



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 45
AGENDA DATE: Thu 10/07/2004
PAGE: 1 of 1**

SUBJECT: Conduct a public hearing and consider action on an appeal by Irma Arrieta of the Zoning and Platting Commission's decision to deny a conditional use permit for day care services (General Use) at 308 West William Cannon.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Sue Welch, 974-3294; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Denied by the Zoning and Platting Commission.

PURCHASING: N/A

MBE / WBE: N/A

The applicant is requesting a conditional use permit to develop a day care services (General Use) in an existing duplex in an SF-3 zoning district (site plan no. SPC-04-0002A). Day care services (General Use) is the use of a site for the provision of daytime care for more than 6 but not more than 20 persons. The applicant is proposing to care for 16 children. The site consists of an existing duplex residence, a portion of which has been used as a day care services (Limited Use) facility (6 or less children). Only minor construction is proposed to add a loop drop-off driveway area and sidewalks.

Staff recommended the conditional use permit as complying with City regulations. The Zoning and Platting (ZAP) Commission heard the case on June 15, 2004 and approved the conditional use permit (9-0). A motion was made to rescind and reconsider the action at the June 29, 2004, ZAP meeting because a citizen had signed in opposition at the June 15th meeting, but did not get to speak. At the August 3, 2004 meeting, the Zoning and Platting Commission voted to deny the conditional use permit (8-0). Irma Arrieta is appealing the Commission's denial on the basis that this request meets the criteria in Section 25-5-145 and should be granted.



City of Austin Watershed Protection and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

AUG 9 AM 10:38

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SPC-04-0002A

DATE APPEAL FILED 8-9-04

PROJECT NAME Susy's Day Care

YOUR NAME JIM BENNETT

SIGNATURE Jim Bennett

PROJECT ADDRESS _____

YOUR ADDRESS 11505 Ridge Dr

308 William Cannon

Austin, tx 78748

APPLICANT'S NAME TERMA & Sergio Arrieta

YOUR PHONE NO. (512) 784-4961 WORK

CITY CONTACT Sue Welch

(512) 282-3079 HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☒ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Planning Commission public hearing on (date) _____
- ☐ I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☐ I am the record owner of property within 500 feet of the subject site.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- ☐ Administrative Disapproval/Interpretation of a Site Plan
- ☐ Replacement site plan
- ☒ Planning Commission Approval/Disapproval of a Site Plan
- ☐ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision
- ☐ Other: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: Aug 3, 2004

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

SEE ATTACHED

(Attach additional page if necessary.)

Applicable Code Section: 25-5-145 -

CONDITIONAL USE PERMIT APPEAL
308 W. WILLIAM CANNON BLVD.
SUSY'S DAY CARE / SPC-04-0002A

AUG 9 AM 10:38

June 15, 2004- the site plan was approved by the ZONING AND PLATTING COMMISSION, with staff recommendation. The site plan **complied with all the requirements of the LAND DEVELOPMENT CODE.**

June 29, 2004- due to a citizen not being recognized to speak at the June 15th meeting the ZAP Commission rescinded and reconsidered their action.

July 20, 2004- at the applicant's request the case was postponed to August 3, 2004.

August 3, 2004- after having the public hearing the ZONING AND PLATTING COMMISSION denied the Conditional Use Permit. Discussion included parking and a 100 ft. LCRA easement which crosses the subject site.

Based on the fact that the site plan meets all of the requirements and evaluation criteria of the LAND DEVELOPMENT CODE. The concerns of parking and LCRA easements have been addressed and meet the requirements. We respectfully request that the Council grant the appeal and approved the site plan.

Jim Bennett, Agent

SUSY'S DAY CARE SITE PLAN APPEAL

- 26876 sq. ft. tract located at 308 W. William Cannon Drive (Unit B). The site consists of an existing duplex residence, a portion of which has been used as a day group home (6 or less children). Only minor construction is proposed to add a loop drop-off driveway area, and construction of sidewalks.
- The applicant is requesting approval of a conditional use permit for Day Care Services (General) in a SF-3 zoning district. Day Care Services (General) use is the use of a site for the provision of daytime care for more than 6 but not more than 20 persons.
- Staff recommended the conditional use permit as complying with City regulations. The Zoning and Platting Commission heard the case on June 15, 2004 and approved the conditional use permit (9-0). A motion was made to rescind and reconsider the action on June 29th ZAP meeting, because a citizen had signed in opposition at the June 15th meeting, but did not get to speak. At the August 3rd meeting, the Zoning and Platting Commission voted to deny the conditional use permit (8-0). Jim Bennett (applicant's agent) is appealing the Commission's denial on the basis that this request meets the requirements of criteria in LDC 25-5-145 and should be granted.
- A 100 ft. Electrical Transmission Easement (LCRA) was recorded for this lot with the subdivision plat. This easement transverse the lot and approximately ½ of the playground area will be located within the easement area. Although Austin Energy and LCRA (both have equipment in the easement) have concerns about a playground in the transmission easement, they did not recommend disapproval of the site plan (see attached letters).
- The Commission felt the Conditional Use Permit did not meet the findings of fact; specifically with regards to: *LDC 25-5-145 B(5) Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects*: The Commission expressed concerns over the compatibility of the day use especially with the playground's location and safety due to the transmission lines; *C(2) Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area*; and *C(3) Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign*: The Commission felt it would adversely affect adjoining properties and increased traffic would congested the alley access.
- The site fronts on William Cannon (major arterial) along six adjoining lots and has a private joint ingress/egress access alley (approved by plat) along the north boundary onto Sunstrip Drive. The applicant is proposing to construct a loop driveway to help facilitate traffic flow through the access easement. A citizen expressed opposition to the plan due to additional traffic generated through the alleyway.
- Currently developed with duplex at 30.37% impervious coverage – any additional impervious coverage other than the proposed loop driveway (total proposed impervious coverage is 35.11%) would require additional drainage/engineering services/costs.

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

CASE NUMBER: SPC-04-0002A **CITY COUNCIL DATE:** October 7, 2004
ZAP COMMISSION DATE: August 3, 2004
July 20, 2004
June 29, 2004
June 15, 2004

PROJECT NAME: Susy's Day Care

ADDRESS OF APPLICATION: 308 W WILLIAM CANNON DR, UNIT B

AREA: 1147 square feet

APPLICANT: Irma & Sergio Arrieta

PROPOSED DEVELOPMENT:

The applicant is requesting approval of a conditional use permit for Day Care Services (General) in a SF-3 zoning district. Day Care Services (General) use is the use of a site for the provision of daytime care for more than 6 but not more than 20 persons. The applicant is proposing to care for 16 children. The site consists of an existing duplex residence, a portion of which has been used as a day group home (6 or less children). Only minor construction is proposed to add a loop drop-off driveway area, and construction of sidewalks.

EXISTING ZONING: SF-3 – Single-Family Residence

NEIGHBORHOOD ORGNIZATIONS:

- 26 – Far South Austin Community Association
- 41 – South Boggy Creek Neighborhood Association
- 300 – Terrell Lane Interceptor Association
- 428 – Barton Springs/Edwards Aquifer Conservation District
- 511 – Austin Neighborhoods Council
- 627 – Onion Creek Homeowners Assn.
- 949 – Sweetbriar I

C.I.P. STATUS: Not applicable **T.I.A.:** No

WATERSHED: Williamson

APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance

CAPITOL VIEW: Not applicable

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

ZONING AND PLATTING COMMISSION ACTION:

August 3, 2004 Deny Conditional Use Permit (8-0)

The Commission felt the Conditional Use Permit did not meet the findings of fact; specifically with regards to:

B(5) Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects. The Commission expressed concerns over the compatibility of the day use especially with the playground's location and safety due to the transmission lines;

C (2) Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

C(3) Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign. The Commission felt it would adversely affect adjoining properties and increased traffic would congested the alley access.

July 20, 2004 Postponed to 08/03/04 (By Applicant) – (8-0) By Consent.

June 29, 2004 Motion Made To Rescind And Reconsider Action on the July 20, 2004 Zap Agenda. (6-0) By Consent

June 15, 2004 Approved Staff's Recommendation; (9-0) By Consent

DEPARTMENT COMMENTS: The applicant is requesting approval of a conditional use permit for a day care facility (Day Care Services – General) in a SF-3 zoning district. The applicant is proposing to care for 16 children. Neighborhood-based day care is a civic use, which is compatible for this district. "Family child care – care provided to small groups of children in the home of the caregiver – is the most frequently used form of child care in low-income communities. Many low-income families choose family child care for its convenient location in residential neighborhoods, the cultural appropriateness of providers and settings, and its flexible and affordable services."¹

The site consists of an existing residence that has been previously used as a day group home by the applicant. The proposed day care is located at the corner of William Cannon and Sunstrip Drive. It is bounded by single-family residential to the north and duplexes to the east. Only minor construction is proposed to improve sidewalks and provide a loop driveway for drop-off. Compatibility is not triggered for the civic use "Day Care Services – General"; however the owner has agreed to screen the playground with a wooden fence. The playground is twenty feet from the adjacent property owner. Due to an electric easement, the width of the lot is large in comparison to other lots along the access easement. If this lot was subdivided according to the width of the other lots (approximately 65' each), two additional lots/duplexes could have been added. The traffic generated by the proposed day care use is only slightly higher than the traffic that would have been generated by these duplexes.

CASE MANAGER: Sue Welch
Sue.Welch@ci.austin.tx.us

Telephone: 974-3294

¹ Report from "A National Conference on Community Development and Family Child Care"; Jointly Sponsored by The Community Investment Collaborative for Kids and the National Economic Development & Law Center

PROJECT INFORMATION:

Existing Building/ Structure Use:
 (duplex residential) 3214.00 sq. ft.
 Square Footage Proposed
 Day Care (General Use): 1144.00 sq. ft.
 Height/ Stories Allowed in SF-3 district: 35-feet (existing 18' one story)
 Allowed Impervious Cover: 45%
 Existing Impervious Cover: 8163
 Proposed Impervious Cover: 9436 sq. ft. (35.11%)
 Existing Access: ingress/egress easement by plat
 Subdivision status: Lot 25, Block G, Buckingham Ridge, Section Four
 Sidewalks: Sidewalks will be required on Sunstrip Drive

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting approval of a conditional use permit for general day care services in a SF-3 zoning district. The proposed day care is located at the corner of William Cannon (a major arterial) and Sunstrip Drive. It is bounded by single-family residential to the north and east; however it is separated by a 20 foot alleyway from the north property. The applicant is proposing a wooden fence to screen the playground.

Transportation: The site fronts on William Cannon with joint ingress/egress access to Sunstrip Drive. At the intersection the roadway is striped for 4 travel lanes of traffic. The applicant is proposing to construct a loop driveway to help facilitate traffic flow through the access easement. The applicant is required to build a sidewalk along Sunstrip Drive. The site plan complies with all transportation requirements.

Environmental: This site is located in the Williamson Creek watershed and subject to Suburban Watershed regulations. Additional landscaping has been added to the plans. All Environmental comments have been cleared.

SURROUNDING CONDITIONS:**Zoning/ Land Use**

North: ingress/egress easement (20 ft), then SF-3, single-family residential
West: SF-3-- single-family duplex residential
South: William Cannon Drive (120' ROW)
East: Sunstrip Drive (60' ROW), then SF-3, single-family residential

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
William Cannon Drive	120'	2 @ 36'	Major Arterial (MAD6)
Sunstrip Drive	60'	40'	Residential Collector

CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

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

B. A conditional use site plan must:

(1) Comply with the requirements of this title:

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

(2) Comply with the objectives and purposes of the zoning district;

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

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

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

Height Allowed in SF-3 district: 35-feet	Existing Height: 18-feet (one story)
Allowed Impervious Cover: 45%	Existing Impervious Cover: 35%
Allowed Building Cover: 40%	Existing Building Cover: 12%
Rear Setback Allowed: 10 feet	Existing Setback: 45 feet

The proposed access through an ingress/egress off of Sunstrip Drive.

(4) Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: the site plan complies with off-street parking and loading facility requirements. The applicant is building an additional loop drive for a drop-off area.

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

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

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

Staff response: The proposed project is not in the East Austin Overlay or an adopted neighborhood plan.

C. In addition, a conditional use site plan may not:**(1) More adversely affect an adjoining site than would a permitted use;**

Staff Response: The proposed site plan complies with all development regulations of the SF-3 zoning district. Neighborhood-based day care is a civic use, which is compatible for this district. If this lot was subdivided according to the width of the other lots (approximately 65' each), two additional lots/duplexes could have been added. The traffic generated by the proposed day care use is only slightly higher than the traffic that would have been generated by these duplexes.

(2) Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

Staff Response: The site plan will not adversely affect the safety and convenience or vehicular and pedestrian circulation in the vicinity. The site is provided access by an alleyway to the north, which allows for parent parking for drop-off and pickup of children. The applicant is also building a loop-driveway to help facilitate traffic through the access easement and a sidewalk along Sunstrip Drive.

(3) Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.

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

D. 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.

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GR B4-100

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WILLIAM CANNON DRIVE

SPC-04-0002A

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APA



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: S. WELCH



SITE PLAN CONSOLIDATED

CASE #: SPC-04-0002A
ADDRESS: 308 W WILLIAM CANNON DR
UNIT 2
SUBJECT AREA (acres): N/A

DATE: 04-08
INTLS: SM

CITY GRID
REFERENCE
NUMBER
G16

FLOOD PLAN NOTE:
THIS PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN
FIRM, MAP NO. 48082-4 PANEL 0210F DATED JUNE 5, 1997

ISSUES INVOLVED CONCERN

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Figure 1

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THE UNIVERSITY OF CHICAGO

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Diana L. Hurry
201 Mesa Verde Drive
Cedar Creek, TX 78612
Phone: (512) 303-1983

June 16, 2002

Zoning and Platting Commission
P.O. Box 1088
Austin, TX 78767-8835

Re: File No: SPC-04-000-2A
Susy's Daycare
308 W. William Cannon Drive

Madam Chairman:

My husband and I were in attendance at the June 15, 2004 Zoning and Platting Commission hearing for the above referenced item. My husband James Hurry signed in prior to the start of the meeting at approximately 6:05P.M. through 6:10P.M.

We are asking the committee to reconsider their recommendation for a Conditional Use Permit for the above file. We did not have the opportunity to voice our concerns at this meeting.

Your consideration to our request is appreciated.

Sincerely,

James Hurry
Diana Hurry
James and Diana Hurry

JD

Comment Card

PLANNING COMMISSION

Agenda Item #: 13

Please indicate your position on this item:

- ☐ FOR
☒ AGAINST
☐ NEUTRAL / UNDECIDED

Do you wish to speak on this item?

- ☒ YES
☐ NO

Name (Please PRINT)

James Hurry
Address
201 Mesa Verde Dr.
Cedar Creek, TX 78612

Email

jhurry@austin-rr.com

Phone

3032 755

Date

6/15/04
ZAP



City of Austin Watershed Protection and Development Review
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

JUL 8 PM 1:05

JUL 8 PM 1:05

NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR CONDITIONAL USE PERMIT

Mailing Date of this Notice: June 4, 2004

File Number: SPC-04-0002A

The Watershed Protection and Development Review Department has received the following described application for development. This notice has been mailed to you because City Ordinance requires that all property owners within 300 feet of a proposed development and affected neighborhood organizations be notified of a public hearing on this application.

OWNER: Irma Arrieta

PHONE: (512) 445-9072

PROJECT NAME: Susy's Daycare

PROJECT ADDRESS AND/OR LEGAL DESCRIPTION: (See map) 308 W. William Cannon Drive

PROJECT DESCRIPTION: The applicant is proposing a Conditional Use Permit for Susy's Daycare no site work is proposed other than sidewalk improvements.

ZONING & PLATTING COMMISSION HEARING DATE: June 15, 2004

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center, 3rd Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Sue Welch at the City of Austin Watershed Protection and Development Review Department, (512) 974-3294. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # SPC-04-0002A-SW

Zoning & Platting Commission Hearing Date: June 15, 2004

Name (please print) JOSEPH + JOCELYN FENWICK

☐ I am in favor

Address 418 BILLINGFORD DR, KATY TX 77450

☒ I object

WE OWN 310 + 312 W. WILLIAM CANNON. OUR PHONE # IS
713 444 7097; E-MAIL: fox_p2@yahoo.com. WE'RE
AGAINST THIS PROJECT BECAUSE OF THE POSSIBLE CONSEQUENCES
OF INCREASED TRAFFIC TO THIS RESIDENTIAL AREA. THIS MAY
DRIVE OUR RENTERS TO MOVE OUT.



City of Austin Watershed Protection and Development Review
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR CONDITIONAL USE PERMIT

JUL 20 AM 11:50

Mailing Date of this Notice: July 9, 2004

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File # SPC-04-0002A-SW

Zoning & Platting Commission Hearing Date: July 20, 2004

Name (please print) JOSEPH & JOEELYN FENWICK

☐ I am in favor

Address 418 BILLINGFORD DRIVE, KATY, TX 77450

☒ I object

WE OWN BOTH 310 & 312 W. WM. CANNON. WE'RE AGAINST THIS DAY CARE PROPOSITION BECAUSE OF THE CONSEQUENCES OF INCREASED TRAFFIC IN THIS MAINLY RESIDENTIAL AREA. THIS WILL BE INCONVENIENT TO OUR RENTERS.

JOEELYN'S CELL PHONE IS 713 444 7097.



City of Austin Watershed Protection and Development Review
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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File # SPC-04-0002A-SW

Zoning & Platting Commission Hearing Date: June 15, 2004

Name (please print) MARY ALICE PADILLA

☐ I am in favor

Address 307 CLEARSKY CIRCLE
AUSTIN TX 78745

☒ I object

512-447-0185 (Im)
512-326-6937 (WK)

"What is the point!!
conducting business already."



City of Austin Watershed Protection and Development Review
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

JUL 16 AM 10:06

NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR CONDITIONAL USE PERMIT

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File # SPC-04-0002A-SW

Zoning & Platting Commission Hearing Date: July 20, 2004

Name (please print) Mary Alice & Gabriel Padilla

☐ I am in favor

Address 307 Clearsky

☒ I object



City of Austin Watershed Protection and Development Review
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR CONDITIONAL USE PERMIT

AUG 4 PM 5:06

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PROJECT ADDRESS AND/OR LEGAL DESCRIPTION: (See map) 308 W. William Cannon Drive

PROJECT DESCRIPTION: The applicant is proposing a Conditional Use Permit for Susy's Daycare. no site work is proposed other than driveway and sidewalk improvements.

ZONING & PLATTING COMMISSION HEARING DATE: July 20, 2004 TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center, 3rd Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Sue Welch at the City of Austin Watershed Protection and Development Review Department, (512) 974-3294. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # SPC-04-0002A-SW

Zoning & Platting Commission Hearing Date: July 20, 2004

Name (please print) Alonsoam Janny

☐ I am in favor

Address 304 Starbriant Dr Austin TX 78745

☒ I object



**TO: BETTY BAKER, CHAIR
CITY ZONING AND PLATTING COMMISSION**

**FROM: JUDY FOWLER, MANAGER
AUSTIN ENERGY**

DATE: JUNE 24, 2004

**RE: SUSY'S DAY CARE
SPC-04-0002A**

In case the commission is not aware of the location of this proposed facility, it is partially located within the 100-foot transmission easement which carries two-138kv Austin Energy transmission lines and one-138kV Lower Colorado River Authority (LCRA) line. The LCRA is currently upgrading its lines and has dropped the conductor 3 times during the construction. While these types of occurrences are not typical, they do happen. We worked with the applicant, as did the LCRA, and had discussions about not locating a day care facility playground in the easement. The applicant has agreed not to plant trees with a mature growth of greater than 15 feet under the lines and to remove the playground equipment from the area. However, we realize that we will have to monitor the location to make sure that no trees are planted and that playground equipment doesn't get installed.

If you have additional questions, please call me at 322-6107. David Turner with the LCRA can be reached at 369-4563.

**Cc: David Turner
David Sloan
Jean Evridge
Sue Welch**



March 9, 2004

Mrs. Irma Arrieta
308 West William Cannon Drive Unit B
Austin, Texas 78745

RE: Proposal to Construct Suzy's Daycare in the Right of Way at Structure #7 and #8 for
LCRA Transmission Services Corporation's 138 kV Electric Transmission Line, Circuit
T-142, HI Cross to Marshall Ford

Dear Mrs. Arrieta:

Thank you for contacting the Lower Colorado River Authority concerning your daycare proposal referenced in the above transmission easement. Per our telephone conversation on February 6th you inquired about placing above-ground structures (i.e. playground equipment) and a parking lot in our easement and in close proximity to our transmission line. We expressed our concerns over this proposal. We cannot approve of any structures to be placed in this easement. Any above-ground structures placed in our easement might hinder our access in the future. You also mentioned that you will be planting trees in the future. As a general rule, it is best not to plant trees or shrubs in the easement. When thinking about what to plant, it is important to know how tall and how wide the full-grown tree will be. We urge you not to plant trees in the easement without talking to a vegetation specialist at LCRA or Austin Energy. They will help you select proper trees. For these reasons and more, if you place any structures in our easement, you do so at your own risk.

We are always concerned about proposed facilities within our easements or in close proximity to our transmission lines. We are very concerned about safety, the efficient operation and maintenance of our lines, and, when granted in the terms of our easement, our ability to reconstruct or add additional facilities. We are particularly concerned about electrical clearances between your project and our wires and about your project's effects on our structures. Structural concerns include effects on grounding systems, foundations, and surrounding soil depended upon for stability and strength. Our level of concern increases when anyone proposes to install facilities close to our transmission line wires, structures, and foundations. When you or your contractors work in our easements or near our facilities, please contact the LCRA Systems Operation Control Center at (800) 776-5272 Ext. 6220 at least 48 hours prior to beginning work.

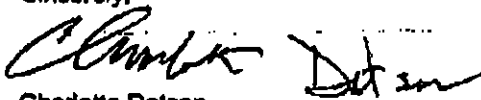
While you should always locate such facilities a sufficient distance away from all transmission line structures and foundations, you should be aware of the other risks incurred by crossing or constructing near a high voltage transmission line. We use heavy equipment from time to time in the maintenance and operation of the transmission line. We will not accept responsibility for the costs to repair or replace any structures, crossing or within the easement, damaged from use of this equipment. When in the terms of our easement, we may relocate transmission structures anywhere along the transmission line. In those instances, we will not accept responsibility for any costs incurred to remove or relocate your facilities as required by our relocation. Extra care should be exercised to adhere to the Texas Health and Safety Code when operating any kind of construction equipment near the transmission line.

Mrs. Irma Arrieta
March 9, 2004
Page Two

Beginning in 2003, the Public Utility Commission of Texas has required us to prohibit construction of aboveground structures when acquiring new electric transmission line easements.

Nothing in the arrangements we have discussed is intended to amend or deprive LCRA or its Affiliate of any rights granted by the terms of the written easements, nor is it intended to release you or your assigns from any liability due to negative affects upon LCRA's or its Affiliate's facilities or easements. Thank you for contacting us regarding this project. If you have any questions, please call me at my direct number (512) 369-4536 or at (800) 776-5272, Ext. 4536 or David Turner, P.E., at 369-4563.

Sincerely,



Charlotte Dotson
Real Estate Representative
Transmission Services

cc: David K. Turner
Ken Barnard