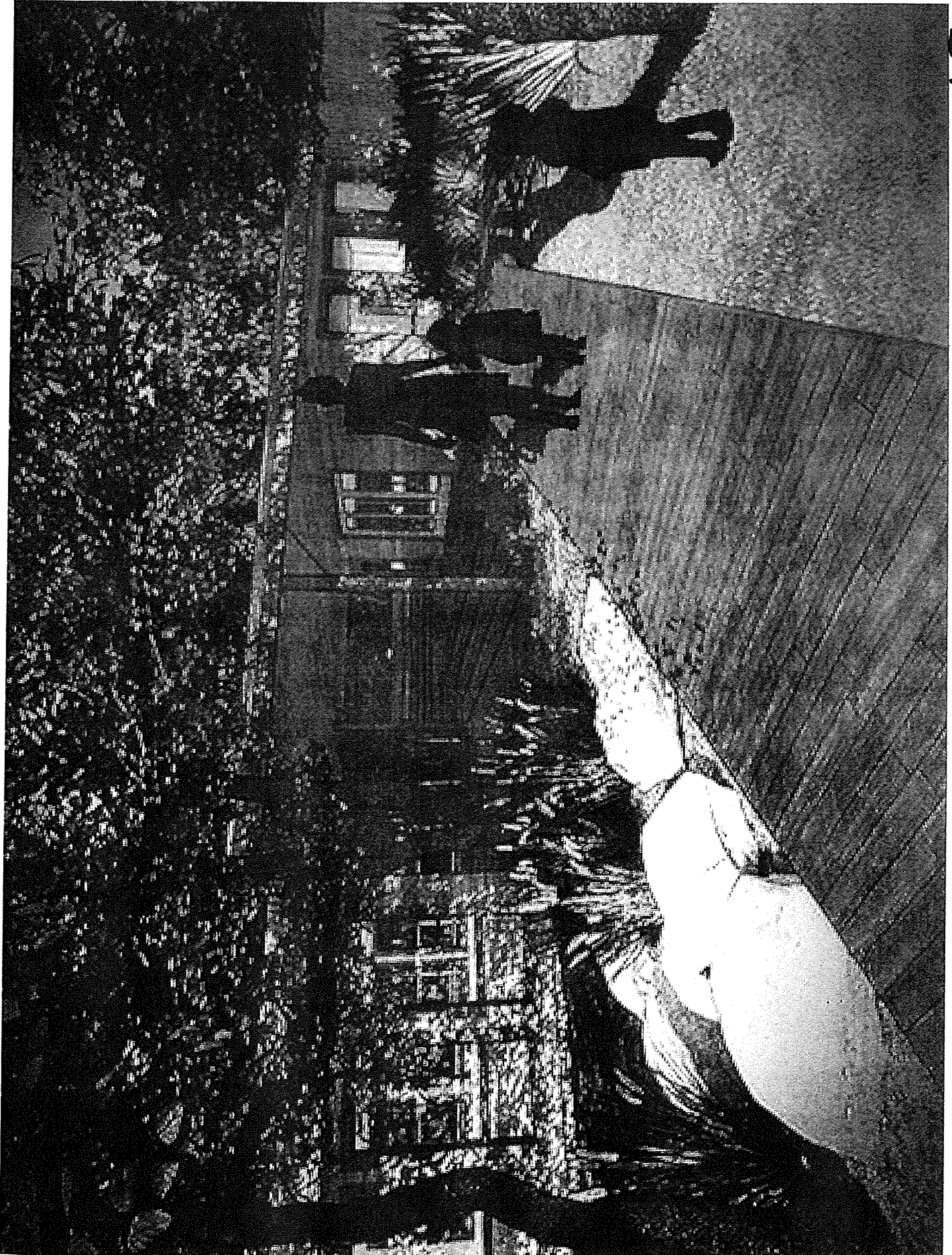


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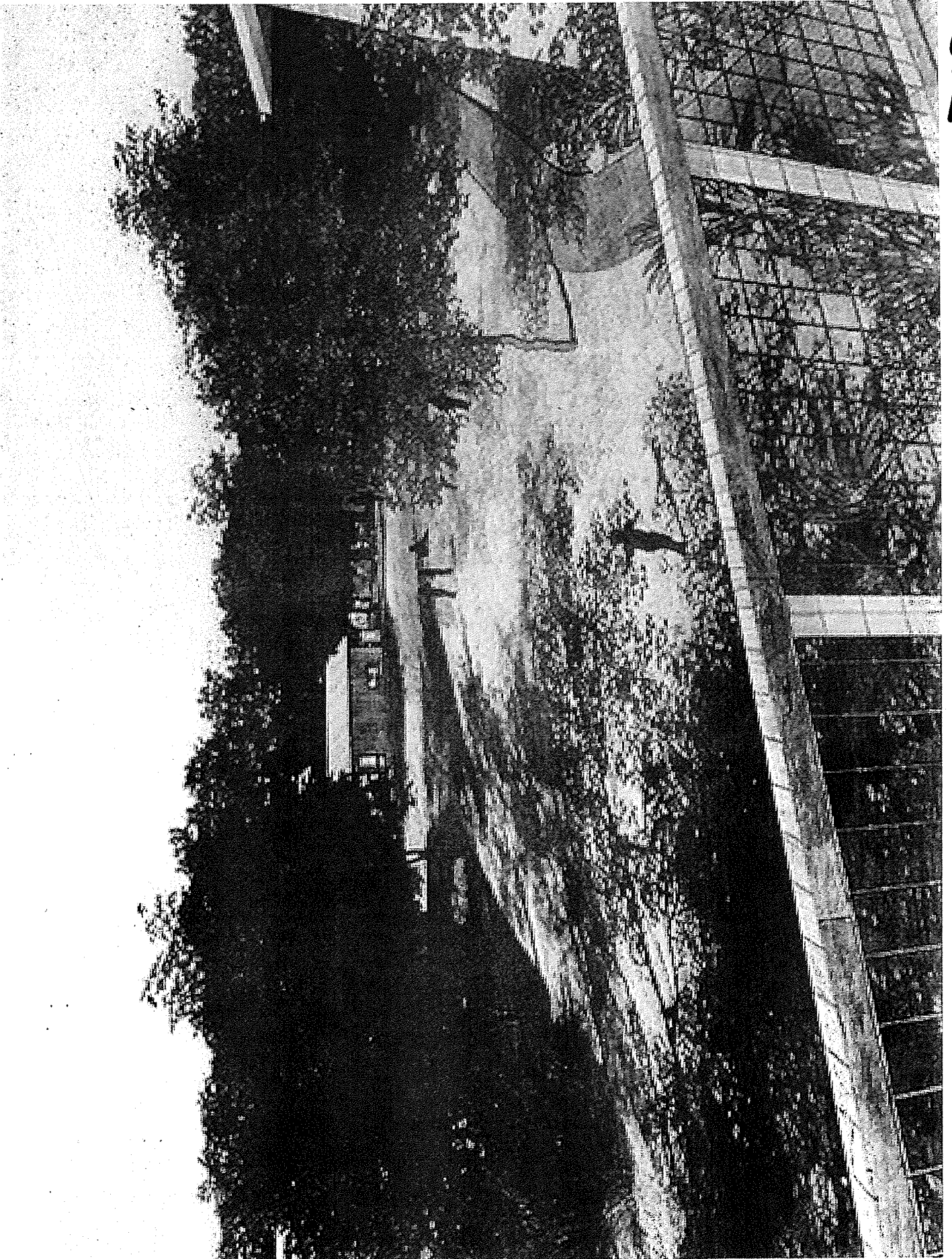


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Lochin

William Cannon
W William Cannon Dr

Undeveloped; Owned by

City of Austin

Undeveloped; Owned by

City of Austin

Brodie Lane

Brodie Ln

Brodie Ln

Paisano Trail

Undeveloped; Owned by
City of Austin

Brodie Ln

Harpers Ferry Ln

3338 Paisano Trail



Paisano Trail

Undeveloped; Stephenson
Nature Preserve

Stephenson
Nature
Preserve And
Outdoor

Zion Rest Baptist Church

Undeveloped; Owned by
Zion Rest Baptist Church

Paisano Trail

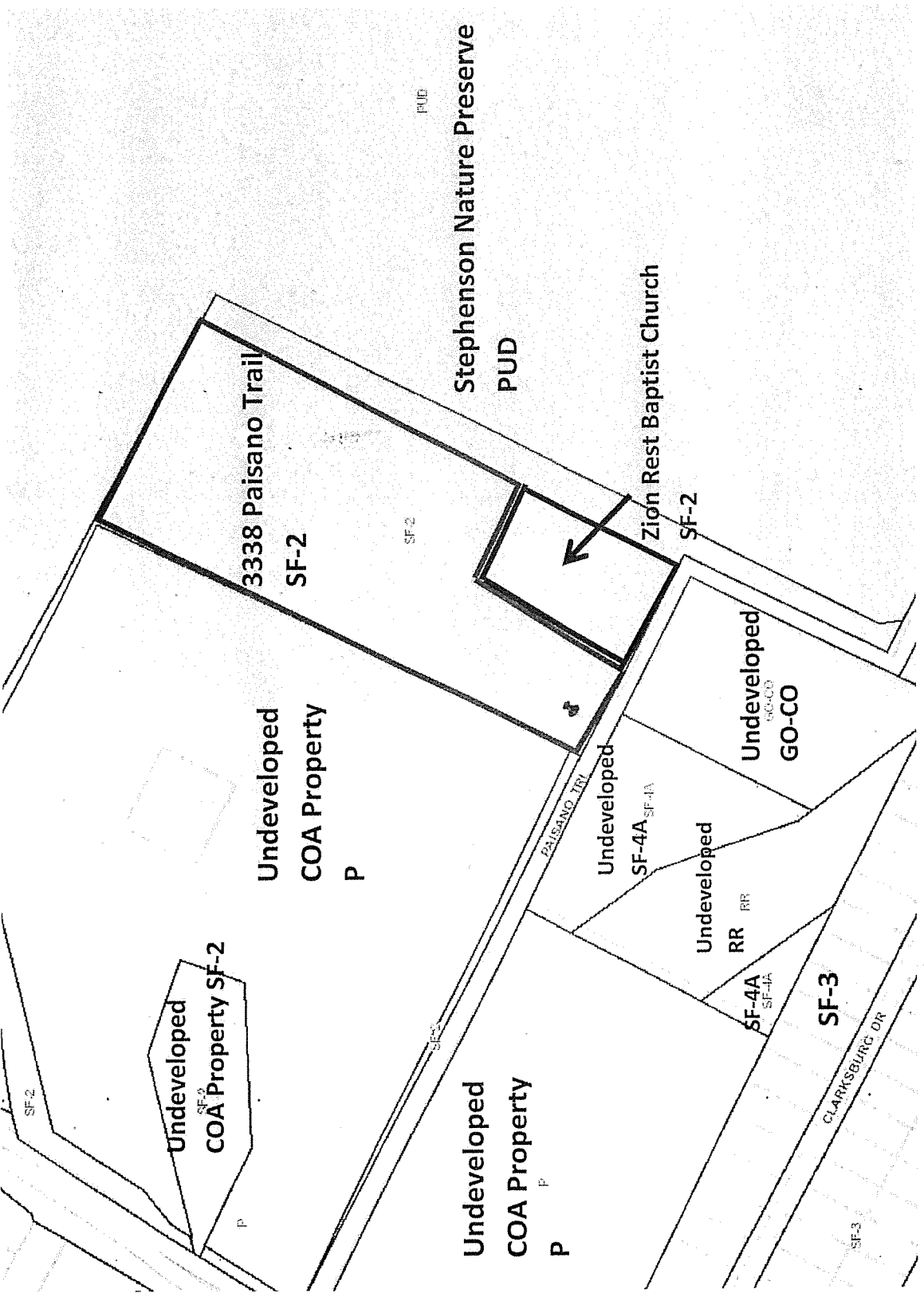
Bloomfield Dr

Single-Family Homes

Galesburg Dr



17/2:



18/52

Jashinsky, Alex

CIS-2016-0021

12
22

Subject:

FW: Mariposa project sample letter

----- Forwarded message -----

From: "Vires, Rob" <rob.vires@austintexas.gov>

Date: Mar 14, 2016 1:06 PM

Subject: RE: Mariposa project sample letter

To: "Randy Moreno" <randy.moreno@gmail.com>

Cc:

Randy,

In regard to your inquiry about Paisano Trail Drive, there are no issues that we are aware of in regard to fire department vehicle access or travel.



Division Chief Rob Vires

Fire Marshal

Austin Fire Department

505 Barton Springs Rd

Austin, TX 78704

512-974-0266

C15-2016-0021

12
/ 23

Randy Moreno

Consulting Services

8600 Brodie Lane #1138
Austin Texas 78745

RE: Mariposa Montessori (C15-2016-0021); Item M-2 Board of Adjustment
March 14, 2016

Born and raised in Austin, Texas I served the Austin community for 31 years as a dedicated member of the Austin Fire Department. In 2011 I retired from AFD. During my career I held assignments in stations in 20, 24, 7, 19, 10 as well as the Austin office of Emergency Management. I have also served in several local ESDs including ESD 11 and ESD 4.

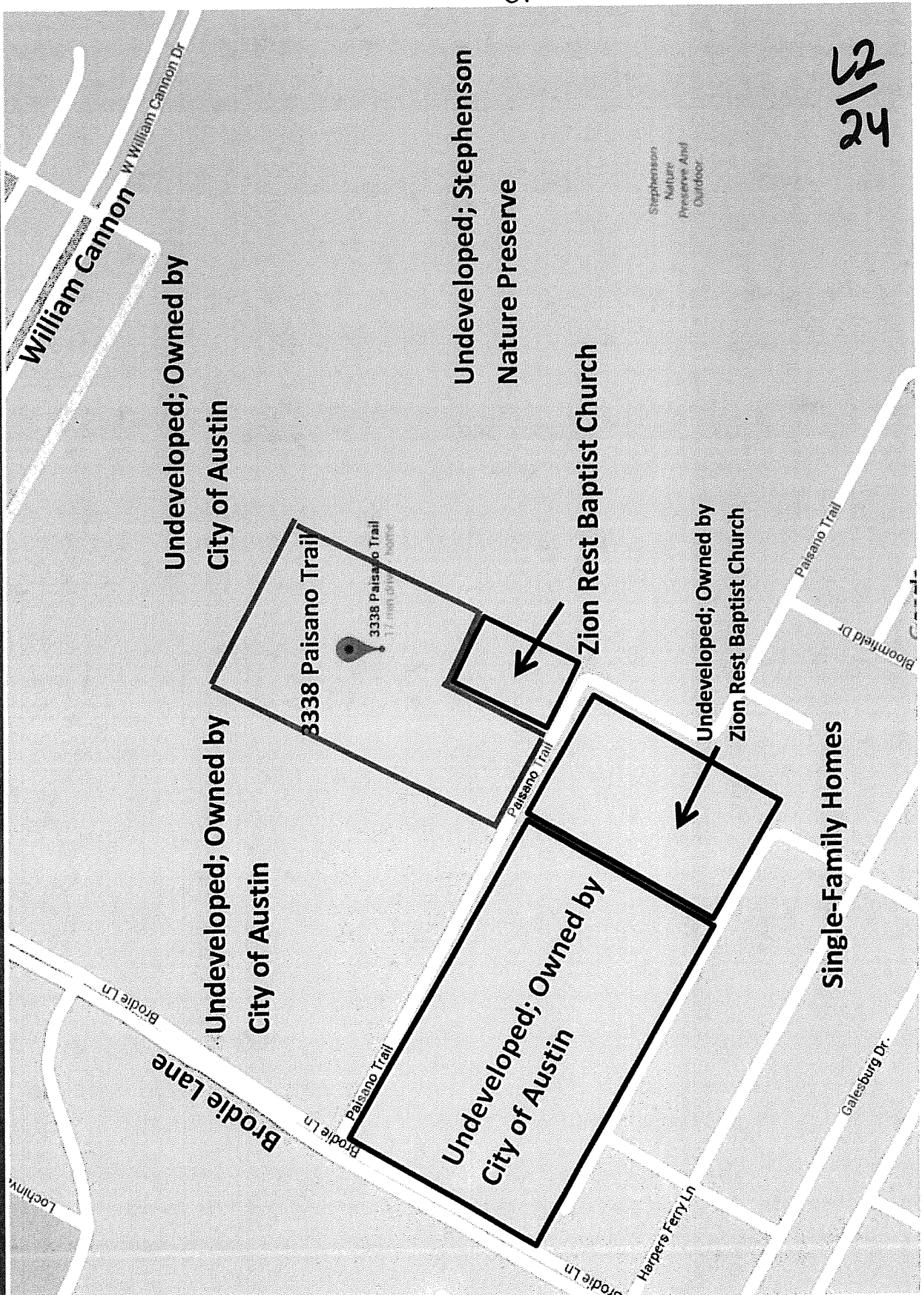
Austin Mayor Gus Garcia appointed me to the Austin Public Safety Taskforce in 2001 in response to 9/11 as a representative of Austin Fire Department where I served for approximately 5 years dealing with emergency service response post 9/11. Council Member Mike Martinez appointed me to the Austin Public Safety Commission in 2011 where I served for over 4 years dealing with issues including flash flooding, wildland fires, natural disasters response, and APD, AEMS & AFD staffing.

I currently advise and consult as Randy Moreno Consulting Services. In this capacity I acknowledge that the roadway width of Paisano Trail Drive from Brodie Lane to the west and from Longview Road to the east will safely accommodate fire apparatus access in both directions of travel to the Mariposa Montessori site.

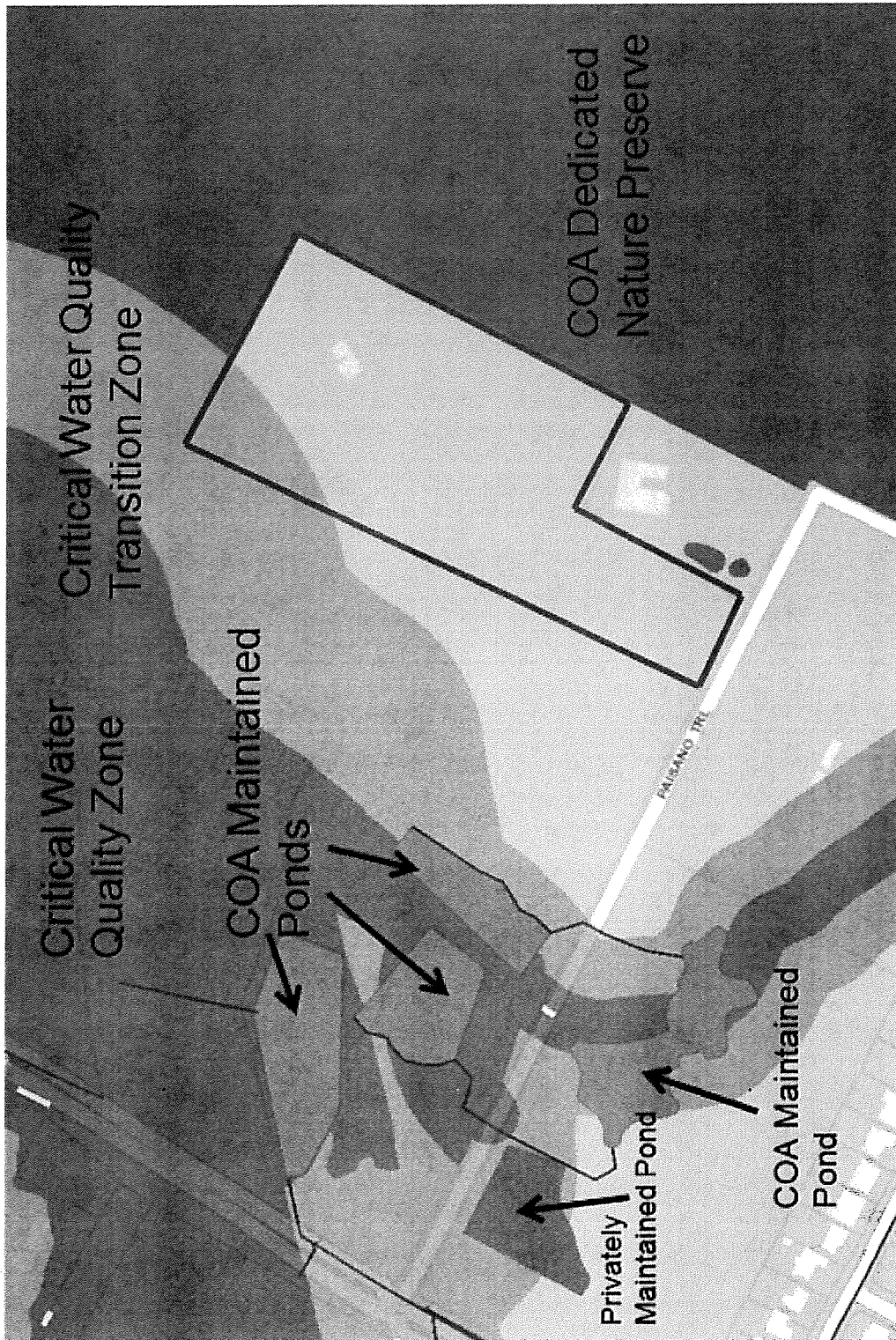
Randy Moreno

CS-2016-0021

2/24



Natural Features



015-206-0021

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February 12, 2016

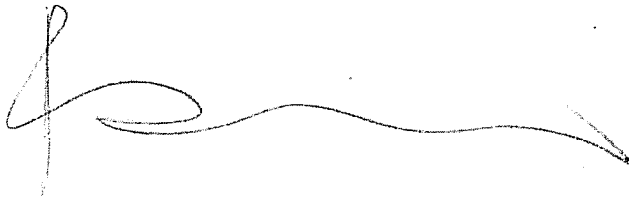
To Whom it May Concern:

Both of my sons go to Mariposa Montessori. My 6 year-old has been attending Mariposa since he's been 1.5 years old. Sending the kids to Mariposa is a financial burden for my family but we gladly cut from trips and conveniences just so the kids can get the education, love and attention they do at this amazing place. Mariposa is more than a school. It is an integral part of South Austin. Many of our friends are now on the waiting list to get into this school. One visit and they sense what we all know is special about this place. There is very little pretending, busy work and veneer and much genuineness, authenticity, attention to detail, dedication and love. We are all excited about the new campus because we know it will allow for greater access to nature and a calmer, more beautiful learning and teaching environment. I don't think that the Stephenson Nature Preserve could end up with a better neighbor.

I am very hopeful that the city will grant Mariposa Montessori School the permit needed to expand into the space they need to take their excellence to the next level.

Sincerely,

Banafsheh Madaninejad, PhD
Visiting Assistant Professor of Religion
Southwestern University
Georgetown, TX



42
27

February 11, 2016

To whom it may concern,

I am a long time parent at Mariposa Montessori School. Both of my sons have attended Mariposa for several years and it has been an amazing experience. We also live in the neighborhood. This South Austin neighborhood has benefitted, and will continue to benefit, from what Mariposa has to offer the community. We were thrilled to find out that Mariposa would be expanding and building a new campus on Paisano Trail. I wholeheartedly support this project! Please feel free to contact me with questions that you may have.

With Gratitude,

Whitney O'Baugh

thewrensnest.austin@gmail.com

62
28

From:
Nathan and Brandi Wyman, Realtors
913 Hillside Oaks Drive
Austin TX 78745

Re: Construction of Mariposa Montessori School in South Austin

Date: February 11 2016

To Whom It May Concern:

Our son attends Mariposa Montessori at the Brodie Lane location presently. We waited for over a year to get our son into the school because it is in our estimation the best place for children in South Austin. The staff is loving and professional. The programs offered are exceptional and executed with caring and diligence and our son has benefited greatly from his time at Mariposa.

The Paisano Trail location is perfect for the future Mariposa to grow and continue to serve the South Austin community of parents and children. As South Austin residents for the past 10 years we have seen a lot of change and growth in our area and a new Mariposa campus will only contribute to a flourishing and diverse part of Austin.

South Austin and Austin in general need as many childcare facilities/options as possible. Our town is growing so rapidly and it's no secret that it's a great place to raise a family. It is necessary for a progressive and visionary city like Austin to make as much room as possible for a place like Mariposa Montessori to grow, thrive and flourish. It is organizations like Mariposa and people like John and Whitney Falcon and the ENTIRE Mariposa staff that make Austin such a great place to live.

Thanks in advance for your attention to this matter.

Best regards,

Nathan and Brandi Wyman

62
29

February 11, 2016

To Whom it May Concern:

We are writing to voice our strong support for Mariposa Montessori School's new campus on Paisano Trail. We live fairly close-by, off of Brodie Lane further south and we would love for the new campus to be built in this neighborhood. Our children have gone to Mariposa for several years, and we have nothing but great things to say about the school and the staff. The owners, John and Whitney Falcon, have been wonderful, warm, professional, and respectful. We would love to see the school grow and thrive in its new location on Paisano Trail.

Sincerely,

Sara & Chris Kocek
11508 Silmarillion Trail, Austin

February 11, 2016

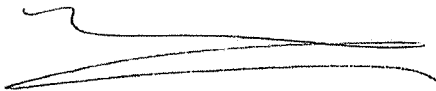
62
30

To Whom it May Concern:

I live in the general area near the proposed Mariposa Montessori campus on Paisano. Both of my sons go to Mariposa. Mariposa is an asset to the Brodie area, Austin, and Texas. It instills a powerful work ethic, self-motivation, a love for learning, and the teachers and staff pour love into the children. It is my firm believe that Mariposa Montessori is more than simply a school. It is now and integral part of our community that supports and strengthens the community. Not only do I support the new Paisano campus, I have invested money towards that ends and made a habit of paying tuition early to support the school. The new campus will allow for better integrated services, more opportunities for the older children to demonstrate leadership, more opportunities for the younger children to be inspired by the achievements of the older students, and it will allow for improved facilities in a beautiful environment. In addition the school's ethic of environmental awareness and concern will lend itself greatly to the Stephenson Nature Preserve and Outdoor Education Center. I don't think that the Stephenson Nature Preserve could end up with a better neighbor.

I am very hopeful that the city will grant Mariposa Montessori School, a critically vital piece of South Austin's education institutions, all the necessary permit to complete the construction of the new Paisano campus!

Thank you,



Roy Casagrande
Associate Professor of Government
Austin Community College

62
31

Zion Rest

Missionary Baptist Church

**Pastor:**

R. E. Foster,
Lead Pastor

T. Lundy
1st Assistant

Executive
Administrative
Assistant:
La Faye York

Church Clerk:

Lydia Orr

Deacons Chair:

Wyette Williams

Vice Chair:

Miles Iverson

Joel Matthews
James Pollard
Robert McBride
Sidney Morris
Joe Stewart

Emeritus:

Harvey Howard, Jr.

Deaconess**Chair:**

Essie Williams

Vice Chair:

Gloria Iverson

Shirley Pollard
Helen McBride
Rose Stewart

Emeritus:

Lucille Howard

Trustees Chair:

Gilson Westbrook

Vice Chair:

Ron Baxter
Dwight Alex
Robert Burns
Mary Earls
Cleophas Hodges Sr.
Willie Hurd
Robert Mitchell
Steve Renaud
Lamar Smith
Loretta Thomason

January 21, 2016

City of Austin Development Review Department:

Zion Rest Baptist Church (ZRMBC), located on 1.54 acres at 3326 Paisano Trail supports Mariposa Montessori in obtaining a conditional use permit for Private Primary and Secondary Education Facilities and Daycare Services at 3338 Paisano Trail, Austin, Texas 78745.

ZRMBC also supports the variance to the required road way access for fire fighting vehicles entering the property, as required by the City of Austin Fire Code and Fire Protection Criteria Manual.

The proposed use is on the property located immediately adjacent to our church property. We support the permit as long as no portion of the school facilities will exceed 35 feet in height and the development will not seek any parking variances. Thank you for your kind attention to this matter.

With Regards,

Gilson Westbrook
Trustees Chair

Zion Rest Baptist Church
3326 Paisano Trail, Austin, TX 78745
Phone: 512-892-8880
Email: zionrestbc@austin.rr.com

"Our Dream is to make His dream come true."

3326 Paisano Trail, Austin, Texas 78745

(Southwest Austin, off W. William Cannon & Brodie Lane)

PHONE: (512)892-8880

FAX: (512)892-8882

E-MAIL: ZIONRESTBC@AUSTIN.RR.COM

WEB: ZIONRESTMBC.ORG

