# ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0006 – Verizon Wireless- Mopac Parmer DISTRICT: 7

ZONING FROM: LO-CO, RR TO: LO-CO, RR

The applicant is requesting to amend a condition of Ordinance No. 911017-D to alter Part 2. 6. to state that, "Any structure building constructed on the westernmost 1.37 acre portion of Tract 1, being as the cross-hatched area shown in "Exhibit C" attached to this ordinance, shall not exceed a height greater than 30 feet above ground level on the Tract 1. Any ~~structure~~ building constructed on that remaining 9.176 acre portion of Tract 1 shall not exceed two stories or a height greater than 35 feet above ground level on the Tract 1." Please see Applicant's Request Letter – Exhibit D.*

***On May 29, 2019, the applicant submitted a letter to the staff amending their rezoning request to a specific area defined by a field note/metes and bounds description (Exhibit "A"). The amendment states that, "The maximum height of a building or structure on the Property shall not exceed 35 feet above ground level, save and except for a Telecommunications Tower use." The rest of the conditions in Ordinance No. 911017-D for the original Tract 1 and Tract 2 will remain the same. Please see Applicant's Amendment Letter for Case C14-2019-0006 as Exhibit F.**

ADDRESS: 3502 ½ West Parmer Lane

SITE AREA: 6.183 acres (269, 331.48 sq. ft.)

PROPERTY OWNER: United Christian Church

AGENT: Vincent Gerard & Associates, Inc. (Vincent G. Huebinger)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:
**Staff recommends amending the existing ordinance language to state," PART 2. 6. Any structure constructed on the westernmost 1.37 acre portion of Tract 1, being identified as the cross-hatched area shown in "Exhibit C" attached to this ordinance, shall not exceed a height greater than 30 feet above ground level on the Tract 1. Any structure constructed on that remaining 9.176 acre portion of Tract 1 shall not exceed two stories or a height greater than 35 feet above ground level on the Tract 1, save an except for a Telecommunication Tower use."**

If the rezoning is recommended, then 200 feet of right-of-way from the existing centerline should be dedicated and/or reserved for Parmer Lane according to the Transportation Plan prior to 3rd reading of City Council. [LDC 25-6-51 and 25-6-55].*

*On March 29, 2019, the staff received an e-mail from DSD Transportation review stating that this comment was cleared. TxDOT does not have a current/planned schematic and/or construction project which will require the additional 200ft of ROW at this time.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**April 2, 2019: Postponed to May 21, 2019 at the applicant's request by consent (8-0, J. Duncan, E. Ray-absent); S. Lavani-1st, B. Evans-2nd.**

**May 21, 2019: Postponed to June 4, 2019 at the neighborhood's request by consent (9-0, N. Barrera-Ramirez-absent); J. Duncan-1st, E. Ray-2nd.**

**June 4, 2019:**

CITY COUNCIL ACTION:

**April 25, 2019: Postponed to May 23, 2019 at the staff's request (11-0); P. Renteria-1st, D. Garza-2nd.**

**May 23, 2019: Postponed to June 20, 2019 at the staff's request by consent (11-0); J. Flannigan-1st, G. Casar-2nd.**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

This 6.18 acre property is developed with a religious assembly use (United Christian Church) that fronts onto W. Parmer Lane. There is an office development with shared driveway access to the west that includes a financial services use (Amplify Credit Union). The site under consideration contains floodplain along the eastern side. There are single family residences to the north (Northwood Neighborhood). Across W. Parmer Lane to the south, there is a multifamily development (Waters Park Apartments) and floodplain. The applicant is requesting to rezone the property to amend the current conditional overlay for this property to permit the development of a wireless telecommunication facility/100-foot tall monopole tower and ground equipment within an 840 sq. ft. lease area on the property owned by United Christian Church.

BASIS OF RECOMMENDATION:

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

   Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

   Rural residence (RR) district is the designation for a low density residential use on a lot that is a minimum of one acre. An RR district designation may be applied to a use in an area for which rural characteristics are desired or an area whose terrain or public service capacity require low density.

2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

   The staff recommends rezoning the property from LO-CO and RR zoning to LO-CO and RR zoning to amend the conditional overlay approved in zoning case C14-91-0067 through Ordinance No. 911017-D to state that the conditions in Part 2. 6 do not apply to a Telecommunications Tower use. This site meets the criteria set out in Land Development Code Section 25-2-839 – Telecommunication Towers (Please see Exhibit F). The proposed use will create more opportunities for communication services in this area of the City.

3. *Floodplain should normally be zoned RR, except where RR zoning would preclude access to the site.*

Maintaining the existing RR zoning on the eastern portion of this property is consistent with this policy.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|---|---|---|
| Site | LO-CO, RR | Religious Assembly (United Christian Church), Floodplain |
| North | SF-2 | Single-Family Residences |
| South | SF-6, RR | Multifamily (Waters Park Apartments), Floodplain |
| East | SF-2-CO | Floodplain, Single-Family Residences |
| West | LO-CO | Financial Services (Amplify Credit Union), Office |

NEIGHBORHOOD PLANNING AREA: N/A

TIA: N/A

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:
Austin Independent School District
Bike Austin
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
North Growth Corridor Alliance
Northwood Neighborhood Association
Northwest Austin Coalition
Sierra Club, Austin Regional Group
Walnut Crossing Neighborhood Association

AREA CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---|---|---|---|
| C14-2017-0051 (Waters Park Commercial) | RR, LO and GO to Tract 1: CS-1-CO and Tract 2: GR-CO | 3/06/18: Motion to deny the rezoning request (8-1, A. Tatkow-No, J. Kiolbassa and D. Breithaupt- absent); B. Greenberg-1st, B. King-2nd. | The agent submitted an e-mail on March 29, 2018 requesting to withdrawn the rezoning request. Therefore, no action is required. |
| C14-2011-0076 (Mopac Mini Storage: 2707 O'Neal Lane) | RR to CS | 8/16/11: Approved staff's recommendation of CS zoning by consent (6-0, G. Rojas-absent); D. Tiemann-1st, G. Bourgeios-2nd. | 9/22/11: Approved CS zoning on consent on all 3 readings (7-0); B. Spelman-1st, L. Morrison-2nd. |
| C14-2010-0168 (Weirdo's 2: 2900 O'Neal Lane) | GR to CS-1 | 12/07/10: Approved CS-1-CO zoning, with condition to prohibit Adult Oriented Businesses (5-0, Seeger, Tiemann-absent); Baldridge-1st, Bourgeios-2nd. | 11/13/11: Approved CS-1-CO (7-0); all 3 readings |
| C14-2010-0167 (Weirdo's 1: 12408 North Mopac Expressway Service Road South Bound) | GR to CS-1 | 12/07/10: Approved CS-1-CO zoning, with condition to prohibit Adult Oriented Businesses (5-0, Seeger, Tiemann-absent); Baldridge-1st, Bourgeios-2nd. | 11/13/11: Approved CS-1-CO zoning on consent on all 3 readings (7-0); Spelman-1st, Morrison-2nd. |
| C14-03-0160: 3100 West Parmer Lane | DR, RR to SF-2 | 12/16/03: Approved SF-2-CO zoning, with condition limiting the site to 38 residential units (7-1, J. Martinez-Nay, C. Hammond-absent); J. Cortez-1st, M. Whaley-2nd. | 1/15/04: Approved ZAP rec. of SF-2-CO by consent (6-0, McCracken-off dais); all 3 readings |
| C14-00-2145 (Hydrolab: 3400 Oak Creek Drive) | IP to IP-CO | 8/15/00: Approved staff rec. of IP-CO (8-0), with conditions that terms of 12/20/99 MTG/Agreement between applicant and neighborhood association be part of the zoning (8-0, SA-Off dais) | 9/28/00: Approved IP-CO (7-0); 1st reading |
| C14-97-0058 (Safe-T Stor: North Mopac Expressway NB) | to CS | 8/05/97: Approved CS-CO w/ 2,000 vehicle trip per day limit (9-0) | 9/04/97: Approved CS-CO, w/conditions (7-0); all 3 readings |
| C14-85-149: The North Lamar Area Study Rezoning | | 12/15/98: Approved staff's rec. of restrictive covenant amendment (7-0) | 1/14/99: Approved PC rec. of amending restrictive covenant w/conditions (7-0) |

RELATED CASES:

Previous Zoning Case: In 1991, the subject property was rezoned from SF-2 to LO-CO and RR through zoning case C14-91-0067.

Subdivision Case: C8-92-0003

EXISTING STREET CHARACTERISTICS:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile |
|---|---|---|---|---|---|---|
| Parmer Lane | 200 ft. | Varies | Major Arterial | None | Wide Shoulder | Route 142 |

OTHER STAFF COMMENTS:

Comprehensive Planning

Tuesday January 29, 2019

The review of public and private utilities, including telecommunication towers, infrastructure and facilities, is beyond the scope of the Imagine Austin Comprehensive Plan and subsequently no review comments are being submitted for this project.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| *Development Classification* | *% of Gross Site Area* | *% of Gross Site Area with Transfers* |
|---|---|---|
| Single-Family (minimum lot size 5750 sq. ft.) | 45% | 50% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 65% |
| Commercial | 65% | 70% |

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.>

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Site Plan

Thursday January 31, 2019

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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

**Telecommunication towers:**
A telecommunication tower described must comply with the requirements of this subsection.

a) The tower may not be located:
   i) on or within 300 feet of property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;
   ii) within 50 feet of a day care services (commercial) use; or within 50 feet of a dwelling unit.

b) The tower must be of monopole construction and designed to accommodate at least two antenna array.

c) The antenna array may not exceed tower height by more than 10 feet.

d) Guys and guy anchors must be at least 20 feet from adjoining property.

e) The tower must be:
   i) enclosed by security fencing; and
   ii) screened from street view by landscaping at least six feet high.

f) The tower must be identified by a sign visible from outside the screening. The sign must state in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for Parmer Lane. It is recommended that 200 feet of right-of-way from the existing centerline should be dedicated and/or reserved for Parmer Lane according to the Transportation Plan prior to 3rd reading of City Council. [LDC 25-6-51 and 25-6-55].*

*On March 29, 2019, the staff received an e-mail from DSD Transportation review stating that this comment was cleared. TxDOT does not have a current/planned schematic and/or construction project which will require the additional 200ft of ROW at this time.

Austin Water Utility

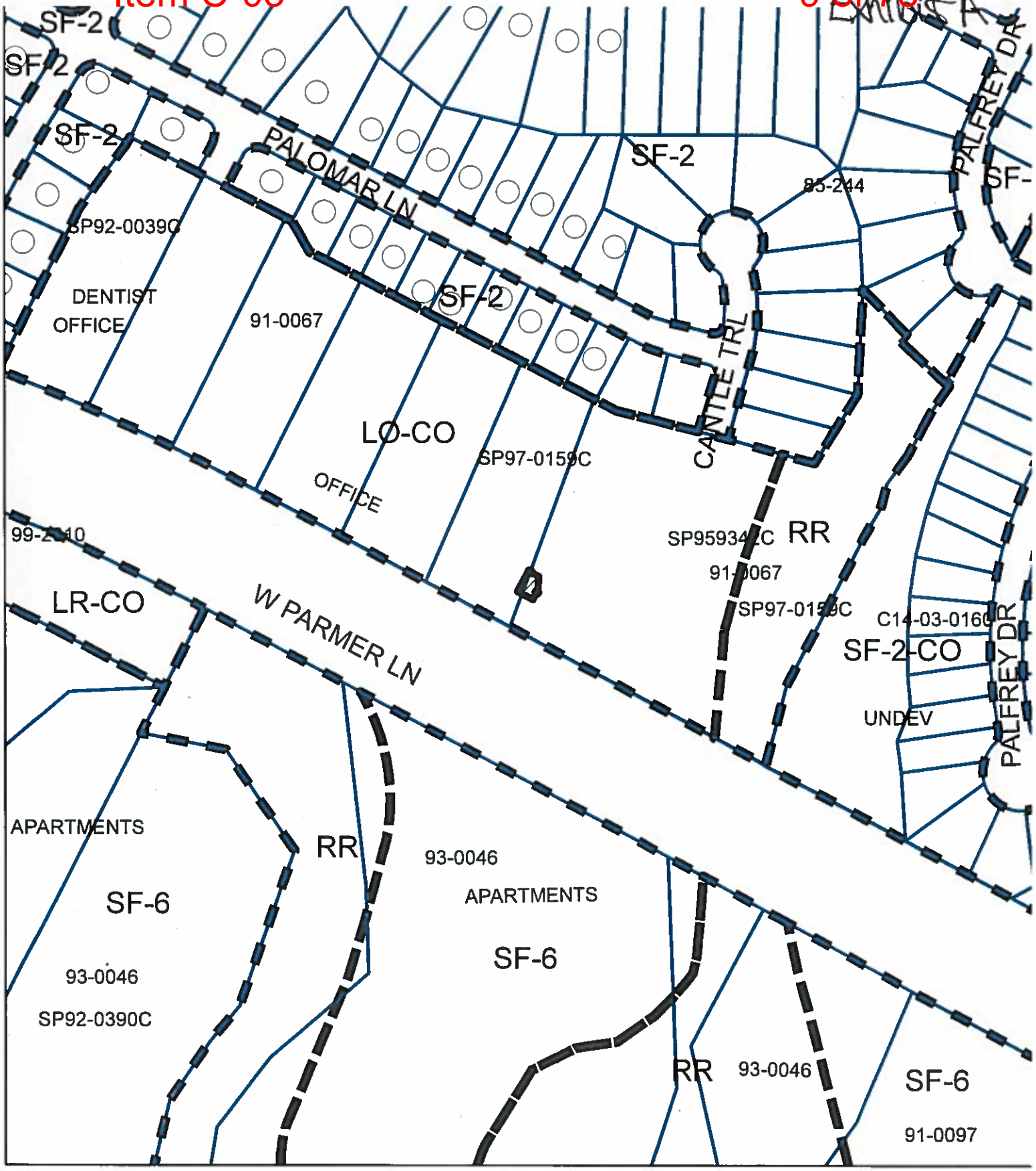
Thursday January 17, 2019

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 Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

INDEX OF EXHIBITS TO FOLLOW

A: Revised Zoning Map
B. Aerial Map for Entire Site
C. Applicant's Request Letter
D. Plat
E. Excerpt from the Land Development Code Regarding Telecommunication Tower Regulations
F. Applicant's Amendment Request Letter
G. Correspondence from Interested Parties

Exhibit A




N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 200 '

**ZONING**

ZONING CASE#: C14-2019-0006

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.

CITY OF AUSTIN FOUNDED 1839

**Created: 5/29/2019**

Exhibit B

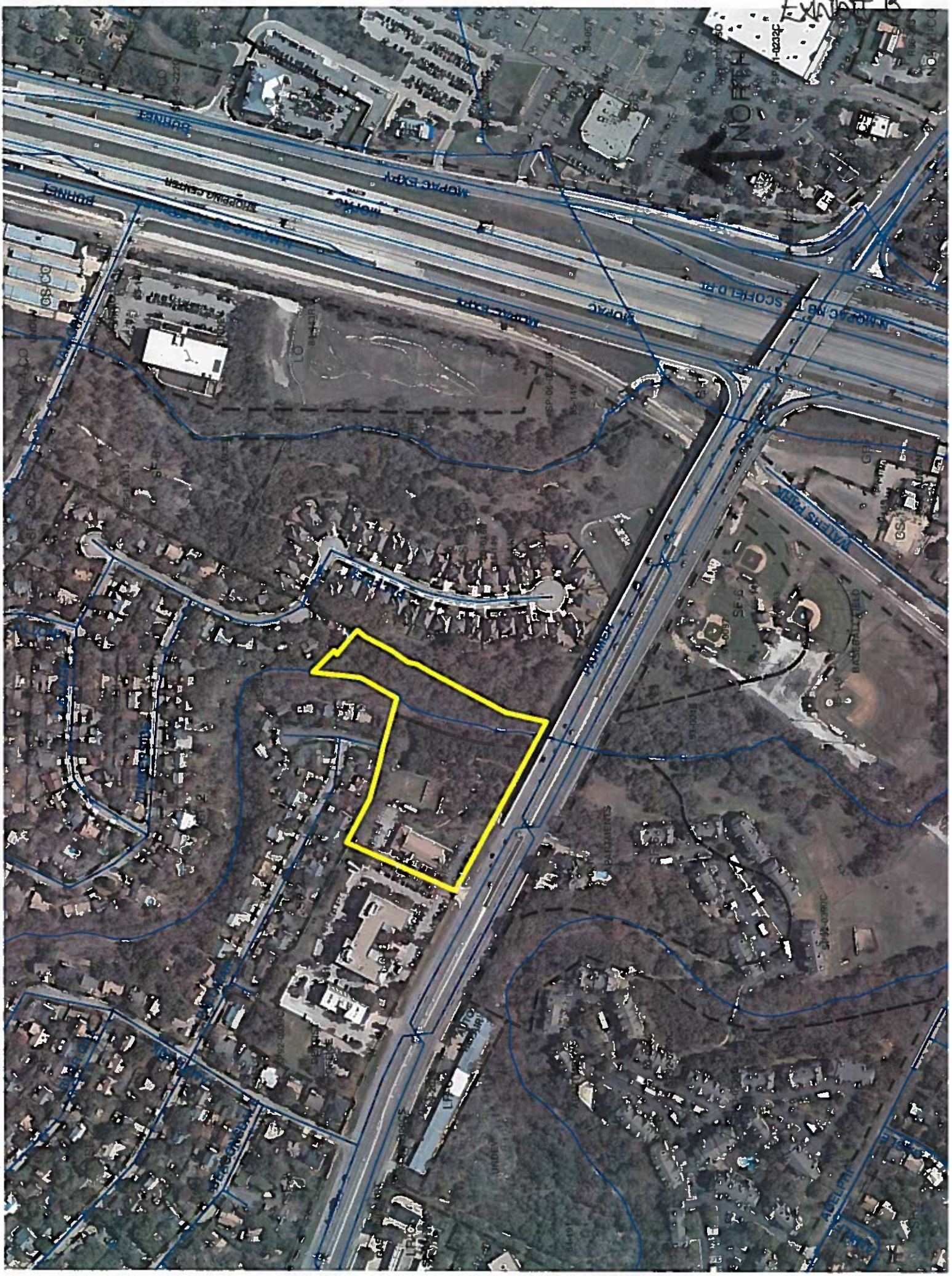

NORTH
BURNET
MOPAC EXPY
SHOPPING CENTER
SCOFIELD RD
WATERS PARK
BASEBALL FIELD
PARTMENTS
ADELPHI

Exhibit C

VINCENT GERARD & ASSOCIATES, INC.

January 16, 2019

City of Austin
Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704

**RE: Rezone Application to Amend Ordinance No. 911017-D to Allow a 100-foot Wireless Telecommunication Facility at 3502 ½ West Parmer Lane, Austin**

Dear Case Manager,

We are requesting an amendment to Zoning Ordinance No. 911017-D to allow a wireless telecommunication tower on Lots 6 and 7 of the Parmer Professional Center subdivision. Condition #6 in this Conditional Overlay combining district states "Any structure on that remaining 9.176-acre portion of Tract 1 shall not exceed two stories or a height greater than 35 feet above ground level on the Tract 1." Our client is proposing a 100-foot tall monopole tower and ground equipment within an 840 square foot lease area in order to upgrade cellular coverage to its customers.

The site is zoned LO-CO, which would normally allow this type of use. Our proposal meets all other requirements of Section 25-2-839 of the Land Development Code. It is important to note that Section 25-2-839 was approved by City Council in 1999. Ordinance No. 911017-D was approved in 1991 and specifically states "structure" without consideration to telecommunications towers, as it was before the time they were necessary. We would like to amend the term "structure" to "building;" therefore, allowing a 100-foot structure (monopole) on the property owned by United Christian Church.

We are happy to answer any questions or concerns with our rezone request. Please feel free to contact us at any time.

Respectfully,

Vincent G. Huebinger

LAND PLANNING, DEVELOPMENT & ZONING CONSULTANTS
1715 CAPITAL OF TEXAS HIGHWAY SOUTH • SUITE 207 • AUSTIN, TEXAS 78746
VINCENTGERARD.COM • (512) 328-2693

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 911017-D

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: 10.546 ACRE TRACT OF LAND OUT OF THE WILLIAM HORNSBY SURVEY NO. 22, ABSTRACT NO. 344, FROM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "LO-CO" LIMITED OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

TRACT 2: 2.085 ACRE TRACT OF LAND OUT OF THE WILLIAM HORNSBY SURVEY NO. 22, ABSTRACT NO. 344, FROM "SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "RR" RURAL RESIDENCE DISTRICT,

LOCALLY KNOWN AS 3300-3500 WEST PARMER LANE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-91-0067, as follows:

TRACT 1: From "SF-2" Single Family Residence (Standard Lot) district to "LO-CO" Limited Office district-Conditional Overlay combining district.

10.546 acre tract of land out of the William Hornsby Survey No. 22, Abstract No. 344, said 10.546 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

TRACT 2: From "SF-2" Single Family Residence (Standard Lot) district to "RR" Rural Residence district.

2.085 acre tract of land out of the William Hornsby Survey No. 22, Abstract No. 344, said 2.085 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

locally known as 3300-3500 West Parmer Lane, in the City of Austin, Travis County, Texas.

PART 2. All of the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses shall be prohibited on Tract 1: (i) Club or lodge, (ii) Congregate living, (iii) Family home, (iv) Group Home, Class I (Limited), (v) Group Home, Class I (General, (vi) Group Home, Class II, (vii) Residential treatment, and (viii) Lodginghouse residential.

2. Development of Tract 1 shall be restricted to a maximum floor to area ratio of 0.127 to 1.

3. There shall be a buffer (i) 50 feet wide along the northern property line of Tract 1; and (ii) 25 feet wide along the western property line of Tract 1.

4. Prior to development of any lot(s) situated along the western boundary line of Tract 1 and extending along the northern boundary line of Tract 1 to Cantle Trail, a six foot solid fence

shall be required and properly maintained along said western and northern boundaries sufficient to insure privacy for said lots situated within Tract 1.

5. There will be no direct vehicular access from Tract 1 to Cantle Trail and Red Clover Lane. All direct vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

6. Any structure constructed on the westernmost 1.37 acre portion of Tract 1, being identified as the cross-hatched area shown in "Exhibit C" attached to this ordinance, shall not exceed a height greater than 30 feet above ground level on the Tract 1. Any structure constructed on that remaining 9.176 acre portion of Tract 1 shall not exceed two stories or a height greater than 35 feet above ground level on the Tract 1.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED:

October 17, 1991

§
§
§
§

Bruce Todd
Mayor

APPROVED: Iris J. Jones
City Attorney

ATTEST: James E. Aldridge
City Clerk

17Oct91
ME/jj

FIELD NOTES FOR ZONING
AREA OUTSIDE 100 YEAR FLOODPLAIN
10.546 ACRES

LEGAL DESCRIPTION

BEING 10.546 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM HORNSBY SURVEY NO. 22 ABSTRACT NO. 344, TRAVIS COUNTY, TEXAS, AND BEING A PART OF THAT 38.306 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORTHWOOD DEVELOPMENT CORPORATION, AS RECORDED IN VOLUME 4413, PAGE 376, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALSO A PART OF THAT 100.35 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORTHWOOD DEVELOPMENT CORPORATION, AS RECORDED IN VOLUME 4381, PAGE 137, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 10.546 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument with a brass cap found at the southwest corner of the herein described tract of land, said concrete monument being in the north right-of-way line of Parmer Lane (200' R.O.W.) and in the east line of Lot 5, Block F, of Northwood III, a subdivision recorded in Book 76, Page 98, of the Plat Records of Travis County, Texas, said POINT OF BEGINNING being further described as being the northwest corner of 0.553 of an acre of land described in a deed from Northwood Development Corporation to the State of Texas as recorded in Volume 10,227, Page 180, of the Deed Records of Travis County, Texas, and from said POINT OF BEGINNING a concrete monument with a brass cap found at P.C. Sta. 571±75.50 of Parmer Lane bears N65°42'40"W, 45.01 feet, and a masonry nail set at the southeast corner of the said Lot 5 bears S30°07'00"W, 7.13 feet;

THENCE, with a west line of the herein described tract of land the east line of the above described Northwood III the following two (2) courses:

1) N30°07'00"E, 280.73 feet to a 3/4" iron rod found in the east line of Lot 2, Block F, of Northwood III;

2) N39°46'03"E, 126.33 feet to a 1/2" iron pipe found at a northeast corner of the said Northwood III, same being the northeast corner of Lot 1, Block F, of Northwood Section III, said iron pipe being further described as being the southeast corner of Lot 2, Block I, of Northwood Section II, a subdivision recorded in Book 71, Page 13, of the Plat Records of Travis County, Texas;

THENCE, continuing with a west line of the herein described tract and with the east line of the said Lot 2, Block I, N32°25'12"E, 10.03 feet to a 1/2" iron pipe found at the southwest corner of Lot 1, Block I, of the said Northwood Section II, same being the northwest corner of the herein described tract of land;

FIELD NOTES FOR ZONING
AREA OUTSIDE 100 YEAR FLOODPLAIN
10.546 ACRES

THENCE, with a north line of the herein described tract of land and a south line of Northwood Section II, S59°28'44"E, 282.98 feet to a 1/2" iron pipe found at the southeast corner of Lot 1, Block J. of Northwood Section II, same being the southwest corner of Lot 11, Block E, of Northwood Section Six, a subdivision recorded in Book 80, Page 339, of the Plat Records of Travis County, Texas, said 1/2" iron pipe found being further described as being in the east line of the above described 100.35 acre tract of land, and in the west line of the above described 38.306 acre tract of land;

THENCE, with a north line of the herein described tract of land and a south line of the said Northwood Section Six the following three (3) courses:

1) S27°08'40"E, 55.64 feet to a 1/2" iron rod set in the south line of the said Lot 11;

2) S59°26'06"E, 537.92 feet to a 1/2" iron rod set in the south line of Lot 2, Block E, of Northwood Section Six;

3) S72°31'02"E, 258.84 feet to a point;

THENCE, along the westerly line of the estimated 100 year floodplain the following three (3) courses:

1) S23°32'47"W, 174.29 feet to a point;

2) S18°56'16"W, 112.81 feet to a point;

3) S8°41'29"W, 169.87 feet to a point;

THENCE, with the south line of the herein described tract of land also being the north right-of-way line of Parmer Lane, the following two (2) courses:

1) N58°27'39"W, 805.05 feet to a concrete monument with a brass cap found at P.T. Sta. 576+49.28;

2) Along a curve to the left having a radius of 3919.72 feet, an arc distance of 441.34 feet, a tangent distance of 220.90 feet, and a chord which bears N61°'39'26"W, 441.10 feet to the POINT OF BEGINNING and containing 10.546 acres of land.

Prepared by: URBAN DESIGN GROUP

STATE OF TEXAS REGISTERED JOHN NOELL 2433 PROFESSIONAL LAND SURVEYOR

John Noell, R.P.L.S. No. 2433 — 8-13-91 Date

FIELD NOTES FOR ZONING
AREA INSIDE 100 YEAR FLOODPLAIN
2.085 ACRES

LEGAL DESCRIPTION

BEING 2.085 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM HORNSBY SURVEY NO. 22 ABSTRACT NO. 344, TRAVIS COUNTY, TEXAS, AND BEING A PART OF THAT 38.306 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORTHWOOD DEVELOPMENT CORPORATION, AS RECORDED IN VOLUME 4413, PAGE 376, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALSO A PART OF THAT 100.35 ACRE TRACT OF LAND DESCRIBED IN A DEED TO NORTHWOOD DEVELOPMENT CORPORATION, AS RECORDED IN VOLUME 4381, PAGE 137, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.085 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the southeast corner of Northwood Section Six, a subdivision recorded in Book 80, Page 339 of the Plat Records of Travis County, Texas, same being the southeast corner of lot 21, Block D, of said Northwood Section Six;

THENCE, with the outboundary of said Northwood Section Six, the following three (3) courses:

1) N35°42'08"E, 126.65 feet to a 1/2" iron rod found at the northeast corner of Lot 22, Block D, of Northwood Section Six;

2) N06°52'15"E, 164.09 feet to a 1/2" iron rod found at the southwest corner of Lot 19, Block D, of Northwood Section Six;

3) S40°25'55"E, 98.19 feet to a 1/2" iron rod set at the southeast corner of Lot 19 and at the northwest corner of a 1,065 square foot tract of land described in a deed recorded in Volume 10,435, Page 709, of the Deed Records of Travis County, Texas;

THENCE, with the west line of said 1,065 square foot tract, S49°34'05"W, 14.09 feet to a 1/2" iron rod set at the southwest corner of said 1,065 square foot tract;

THENCE, with a north line of the herein described tract of land and the south line of the said 1,065 square foot tract, S43°50'45"E, 95.93 feet to a 1/2" iron rod found at the southeast corner of said 1,065 square foot tract, said iron rod being the east line of the above described 38.306 acre tract of land for the northeast corner of the herein described tract of land;

THENCE, with the east line of the herein described tract of land also being the east line of said 38.306 acre tract, S33°47'40"W, 182.16 feet to a 1/2" iron rod found in the west line of the 37.354 acre tract of land described in Volume 8177, Page 134, of the Deed Records of Travis County, Texas;

FIELD NOTES FOR ZONING
AREA INSIDE 100 YEAR FLOODPLAIN
2.085 ACRES

THENCE, continuing with the east line of the herein described tract, same being the east line of the 38.306 acre tract of land, same being the west line of said 37.354 acre tract of land the following four (4) courses:

1) S19°11'03"W, 41.17 feet to a 1/2" iron rod found;

2) S33°41'46"W, 53.89 feet to a 1/2" iron rod found;

3) S31°06"W, 257.18 feet to a 1/2" iron rod found;

4) S17°42'06"W, 129.86 feet to a 1/2" iron rod set at the southeast corner of the herein described tract of land, same being in the north right-of-way line of Parmer Lane, said iron rod being further described as being at the northeast corner of the above mentioned 0.553 acre tract described in Volume 10,227, Page 180 of the Travis County Deed Records;

THENCE, with the south line of the herein described tract of land, also being the north right-of-way line of Parmer Lane N58°27'39"W, 89.99 feet to a point;

THENCE, with the westerly line of the estimated 100 year floodplain the following three (3) courses;

1) N8°41'29"E, 169.87 feet to a point;

2) N18°56'16"E, 112.81 feet to a point;

3) THENCE, N23°32'47"E, 174.29 feet to a point in the south line of Lot 21, Block D of said northwood Section Six;

THENCE, with the south line of said Lot 21, Block D, S72°31'02"E 52.23 feet to the POINT OF BEGINNING and containing 2.085 acres of land.

Prepared by: URBAN DESIGN GROUP

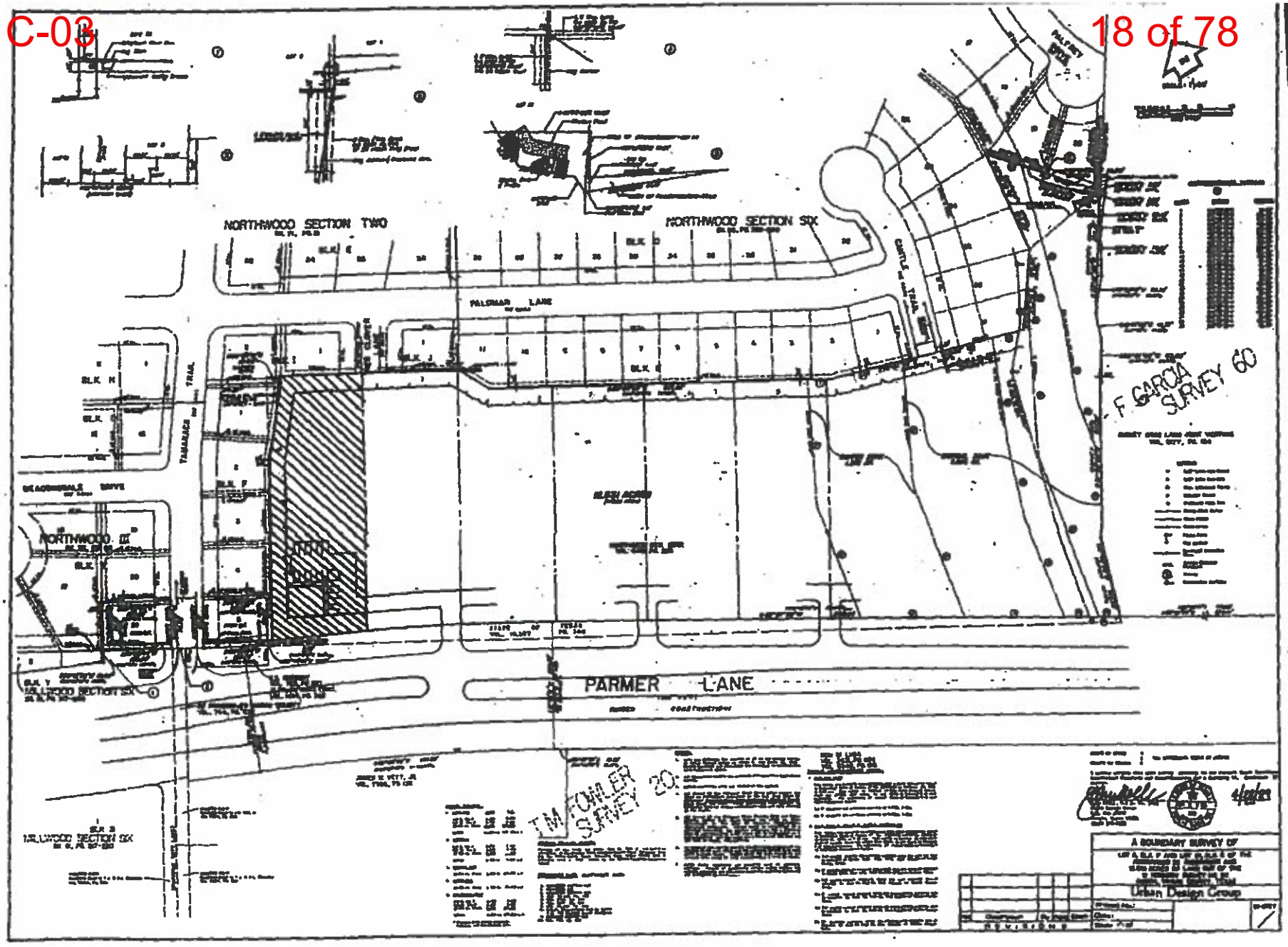
John Noell

John Noell, R.P.L.S. No. 2433

STATE OF TEXAS REGISTERED JOHN NOELL 2433 PROFESSIONAL LAND SURVEYOR

8-13-91
Date

"EXHIBIT C"


NORTHWOOD SECTION TWO
NORTHWOOD SECTION SIX
PALOMAR LANE
NORTHWOOD III
PARMER LANE
F. GARCIA SURVEY 60
T.M. FOWLER SURVEY 20
A BOUNDARY SURVEY OF
Urban Design Group

**Austin American-Statesman** City Clerk's Office

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Joseph J. Springli,

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

October 30th, 1991

and that the attached is a true copy of said advertisement.

Joseph J. Springli

SWORN AND SUBSCRIBED TO BEFORE ME, this the 6th

Day of November A.D. 19 91.

Diane Coutelle
Notary Public in and for
TRAVIS COUNTY, TEXAS

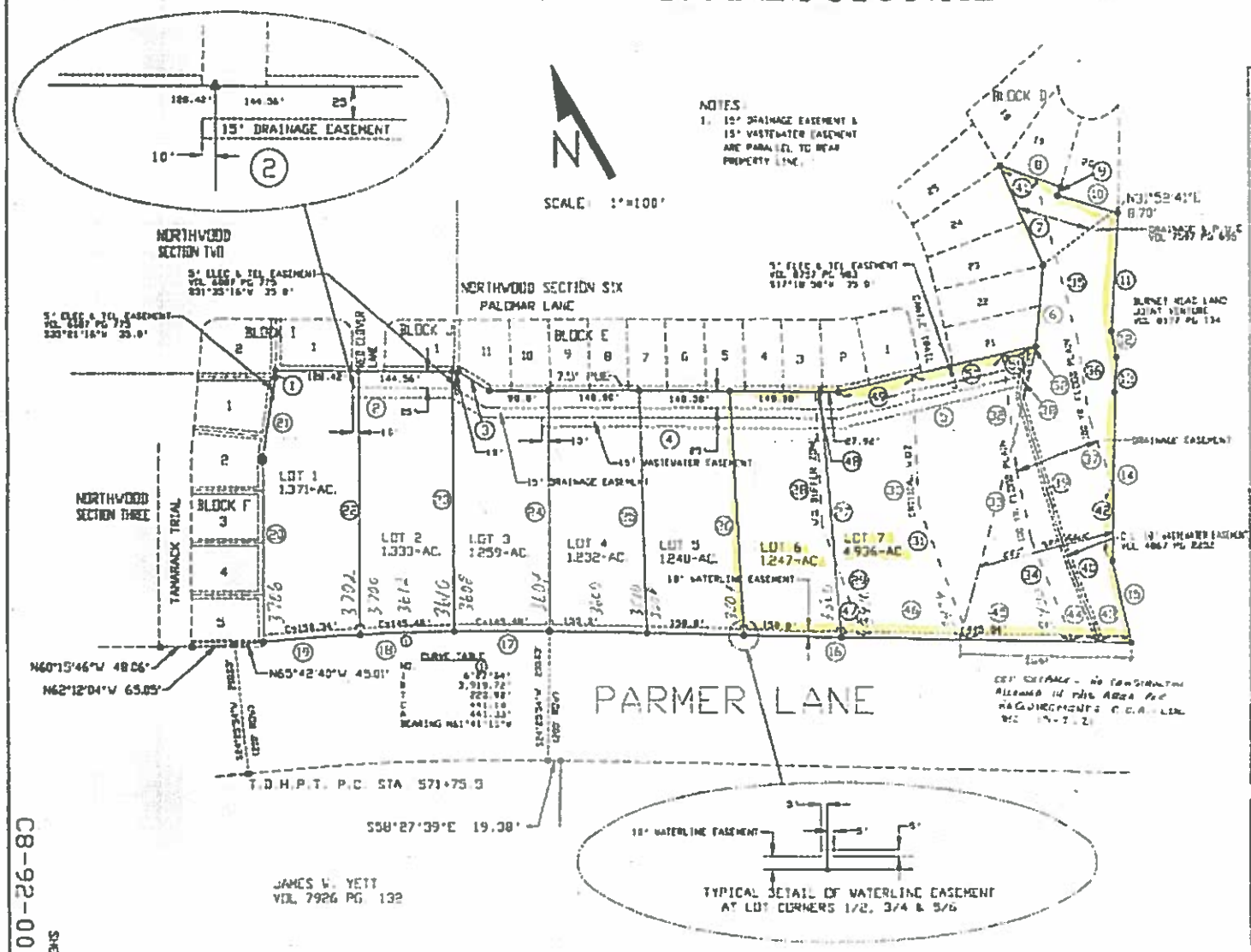
Diane Coutelle
(Type or Print Name of

7/16/95
(My Commission Expires:)

DIANE COUTELLE
NOTARY PUBLIC
State of Texas
Comm. Exp. 07-16-95

166 EAST RIVERSIDE, P. O. BOX 670, AUSTIN, TEXAS 78767, 512-445-3500

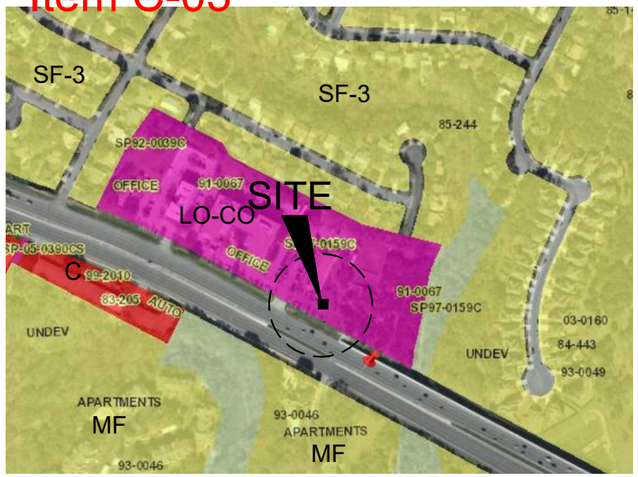
# PARMER PROFESSIONAL CENTER




C8-92-0003.0C

SHEET 1 OF 2

Exhibit D




## ZONING DISTRICT LEGEND

"C" - COMMERCIAL DISTRICT
"MF" - MULTI FAMILY RESIDENTIAL DISTRICT
"LO" - LIMITED OFFICE DISTRICT
"SF -3" - RESIDENTIAL DISTRICT

# ZONING SITE PLAN

## LAND OWNER

UNITED CHRISTIAN CHURCH
3500 W. PARMER LANE
AUSTIN, TEXAS 78723

## PROJECT TYPE

100' MONOPOLE TOWER SITE
(NEW CONSTRUCTION – TOWER)

## SITE NAME:

VERIZON / MOPAC PARMER
SITE LOCATED IN LO–CO ZONING
(LIMITED OFFICE – CONDITIONAL QVERLAY)
CURRENT LAND USE – RELIGIOUS ASSEMBLY

## DATE

MAY 24, 2019

## SITE INFORMATION

JURISDICTION: CITY OF AUSTIN, TEXAS 78727
TRAVIS COUNTY

Latitude 30°25'24.44"N
Longitude –97°42'32.81"W

OCCUPANCY: UNMANNED

USE: TELECOMMUNCATIONS FACILITY
ZONING FILE NO.: C14–2019–0006

## SITE ADDRESS

3502 1/2 W PARMER LN.
CITY OF AUSTIN, TEXAS 78727

## CONSULTANTS

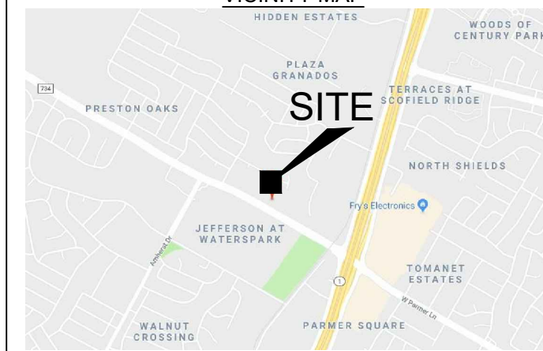
VINCENT GERARD & ASSOCIATES
1715 S. CAPITAL OF TEXAS HWY
SUITE 207
AUSTIN, TEXAS 78746
PHONE: (512) 328–2693

VINCE HUEBINGER

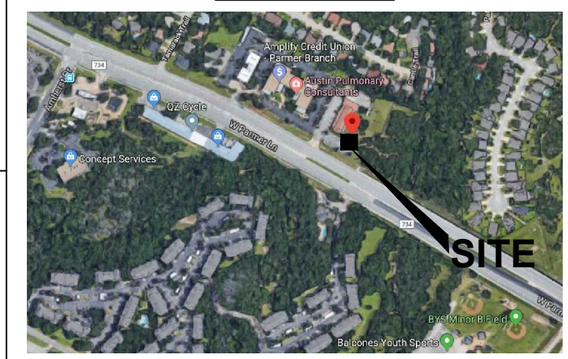
## LEGAL DESCRIPTION

LOTS 6 & 7 PARMER PROFESSIONAL CENTER

## VICINITY MAP

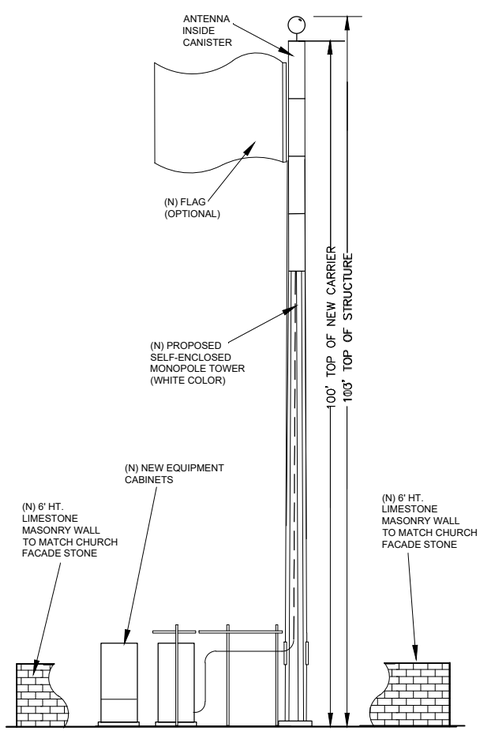



## AERIAL IMAGERY




## TOWER SELF-ENCLOSED MONOPOLE

(FLAG OPTIONAL)

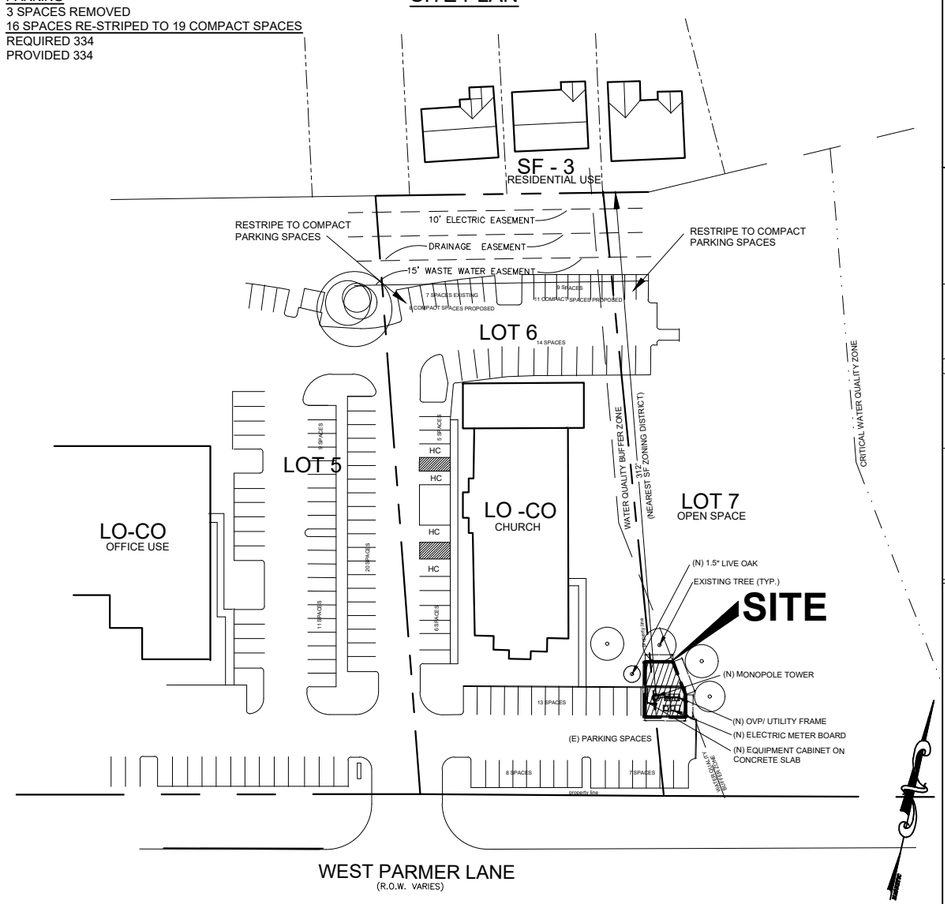



NOTE: TYPICAL LEASE AREA, ACTUAL EQUIPMENT LOCATIONS MAY VARY.

NOT TO SCALE

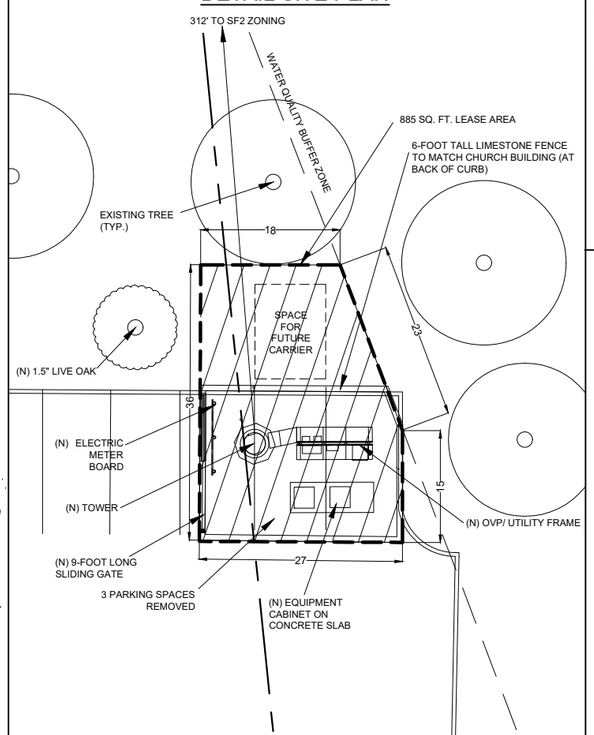
## SITE PLAN

PARKING
3 SPACES REMOVED
16 SPACES RE-STRIPED TO 19 COMPACT SPACES
REQUIRED 334
PROVIDED 334




SCALE: 1'=100'

## DETAIL SITE PLAN




SCALE 1" = 20'

verizon wireless

ZONING SITE PLAN
MOPAC PARMER
VERIZON
3502 1/2 PARMER LANE
CITY OF AUSTIN, TEXAS 78727

VINCENT GERARD & ASSOCIATES
LAND PLANNING & ZONING CONSULTANTS
1715 CAPITAL OF TEXAS HWY SOUTH, STE. 207
AUSTIN, TEXAS 78746
(512)328-2693 - * vinceh@flash.net

# Site Candidate Summary

May 21, 2019

Verizon Site Name Mopac Parmer

Proposed Wireless Telecommunication Facility at 3500 Parmer Lane

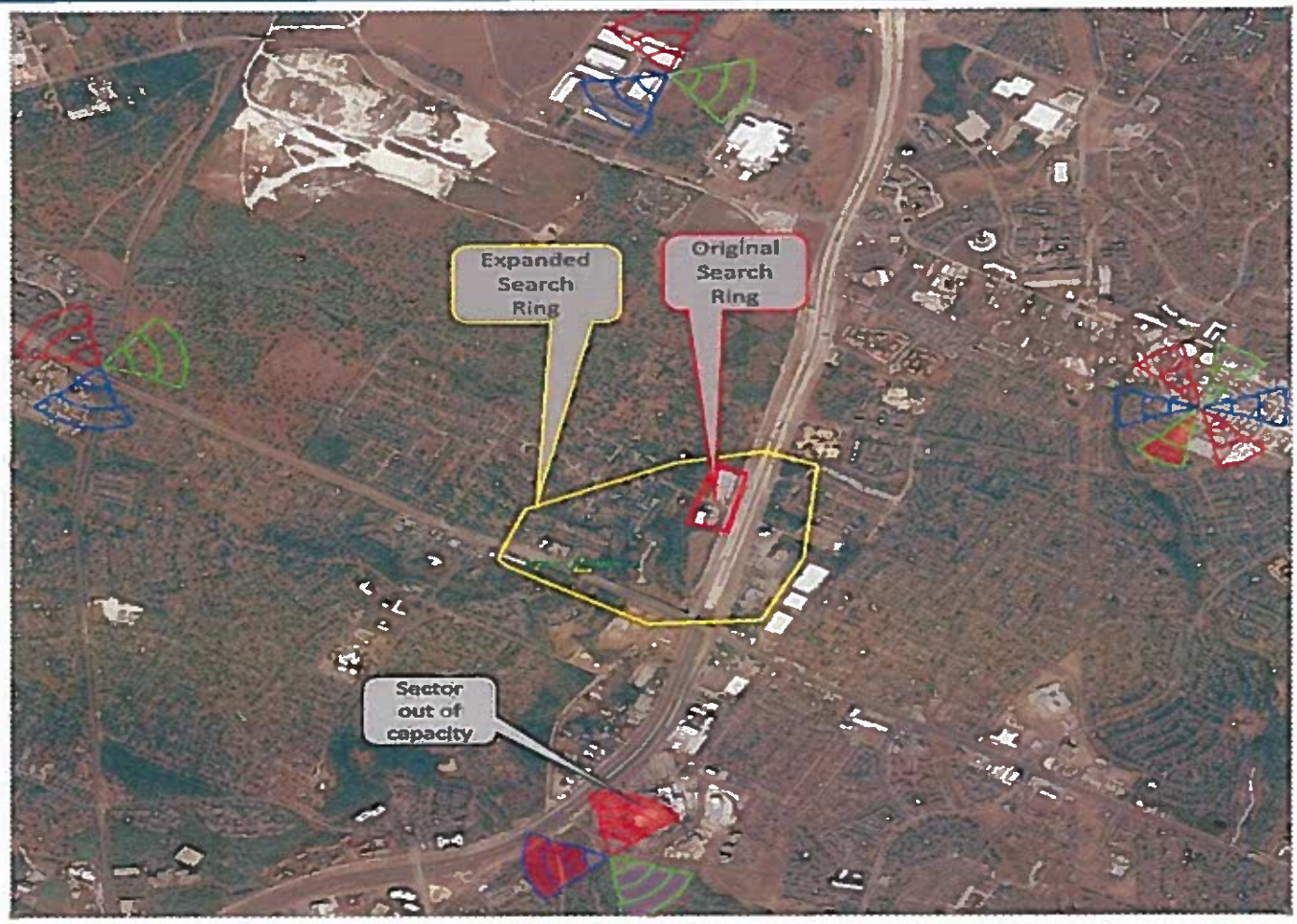
Prepared for

verizonwireless

We never stop working for you.®

By Vincent Gerard & Associates, Inc.
Land Planning, Development & Zoning Consultants
1715 South Capital Of Texas Highway, Suite 207
Austin, Texas 78746
Vincentgerard.com | (512) 328-2693

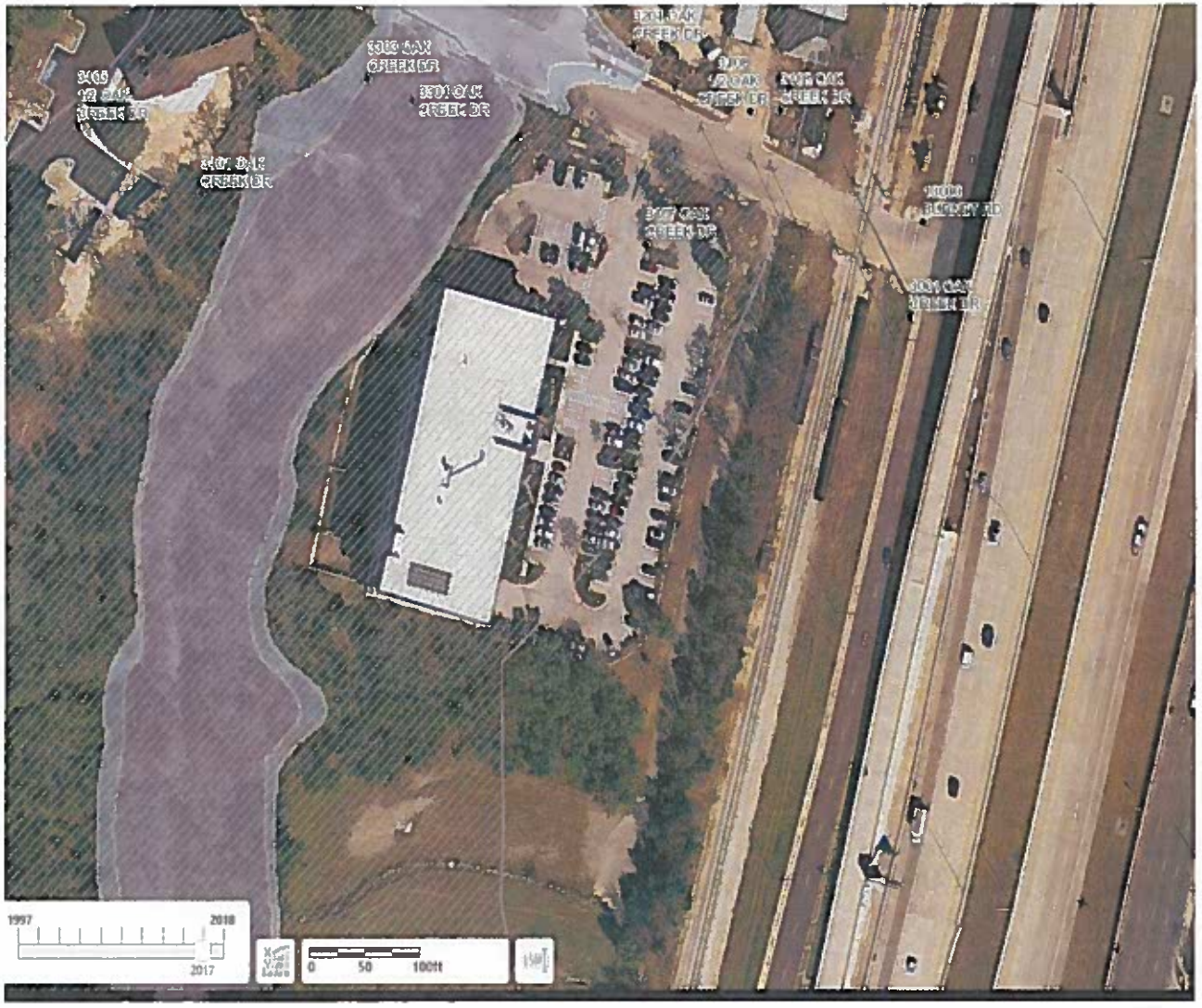
# Site Candidate Ring



Travis CAD Map Search
Text Search
About
Appraised Value: N/A
Neighborhood: 1NW2
Abstract Code: S1045
Property Detail
Zoom In
1
2
3
4
5
6
7
8
9
10
Site Candidates for Verizon
W Parmer Ln
N Mopac Expy
Burnet Rd
Walnut Creek
esri

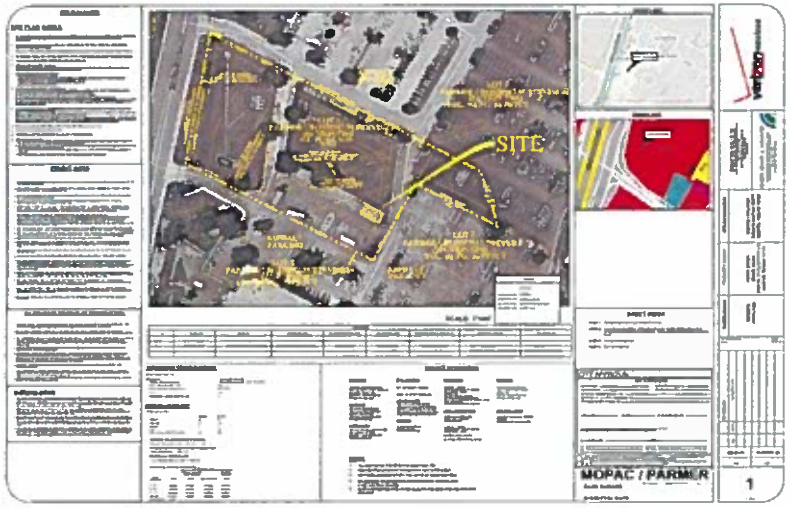
Site #1
Self Storage had a deal with another carrier previously and was not interested.
Site has CWQZ areas and zero Impervious cover available.

Site #2 – Office Site/Rooftop
RF ran height of rooftop at 45',
Did not meet coverage goals.
Office was not interested in a
Stand alone tower,
Site has CWQZ and no additional
Impervious cover or extra
parking area.

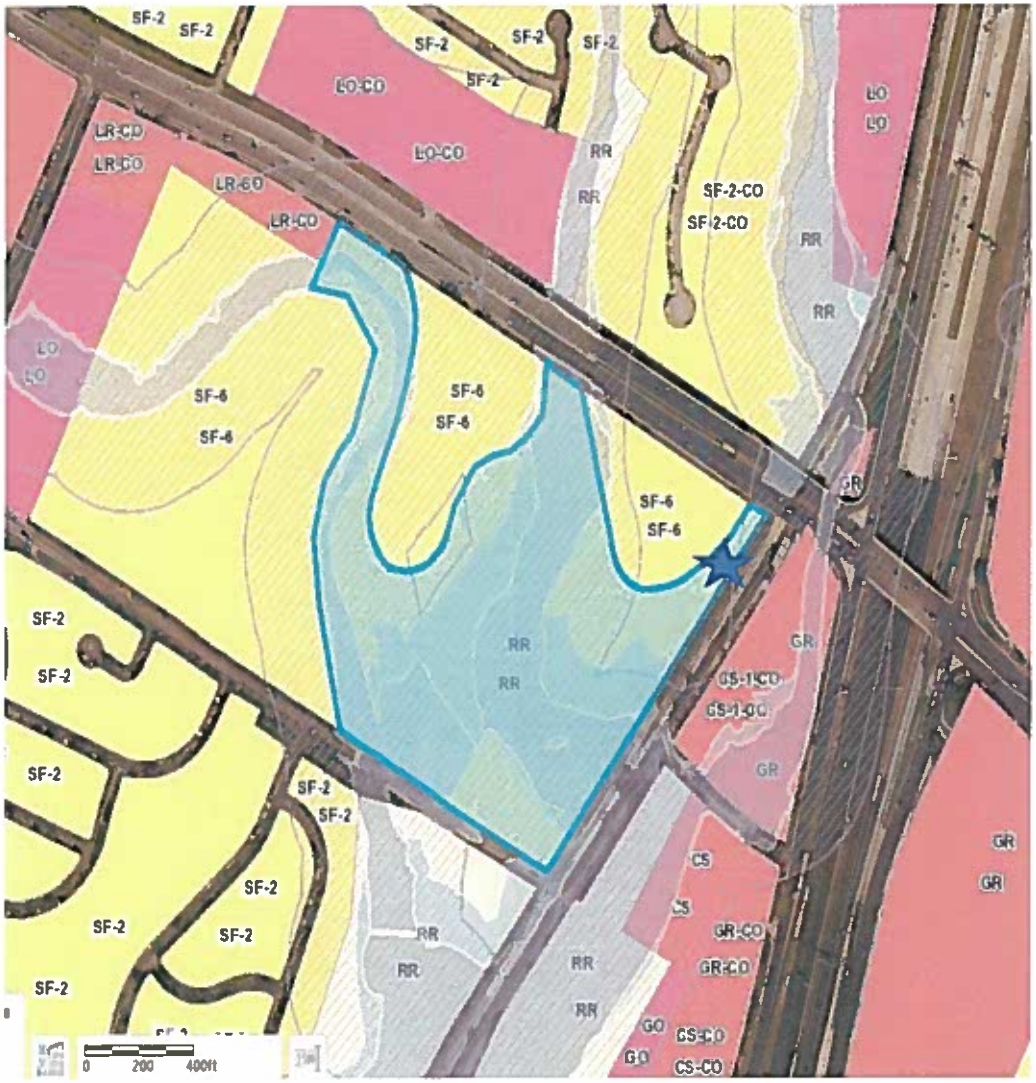


Site #3
Owners were interested in a
Single location within the CWQZ
COA staff will not approve
Development within the CWQZ.
We discussed an alternative
location and they were not
Interested in a site outside the
CWQZ. Candidate does not work.

Site #4
Owners were interested and agreeable to terms,
Zoning was approvable,
Attorneys reviewed title and found
A private Restrictive covenant for a 45' Height limitation.
Multiple owners in the development all needed to approve an amendment To RC's – unfortunately some were not In agreement for revised RC's.



Site #5
Reviewed the site plan of the Tx-Tag Office
No available impervious cover
No additional space in parking area
Did not see a viable site location.




Site #6
LL Ballfields were interested but wanted the site Located in the CWQZ. City Planning staff told us the site would never get approved at this location. We did not get to check Title but expected some Restrictions within the recreational land use. Access for AFD to site would have been impossible. Would have to reconfigure baseball fields.

Site #7
Formerly Wierdo's site
Is zoned commercial
But is 1/2 located in
Floodplain and the
Remainder in CWQZ.
We also took this to COA
And they informed us
The site had been "Red
Tagged" and is in litigation
With COA legal.

Site #8
COA/TxDOT Detention
Researched ways to contact owners
For potential Verizon site construction
Possible on an elevated platform?
Could not locate contact with parcel
for request to discuss lease. Site was
Mostly in CWQZ and would not work.
Access was also impossible with
Impeding RR Track.

Site #9
Garage complex was Researched however it was listed in the EDR Report as two (2) Environmental Phase 1 Hot spots, would require Phase 2 mitigation
Also site was limited in Impervious cover and Parking spaces. It is a non Conforming legal use. No Location on this site Would work. Site was Dropped due to the Numerous environmental & development concerns.

Site # 10
United Christian Church was Agreeable to terms. Site was slightly southeast of original target ring, however in the Expanded ring. Site met 25-2-839 setbacks for 100' Monopole, unfortunately Zoning has a Conditional Overlay (CO) limit For 45' height of "structures", not buildings. Verizon had Exhausted every previous Opportunity and will request a zoning hearing to amend the Conditional Overlay. Verizon has offered a stealth Solution for neighbors concerns of aesthetics.

# Site Candidate Study

UCC Site is a 2020 High priority site for The major intersection Of Mopac and Parmer Lane. Phone call & data Volumes have exceeded The capacity of Surrounding site at 126%. The previous candidate selection has taken the Verizon team over 3 years to get to this site candidate. We believe This is the only remaining Parcel available.

# AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, this day personally appeared David Sissom, who being by me first duly sworn, on oath says as follows:

1. "My name is David Sissom. I am over the age of 18 and have never been convicted of a felony or crime involving moral turpitude. I am the Radio Frequency Design Engineer for Dallas MTA, L.P. d/b/a Verizon Wireless, a Delaware Corporation. My education & background includes the following: BS-EET (Telecom Specialty), Texas A&M University & MS-EE in Telecommunications, University of Southwestern Louisiana, Lafayette. I have been working as an RF Engineer for over 23 years. I have personal knowledge of the facts and statements contained herein, and they are all true and correct.

2. Numerous wireless carriers have conducted radio frequency studies of the area surrounding the proposed site located at 3502 ½ West Parmer Lane Austin, Texas 78727. Attached to this affidavit and incorporated herein by reference as Exhibits "A" and "B" are site area maps and studies depicting existing locations of our "on air" facilities in the area of the proposed new Mopac_Parmer tower site (Exhibit "A") and existing capacity graphs showing current needs for additional capacity. (Exhibit "B").

3. As the RF Engineer and after reviewing multiple options given within RF Search Ring, it is evident that the only option available within the existing search ring is the location locally addressed as 3502 ½ West Parmer Lane (site address). The other alternatives failed to meet either the City of Austin code requirements, do not have adequate spacing requirements or do not have willing landlords for this facility. This evidence (Exhibit "B") conclusively demonstrates that Verizon Wireless has a need to use this site.

4. Insofar as the existing collocation availabilities for this search ring, no collocation possibilities with the desired height and locations were found. The proposed new tower must be at least 100' above ground level antenna centerline position. This height is necessary to accommodate up to 2 carriers by building a new tower structure of at least 100' AGL to accommodate this need. As shown in Exhibit "B", following the proposed construction of a new structure on the Site, Verizon Wireless' capacity needs in the immediate area of the new Site will be substantially satisfied.

5. RF Engineering has reviewed other options and vertical opportunities within the immediate area and has found that the new Site proposed proves to be the best option available for coverage in this immediate area and to satisfy the network build out for multiple future tower tenants.

FURTHER, Affiant sayeth not.

Print Name: David Sissom

SWORN TO AND SUBSCRIBED BEFORE ME this 21 day of May, 2019, by David Sissom.

Notary Public, in and for the State of Texas

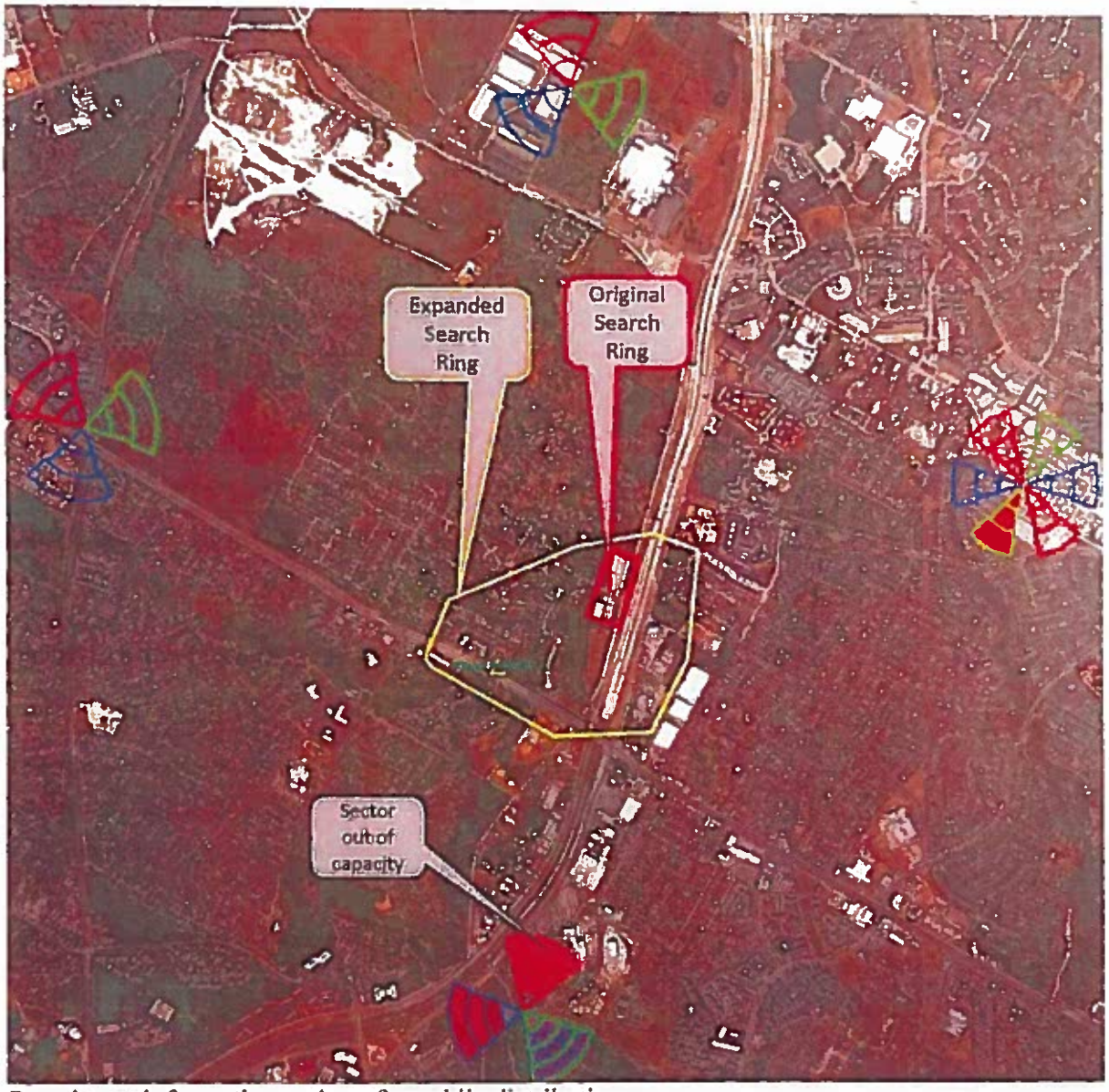
My commission expires:

01-31-2023

PATRICIA MARIE RETA
Notary Public
STATE OF TEXAS
Notary ID# 13187547-0
My Comm. Exp. 01-31-2023

**EXHIBIT "A"**

**To Affidavit of David Sissom**

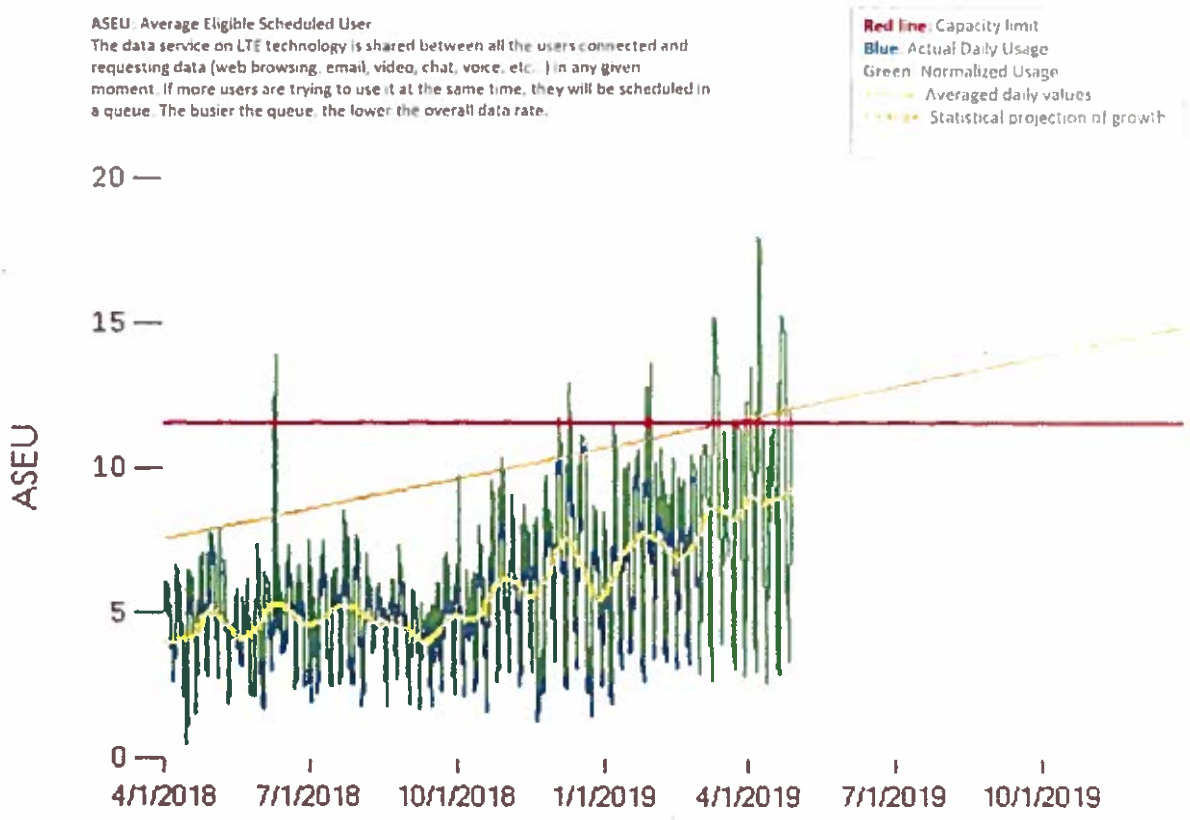



Proprietary information and not for public distribution

EXHIBIT "B"

To Affidavit of David Sissom

Sector to the South is already past its Capacity Limit Today




Proprietary information and not for public distribution

# Wireless Networks and Your Health: THE FACTS

## FACTS

- Wireless devices and facilities must adhere to radio frequency ("RF") emission guidelines established and enforced by the Federal Communications Commission ("FCC").

  *See FCC, Second Memorandum Opinion and Order and Notice of Proposed Rulemaking, 12 FCC Rcd 13494*

- Under federal law, state and local governments may not regulate the placement, construction, and modification of wireless facilities on the basis of environmental effects of RF emissions if the facilities comply with FCC regulations governing RF emissions.

  *47 U.S.C. § 332(c)(7)(B)(iv)*

- RF emissions from wireless facilities generally are significantly lower than permitted. According to recent studies, "RF exposures from base stations range from 0.002% to 2% of the levels of international exposure guidelines."

  *World Health Organization, Electromagnetic Fields and Public Health, http://www.who.int/mediacentre/factsheets/fs304/en/*

- There is no credible scientific evidence that RF emissions from wireless base stations and wireless networks have adverse health or environmental effects.

## CONCLUSIONS

- The World Health Organization has conducted a review of all available studies and concluded that "there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects."

  *World Health Organization, Electromagnetic Fields and Public Health, http://www.who.int/mediacentre/factsheets/fs304/en/*

- The U.S. Food and Drug Administration has determined that based on all available evidence, there is "no increased health risk due to radio-frequency (RF) energy."

  *U.S. Food and Drug Administration, Consumer Updates: No Evidence Linking Cell Phone Use to Risk of Brain Tumors, http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm212273.htm*

- The National Cancer Institute has concluded that despite the rise in cell phone use, brain cancer rates did not increase between 1987 and 2005.

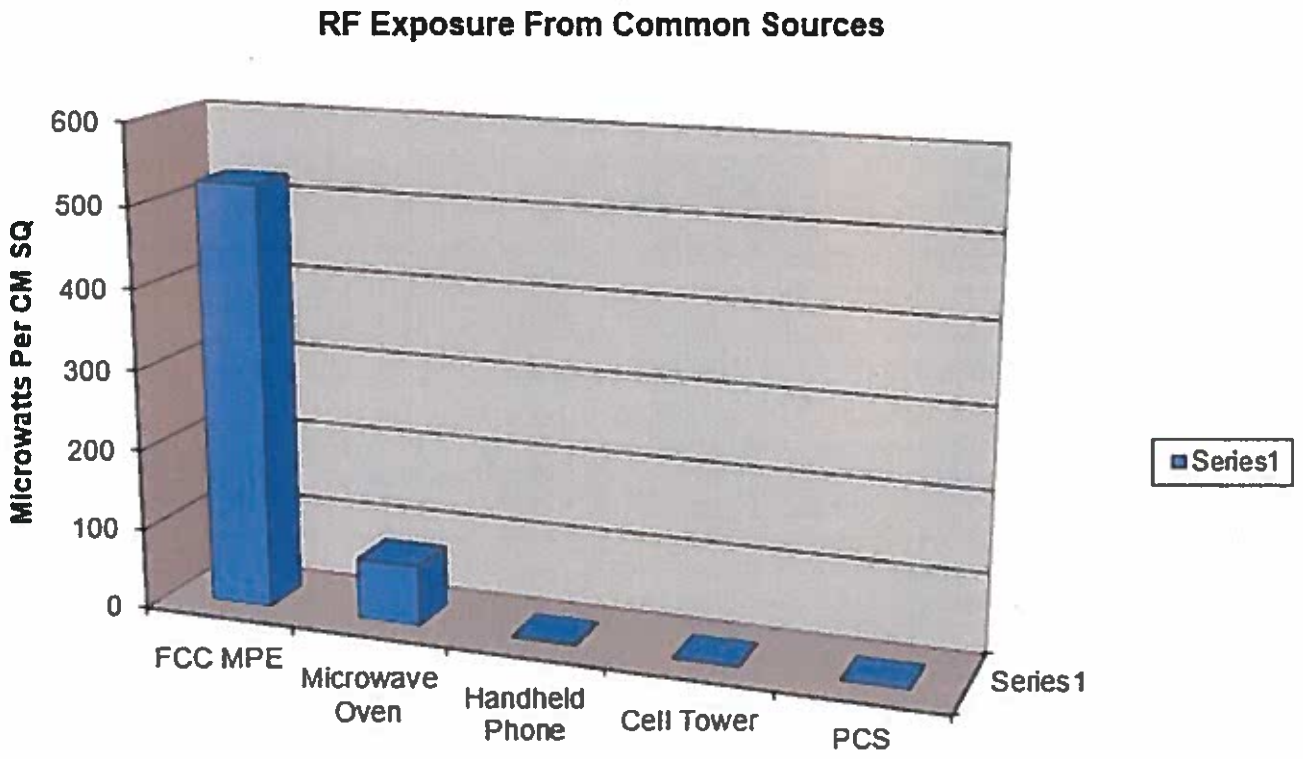
  *U.S. Food and Drug Administration, Consumer Updates: No Evidence Linking Cell Phone Use to Risk of Brain Tumors, http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm212273.htm*

- The FCC has concluded that "[t]here is no scientific evidence to date that proves that wireless phone usage can lead to cancer or a variety of other health effects, including headaches, dizziness or memory loss."

  *FCC, Office of Engineering and Technology, RF Safety FAQs, http://www.fcc.gov/oet/rfsafety/rf-faqs.html#Q6*

**RFquestions@pcia.com**
**www.pcia.com**

PCIA
The Wireless Infrastructure Association




Source: Hatfield & Dawson Consulting Engineers

# Did You Know?

## Wireless and Medicine

**Wireless is a critical component in today's medical fields.**

- Smart pill bottles and cases can help patients and their care-givers track medication usage, ensuring medications are taken on time and correctly. This supports increased medical compliance, provides more consistent care, and enables preventative care, keeping patients in their homes longer and reducing the number of emergency visits to the doctor's office or hospital.
- Wireless connected glucose monitors, blood-pressure cuffs, and EKGs can track a patient's vital signs and catch an issue before it turns into an emergency.
- Pace makers and sleep apnea monitors can be tracked remotely.
- Routine eye exams can be conducted with a wireless device connected to a smart phone, bringing solutions and services to low-income and remote areas that would otherwise go unsupported.

verizon

Source: Verizon Innovation Center, February 2018

# Wireless facilities and property values.

**Cell service in and around the home has emerged as a critical factor in home-buying decisions.**

National studies demonstrate that most home buyers value good cell service over many other factors including the proximity of schools when purchasing a home.

**75%**

More than 75% of prospective home buyers said a good cellular connection was important to them.[1]

**83%**

The same study showed that 83% of Millennials (those born between 1982 and 2004) said cell service was the most important fact in purchasing a home.

**90%**

90% of U.S. households use wireless service. Citizens need access to 911 and reverse 911 and wireless may be their only connection.[2]

1. RootMetrics/Money, The Surprising Thing Home Buyers Care About More than Schools, June 2, 2015
2. CTIA, June 2016

verizon✓

## Technology

A generation ago, buyers didn't care about a home's technological capabilities. Either it had cable hookups or it didn't. Today, buyers want to know about the home's technology. They want to hear about cell service and Internet, not cable and telephone.

"Most young homebuyers laugh at a landline phone, and even if they buy a house that has a jack, it is rarely used," Cardillo says.

In some cases, a house's appeal can be increased or diminished because of the strength of a mobile carrier's signal or its Internet service provider options, Cardillo says. While cellphone and Internet services are out of the seller's hands, Cardillo says sellers or their agents should be prepared to field questions on that front.

"Internet and cell service matters a lot to this generation, and they're going to ask, so you need to have answers," he says.

# Investigation Shifts to Water as Cancer Causing Agent in Ripon, CA

**UPDATE** The fingers that once pointed upward at the monopole at Weston Elementary with scorn and accusation as the cause of cancer are now pointing downward at the water supply as the source of their troubles. Parents of the stricken children have conducted their own investigation of the high rate of cancer in the area and, with the help of KOVR-TV's investigative reporters, have found a more likely suspect in the case: trichloroethylene (TCE).

The reporters investigated records going back decades that monitored the local drinking water and found a Nestle's plant in the '70's produced quantities of TCE to manufacture decaffeinated coffee.

The substance later turned up in the groundwater in the '80's. The drug is a leading agent in causing kidney and liver cancer, according to the report. One of the affected children has been diagnosed with kidney cancer and a neighbor was stricken with liver cancer, *KOVR-TV* reported.

Although the city is supposed to monitor the quality of the drinking water, KOVR-TV reporters found certain wells near the school were either missed or went unreported by local authorities.

The monopole is gone, having been removed by Sprint as a conciliatory gesture to acknowledge the concerns of aggrieved parents. Neither Sprint nor the representatives from the Ripon Unified School District were available for comment.

**By Jim Fryer, Managing Editor, *Inside Towers***

*May 6, 2019*

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.
(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY- Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:
`(7) PRESERVATION OF LOCAL ZONING AUTHORITY-
`(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.
`(B) LIMITATIONS-
`(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--
`(I) shall not unreasonably discriminate among providers of functionally equivalent services; and
`(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
`(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.
`(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.
`(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.
`(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any

person adversely affected by an act or failure to act
by a State or local government or any instrumentality
thereof that is inconsistent with clause (iv) may
petition the Commission for relief.
`(C) DEFINITIONS- For purposes of this paragraph--
`(i) the term `personal wireless services' means
commercial mobile services, unlicensed wireless
services, and common carrier wireless exchange access
services;
`(ii) the term `personal wireless service facilities'
means facilities for the provision of personal wireless
services; and
`(iii) the term `unlicensed wireless service' means
the offering of telecommunications services using duly
authorized devices which do not require individual
licenses, but does not mean the provision of
direct-to-home satellite services (as defined in
section 303(v)).'.
(b) RADIO FREQUENCY EMISSIONS- Within 180 days after the
enactment of this Act, the Commission shall complete action in ET
Docket 93-62 to prescribe and make effective rules regarding the

environmental effects of radio frequency emissions.
(c) AVAILABILITY OF PROPERTY- Within 180 days of the enactment of
this Act, the President or his designee shall prescribe procedures
by which Federal departments and agencies may make available on a
fair, reasonable, and nondiscriminatory basis, property,
rights-of-way, and easements under their control for the placement
of new telecommunications services that are dependent, in whole or
in part, upon the utilization of Federal spectrum rights for the
transmission or reception of such services. These procedures may
establish a presumption that requests for the use of property,
rights-of-way, and easements by duly authorized providers should be
granted absent unavoidable direct conflict with the department or
agency's mission, or the current or planned use of the property,
rights-of-way, and easements in question. Reasonable fees may be
charged to providers of such telecommunications services for use of
property, rights-of-way, and easements. The Commission shall
provide technical support to States to encourage them to make
property, rights-of-way, and easements under their jurisdiction
available for such purposes.

The Cherrywood Neighborhood is bounded by IH-35, Airport Road and Manor Road and is flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | steering@cherrywood.org | www.cherrywood.org

Mayor Steve Adler
Council Member Natasha Harper-Madison
Mayor Pro Tem Delia Garza
Council Member Sabino Renteria
Council Member Greg Casar
Council Member Ann Kitchen
Council Member Jimmy Flannigan
Council Member Leslie Pool
Council Member Paige Ellis
Council Member Kathie Tovo
Council Member Alison Alter

22 April 2019

Re: NPCT Rec Ltr: NPA-2019-0012.01.SH_The Abali

Dear Mayor Adler and Members of Council;

This letter is to affirm the support of the Cherrywood Neighborhood Association (CNA)for the above-referenced proposed Neighborhood Plan Amendment. The amendment relates to the proposed change of the Future Land Use Map for the properties at 4603-4611 Northbound IH35 service road in the Delwood II Neighborhood from Office to Multi-family.

At a regular Steering Committee meeting we voted, in behalf of CNA, to support our Land Use and Transportation (LUT) Committee's recommendation that (1)we recommend approval of the zoning change to MF-6-CO and (2) that we recommend approval of the change to the Upper Boggy Creek Neighborhood (UBC) Plan Future Land Use Map (FLUM). The vote was unanimous in favor with one abstention by a member who is employed by the Texas Department of Housing and Community Affairs (TDHCA).

We understand that the zoning change will carry a height requirement of a maximum of forty two (42) feet. We also understand that the project, at four stories, may be subject to review by the Board of Adjustment to waive compatibility requirements if they are not otherwise addressed by Council in the "Affordability Unlocked" resolution.

We would like to express our appreciation for the tireless outreach by Meghan Lasch of Saigebrook Development of O-SDA in presenting this project to the Contact Team and Delwood II Neighborhood Association. We appreciate your consideration of the Contact Team's strong support for this Neighborhood Plan Amendment.

Yours,

Jim Reed, Chair
Steering Committee, CNA

Cc: Greg Guernsey, Planning and Zoning Department
Maureen Meredith, Planning and Zoning Department
William Burkhardt, Planning Commission
Conor Kenny, Planning Commission
Patricia Seeger, Planning Commission
Jeffrey Thompson, Planning Commission
Todd Shaw, Planning Commission
Awais Azhar, Planning Commission
Patrick Howard, Planning Commission
Robert Schneider, Planning Commission
James Shieh, Planning Commission
James Schissler, Planning Commission
Fayez Kazi, Planning Commission
Yvette Flores, Planning Commission
Greg Anderson, Planning Commission
Karen Mcgraw, Planning Commission
Ann Teich, Planning Commission

Exhibit E

# Telecommunication Tower Regulations

## ARTICLE 1. - ZONING USES.

### 25-2-1 - USE CLASSIFICATIONS.

This article describes and classifies uses in the zoning jurisdiction. The major use categories are residential, commercial, industrial, civic, and agricultural.

Source: Sections 13-2-2 through 13-2-6; Ord. 990225-70; Ord. 031211-11.

### § 25-2-6 - CIVIC USES DESCRIBED.

(44) TELECOMMUNICATION TOWER use is the use of a site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communications.

### § 25-2-839 - TELECOMMUNICATION TOWERS.

(A) A tower used by a public agency exclusively for police, fire, emergency medical services, 911 or other public emergency communications is exempt from the requirements of this section and Section 25-2-840 ( *Special Requirements For Telecommunication Towers* ).

(B) A telecommunication tower may exceed the height restrictions of the base zoning district and the compatibility standards in Article 10 (*Compatibility Standards*).

(C) A telecommunication tower must be constructed in accordance with the most recent American National Standard Institute structural standards for steel antenna towers.

(D) Notwithstanding the requirements of Subsections (E), (F), and (G), a telecommunication tower that complies with the requirements of this subsection is permitted in any zoning district.

(1) The tower must be a replacement for a functioning:

(a) utility pole or light standard within a utility easement or public right of way;

(b) recreation facility light pole; or

(c) telecommunication tower.

(2) The tower, including antenna array, may not exceed the height of:

(a) the original utility pole, light standard, or recreation facility pole by more than 10 feet; or

(b) the original telecommunication tower and antenna array.

(3) The tower may not obstruct a public sidewalk, public alley, or other public right of way.

(4) The tower must be similar in appearance and function to the pole, standard, or tower that it replaces, except for the antennae.

(E) A telecommunication tower described in Subsection (F) or (G) must comply with the requirements of this subsection.

(1) The tower may not be located:

(a) on or within 300 feet of property that is zoned as a historic landmark (H) or historic area (HD) combining district or included in a National Register District;

(b) within 50 feet of a day care services (commercial) use; or

(c) within 50 feet of a dwelling unit.

(2) The tower must be of monopole construction and designed to accommodate at least two antenna array.

(3) The antenna array may not exceed tower height by more than 10 feet.

(4) Guys and guy anchors must be at least 20 feet from adjoining property.

(5) The tower must be:

(a) enclosed by security fencing; and

(b) screened from street view by landscaping at least six feet high.

(6) The tower must be identified by a sign visible from outside the screening. The sign must state in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.

(F) A telecommunication tower that complies with the requirements of this subsection is a permitted use in an SF-6 or less restrictive district, except for an MH district.

(1) The tower must be at least 200 feet from an MH district or use or an SF-5 or more restrictive district or use.

(2) The tower, excluding antenna array, may not exceed the following height:

(a) 75 feet, for a tower less than 250 feet from an MH district or use or SF-5 or more restrictive district or use;

(b) 100 feet, for a tower at least 250, but less than 540, feet from an MH district or use or an SF-5 or more restrictive district or use; or

(c) 120 feet, for a tower 540 feet or more from an MH district or use or an SF-5 or more restrictive district or use.

(3) The director may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the director determines that:

(a) the tower will be located in a GO or less restrictive district;

(b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;

(c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and

(d) the proposed tower location will not negatively affect a residential neighborhood.

(G) A telecommunications tower that is not a permitted use under Subsection (F) is a conditional use in an SF-6 or less restrictive district, except for an MH district, if the tower complies with the requirements of this subsection.

(1) The tower must be at least 75 feet from an MH district or use or an SF-5 or more restrictive district or use.

(2) The tower, excluding antenna array, may not exceed the following height:

(a) 75 feet for a tower less than 100 feet from an MH district or use or an SF-5 or more restrictive district or use;

(b) 100 feet, for a tower at least 100, but less than 200, feet from an MH district or use or an SF-5 or more restrictive district or use;

(c) 120 feet, for a tower at least 200, but less than 300, feet from an MH district or use or an SF-5 or more restrictive district or use; or

(d) a height set by the Land Use Commission, for a tower 300 feet or more from an MH district or use or SF-5 or more restrictive district or use.

(3) The Land Use Commission may waive a requirement of this subsection for a minimum separation distance between a tower and an MH use or an SF-5 or more restrictive use if the Land Use Commission determines that:

(a) the tower will be located in a GO or less restrictive district;

(b) not more than two uses that are MH uses or SF-5 or more restrictive uses are less than the prescribed separation distance from the tower base;

(c) the MH uses or SF-5 or more restrictive uses that are less than the prescribed separation distance from the tower base, if any, are located in SF-6 or less restrictive zoning districts; and

(d) the proposed tower location will not negatively affect a residential neighborhood.

(H) The distance from a tower to a zoning district or use is measured:

(1) along a straight line from the center of the tower base to the nearest property line of the zoning district or use; or

(2) for a distance prescribed by Paragraph (E)(1)(c), along a straight line from the center of the tower base to the nearest exterior wall of the dwelling unit.

(I) In this section, a reference to an MH district or use or SF-5 or more restrictive zoning district or use does not include property that is:

(1) vacant and unplatted;

(2) used for a public or private primary or secondary educational facility;

(3) used for a college or university educational facility;

(4) owned by the United States, the State of Texas, a county, or the City, and not used for an MH or SF-5 or more restrictive residential use;

(5) used primarily for religious assembly;

(6) used for a cemetery;

(7) used for a non-residential, nonconforming use; or

(8) determined by the director to be used in a manner similar to the uses described in this subsection.

Source: Sections 13-2-235 and 13-2-273; Ord. 990225-70; Ord. 000302-36; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16.

- **§ 25-2-840 - SPECIAL REQUIREMENTS FOR TELECOMMUNICATION TOWERS.**

(A) An application to construct a telecommunication tower described in Section 25-2-839(F) or (G) (*Telecommunication Towers*) must be accompanied by an affidavit that includes:

(1) a description of the search area for the tower location;

(2) the elevation required for the antenna array; and

(3) the reasons that the antenna array cannot be located on an existing tower or other structure.

(B) An applicant who prepares an affidavit required by Subsection (A) shall record the name and address of each person the applicant contacts in attempting to locate the antenna array on an existing tower or other structure. If requested by the city manager, the applicant shall disclose to the city manager the recorded information.

(C) This subsection applies if a telecommunication tower described in Section 25-2-839(F) or (G) (*Telecommunication Towers*) ceases to be used for wireless communications.

(1) The tower owner and the property owner shall notify the director that the tower is not being used for wireless communications within 30 days of the cessation of use.

(2) If the tower is not used for wireless communications for a continuous one year period, the tower owner and the property owner shall remove the tower. The tower owner and the property owner shall finish the tower removal within 18 months of the date that wireless communications cease.

(D) The director shall maintain a map of all telecommunication towers located within the planning jurisdiction.

Source: Ord. 000302-36; Ord. 031204-53; Ord. 031211-11.

Exhibit F

VINCENT GERARD & ASSOCIATES, INC.

May 29, 2019

Sherri Sirwaitis
City of Austin
Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704

**RE: Amendment to C14-2019-0006 (Verizon Wireless -Mopac Parmer)**
**3502 ½ West Parmer Lane | Lots 6 & 7 Parmer Professional Center**

Dear Mrs. Sirwaitis,

On behalf of the applicant, Verizon Wireless, we are requesting to amend the conditions in Ordinance No. 911017-D for the Property as described by the attached metes and bounds as Exhibit "A", to state that, "The maximum height of a building or structure on the Property shall not exceed 35 feet above ground level, save an except for a Telecommunication Tower use."

We originally submitted this rezoning application to include all of Lots 6 & 7. However, after meetings with the neighborhood, we would like to amend the zoning ordinance conditions based on the lease area of the proposed wireless telecommunication facility instead of the entire lots. We request that the conditions in Ordinance No. 911017-D are amended only for the footprint shown in Exhibit "B." The conditions in that ordinance would remain for the rest of the original Tract 1 and Tract 2.

Please contact our office with any questions. Thank you for your consideration.

Respectfully,

Vincent G. Huebinger

LAND PLANNING, DEVELOPMENT & ZONING CONSULTANTS
1715 CAPITAL OF TEXAS HIGHWAY SOUTH • SUITE 207 • AUSTIN, TEXAS 78746
VINCENTGERARD.COM • (512) 328-2693

EXHIBIT "A"

# PROPOSED ZONING BOUNDARY
# CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

Being a portion of Lots 6 and 7, Parmer Professional Center as recorded in Volume 90, Page 212, Travis County Plat Records, Travis County, Texas and being more particularly described as follows:

Commencing at a 20d nail marking the northeast corner of said Lot 6;

thence run S 23°31'47" W a distance of 378.05 feet to a 20d nail found on the northeast right-of-way line of W. Parmer Lane at the southeast corner of said Lot 6;

thence N 12°40'18" E a distance of 56.12 feet to the Point of Beginning;

thence N 27°49'47" E a distance of 36.00 feet to a point; thence S 62°17'30" E a distance of 18.00 feet to a point;

thence S 04°36'44" W a distance of 22.83 feet to a point;

thence S 27°49'47" W a distance of 15.00 feet to a point;

thence N 62°17'30" W a distance of 27.00 feet to the Point of Beginning.

Said above described parcel contains 877.5 square feet or 0.02 acres, more or less.

SURVEYOR'S CERTIFICATION

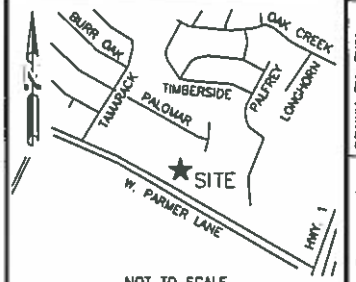
I certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Texas to the best of my knowledge, information, and belief.

William H. Sommerville, III
Texas License No. 6094
Licensed Surveying Firm No. 10194430

05/28/2019
Date

STATE OF TEXAS REGISTERED WILLIAM H. SOMMERVILLE, III 6094 PROFESSIONAL LAND SURVEYOR

VICINITY MAP




NOT TO SCALE

TEXAS CENTRAL
GRID NORTH

GRID TO TRUE NORTH CONVERGENCE 1°21'05.69173"

TRUE NORTH TO MAGNETIC DECLINATION 3°48' E

COMBINED SCALE FACTOR 0.999932264

LEGEND

○ = 5/8" REBAR SET
● = 20d NAIL FOUND

MOPAC PARMER
20141083324
OUT OF PARMER PROFESSIONAL CENTER SUBD.
TRAVIS COUNTY, TEXAS

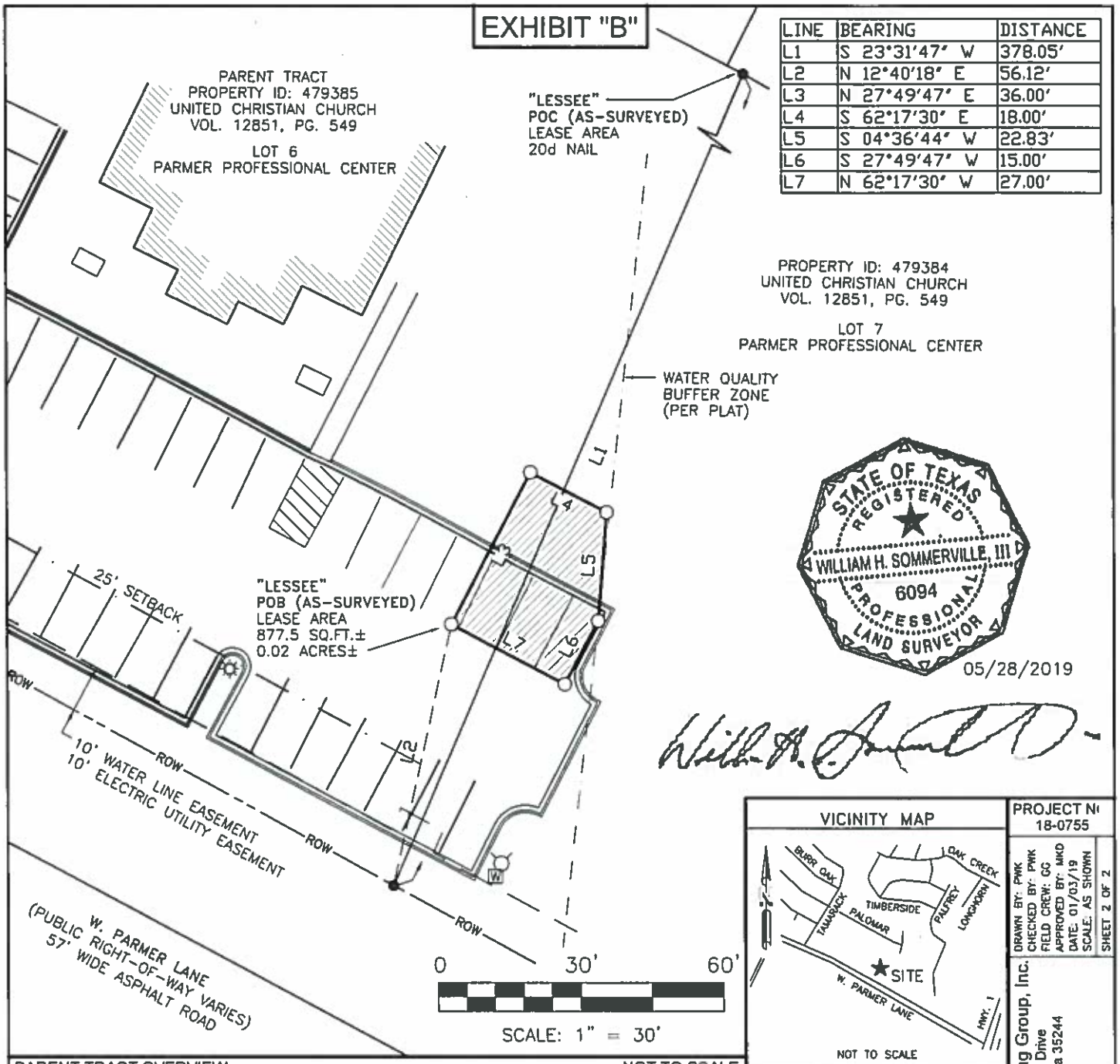
PROJECT N: 18-0755

DRAWN BY: PWK
CHECKED BY: PWK
FIELD CREW: GG
APPROVED BY: MKD
DATE: 05/28/19
SCALE: AS SHOWN
SHEET 1 OF 2

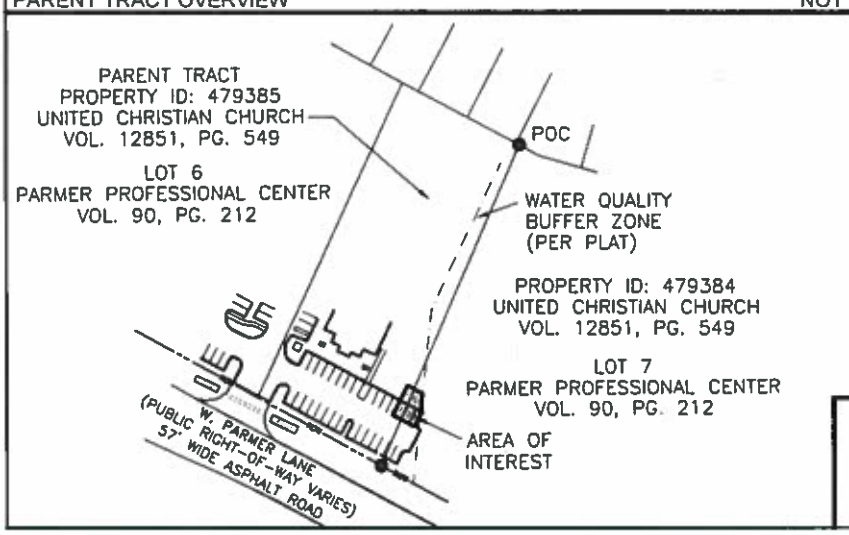
SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Ph: 205-252-6985
www.smweng.com
SMW ENGINEERING GROUP, INC.

# EXHIBIT "B"

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 23°31'47" W | 378.05' |
| L2 | N 12°40'18" E | 56.12' |
| L3 | N 27°49'47" E | 36.00' |
| L4 | S 62°17'30" E | 18.00' |
| L5 | S 04°36'44" W | 22.83' |
| L6 | S 27°49'47" W | 15.00' |
| L7 | N 62°17'30" W | 27.00' |




PARENT TRACT OVERVIEW NOT TO SCALE




## VICINITY MAP




NOT TO SCALE

## TEXAS CENTRAL

GRID NORTH

GRID TO TRUE NORTH CONVERGENCE 1°21'05.69173"

TRUE NORTH TO MAGNETIC DECLINATION 3°48' E

COMBINED SCALE FACTOR 0.999932264

## LEGEND

- o = 5/8" REBAR SET
- ● = 20d NAIL FOUND

PROJECT No 18-0755

DRAWN BY: PWK
CHECKED BY: PWK
FIELD CREW: GC
APPROVED BY: MKD
DATE: 01/03/19
SCALE: AS SHOWN
SHEET 2 OF 2

SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Ph: 205-252-6985
www.smweng.com
SMW ENGINEERING GROUP, INC.

MOPAC PARMER
20141083324
OUT OF PARMER PROFESSIONAL CENTER SUBD.
TRAVIS COUNTY, TEXAS

Exhibit G

**Sirwaitis, Sherri**

**Subject:** FW: No Verizon Cell tower

-----Original Message-----
From: Megan Wise < >
Sent: Tuesday, February 05, 2019 10:00 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: No Verizon Cell tower

Ms. Sirwaitis,

I'm writing to express my disapproval of the 100 ft. Verizon cell tower proposed to be placed next to the United Christian Church on Parmer lane. This tower will be visible from our home and will be an eyesore with possible affect on our property value. Myself and our neighbors stand against the proposed zoning change that will make this tower possible. Besides the property value and visual burden of the structure it is unclear whether or not towers of this sort can cause health issues. We do not wish for this structure to be built so close to the residences in Northwood. Please consider the homeowners when decisions are made regarding the zoning change. Please hold fast to the zoning that was put in place to protect residents in then area.

We appreciate your help.

Sincerely,

Megan Wise
4000 Palomar Lane
Austin, TX 78727

Sent from my iPad

**Sirwaitis, Sherri**

**Subject:** FW: Cell Phone Tower near Parmer Lane and Oak Creek Drive

**From:** >
**Sent:** Tuesday, February 05, 2019 5:29 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Cell Phone Tower near Parmer Lane and Oak Creek Drive

Ms. Sirwaitis:

I am writing to voice my strong opposition to the petition by Verizon to build a 100-ft tall cell phone tower in my neighborhood (behind the United Christian Church, between Oak Creek Drive and Parmer Lane). This will require a change to the current zoning height of 35 feet. A cell tower in the middle of any residential neighborhood is unacceptable. In addition, there is already a cell tower about a mile northwest of this location on Parmer Lane. Verizon should follow suit and build their tower there on undeveloped land.

Sincerely,
Joan Yaffe
12911 Trailwood Road
Austin, TX 78727
512-244-3998

**Sirwaitis, Sherri**

**Subject:** FW: 2019-009809 ZC

-----Original Message-----
From: Joan Balash < >
Sent: Tuesday, February 05, 2019 1:27 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: 2019-009809 ZC

Hello Ms. Sirwaitis -
Please deny the zoning change request (2019-009809 ZC) that would allow a higher than 35-ft tall structure (in this case a cell phone tower by Verizon) to be built. I am a resident of Northwood and am concerned that such a change will result in more such tall structures and will loom over our neighborhood, as well as over the new affordable housing apartment complex (being built) near to this location. Please keep the 35-ft restriction on this property.
Thank you.
Joan Balash

Sent from my iPhone

## Sirwaitis, Sherri

**To:** Jeske, Peter
**Subject:** RE: Case Number C14-2019-0006

**From:** Jeske, Peter < >
**Sent:** Tuesday, February 05, 2019 1:44 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Case Number C14-2019-0006

Good afternoon Sherri,
I'd like to express my concerns about the zoning change that allows a cell tower to be installed on this location. The reason zoning laws are in place are to protect the land owners in the surrounding areas. I purchased my property in the Northwood neighborhood based on the surround zoning laws.

I am glad the church is able to profit from leasing the land to build the tower but this is at the cost to the surrounding neighborhood. I don't know know of anyone that would want to view a 100ft cell phone tower from their home and I think this negatively affects the surrounding neighborhood. Thank you for considering my concerns.

-Peter Jeske

## Sirwaitis, Sherri

**To:** Sandra Meyer
**Subject:** RE:

**From:** Sandra Meyer < >
**Sent:** Tuesday, February 05, 2019 4:12 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:**

Please DO NOT change zoning so that Verizon can pur a radio tower in our neighborhoods back yard! There is plenty of open land north on ParmerAWAY from our neighborhood! The tower adjacent to our neighborhood would be visible to homes and devalue our property. Thank you. Sandra Meyer
12800 Stepping Stone 78727

**Sirwaitis, Sherri**

**Subject:** FW: Cell tower in my neighborhood

**From:** Robert Baumgardner < >
**Sent:** Tuesday, February 05, 2019 10:47 AM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Cell tower in my neighborhood

Ms. Sirwaitis:
The petition by Verizon to change the zoning in my neighborhood (next to United Christian Church on Parmer Lane) so they can erect a 100-ft tall tower is unacceptable. The current zoning is limited to 35-ft height and should remain as such. Such a tower would be unacceptable in any other residential area of Austin, from Northwest Hills to Crestview and it is unacceptable here. There is already a cell tower a mile northwest of this location on Parmer Lane. Let them put their tower there, on undeveloped land.
Respectfully,
Robert Baumgardner
12911 Trailwood Rd.
Austin, TX 78727
512-244-3998

**Sirwaitis, Sherri**

**Subject:** FW: Rezoning Case C14-2019-0006

-----Original Message-----
From: Allison Crowe < >
Sent: Monday, February 04, 2019 12:56 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: Rezoning Case C14-2019-0006

Sherri,

My name is Allison Sullivan and I live at 3403 Palomar Lane Austin, TX 78727. My home backs up to the United Christian Church where the zoning change is being requested. My husband and I are opposed to this request and would like for our voices to be heard. I know our immediate neighbors feel the same way and we plan to share this information with the rest of our neighborhood.

When we bought our house, we knew of the zoning ordinance that restricted the size of buildings behind our home. This proposed change is nearly tripling the previous zoning condition. How is this permit even being considered with such a tremendous change to the conditions? By changing a word in the document, the cell phone company is able to erect a 100 foot tower that is going to almost completely obstruct our backyard view.

Again, we ask that our voices and concerns are addressed. We would like to be present at hearings and would strongly encourage the cell phone company to pick another location that isn't so close to single family homes.

Thank you,
Allison Sullivan

## 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/planning.

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: C14-2019-0006**
**Contact: Sherri Sirwaitis, 512-974-3057**
**Public Hearing: April 02, 2019, Zoning and Platting Commission**
**April 25, 2019, City Council**

MURRAY JONES
*Your Name (please print)*

☐ I am in favor
☑ I object

3804 BEACONSDALE DR
*Your address(es) affected by this application*

Murray Jones — 3/26/2019
*Signature* — *Date*

Daytime Telephone: (512) 293-0638

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

## 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/planning.

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: C14-2019-0006**
**Contact: Sherri Sirwaitis, 512-974-3057**
**Public Hearing: April 02, 2019, Zoning and Platting Commission**
**April 25, 2019, City Council**

Dr. David R. Derr
*Your Name (please print)*

☐ I am in favor
☒ I object

12520 Palfrey Drive, Austin, TX 78727
*Your address(es) affected by this application*

Dr. David R. Derr — *Signature*

3/29/2019 — *Date*

Daytime Telephone: 512-963-2508

Comments:

*A 100 feet tall or taller structure is inconsistent with the neighborhood image established decades prior. Homes already devalued by their proximity to Parmer Lane would face additional depreciation caused directly by the tower. Numerous residents paid a premium for greenbelt-view lots on which the prominent features are century oaks abutting a dry creek bed, and the possibility of fire or collapse places previously-planned greenbelt space rich with old growth at considerable risk.*

*Current Verizon coverage maps show no lapses in coverage warranting a zone change impacting longstanding residents, and numerous non FCC-registered towers exist nearby. Overwhelmingly, a zone change financially impacts UCC while negatively impacting dozens of its neighbors.*

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

## Sirwaitis, Sherri

**Subject:** FW: Zoning case C14-2019-0006

**From:** Jerry Wise < >
**Sent:** Saturday, May 4, 2019 11:19 AM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Zoning case C14-2019-0006

Hi Sherri,

I'm writing to express my opposition of the 100 ft. Verizon cell tower proposed to be placed next to the United Christian Church on Parmer lane. This tower will be an eye-sore to our landscape and statistically proven to negatively effect property value. Myself and our neighbors stand against the proposed zoning change that will make this tower possible. Besides the property value and visual burden of the structure it is unclear whether or not towers of this sort can cause health issues. We do not wish for this structure to be built so close to the residences in Northwood. Please consider the homeowners when decisions are made regarding the zoning change. Please hold fast to the zoning that was put in place to protect residents in this area.

We appreciate your help.

Sincerely,

**Jerry Wise**
**Moontower Entertainment**
Live Bands/DJs/Lighting/Production
c: 512-496-0482

**Sirwaitis, Sherri**

**Subject:** FW: Northwood cell tower

**From:** dick geeslin < >
**Sent:** Friday, May 17, 2019 11:39 AM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Northwood cell tower

Dear Mrs Sirwaitis:

I'm am completely, utterly, and absolutely opposed to the erection of the proposed Verizon cell tower on Parmer Lane on the church property. There too many negatives to allow this project to go through especially when Verizon could put that tower on vacant land further West on Parmer. I live approximately 155 feet from that location.

Sincerely;
Richard Geeslin

**Sirwaitis, Sherri**

**Subject:** FW: Proposed Cell Tower

-----Original Message-----
From: Larmon Maddox < >
Sent: Friday, May 17, 2019 6:13 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: Proposed Cell Tower

I, Larmon Maddox, 3906 Beaconsdale Drive, Austin 78727, am vehemently opposed to the cell tower proposed by Verizon on Parmer Lane, adjoining our Northwood neighborhood. The transmission from the tower may transmit harmful emissions to our neighborhood, will be a definite eyesore and will negatively impact the property values in this area. I urge you to have Verizon find a more suitable location for their tower.

Respectfully,
Larmon Maddox

**Sirwaitis, Sherri**

**Subject:** FW: Cell Tower

**From:** Jeneth | Private < >
**Sent:** Friday, May 17, 2019 7:49 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Re: Cell Tower

I am writing to oppose the Version cell tower that's been proposed at the United Christian Church on Parmer Lane.

We live right behind the church and have already taken measures to reduce any extra frequencies in the area.

Jen

--
Jeneth Blackert
Business & Life Design Expert
Author, *Falling in Stilettos*
www.realrawyou.com
512.815.6222 tel

**Sirwaitis, Sherri**

**Subject:** FW: Cell Tower

**From:** Karen Walters < >
**Sent:** Saturday, May 18, 2019 2:24 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Cell Tower

Dear Ms. Sirwaitis,

We, my husband and myself, are writing to you to register our opposition to the proposed cell tower going up in front of the United Methodist Church on Parmer Lane.

Having a cell tower so close to homes means the residence of the homes are being exposed to potentially harmful RF's. The tower is unsightly and the lights on top of the tower shine unwanted light into near by homes.

Yours Truly,

Karen and Mark Walters

**Sirwaitis, Sherri**

**Subject:** FW: No Verizon Tower on Parmer Lane in our Northwood Neighborhood, Please!

**From:** Ann Leifeste < >
**Sent:** Sunday, May 19, 2019 7:01 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** No Verizon Tower on Parmer Lane in our Northwood Neighborhood, Please!

Dear Ms. Sirwaitis,

This is a tower affecting my Northwood Neighborhood and it would be one block east of me! It would be on United Christian Church prooperty on Parmer Lane, which is our southern boundary.

We have a lovely neighborhood that wishes to remain without the encroachment of industry and commercialism in our residential neighborhood.

There are so many reasons to protest this tower proposal!

It's unsightly, unhealthy, and against zoning regulations. It would decrease the value of our neighborhood and our property value tenfold as it would be virtually in our front yard.

It would be a huge eyesore and if illuminated and blinking, would be outrageously intrusive as it would shine right onto our street and right into our front windows, since we are the very first street off of and parallel to Parmer Lane.

Please do not allow this commercial intrusion, which will ruin the ambiance and quietude of our small community.

Our night sky would be ruined. The RF frequency emited would affect our health and the quality of our air.

Please help prevent this. We in Northwood feel that we are the underdog, yet individuals and not corporations should be given the right to protect our environment.

Please do not let this happen!

Thank you for your attention.

Sincerely yours,
Ann Leifeste
3506 Palomar Lane
Austin 78727

**Sirwaitis, Sherri**

**Subject:** FW: Proposal Request for C14-2019-0006

**From:** Matt Synatschk >
**Sent:** Monday, May 20, 2019 8:01 AM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Cc:** Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; District 7 <District7@austintexas.gov>
**Subject:** Proposal Request for C14-2019-0006

Dear Ms. Sirwatis,

The residents of the neighborhood adjacent to the property located at 3502 1/2 West Parmer Lane respectfully request a postponement of the Zoning and Platting Commission hearing for Case Number C14-2019-0006 for the following reasons:

1. A request was sent to the Church on February 7, 2019 requesting a meeting with them to discuss the proposed zoning change. The church was unable to schedule a meeting until April 28, 2019 limiting the amount of time to discuss the project.

2. The applicant's agent, Vincent Gerard & Associates, was unable to schedule a meeting with the neighborhood until May 16, 2019. That meeting date is less than 1 week prior to the ZAP meeting.

3. Several items were discussed at the meeting on May 16, including other potential locations, a review of the site selection process and other documentation supporting the application. The information has not yet been made available for review.

4. In addition, the conversation at the meeting included a discussion regarding offers from the applicant to discuss site specific details with individual homeowners.

We respectfully request a postponement of the case to allow the applicant an opportunity to provide the requested documentation and continue discussions with them.

Sincerely,

Matt Synatschk

--
-~-~-~-~-~-~-~-~-~-~-~-~-~-~-~
Matt Synatschk

-~-~-~-~-~-~-~-~-~-~-~-~-~-~-~

**Sirwaitis, Sherri**

**Subject:** FW: No Cell Tower in our Front Yard in Northwood Neighborhood!

**From:** Ann Leifeste < >
**Sent:** Monday, May 20, 2019 2:03 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** No Cell Tower in our Front Yard in Northwood Neighborhood!

Dear Ms. Sirwaitis,

Please know how destructive of our quality of life this cell tower will be as we are in the very first block north of the United Christian Church on Parmer.

It will be an eyesore, it will possibly be lit with a blinking light, it will devalue our property, and it will create air pollution.

We are already dealing with busy Parmer Lane and sound pollution, as well as an apartment complex being built on our periphery, which will add 90 to 180 or more additional cars and traffic to our neighborhood.

Please know the church wants this income, but is not acting in a Christian way toward its neighbors of Northwood who are so very close!

Please note that we are Verizon customers and have absolutely no difficulty receiving cell phone reception.

Thank you for your attention to this issue.

Sincerely,
Bruce Arnett
3506 Palomar Lane
Austin 78727

**Sirwaitis, Sherri**

**Subject:** FW: Zoning for cell tower

**From:** Jean Henry < >
**Sent:** Tuesday, May 21, 2019 11:04 AM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** Zoning for cell tower

I am a property owner in Northwood (12608 Parmer). I oppose the installation of the cellphone tower at the United Christian Church on Parmer In. I am concerned about the the height, the lights and my property values.
I assume the church has a tax exemption; how can they receive commercial income without affecting that status.

**Sirwaitis, Sherri**

**Subject:** FW: proposed cell tower in Northwood

**From:** Murray Jones < >
**Sent:** Wednesday, May 22, 2019 2:17 PM
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
**Subject:** proposed cell tower in Northwood

Hello Sherri,

My name is Murray Jone and I oppose this new cell tower. I am a resident in Northwood and I am concerned about the health risks.
Here is my contact information.

Murray Jones
3804 Beaconsdale Dr, Austin, TX 78727
512 293-0638

Thank you

United Christian Church
An Ecumenical Partnership of the United Church of Christ and the Christian Church (Disciples of Christ)

3500 West Parmer Lane
Austin, Texas 78727

(512) 218-8110
www.uccaustin.org

May 1, 2019

To: Mr. Greg Guernsey, Zoning Administrator – City of Austin

We, the undersigned, are members and congregational elected leaders of United Christian Church of Austin, 3500 W. Parmer Ln., Austin, Texas 78727. United Christian Church is a congregationally-run local congregation affiliated with both the Christian Church (Disciples of Christ) and the United Church of Christ. Currently, all funds supporting the ministries of the Church are internally, through fundraisers, or through building use rentals.

Recently, the Church was approached by Verizon with the intent of leasing a portion of our parking lot for the installation of a cell generated phone tower. The modest income derived from this agreement will help United Christian Church live out our Mission, Vision and Values.

Our mission…As a community of faith:

- We worship God.
- We seek wisdom.
- We serve others.
- We offer care and compassion.
- We share Good News.

Our vision…As a community of hope:

- We will welcome, grow, and serve.
- We will demonstrate God's love to the world by serving and empowering people.
- We will cultivate a joyful spirituality.
- We will give gladly of our time, talents, and resources to support this Vision.

Our values…As a community of love, we value:

- Open minds – seeking wisdom and engaging new ideas.
- Inclusivity – inviting and including all; creating a place for sanctuary and rest.
- Faith – loving God, following Jesus, and listening to the Spirit.
- Justice – making the world a better place.
- Generosity – giving of our time, energy, money and prayers.
- Teamwork – working together within our church, with other churches and with other faith traditions.

Rev. Dr. Laura Barnes, Interim Senior Minister
Rev. Nikki Stahl, Executive Minister
Emily Jamison Guerrero, Children's Ministry Coordinator
Bob Fuller, Clerical Support Specialist
Pastor Carl Schwartz-King, Licensed Minister
Rev. Anna Kriesle Humble, Minister of Music
Meghan Trout, Youth Ministry Coordinator

Our church lives out our Mission, Vision and Values in several concrete ongoing ways:

1. We have been an Open and Affirming Congregation (GLBTQ+) since 2007 and regularly participate in the Austin Pride Festival and other ongoing educational and advocacy opportunities supporting GLBTQ+ individuals, families, and allies.

2. We actively participate in mission work through Bethany Faith Food Pantry (a ministry of sister church Bethany Christian in East Austin), Austin Resource Center for the Homeless (ARCH) Community First! Village, Round Rock Area Serving Center, and the Austin Area Crop Walk, just to name a few.

3. We maintain on ongoing relationship with the Raindrop Turkish House Austin, participating with them in Iftar dinners during Ramadan and hosting Turkish cooking classes offered by the Raindrop Women's Association. We also participate with IACT (Interfaith Action of Central Texas) and Texas Interfaith Center for Public Policy: Texas Impact.

4. We offer a free week long Vacation Bible School (VBS) program for the community each summer. A choir camp that follows the daily VBS activities is also offered.

5. We provide annual summer mission trip opportunities for our youth, who have worked in Texas, Alabama, New Mexico and in the Washington D.C. area.

6. We host an annual pumpkin patch during the month of October. Community activities include a free Trunk or Treat, a Saturday story time and an area for taking photos.

7. We offer rental space of our building for community group meeting purposes including Alcoholics Anonymous, music lessons, summer camps (art, music, educational), family gatherings, and hobby groups.

United Christian Church wholeheartedly supports the application for zoning submitted by Verizon. We would greatly appreciate your approval of this important project.

Support Signatures:

| Name | Address |
|---|---|
| [illegible] | 11720 Pillion Pl, Manor, TX 78653 |
| Rev Nikki Stahl | 15528 Brodick Dr Austin Tx 78717 |
| Cherie Hinch | 6215 Avery Island Ave. Austin TX 78727 |
| [illegible] | 3708 Harvey Perch Cv. Round Rock, TX |
| Rebecca Molin | 8629 Sea Ash Cir Round Rock, TX 78681 |

| | |
|---|---|
| Rev Laura Barnes | 6280 McNeil Dr #803 Austin TX 78729 |
| [illegible] | 1318 Garden Path, Round Rock |
| [illegible] | 1119 Long Meadow Dr. Round Rock TX 7866 |
| [illegible] | 15906 Sexene Fleming Trace Austin 78736 |
| Lynette Alcorn | 9306 Hunters Trace E, Austin 78758 |
| M Hockenberg | 1119 Longmeadow Dr Round Rock, TX 786 |
| Andrea Harsow | 9006 Hazelhurst Dr. Austin, TX 78729 |
| Pastor Carl Schwartz-King | 15405 Interlachen Dr., Austin, TX 78717 |
| Emily Jamison Guerrero | 12310 Bainbridge Ln. Austin, TX 7875 |
| Anna K Humble | 3800 Hidden Hlw Austin, Tx 78731 |
| [illegible] | 3609 Lovage Dr. Austin 78727 |
| [illegible] | 10600 Mourning Dove Dr. Austin 78750 |
| [illegible] | 1402 Northridge Dr Austin 78723 |
| David Hammel | 2002 Leeann Drive 78758 |
| [illegible] | 2306 Sage Canyon Dr. Cedar Park 78 |

Rev. Dr. Laura Barnes, Interim Senior Minister
Rev. Nikki Stahl, Executive Minister
Emily Jamison Guerrero, Children's Ministry Coordinator
Bob Fuller, Clerical Support Specialist

Pastor Carl Schwartz-King, Licensed Minister
Rev. Anna Kriesle Humble, Minister of Music
Meghan Trout, Youth Ministry Coordinator