Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 03/23/2006
PAGE: 1 of 1

SUBJECT: C14-05-0202 - Crown Castle - Spicewood Springs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4919 Spicewood Springs Road (Bull Creek Watershed) from interim-family residence (I-SF-3) district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Crown Castle USA, Inc. (Tim Dowdle). Agent: Vincent Gerard & Associates (Kayla Bryson) City Staff: Jorge E. Rousselin, 974-2975.

REQUESTING DEPARTMENT:	Neighborhood Planning and Zoning	**DIRECTOR'S AUTHORIZATION:**	Greg Guernsey

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RCA Serial#: 11136 Date: 03/23/06 Original: Yes
Disposition: Postponed~THU 03/23/2006

Published: Fri 02/10/2006
Adjusted version published:

ZONING REVIEW SHEET

CASE: C14-05-0202 **Z.A.P. DATE:** January 17, 2006

ADDRESS: 4919 Spicewood Springs Road

OWNER: Crown Castle USA, Inc. (Tim Dowdle) **AGENT:** Vincent Gerard & Associates (Kayla Bryson)

REZONING FROM: I-SF-3 (Interim family residence district)

TO: GO (General office) **AREA:** 1.91Acres

SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 17, 2006:
APPROVED SF-6-CO DISTRICT ZONING WITH ONLY PERMITTED NON-RESIDENTIAL USE A COMMUNICATION TOWER; AND PERMITTED SINGLE-FAMILY USES.
[M.H; J.M 2ND] (7-0) K.J; J.G – ABSENT

Prohibited uses:

- Bed & breakfast (Group 1)
- Bed & breakfast (Group 2)
- Condominium residential
- Duplex residential
- Retirement housing (Small site)
- Retirement housing (Large site)
- Townhouse residential
- Two-family residential
- Special use historic
- Urban farm
- Club or lodge
- College and university facilities
- Communication service facilities
- Community events
- Community recreation (private)
- Community recreation (public)
- Cultural services
- Day care services (commercial)
- Day care services (general)
- Day care services (limited)
- Family home
- Group home, Class I (General)
- Group home, Class I (Limited)
- Local utility services
- Private primary educational facilities
- Private secondary educational facilities
- Public primary educational facilities
- Public secondary educational facilities
- Safety services

SUMMARY STAFF RECOMMENDATION:

Staff does not recommend general office (GO) district zoning. Staff's alternate recommendation is limited office (LO).

ISSUES:

The subject property was granted a height variance by the Board of Adjustments on April 13, 1992 for the erection of a communication tower with a height of 120 feet under case No. C15-92-014. The variance was granted with an amendment addressing the height:

> *"That the applicant submit a signed statement from a professional engineer that a 120' tower is required due to the odd terrain and low visibility of the lot."*

There is an existing 85 foot tall telecommunication tower at the site. The rezoning request will allow the applicant to apply Section 25-2-839(F)(2)(b) and 25-2-839(F)(3) to erect a 100 foot tall telecommunication tower at the site and apply for a conditional use permit to exceed 120 feet in height.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

DEPARTMENT COMMENTS:

The subject rezoning area is a 1.91 acre site accessed from Spicewood Springs zoned I-SF-3. The applicant proposes to rezone the property to general office (GO) district and apply the provisions of Section 25-2-839(F)(2)(b) and 25-2-839(F)(3) to erect a 100 foot tall telecommunication tower. Staff does not recommend general office (GO) based on the following considerations:

1.) The proposed zoning classification is not compatible with the existing surrounding residential uses;
2.) Established office uses along Spicewood Springs Road are more conducive to a compatibility with the established residences; and
3.) The applicant may seek an additional variance through the Board of Adjustment to achieve the desired height.
4.) The Staff is supportive of LO (Limited office) zoning in this are as it is compatible with existing office development along Spicewood Springs Road.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-SF-3	Telecommunications tower
North	SF-2	Undeveloped land
South	I-SF-3	Offices
East	SF-2	Offices
West	SF-2	Undeveloped land

AREA STUDY: N/A

TIA: Waived; See Transportation comments

WATERSHED: Bull Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

53--Northwest Austin Civic Association
157--Courtyard Homeowner Assn.
184--Bull Creek Homeowners Assn.
439--Concerned Citizens For P&B of FM 2222
475--Bull Creek Foundation
511--Austin Neighborhoods Council
742--Austin Independent School District
965--Old Spicewood Springs Rd. Neighborhood Assn.

SCHOOLS:

Austin Independent School District

- Doss Elementary School
- Murchison Middle School
- Anderson High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-82-160	"I-A" (1st H&A) to "O" (1st H&A)	01/04/83: PC recommended denial of O (1st H&A) and leave interim "A" Residence (1st H&A). 8-0	12/13/83: Approved withdrawal of site plan. 8-0.
C14R-84-146 / SP-86-019	Site plan approval for LO	09/03/85: PC recommended approval of LO subject to dedication of 60' of ROW from centerline of Spicewood Springs Road. (8-0).	05/26/88: Application withdrawn.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0037	LO-CO to LO-CO	04/27/99: PC recommended approval of LO-CO. (8-0) CO: • No structure shall be constructed on the property at a height greater than one story or 28.5 feet measured from ground level at the front of the building facing Spicewood Springs Rd. and 38.5 feet measured from grade level at the back of the building. • 10,500 square feet max floor area • Signage on property shall be restricted to location on a berm and shall be free-standing only, without rotational capabilities. Signage dimensions shall not exceed 3' high by 8' wide. Signage lighting is limited to steady lighting only. • Vehicular access to the property shall be provided by tow driveway approaches from Spicewood Springs Rd. • 2,000 vehicle trip limitation • Prohibited uses: ▪ Bed and breakfast ▪ Communications Services ▪ Cultural services ▪ Counseling services ▪ Special use historic ▪ Club or lodge	06/03/99: LO-CO. (8-0) CO: • No structure shall be constructed on the property at a height greater than one story or 28.5 feet measured from ground level at the front of the building facing Spicewood Springs Rd. and 38.5 feet measured from grade level at the back of the building. • 10,500 square feet max floor area • Signage on property shall be restricted to location on a berm and shall be free-standing only, without rotational capabilities. Signage dimensions shall not exceed 3' high by 8' wide. Signage lighting is limited to steady lighting only. • Vehicular access to the property shall be provided by tow driveway approaches from Spicewood Springs Rd. • 2,000 vehicle trip limitation • Prohibited uses: ▪ Bed and breakfast ▪ Communications Services ▪ Cultural services ▪ Counseling services ▪ Special use historic ▪ Club or lodge ▪ College or university

		▪ College or university facilities ▪ Communication service facilities ▪ Community recreation (private) ▪ Community recreation (public) ▪ Congregate living ▪ Convalescent services ▪ Day care services (limited) ▪ Day care services (general) ▪ Day care services (commercial) ▪ Hospital services (limited) ▪ Local utility services ▪ Private primary educational facilities ▪ Private secondary educational facilities ▪ Public secondary educational facilities ▪ Residential treatment ▪ Safety services ▪ Telecommunications tower	facilities ▪ Communication service facilities ▪ Community recreation (private) ▪ Community recreation (public) ▪ Congregate living ▪ Convalescent services ▪ Day care services (limited) ▪ Day care services (general) ▪ Day care services (commercial) ▪ Hospital services (limited) ▪ Local utility services ▪ Private primary educational facilities ▪ Private secondary educational facilities ▪ Public secondary educational facilities ▪ Residential treatment ▪ Safety services ▪ Telecommunications tower
C14-02-2049	SF-3 to LO	04/18/00: PC Approved staff recommendation of LO-CO with conditions. (8-0). Conditions: • To include listed neighborhood prohibited uses except for family home, group homes & counseling services.	06/22/00: Approved LO-CO. CO: • A structure constructed on the property may not exceed 30' above ground level; Prohibited uses: • Day care services (commercial); • Day care services (limited); • Private primary educational facilities; • Public primary educational facilities; • Bed & breakfast

			residential; • Special use historic; • Day care services (general); • Hospital services (limited); • Private secondary educational facilities; • Public secondary educational facilities; • Art & craft studio (limited) • Club or lodge; • College & university facilities; • Community recreation (public) • Convalescent services; • Medical offices (exceeding 7,000 sq. ft. gross floor area); • Community recreation (private); • Congregate living; • Residential treatment; • Local utility services; • Communication services;
C14-03-0164	SF-3 to LO	01/06/04: ZAP Approved staff recommendation of LO (9-0).	01/29/04: Approved LO (5-0).

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Spicewood Springs Road	125'	Varies	Arterial	Yes	No	No

CITY COUNCIL DATE:
February 16, 2006
March 2, 2006

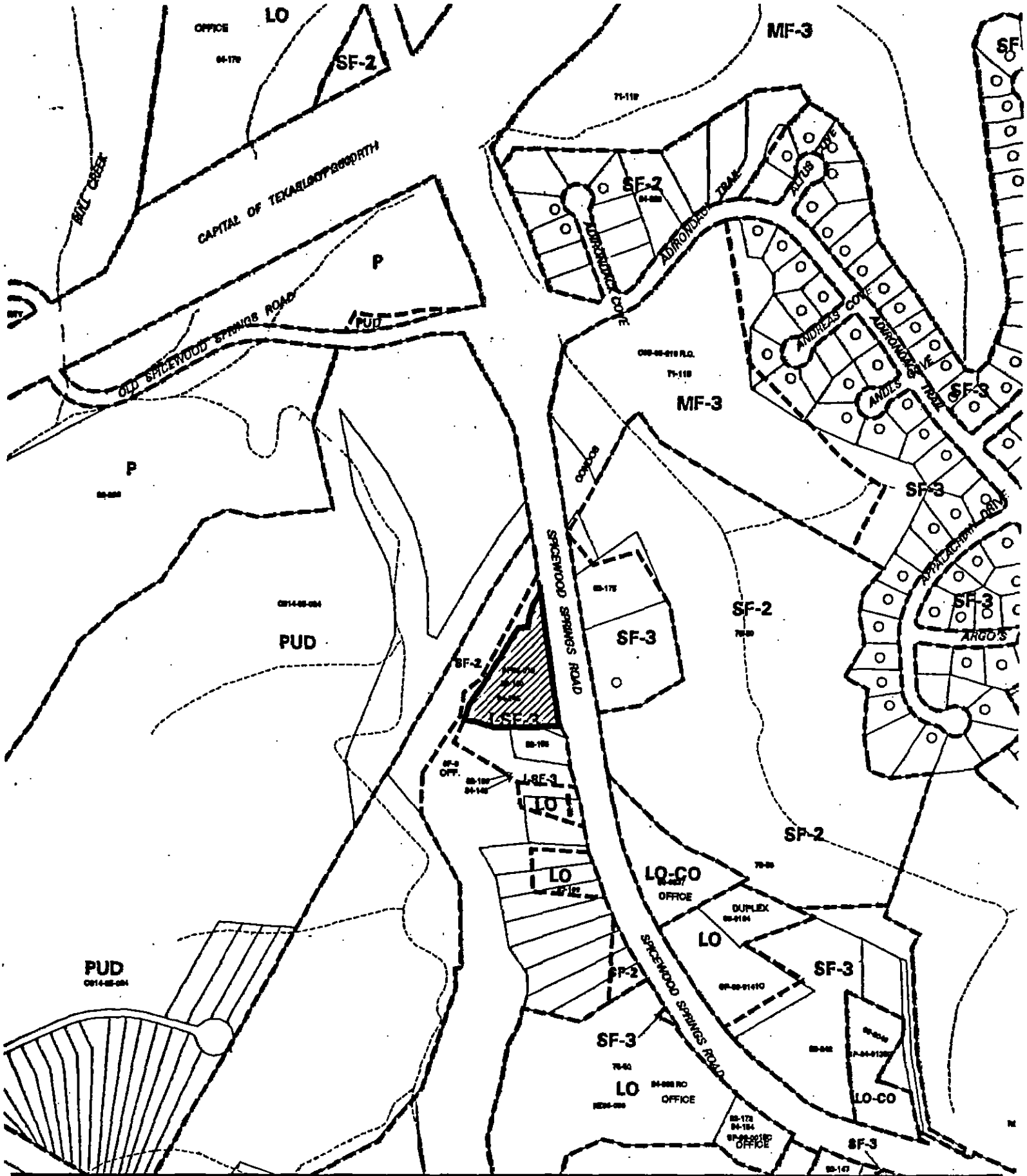
ACTION:
Postponed at request of neighbor

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD **PHONE:** 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



N	SUBJECT TRACT	ZONING	CITY GRID REFERENCE NUMBER
	PENDING CASE	CASE #: C14-05-0202	
	ZONING BOUNDARY	ADDRESS: SPICEWOOD SPRINGS RD	DATE: 05-11
1"=400'	CASE MGR: J.ROUSSELIN	SUBJECT AREA (acres): 1.910	INTLS: SM
			H32

STAFF RECOMMENDATION

Staff does not recommend general office (GO) district zoning. Staff's alternate recommendation is limited office (LO).

BASIS FOR RECOMMENDATION

1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The proposed rezoning will have a detrimental land use impact on the adjacent residential properties and the intensity of potential land uses will be incompatible with existing residential uses. LO will be a compatible zoning classification.

2. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The proposed zoning change does not provide a transition between existing residential uses along Spicewood Springs Road.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 1.91 acre site accessed from Spicewood Springs zoned I-SF-3. The applicant proposes to rezone the property to general office (GO) district and apply the provisions of Section 25-2-839(F)(2)(b) and 25-2-839(F)(3) to erect a 100 foot tall telecommunication tower.

Impervious Cover

1. Please see Environmental comments.

Transportation

1. No additional right-of-way is needed at this time.

2. The trip generation under the requested zoning is estimated to be 2,671 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117].

Environmental

1. A portion of the site is located over the North Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Net Site Area*	*% NSA with Transfers*
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

2. Development within a Water Quality Transition Zone may not exceed 18% impervious cover.

3. According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

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

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

6. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in

accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Site Plan and Compatibility Standards

1. The site is subject to compatibility standards of LDC 25-2-1051 – 25-2-1052 along the north, south, east, and west property lines.

(4) the educational facility, if constructed and used in accordance with the waiver or modification, will not have a substantial adverse effect on nearby property or residents or on public infrastructure.

(C) An interested party may appeal the approval or denial of a waiver or modification under this section to the Land Use Commission. The Land Use Commission's decision may be appealed to the council.

Source: Section 13-2-619; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.

§ 25-2-835 SCHOOL DISTRICT DEVELOPMENT AGREEMENTS.

Development of an independent school district educational facility site may be governed by an agreement authorized by Section 212.902 of the Local Government Code. If the City and an independent school district have executed an agreement, the terms of that agreement supersede the requirements of this title and the criteria manuals to the extent of conflict.
Source: Section 13-2-620; Ord. 990225-70; Ord. 031211-11.

§ 25-2-836 CLUB OR LODGE IN RESIDENTIAL DISTRICT.

(A) A club or lodge use that is located in a residential zoning district must comply with the requirements of this section.

(B) Vehicular access from a dedicated street with a right-of-way at least 60 feet wide for the length of the adjacent block face is required.

(C) The club or lodge must be operated as a nonprofit organization.

(D) Service of food and beverages, including alcoholic beverages, must be limited to service that is incidental to the primary activity of the facility.

Source: Section 13-2-266; Ord. 990225-70; Ord. 031211-11.

§ 25-2-837 COMMUNITY RECREATION.

(A) A community recreation use must comply with the requirements of this section.

(B) Vehicular access from a dedicated street with a right-of-way at least 60 feet wide for the length of the adjacent block face is required.

(C) A community recreation use must be operated as a nonprofit organization.

(D) Service of food and beverages must be limited to service that is incidental to the primary activity of the facility. Service of alcoholic beverages is prohibited if the majority of the participants in the primary activity are 18 years of age or younger.

(E) If a community recreation use is a conditional use, baseball, softball and football fields and other similar outdoor athletic fields must be at least 300 feet from an SF-5 or more restrictive zoning district.

Source: Section 13-2-267; Ord. 990225-70; Ord. 031211-11.

§ 25-2-838 EMPLOYEE RECREATION USE.

An employee recreation use must be located on property reserved by a business for future expansion.
Source: Section 13-2-232; Ord. 990225-70; Ord. 031211-11.

§ 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

CITY OF AUSTIN CASE # C15-92-014

APPLICATION TO BOARD OF ADJUSTMENT

GENERAL VARIANCES / PARKING VARIANCES

WARNING: Filing of this appeal stops all affected construction.

PLEASE USE BLACK INK

PART I: APPLICANTS STATEMENT

4919 Spicewood Sp. Rd.

STREET ADDRESS: 1.622 acres along west/southwest line of Spicewood Springs Road, 1/4 mile south of Loop 360.

LEGAL DESCRIPTION: Subdivision - 1.622 acres out of Abstract 521, Survey 17, J. M. Mitchell Survey, City of Austin.

Lot(s)_____ Block_____ Outlot_____ Division_____

I/We Shep Poland on behalf of myself/ourselves as authorized agent for GTE Mobilnet of Austin Limited Partnership affirm that on March 10, 19 92, hereby apply for a hearing before the Board of Adjustment for consideration to:

(ERECT) - ATTACH - COMPLETE - REMODEL - MAINTAIN - SUBDIVIDE

a cellular telephone tower to a height of 120'

in a SF-3 zone,
(zone district)

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

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

REASONABLE USE:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:

a minimum of 120' in height is necessary for the operation of the tower

HARDSHIP:

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

The communications facility planned for the site will not function properly without the antennas placed at the 120' height.

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

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the zoning district in which the property is located because:

only +/- 6% of the available land in the 1.622 acre tract will be utilized to construct the facility.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 6340 (a) (b) of Chapter 13-2A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

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

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

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

C15-92-014

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

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

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

Signed Skip Poland Mail Address P.O. Box 647 Wharton, TX 77488

Printed Skip Poland Phone 409/282-2088 Date 3/10/92

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

Signed Susan Bobbs-Murr Mail Address THE FROST NATIONAL BANK OF SAN ANTONIO 100 West Houston Street San Antonio, Texas 78205

Printed Susan Bobbs-Murr Real Estate Marketing Officer Phone: 512/220-4311 Date 3/11/92

PART II: BUILDING OFFICIALS STATEMENT

Applicant is requesting a variance to:

erect a Communication tower providing a height of 120 feet.

Section 630 of Chapter 13-2 provides, requires, or allows:

permits a maximum height of 35 feet

DATE 3/13/92. BUILDING OFFICIAL Jim Bennett

C15-92-014

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

DATE April 13, 1992

CASE NUMBER C15-92-014

APPLICANT Shep Poland for GTE Mobilnet of Austin Limited Partnership

ADDRESS 4919 Spicewood Springs Road

VARIANCE REQUESTED to erect a communication tower providing a height of 120 feet in an "SF-3" Single Family Residence District.

BUILDING OFFICIAL'S DECISION Section 13-2-630 permits a maximum height of 35 feet.

BOARD'S DECISION granted (5-0) with an amendment that the applicant submit a signed statement from a professional engineer that a 120' tower is required. Due to the odd terrain and low buildability of the lot.

Mike Heltz, Executive Secretary

Floyd Clark, Chairperson

C15-92-014

January 9, 2006

To: COA Zoning and Platting Commission
c/o Jorge E. Rousselin, Senior Planner

Re: C14-05-0202 - 4919 Spicewood Springs Road , Rezoning from SF3 to GO

Dear Commissioners,

My name is Laszlo Herczeg, and I live at 5003 Spicewood Springs Road, 78759.

I am record owner, together with my wife Evelyn, of property which immediately adjoins the subject property for this rezoning case. Our property is identified by Travis County Appraisal District by TCAD ID: 0147050104. We share a boundary line with subject property that is over 600 feet long.

Please consider this as our formal petition against the above referenced rezoning case from SF3 to GO, and against any zoning class or variance which would increase the current height restrictions placed on subject property.

First , as owners of adjoining property with SF3 zoning (which limits building height to 35feet), we are opposed *to any changes to the height limitations of the subject property*. COA zoning rules allow for such height restrictions to be placed on the subject property, based on adjoining properties' *lower* height restrictions.

Second, we are opposed to the proposed "GO" zoning because it is incompatible with the prevailing SF3 and SF2 (residential) zoning in this area, as well as the "scenic corridor" designation of this area. Council members in 2002 designated this area as a "scenic corridor " for a reason.

Third, there are environmental and safety issues with this rezoning case. Plat of subject "Spicewood Cell Site" indicates the prevalence of critical environmental features (CEFs), and indeed, approximately 80% of the site area of subject is

restricted under a "CEF – critical environmental feature – easement". The GO zoning – i.e. light industrial, general office use – is simply not compatible with the prevalence of CEFs on subject property.

There are several commercial tower sites nearby – one within 0.8 miles of subject off Hwy 360, and another within 2-3 miles of subject property, where tall towers are allowed and sufficiently offset from residential areas. Therefore, there appears to be no public benefit that can be gained by permitting the proposed 120 foot tall tower in this location, while there are significant risks to the public – for example, the safety of nearby residents, traffic safety issues (i.e. rubbernecking) , aviation safety issues, and environmental concerns – that would make this an extremely risky proposition.

For all of these reasons, this is a "no-GO" for us!

We feel that city planning has moved in recent years in the direction of protecting this unique, environmentally sensitive corridor – which is also a drinking water protection zone. By granting a much more permissive "GO" zoning to subject property, this direction would be reversed and would certainly encourage other commercial uses that clearly do not belong in this area.

I trust that you will agree,

Sincerely,

Laszlo Herczeg

VINCENT GERARD AND ASSOCIATES, INC.

January 27, 2006

RECEIVED

JAN 3 0 2006

Neighborhood Planning & Zoning

Mr. Jorge Rousselin
City of Austin Neighborhood Planning and Zoning
505 Barton Springs Road
Austin, TX 78701

RE: C14-05-0202—Crown Castle Spicewood Springs Rezone Request

Mr. Rousselin:

On behalf of Crown Castle International, owner of the Spicewood Springs telecommunication tower site located at 4119 Spicewood Springs Road, we are not opposed to the Zoning and Platting recommendation of SF-6-CO zoning for this tract of land. The recommended conditions adhere to our original rezone request. We would like to proceed with the given Zoning and Platting recommendation of SF-6-CO.

Sincerely,

K Bryson

Kayla Bryson
Vincent Gerard and Associates, Inc.

LAND PLANNING & ZONING CONSULTANTS
1715 CAPITAL OF TEXAS HWY SOUTH SUITE 107 AUSTIN, TEXAS 78746 (512) 328-2693 FAX (512) 328-4011

C14-05-0202

AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, this day personally appeared Fakri W. Sadeh, who being by me first duly sworn, on oath says as follows:

1. "My name is Fakri W. Sadeh. 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 Engineering Manager for Cricket Communications ("Cricket"), the management agent of Alaska Native Broadband 1 License, LLC, a Delaware limited liability company ("ANB"), who is building out a wireless network in the Austin, Texas Market. My education background includes the following: Graduate Studies, Bachelor's and Associate Degrees in Electrical Engineering and Wireless Communications Engineering. I have been working as a radio frequency engineer for over 7 years. I have personal knowledge of the facts and statements contained herein, and they are all true and correct.

2. "Cricket, on behalf of ANB, has conducted radio frequency studies of the area surrounding the existing wireless communications facility site located at 4919 Spicewood Springs Road, Austin, Texas and owned by Crown Communication Inc. doing business in Texas as Crown Comm Inc. (the "Crown Site"). Attached to this affidavit and incorporated herein by reference as Exhibits "A" and "B" are propagation studies depicting simulated radio frequency coverage in the area of the Crown Site both before (Exhibit "A") and after (Exhibit "B") the Crown Site is to be extended by fifteen feet and ANB activates its wireless communications equipment at the Crown Site. Exhibit "A" is a true and accurate simulation of existing radio frequency coverage in the area of the existing Crown Site and shows less than optimum "in building" coverage in the general vicinity of the Crown Site. These areas of poor in-building coverage are subject to an increase in the occurrence of dropped or blocked wireless phone calls and weak signal strength. This evidence conclusively demonstrates ANB's need to use a site where the Crown Site is now located; however, such use must be at a 100' above ground level antenna centerline position, which can only be accomplished by an increase in the height of the existing Crown tower structure or 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 Crown Site, ANB's in-building coverage and capacity

needs in the immediate area of the new Crown Site will be substantially satisfied.

3. "ANB has reviewed other options and vertical opportunities within the immediate area and has found that the new Crown Site proves to be the best option available for coverage in this immediate area and for ANB's overall network build out".

4. "Activation of the new Crown Site will provide optimal in-building coverage for the road network, residential areas and buildings surrounding the new Crown Site and will satisfy ANB's coverage and capacity needs for an approximately one (1) mile radius in the immediate vicinity of the new Crown Site.

5. "Currently, the minimum tower height at the new Crown Site necessary to meet ANB's radio frequency coverage and capacity objectives is one hundred (100') feet. The existing Crown Site, as designed, will require 15' additional height to accomplish this radio frequency goal in the area while minimizing any aesthetic impact to the community."

FURTHER, Affiant sayeth not.

J. Fakri Sadeh

Print Name: Fakri Sadeh

SWORN TO AND SUBSCRIBED BEFORE ME this 27 day of February, 2006, by Julie W. Rodriguez.

JULIE W. RODRIGUEZ
Notary Public, State of Texas
My Commission Expires
October 28, 2007

Julie W. Rodriguez

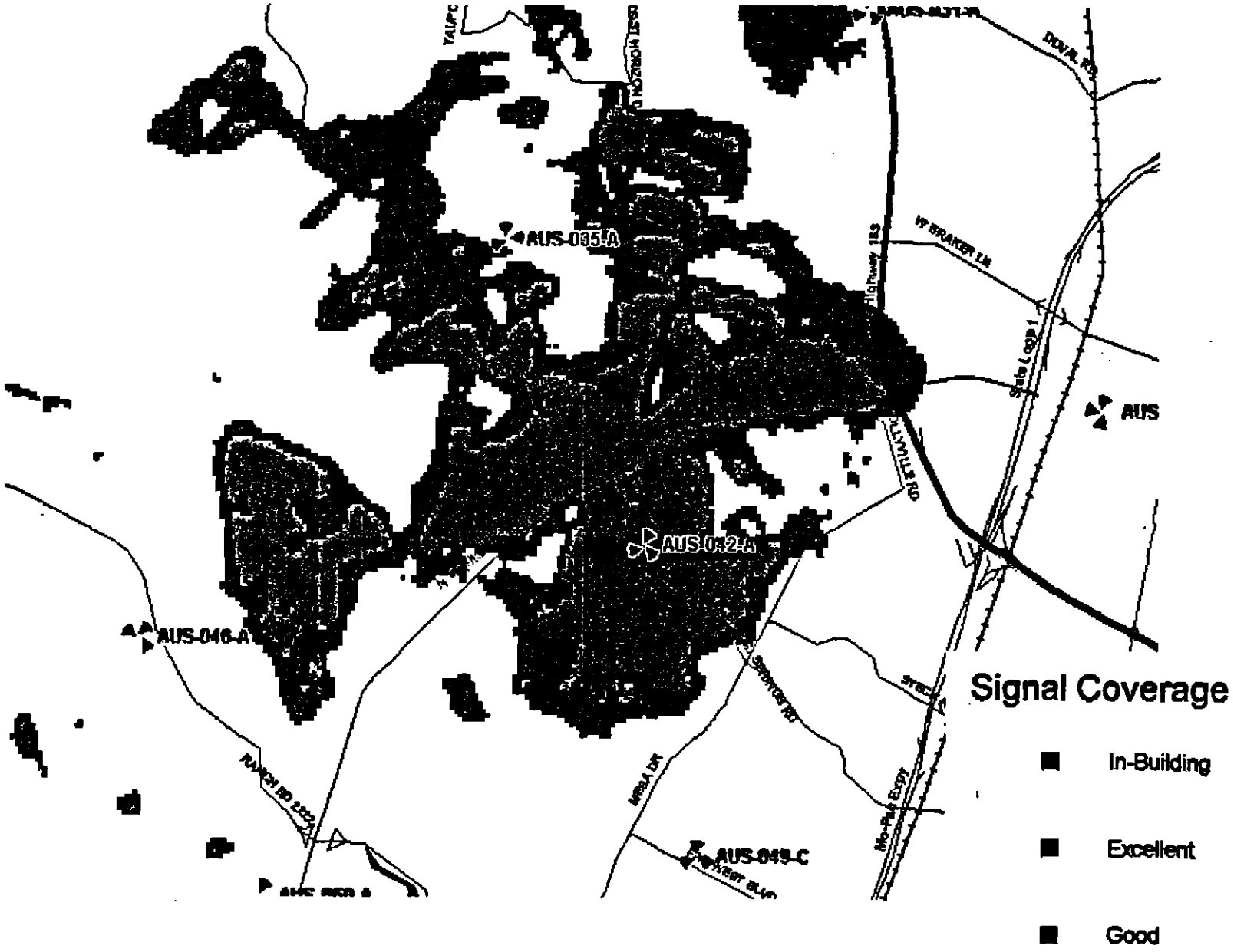
Notary Public, in and for the State of Texas

My commission expires:

Oct. 28, 2007

Signal Improvement from 50ft to 100ft

AUS-042-A at 50ft



AUS-042-A at 100ft