

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).

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].

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:

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:

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. Kiobassa and D. Breithaupt- absent); B. Greenberg-1 st , B. King-2 nd .	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)	RR to CS	8/16/11: Approved staff's recommendation of CS zoning	9/22/11: Approved CS zoning on consent on all 3 readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .

Storage: 2707 O'Neal Lane)		by consent (6-0, G. Rojas-absent); D. Tiemann-1 st , G. Bourgeois-2 nd .	
C14-2010-0168 (Weirido'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); Baldrige-1 st , Bourgeois-2 nd .	11/13/11: Approved CS-1-CO (7-0); all 3 readings
C14-2010-0167 (Weirido'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); Baldrige-1 st , Bourgeois-2 nd .	11/13/11: Approved CS-1-CO zoning on consent on all 3 readings (7-0); Spelman-1 st , Morrison-2 nd .
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-1 st , M. Whaley-2 nd .	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); 1 st 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:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
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].

Austin Water Utility

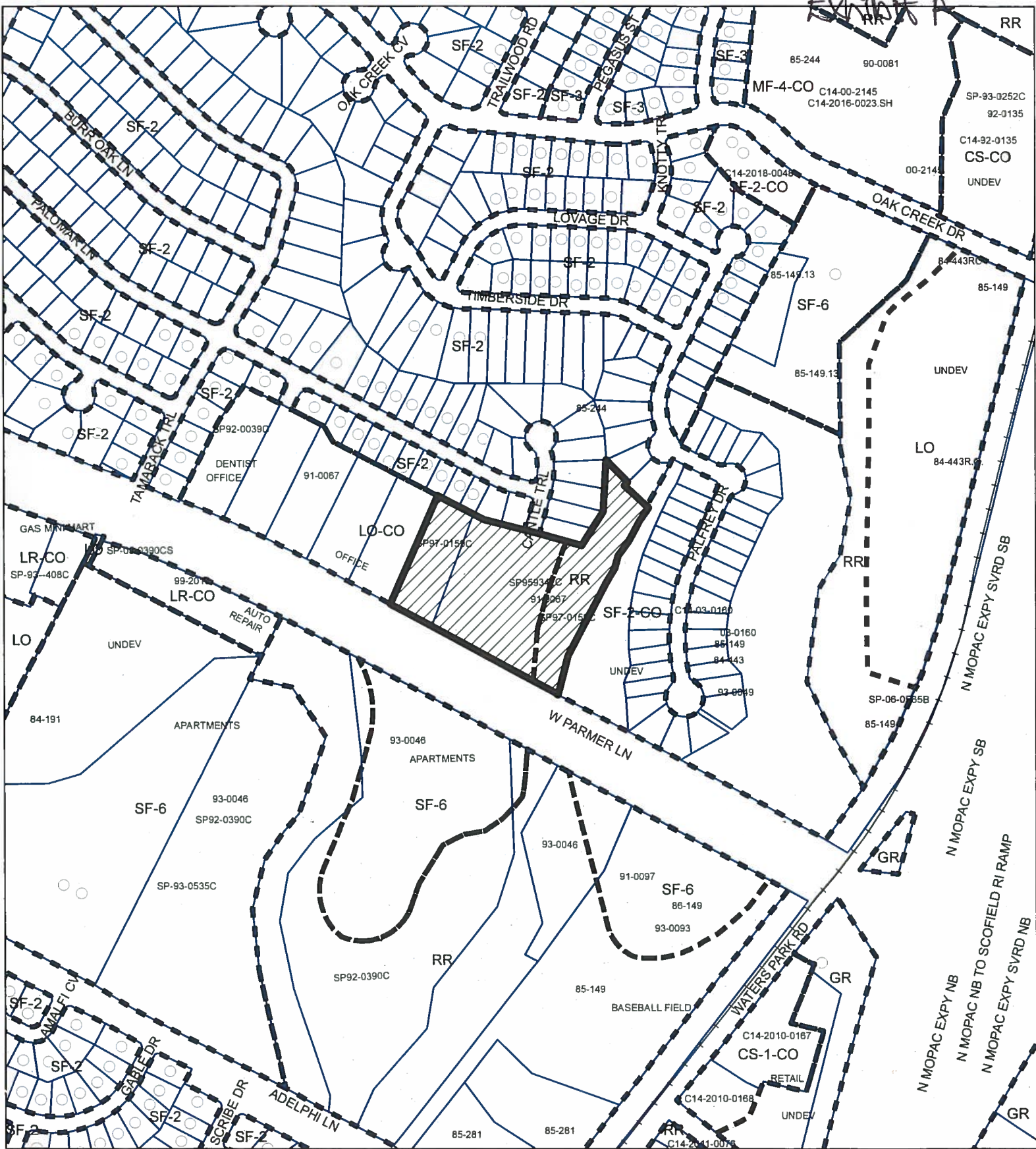
Thursday January 17, 2019

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: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Plat
- E. Excerpt from the Land Development Code Regarding Telecommunication Tower Regulations
- Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2019-0006



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

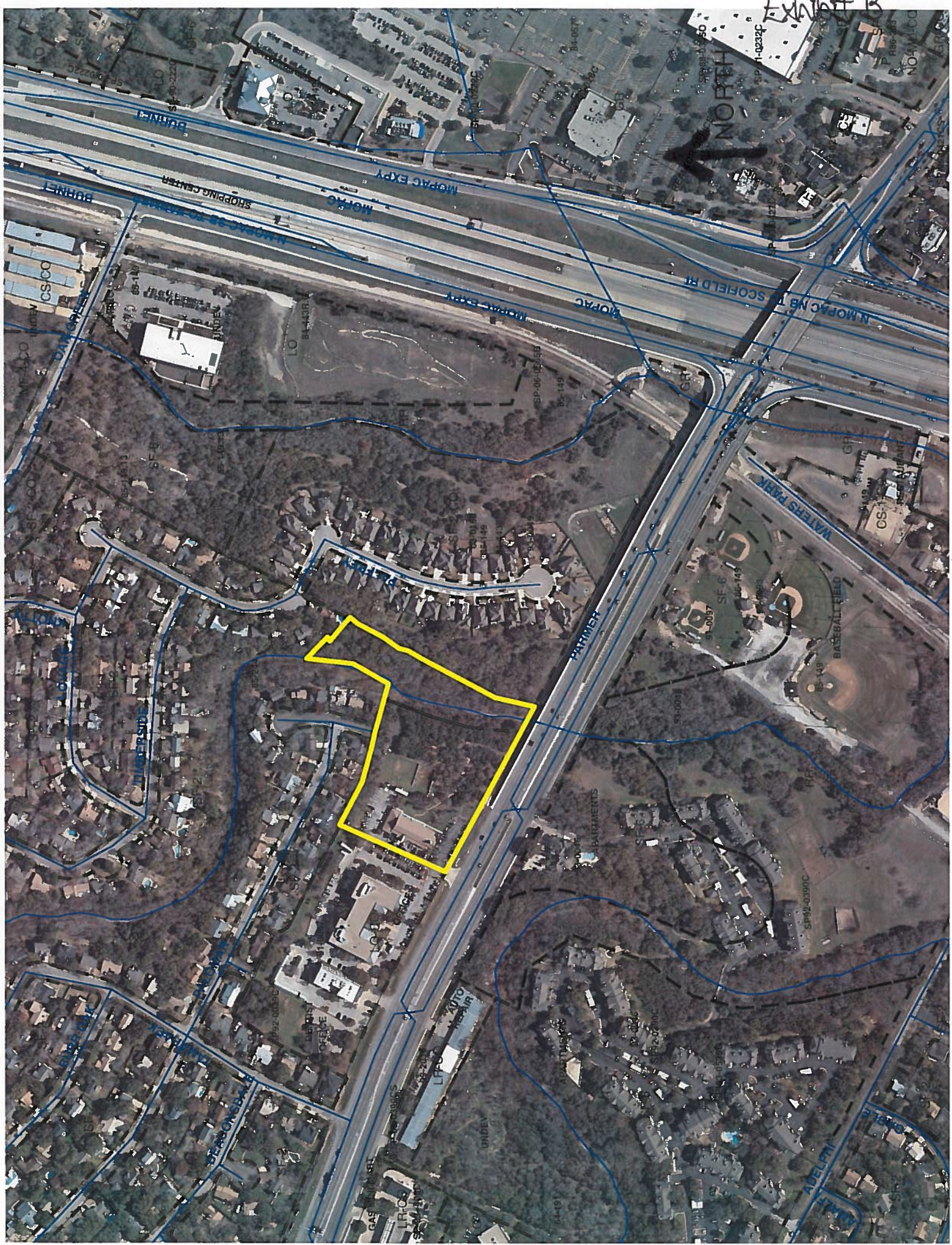
1" = 400'

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.



Created: 1/18/2019





1" = 200'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

Verizon Wireless - MoPac Parmer

ZONING CASE#: C14-2019-0006

LOCATION: 3502 1/2 W. Parmer Lane

SUBJECT AREA: 6.183 ACRES

GRID: K35 & L35

MANAGER: Sherri Sirwaitis



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



VINCENT GERARD & ASSOCIATES, INC.

Exhibit C

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

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 Cattle 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

www.pearsoned.com

Born 1822

**Bruce Todd
Mayor**

APPROVED:


Iris L. Jones
City Attorney

Aris J. Jones
City Attorney

ATTEST:

By: James E. Aldridge
James E. Aldridge
City Clerk

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;

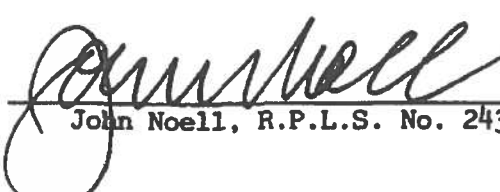
THENCE, along the westerly line of the estimated 100 year floodplain the following three (3) courses:

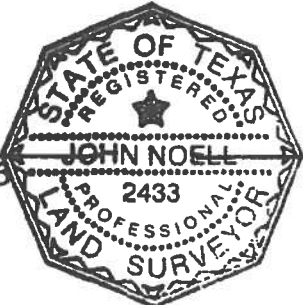
- 1) S23°32'47"W, 174.29 feet to a point;
- 2) S18°56'16"W, 112.81 feet to a point;
- 3) S8°41'29"W, 169.87 feet to a point;

THENCE, with the south line of the herein described tract of land also being the north right-of-way line of Farmer 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


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;

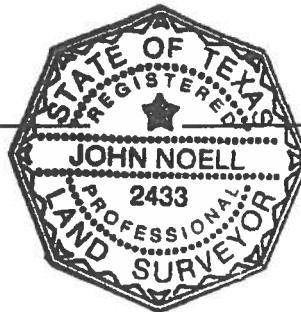
THENCE, with the westerly line of the estimated 100 year floodplain the following three (3) courses;

- 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.

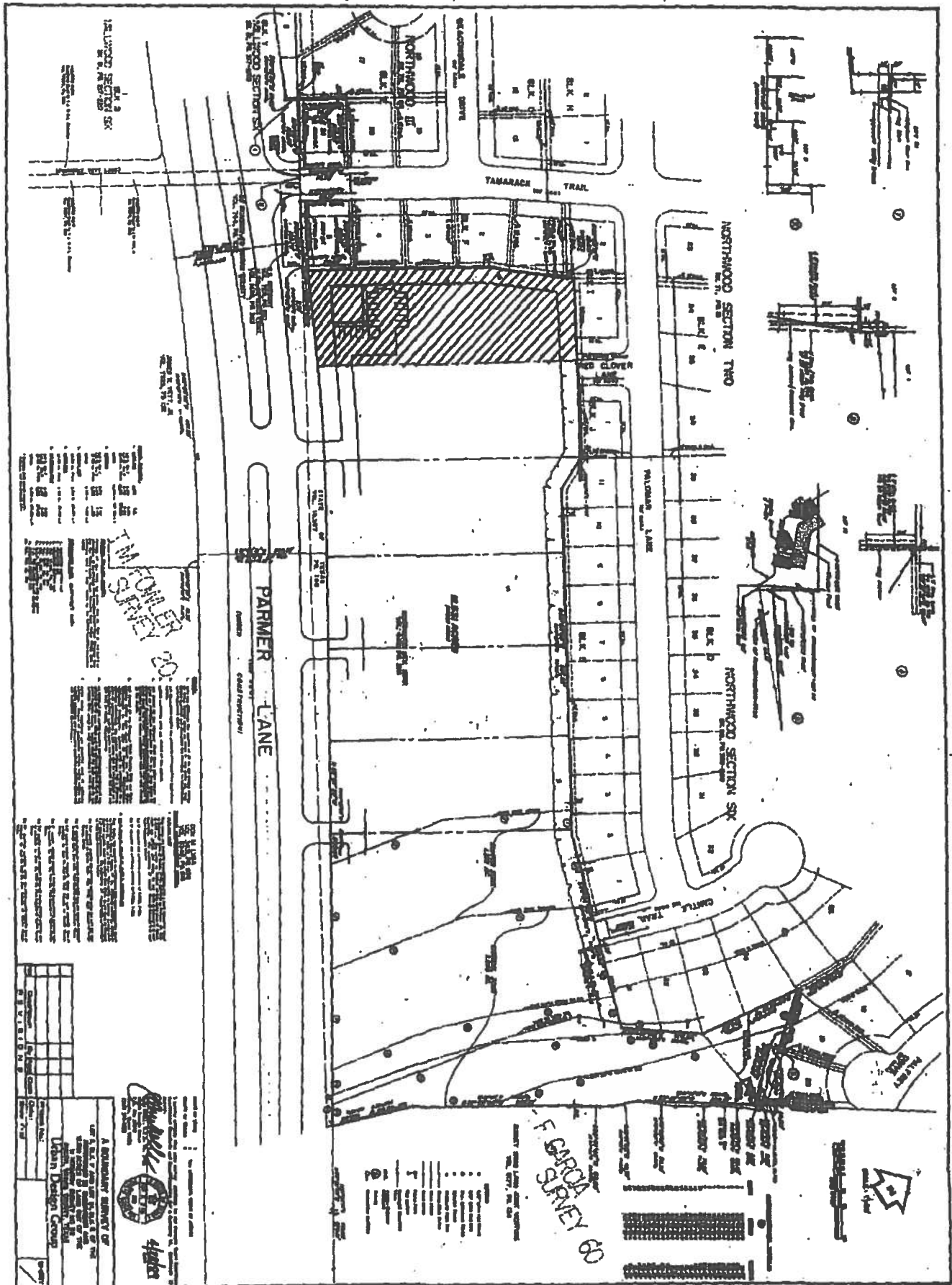
Prepared by: URBAN DESIGN GROUP


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



8-13-91
Date

"EXHIBIT C"



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:

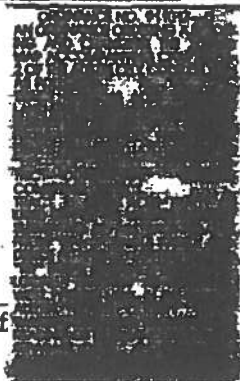
October 30th, 1991

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

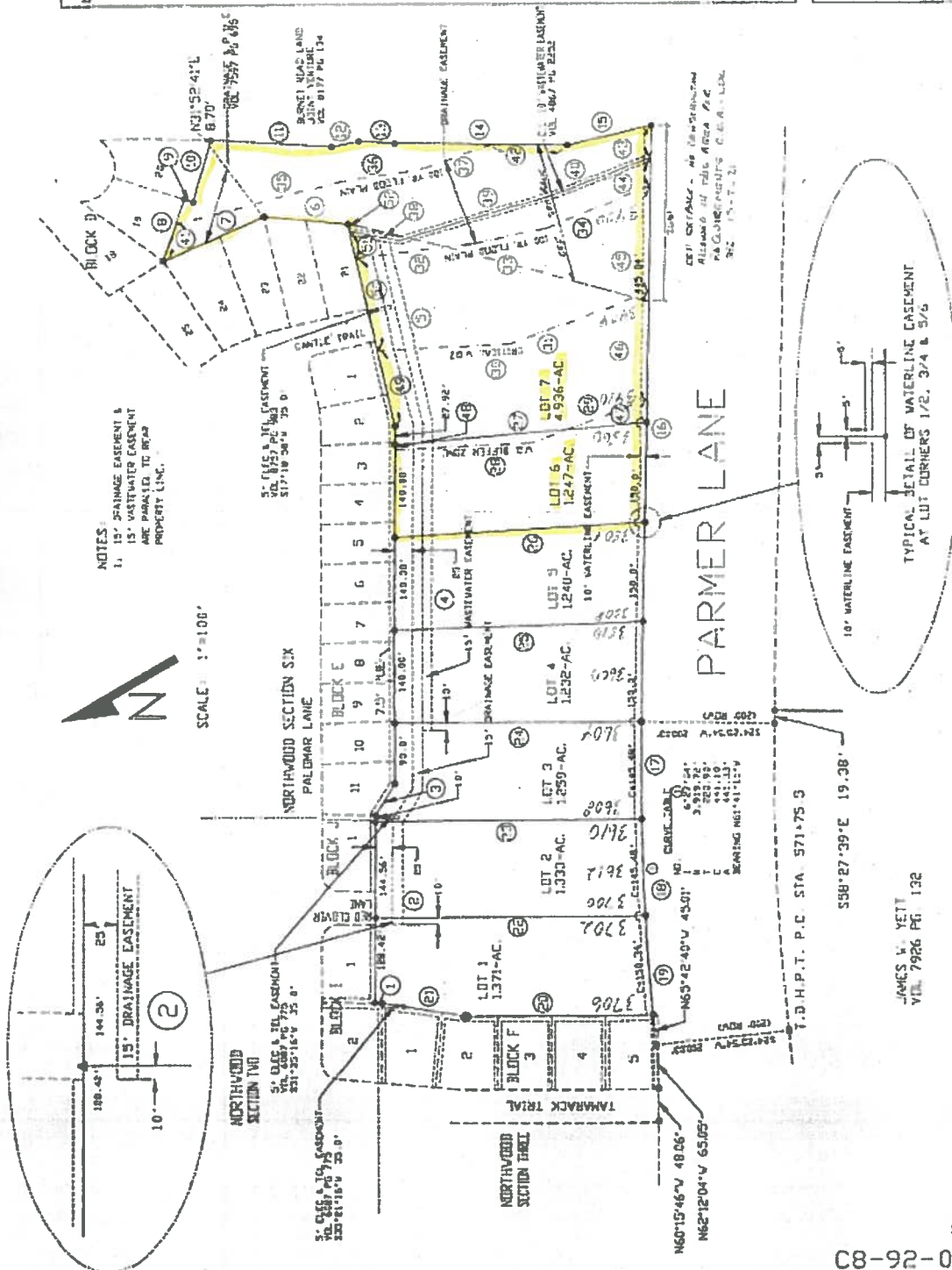
Diane Coutelle
(Type or Print Name of)

7/16/95

(My Commission Expires:)



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



SHEET 1 OF 2
C8-92-0003.0C

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.

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 put a radio tower in our neighborhoods back yard! There is plenty of open land north on Parmer AWAY 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)

3804 BEACONSDALE DR

Your address(es) affected by this application

Murray Jones

Signature

3/26/2019

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)

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 foot 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