

**ZONING AND PLATTING COMMISSION SITE PLAN  
CONDITIONAL USE PERMIT REVIEW SHEET**

**CASE NUMBER:** SPC-2015-0427C      **PC DATE:** May 17, 2016

**PROJECT NAME:** Mariposa Montessori School

**ADDRESS OF APPLICATION:** 3338 Paisano Trail

**APPLICANT:** Mariposa Real Estate (John Falcon) (512) 891-0093  
4622 S Lamar Blvd  
Austin, TX 78745

**AGENT:** LandDev Consulting (Kevin Sawtelle) (512) 872-6696  
5508 290 Hwy W Ste 215  
Austin, TX 78735

**AREA:** 7.280 acres

**COUNCIL DISTRICT:** 5

**WATERSHED:** Williamson Creek (Barton Springs Zone)

**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance

**C.I.P. STATUS:** N/A

**T.I.A.:** N/A

**CAPITOL VIEW:** N/A

**PROPOSED DEVELOPMENT:**

The applicant is requesting a Conditional Use Permit to construct a day care/ private primary school with other associated improvements. The proposed land uses [LDC 25-2-6 Civic Uses] are Day Care Services (Commercial) and Private Primary Education Facility. Day Care Services (Commercial) use is the use of a site for the provision of daytime care for more than 20 persons. Private Primary Educational Facility use is the use of a site for a private or parochial school offering instruction at the elementary school level. The proposed development will be five buildings, totaling 20,836 square feet in size, four 1-story buildings and one 2-story building. The applicant is proposing 109 day care children and 89 elementary school level children. Based on the size of the development the maximum occupancy for the day care use is 235 children and the maximum occupancy for the private primary educational use is 164 children.

**EXISTING ZONING:** The site is zoned SF-2. Day Care Services (Commercial) and Private Primary Education Facility are both conditional uses in the SF-2 base zoning district [LDC 25-2-491].

**STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit for the proposed private primary educational / day care (commercial) facility. This site plan will comply with all Land Development Code requirements.

**CASE MANAGER:** Rosemary Avila      Telephone: 974-2784  
[Rosemary.avila@austintexas.gov](mailto:Rosemary.avila@austintexas.gov)

**PROJECT INFORMATION:** 7.280 acres

**ALLOWED F.A.R.:** N/A

**MAX. BLDG. COVERAGE:** 40%

**MAX. IMPERVIOUS CVRG.:** 45%

**REQUIRED PARKING:** 20

**PROPOSED ACCESS:** Paisano Trail

**EXIST. ZONING:** SF-2

**PROPOSED F.A.R.:** 0.06:1

**PROPOSED BLDG. CVRG:** 5.26%

**PROPOSED IMPERVIOUS CVRG:** 13%

**PROVIDED PARKING:** 27

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The proposed private primary educational use and day care (commercial) uses are both conditional uses in the SF-2 base zoning district. The site is subject to compatibility standards due to the adjacent SF-2 lot.

**Environmental:** All comments will be cleared prior to permit issuance; the only remaining items are payments of fees.

**Transportation:** All comments will be cleared prior to permit issuance; the only remaining item is a sidewalk easement.

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

<b>North:</b>	PUD (Parks/Greenbelt)
<b>East:</b>	PUD (Parks/Greenbelt)
<b>South:</b>	SF-2 (Meeting & Assembly)
<b>West:</b>	P (Common Area)

**NEIGHBORHOOD ORGNIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Independent School District  
 Austin Neighborhood Council  
 Austin Parks Foundation  
 Beyond2ndNature  
 Brodie Lane Homeowners Assn.  
 Bike Austin  
 Friends of Austin Neighborhoods  
 Go! Austin/Vamos!Austin (GAVA)- 78745  
 Homeless Neighborhood Association  
 Oak Hill Trails Association  
 Onion Creek Homeowners Assoc.  
 Palomino Park HOA  
 Preservation Austin  
 SEL Texas  
 Save Barton Springs Creek Assn.  
 Save Our Springs Alliance  
 Sierra Club, Austin Regional Group

**CONDITIONAL USE PERMIT**

**D. 25-5-145.** A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

**§ 25-5-146 CONDITIONS OF APPROVAL.**

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

**CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA**

- A.** 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:
- B.**
- 1. Comply with the requirements of this title;**  
Staff Response: This site plan will comply with all regulations and requirements of the Land Development Code prior to site plan release and approval.
  - 2. Comply with the objectives and purposes of the zoning district;**  
Staff Response: The SF-2 zoning district is intended for moderate-density residential development and development densities compatible with residential development including civic uses, such as day care and private schools. This site plan complies with all development regulations of the SF-2 zoning district, including height, impervious cover, and building cover.
  - 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-2 zoning district. Neighborhood-based day care and private primary school are civic uses, which is compatible for this district.
  - 4. Provide adequate and convenient off-street parking and loading facilities; and**  
Staff Response: The site plan will comply 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 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.
- C. In addition, a conditional use site plan may not:**
- 7. More adversely affect an adjoining site than would a permitted use;**  
Staff Response: No
  - 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 does not adversely affect the safety and convenience of vehicular and pedestrian circulation.
  - 9. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.**  
Staff Response: Any proposed signage 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.



May 10, 2016

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

RE: Site Development Permit Application  
Engineer's Summary Letter  
Mariposa Montessori School  
3338 Paisano Trail  
Austin, Texas 78745

To Whom It May Concern,

On behalf of our Client, Mariposa Real Estate, LandDev Consulting has prepared the Site Development Permit application package for the Mariposa Montessori School project. The legal description for the site is 7.28 acres out of the Theodore Bissell League in Travis County as recorded in Document No. 2015038231 of the O.P.R.T.C. A Land Status Determination application was submitted to the City of Austin and on April 30<sup>th</sup>, 2015 a Legal Tract Platting Exception was granted for the property (see enclosed letter). The site is located in the Williamson Creek Watershed which is classified as the Barton Spring Zone. The entire tract is currently zoned SF-2 and the primary proposed use is Education.

To comply with the current water quality requirements of the Land Development Code for projects residing in the Barton Spring Zone, runoff from the improvements will be conveyed to a pair of retention/re-irrigation ponds; located in the northern and southern portion of the property as shown in the enclosed site plans. Stormwater will be detained, per code, to match existing flow conditions the detention ponds.

The site is located over the Edwards Aquifer Recharge Zone resulting in WPAP and SCS applications to TCEQ for permit approval. There are no known critical environmental features per the Environmental Resources Inventory enclosed with this submittal. Approximately 0.44 acres of the site resides within a Water Quality Transition Zone (WQTZ). There are no improvements proposed in this area and this zone was taken into account in the net site area calculations shown in the Engineer Report and Site Plans. A portion of an offsite wastewater extension will cross through the WQTZ and Critical Water Quality Zone as shown in the site plans. The site does not reside in a FEMA 100-yr floodplain per FIRM Panel No. 48453C0580H effective September 26, 2008.

The applicant is also requesting a Conditional Use Permit for a 20,836 sq. ft. (gross floor area) private day care and private primary educational facility on a single-family zoned (SF-2) property [25-2-491].

City of Austin

May 10, 2016

Page 2

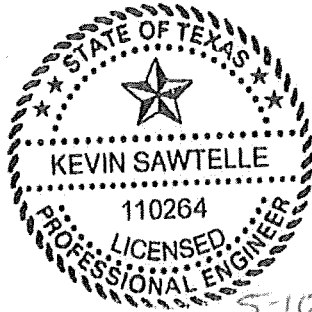
The main campus of the existing school is located a ½ mile from the Project within the same neighborhood. This campus consolidates two campuses of the school into one location. The adjacent property uses are a church to the east, the 160-acre Stephenson Nature Preserve to the north, and a City of Austin-owned tract to the west.

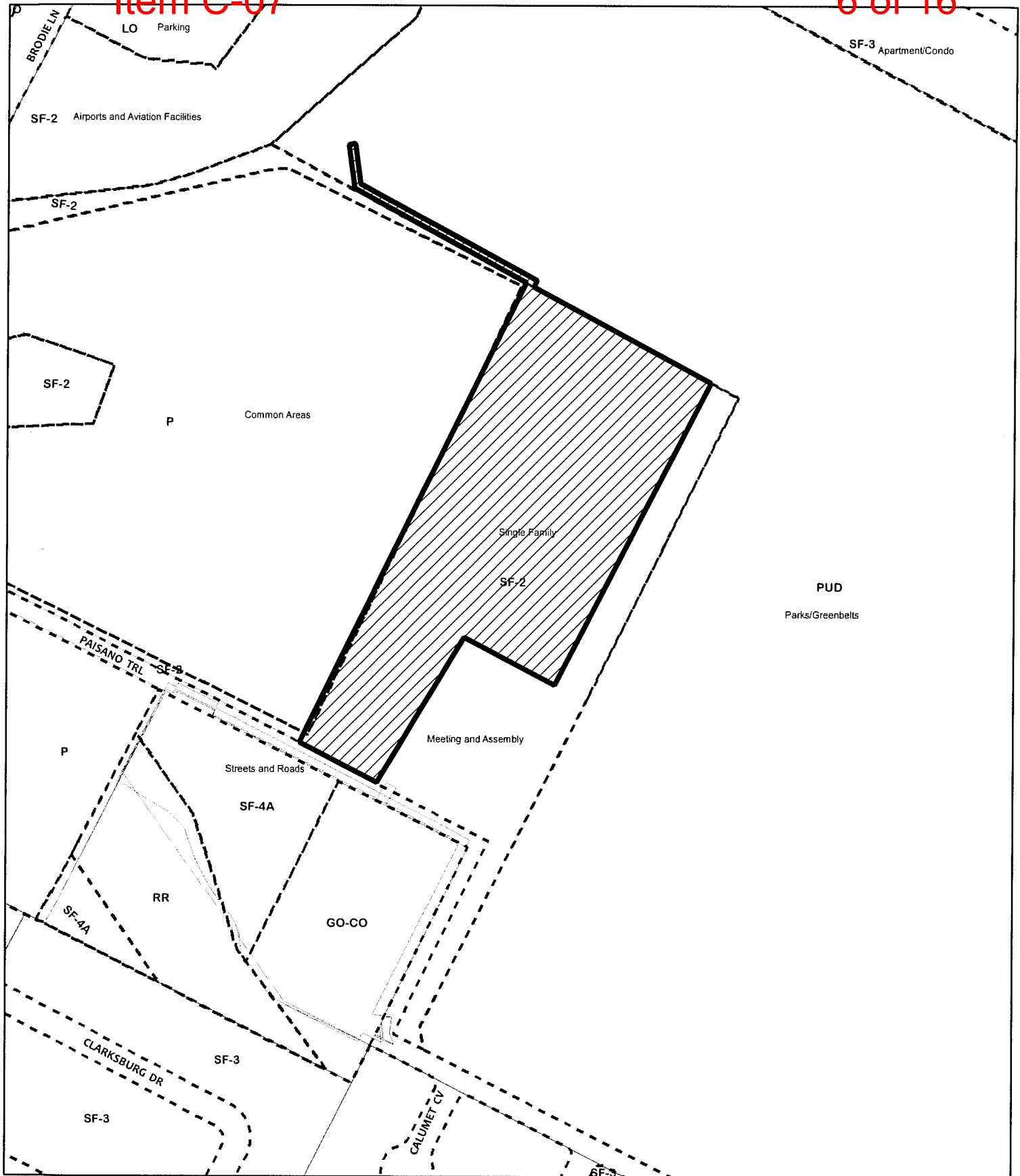
If you have any questions or require additional information, please contact me at 512-872-6696 or by email at [kevin.sawtelle@landdevconsulting.com](mailto:kevin.sawtelle@landdevconsulting.com)

Sincerely,



Kevin Sawtelle, P.E.  
LandDev Consulting, LLC.  
TBPE Firm #16384





**SUBJECT TRACT**



**ZONING BOUNDARY**

0 120 240 480 Feet

Site Plan - Conditional Use Permit

CASE#: SPC-2015-0427C

ADDRESS: 3338 Paisano Trail

CASE NAME: Mariposa Montessori School

MANAGER: Rosemary Avila

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 the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: R. Avila



**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE:** Monday, April 11, 2016

**CASE NUMBER:** C15-2016-0021

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio  
☐ Y ☐ William Burkhardt  
☐ Y ☐ Eric Goff  
☐ O ☐ Melissa Hawthorne (OUT)  
☐ Y ☐ Don Leighton-Burwell  
☐ Y ☐ Rahm McDaniel  
☐ Y ☐ Melissa Neslund 2<sup>nd</sup> the Motion  
☐ Y ☐ James Valadez  
☐ Y ☐ Michael Von Ohlen Motion to Grant with Conditions  
☐ Y ☐ Kelly Blume (Alternate)

**APPLICANT:** Nikelle Meade

**OWNER:** John Falcon

**ADDRESS:** 3338 PAISANO TRL

**VARIANCE REQUESTED:** The applicant has requested a variance(s) from Section 25-2-832 (Private Schools) (1), of Division 3 – Civic Uses to decrease the minimum paved width of a street that the site must be located on from at least 40 feet (required) to varying width of from 16.65 feet – 17.5 feet (requested/existing) in order to erect a private primary and secondary school in a “SF-2”, Family Residence zoning district.

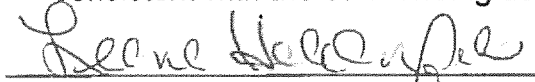
**BOARD'S DECISION:** The public hearing was closed on Board Member Eric Goff motion to Postpone to April 11, 2016, Board Member Melissa Hawthorne second with NO OBJECTIONS; POSTPONED TO APRIL 11, 2016; APRIL 11, 2016 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with conditions that this is for only a primary school and less than 200 students and Withdraw the secondary school request, Board Member Melissa Neslund second on a 10-0 vote; GRANTED WITH CONDITONS THAT THIS IS FOR ONLY A PRIMARY SCHOOL AND LESS THAN 200 STUDENTS AND TO WITHDRAW THE SECONDARY SCHOOL REQUEST.


**FINDING:**

1. 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
2. (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 ft, 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 sur buses.

(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

3. 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

  
\_\_\_\_\_  
Leane Heldenfels  
Executive Liaison

  
\_\_\_\_\_  
William Burkhardt  
Chairman



L2  
26

February 12, 2016

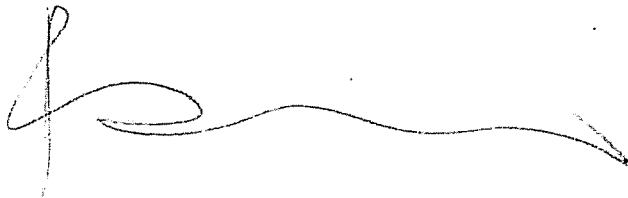
To Whom it May Concern:

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



L2  
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*

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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

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12/29

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

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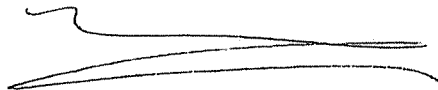
February 11, 2016

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 belief 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

## Missionary Baptist Church

**Pastor:**

R. E. Foster,  
Lead Pastor

T. Lundy  
1<sup>st</sup> Assistant

Executive  
Administrative  
Assistant:  
La Faye York

**Church Clerk:**

Lydia Orr

**Deacons Chair:**

Wyetta 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

April 11, 2016

Kyndra Irwin  
Montessori School, Executive Director  
7809 Brodie Lane  
Austin, Texas 78745

Dear Ms. Irwin:

This letter confirms our informal agreement relating to parking. Upon completion of construction of the Mariposa Montessori project, generally up to 27 additional parking spaces will be available to Zion Rest Missionary Baptist Church on most Saturdays, Sundays and on select evenings. In the event Mariposa Montessori desires to schedule an event for its families and submits a request at least 30 days in advance and the request does not conflict with its operations, Zion Rest will allow overflow parking in the adjacent church parking, subject to terms and conditions outlined by Zion Rest Missionary Baptist Church.

Sincerely,

Gilson Westbrook  
Trustees Chair

*"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



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# Zion Rest

## Missionary Baptist Church



**Pastor:**  
R. E. Foster,  
Lead Pastor  
T. Lundy  
1<sup>st</sup> 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 Thomson

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*  
Gilson Westbrook  
Trustees Chair

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

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

