

**INTERLOCAL AMENDMENT  
BETWEEN AUSTIN INDEPENDENT SCHOOL DISTRICT  
AND THE  
CITY OF AUSTIN**

**CITY COUNCIL DATE:** February 4, 2010

**PROJECT NAME:** McCallum High School

**ADDRESS:** 5600 Sunshine Drive

**SITE AREA:** 31.39 acres

**CASE MANAGER:** Nikki Hoelter Phone: 974-2863  
[Nikki.hoelter@ci.austin.tx.us](mailto:Nikki.hoelter@ci.austin.tx.us)

**AMENDMENT REQUEST:**

Request approval of an amendment to the Land Development Agreement between the City and Austin Independent School District to exceed the height limit as set out in the interlocal agreement from 60 feet to 80 feet. This request is only for the performing arts building at McCallum High School.

**SUMMARY COMMENTS ON AMENDMENT:**

The District recently submitted a site plan application to add a 24,919 gross floor area performing arts building and a softball field to an existing high school campus.

Due to the unique design requirement for the theatre and auditorium it was difficult to remain within the permitted 60 foot height limitation. Staff believed the best solution would be an amendment to the Land Development Agreement, which would be specific to this school site.

The interlocal states under Section 2.9 Building Height Regulations, a building may have a maximum height of 60 feet unless within the zoning jurisdiction of the City, then the following height limitations should be met. If located 50 feet or less from a property that is used or zoned for single family residential use it may not exceed 30 feet and if a building is located more than 50 feet but less than 100 feet from property used or zoned for a single family residential use, then the height may not exceed 40 feet.

This structure is about 160 feet from SF-3 zoned property. Therefore the 60 foot height limitation would apply. All other structures on the site comply with the height limit. An amendment to the agreement is proposed by staff to remedy the situation for this site

The Land Development Agreement between the City and Austin Independent School District was last amended in 2006. City Staff plans to work on an amendment to the entire agreement to address recurring issues with zoning and development regulations in the near future.

**PROPOSED DEVELOPMENT:**

AISD proposes to build a fine arts building to accommodate a theater/auditorium under case number SP-2009-0275CX. The building will include a stage, overhead sets and acoustical shells in which the fly loft will need to exceed the permitted height standards within the interlocal agreement.

Additional improvements under the current site plan application include the relocation of the softball field, parking and associated improvements.

Existing improvements on the main campus site include an athletic field and track, baseball field, high school buildings, surface parking and portable buildings.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends the approval of the amendment to permit a height of 80 feet for the performing arts building.

The site plan application for McCallum High School will comply with all Land Development Code regulations, after the amendment is approved.

**PLANNING COMMISSION:** December 8, 2009 – Approved by Consent (7-0-1) D. Sullivan abstained

**THIRD AMENDMENT TO THE SCHOOL DISTRICT LAND  
DEVELOPMENT STANDARDS AGREEMENT  
BETWEEN THE CITY OF AUSTIN AND  
THE AUSTIN INDEPENDENT SCHOOL DISTRICT**

<b>STATE OF TEXAS</b>	§	
	§	
<b>COUNTY OF TRAVIS</b>	§	<b>KNOW ALL BY THESE PRESENTS:</b>

This Third Amendment to the School District Land Development Standards Agreement ("Third Amendment") is made and entered into by and between the City of Austin, Texas, a home-rule city and municipal corporation in Travis County, Texas ("City"), and the Austin Independent School District ("School District") under the provisions of the Local Government Code, Section 212.902.

**RECITALS**

**WHEREAS**, the City and the School District executed the School District Land Development Standards Agreement ("Original Agreement") on September 22, 1994, in accordance with Section 212.902 of the Texas Local Government Code; and

**WHEREAS**, the Original Agreement was amended and restated in February 1997 by the School District Land Development Standards Agreement executed by Jesus Garza, City Manager, on behalf of the City, and by James H. Fox, Jr., Superintendent, on behalf of the School District (as amended and restated, the "Amended and Restated Agreement"), which Amended and Restated Agreement was received for filing in the City Clerk's Office on February 11, 1997; and

**WHEREAS**, the Amended and Restated Agreement was amended by that certain Second Amendment to School District Land Development Standards Agreement (the "Second Amendment") between the City and the School District dated effective February 27, 2006 (the Amended and Restated Agreement as amended by the Second Amendment is hereafter referred to as the "Agreement"); and

**WHEREAS**, the Agreement provides that it may be amended if the amendment is approved and signed by both parties; and

**WHEREAS**, the City and the School District desire to further amend the Agreement.

**NOW, THEREFORE**, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the School District agree as follows:

## **ARTICLE I**

1. Section 2.9 of the Agreement is deleted and replaced with the following:

### Section 2.9 Building Height Regulations.

- A. Except as provided in Subsections B and C of this section, the maximum height of any building located on a school site is 60 feet.
- B. In the zoning jurisdiction of the City:
  1. a building located 50 feet or less from a property that is used or zoned for a single-family residential use may not exceed a height of 30 feet; and
  2. a building located more than 50 feet but less than 100 feet from a property that is used or zoned for a single-family residential use may not exceed a height of 40 feet.
- C. If located 100 feet or more from a property that is used or zoned for a single-family residential use, the maximum height of the Performing Arts Center building on the McCallum High School Campus (5600 Sunshine Drive, Austin, Texas 78756) is 80 feet.

## **ARTICLE 2 - GENERAL PROVISIONS**

1. All provisions of the Agreement not specifically amended herein shall remain in effect.

2. This Third Amendment is effective after execution by the authorized representatives of each party.

IN WITNESS WHEREOF, this instrument is made and executed to be effective as of the last date signed by the parties.

**CITY OF AUSTIN**

**AUSTIN INDEPENDENT  
SCHOOL DISTRICT**

By: \_\_\_\_\_  
Marc A. Ott  
City Manager

By: \_\_\_\_\_  
Mark J. Williams  
President, Board of Trustees

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney



## **Brentwood Neighborhood Association**

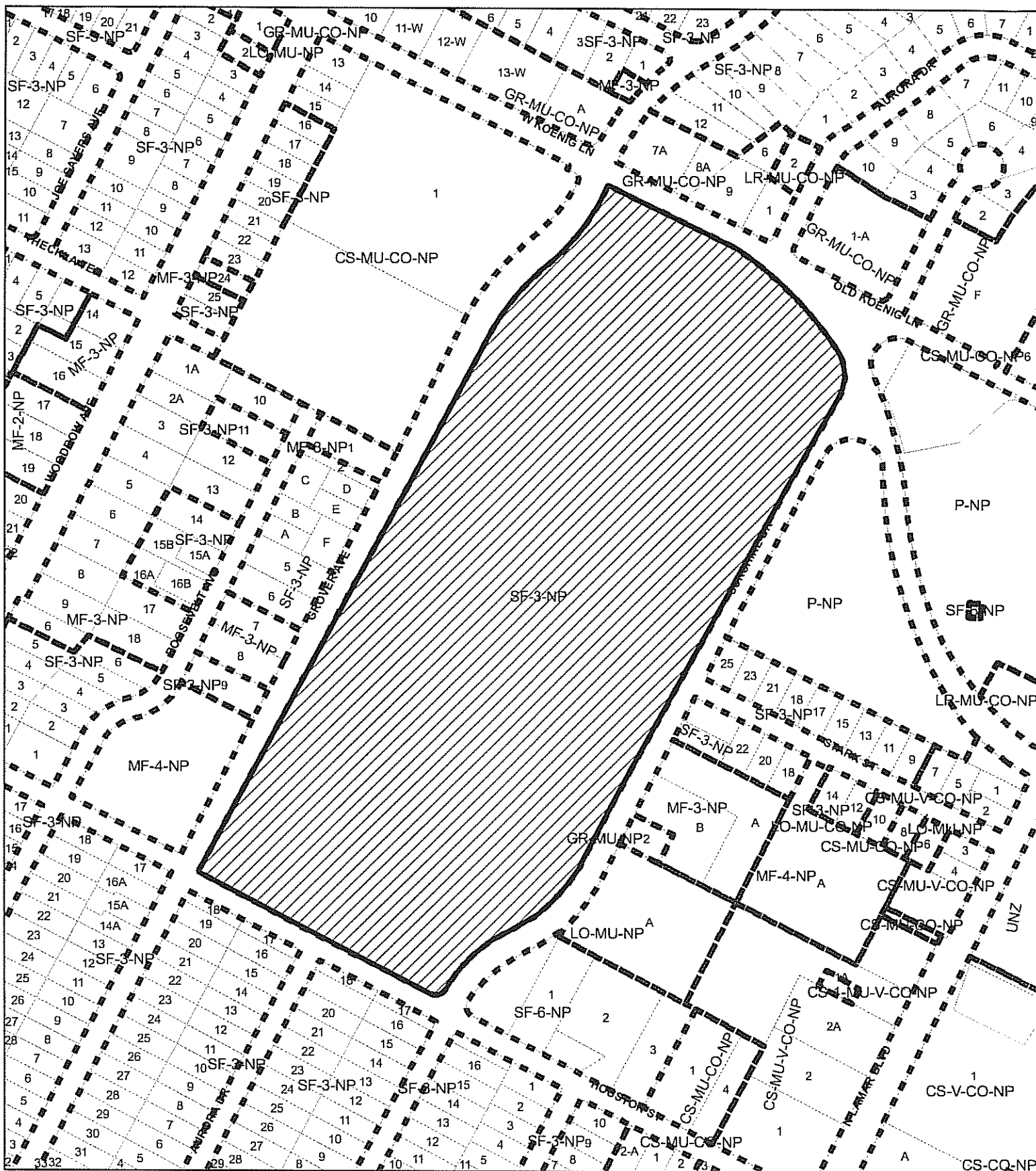
*Serving Our Neighborhood from 45th St. to Justin Lane and North Lamar to Burnet Road*

Date: December 1, 2009  
To: City Council, City of Austin  
Re: Performing Arts Center McCallum High School

The Brentwood Steering Committee voted to support amending the height regulations for a structure associated with a Performing Arts Center at McCallum High School located at 5600 Sunshine Drive, Austin, Texas. The steering committee supports the school district in building the Performing Art Center and feels it will be a plus for the neighborhood. We ask the City Council to approve the proposed amendment.

Thanks,

Dale Henry  
President Brentwood Neighborhood Steering Committee



# SITE PLAN



SUBJECT TRACT



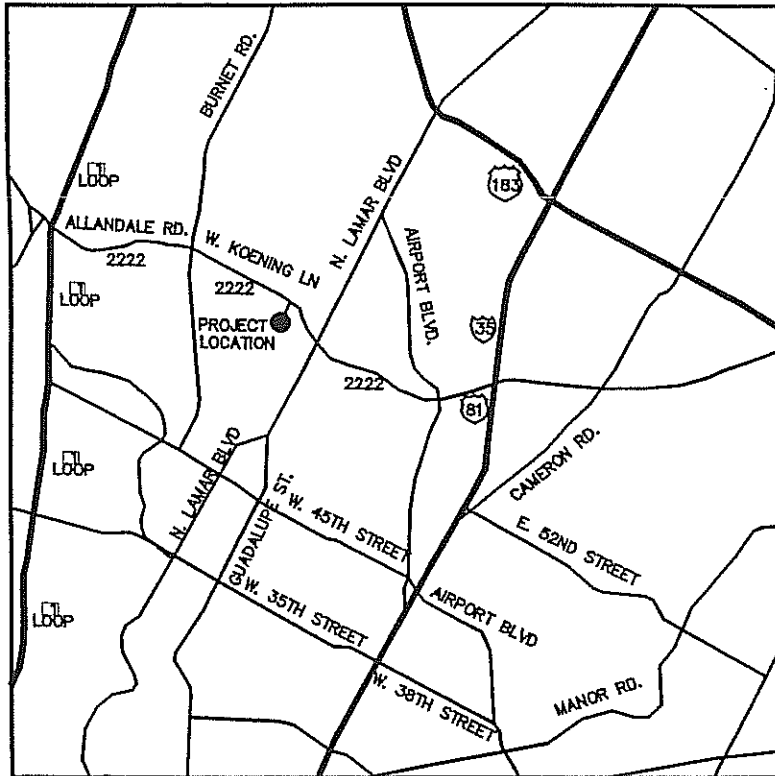
ZONING BOUNDARY

CASE#: SP-2009-0275CX  
 ADDRESS: 5600 Sunshine Dr  
 CASE NAME: McCallum High School Addition and Renovation  
 MANAGER: Nikki Hoelter

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.



MAPSCO: PAGE 555C; MK-27

## LOCATION MAP

NOT TO SCALE