

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0064 – Verizon Wireless - Armadillo **P.C. DATE:** June 27, 2017

ADDRESS: 6705-1/2 Emerald Forest Drive

DISTRICT: 2

OWNER & APPLICANT: James Hembree and
Tina Keeling

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

ZONING FROM: NO-MU-CO-NP

TO: NO-MU-CO-NP,
to change a condition of zoning

AREA: 0.706 acres (30,753 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood office – mixed use – conditional overlay – neighborhood plan (NO-MU-CO-NP) combining district zoning and remove telecommunication tower, local utility services and urban farm from the list of prohibited uses.

PLANNING COMMISSION RECOMMENDATION:

June 27, 2017:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area is located on the east side of Emerald Forest Drive between West William Cannon Drive and Armadillo Road, contains a single family residence, and is zoned neighborhood office – mixed use – conditional overlay – neighborhood plan (NO-MU-CO-NP) combining district. Adjacent lots to the north and east are owned by the Applicants and access to the site is taken from Armadillo Road. There is undeveloped property to the north and east (SF-6-NP), a parking lot to the south (LR-MU-CO-NP), and undeveloped property and a single family residence to the west (LO-NP; SF-3-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

On October 25, 2001, Council approved NO-MU-CO for the zoning area with the CO limiting the uses to administrative and business offices, professional offices, day care (general & limited), and software development; 100 trips per day, and 15' landscape buffer

along the north and east property lines (C14-01-0084 – Armadillo Road). Please refer to Exhibit B.

The Applicant has requested a change to the Conditional Overlay to remove telecommunication tower from the list of prohibited uses and construct this use on the lot, with access to be taken from Emerald Forest Drive. In the years following adoption of this ordinance, Staff received direction to refrain from prohibiting the telecommunication tower use because it is a civic use with its own set of Code requirements and there are some challenges in meeting the prescribed locational criteria. To this end, telecommunication tower is a permitted in nearly all zoning districts and under some circumstances may be conditional. The proposed location near the southwest corner of rezoning area meets the required 200-foot setback from an SF-5 or more restrictive district or use. For these reasons, Staff recommends the Applicant's request. Staff is also recommending that the local utility services and urban farm uses be removed from the prohibited use list. Local utility services (minor structures including lines and poles) are provided almost exclusively by the City and otherwise permitted in the NO district. Council approved revisions to the urban farm use and regulations in late 2013 and it is now a permitted use Citywide.

Also, as information, the Applicant reports that he has attempted to secure a location for the telecommunication tower on three adjacent properties, but has not been unsuccessful.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO-MU-CO-NP	One single family residence
<i>North</i>	SF-6-NP; SF-3-NP	Undeveloped; Church; Reservoir; Neighborhood park
<i>South</i>	LR-MU-CO-NP	Parking lot
<i>East</i>	SF-6-NP; SF-3-NP	Single family residences on large lots; Undeveloped
<i>West</i>	LO-NP; LR-NP; SF-3-NP	Undeveloped; Medical offices; Nail salon; Single family residences on large lots

NEIGHBORHOOD PLANNING AREA: South Austin Combined (Garrison Park)

TIA / NTA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association 742 – Austin Independent School District

1008 – Woodhue Community Neighborhood Watch

1228 – Sierra Club, Austin Regional Group 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas 1374 – Friends of Williams Elementary
 1424 – Preservation Austin 429 – Go!Austin / Vamos!Austin (GAVA)-78745
 1468 – Armadillo Park Neighborhood Association 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
 1578 – South Park Neighbors

SCHOOLS:

Odom Elementary School Bedichek Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0118 -	SF-3-NP; LO-NP to LR-MU-NP	To Grant LR-MU-CO-NP w/CO for 2,000 trips/day; prohibit service station and alternative financial services; drive-in services is a cond'l use; 2 stories and 35'; 10' undisturbed vegetative buffer and 70 decibel limit along north property line	Apvd LR-MU-CO-NP as Commission rec w/ additional CO for a 6' solid fence along north property line (1-28-2016).
C14-2008-0103 - 1100 West William Cannon Dr	LO to GR-MU	Withdrawn by Applicant prior to Commission hearing	Not applicable
C14-01-0084 – Armadillo Road – 1001 Armadillo Rd and 6605 Emerald Forest Dr	SF-3 to NO for Tract 1; SF-6 for Tract 2	To Grant NO-MU-CO for Tract 1 and SF-6 for Tract 2 w/CO limiting the uses to administrative and business offices, professional offices, day care (general & limited), and software development, 100 trips per day, and 15' landscape buffer along the north and east property lines.	Apvd NO-MU-CO for Tract 1 and SF-6 for Tract 2 (10-25-2001).
C14R-86-174 – Emerald Forest Retail Center –	LO to GR	Forwarded to City Council without a recommendation	Denied GR (1-8-1987).

1000 Block of William Cannon Dr			
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RELATED CASES:

The subject property is located within the boundaries of the South Austin Combined (Garrison Park) Neighborhood Planning Area. On the adopted Character District Map, the rezoning area is designated as the Residential Core district (NP-2014-0030 – Ordinance No. 20141106-085). The –NP combining district was appended to the existing NO-MU-CO-NP base district (C14-2014-0019 – Ordinance No. 20141106-088).

The subject rezoning area is a portion of Lot 1, Big White Cloud, Section 2, a subdivision recorded in November 1968 (C8S-68-178). The remainder of Lot 1 was acquired by the City of Austin for the extension of Emerald Forest Drive, and the rezoning area is considered a legal lot (C8I-2017-0069).

On October 25, 2001, Council approved NO-MU-CO for the zoning area with the CO limiting the uses to administrative and business offices, professional offices, day care (general & limited), and software development; 100 trips per day, and 15' landscape buffer along the north and east property lines (C14-01-0084 – Armadillo Road).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Emerald Forest Drive	80 feet	42 feet	Collector	Yes, one-side	Yes, bike lane	Yes

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Emerald Forest Drive.

CITY COUNCIL DATE: August 3, 2017

ACTION:

ORDINANCE READINGS: 1st

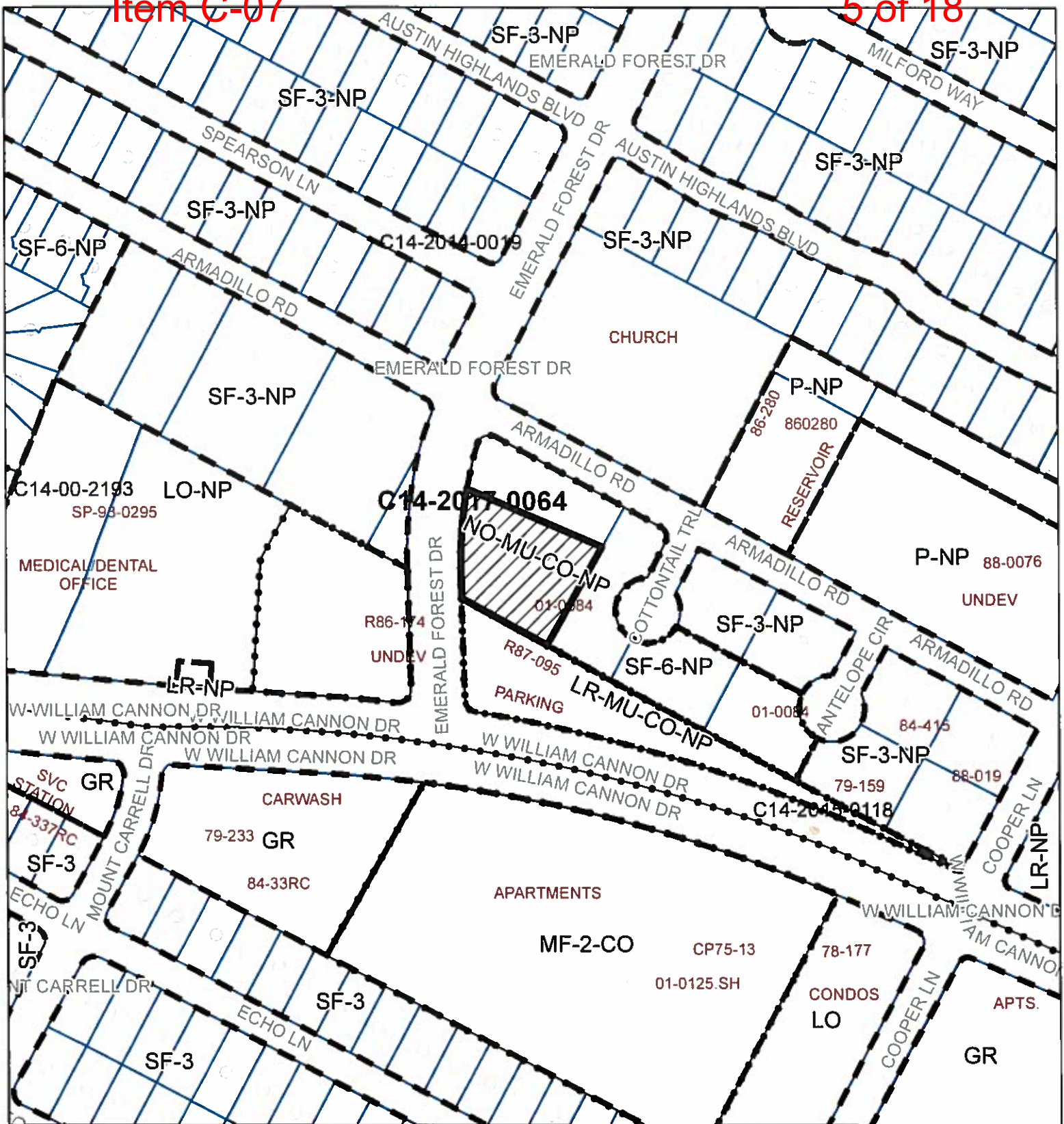
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

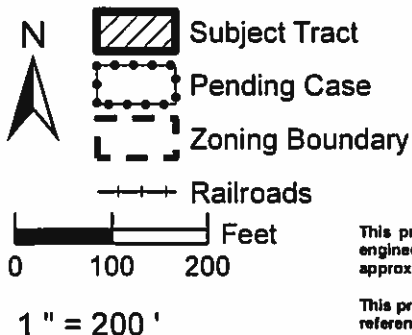
PHONE: 512-974-7719



ZONING

Case#: C14-2017-0064

EXHIBIT A

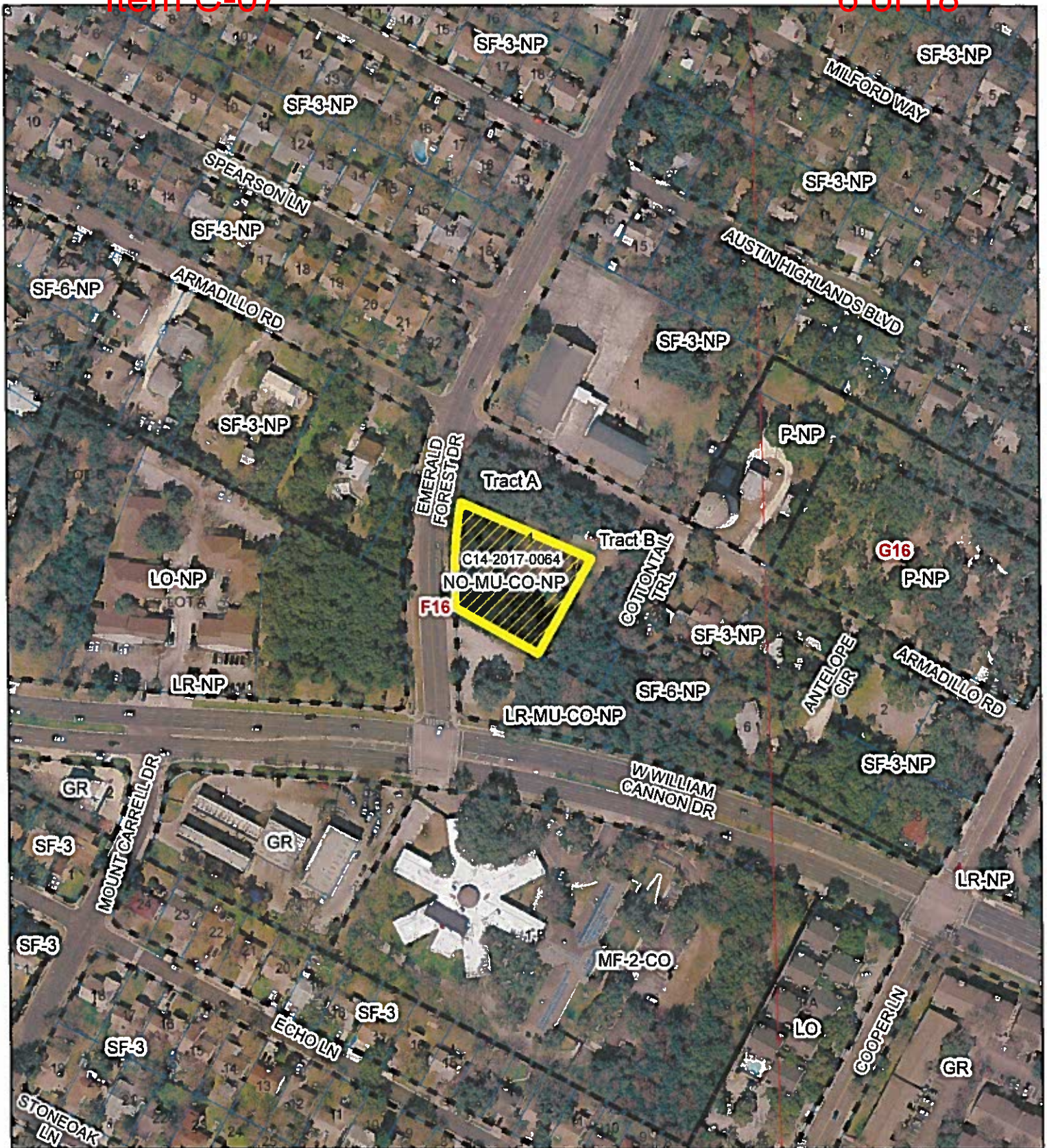


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This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 5/16/2017



1" = 200'

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

VERIZON WIRELESS ARMADILLO

ZONING CASE#: C14-2017-0064
 LOCATION: 1007 ARMADILLO ROAD
 SUBJECT AREA: .706 ACRES
 GRID: F16
 MANAGER: WENDY RHOADES

EXHIBIT A1

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.

ORDINANCE NO. 011025-30

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1001 ARMADILLO ROAD AND 6605 EMERALD FOREST DRIVE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD OFFICE-MIXED USE-CONDITIONAL OVERLAY (NO-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) FOR TRACT TWO.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in **File C14-01-0084**, as follows:

Tract One: From family residence (SF-3) district to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district.

A 0.706 acre tract of land, more or less, out of Lot 1, Big White Cloud Section 2 Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From family residence (SF-3) district to townhouse and condominium residence (SF-6) district.

Lots 5 and 6, Big White Cloud Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 7, Page 9, of the Plat Records of Travis County, Texas, and

Lot 1A, La Hue Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 67, Page 14, of the Plat Records of Travis County, Texas, and

A 0.439 acre tract of land, more or less, out of Lot 1, big White Cloud Section 2 Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 1001 Armadillo Road and 6605 Emerald Forest Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property identified as Tract One within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 100 trips per day.
2. A 15-foot wide vegetative buffer shall be provided along the north and east property lines. Improvements permitted in the buffer are limited to drainage, underground utilities, or those improvements that may otherwise be required by the City of Austin.
3. The following uses of the Property are prohibited:

Bed and Breakfast (Groups 1&2)
Special use historic
Community recreation (private)
Congregate living
Day care services (commercial)
Public primary educational facilities
Public secondary educational facilities
Safety services
Residential treatment

Communication service facilities
College or university facilities
Communication recreation (public)
Counseling services
Local utility services
Private primary educational facilities
Private secondary educational facilities
Urban farm
Telecommunication tower

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

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on November 5, 2001.

PASSED AND APPROVED

October 25, 2001

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§
§

Kirk Watson

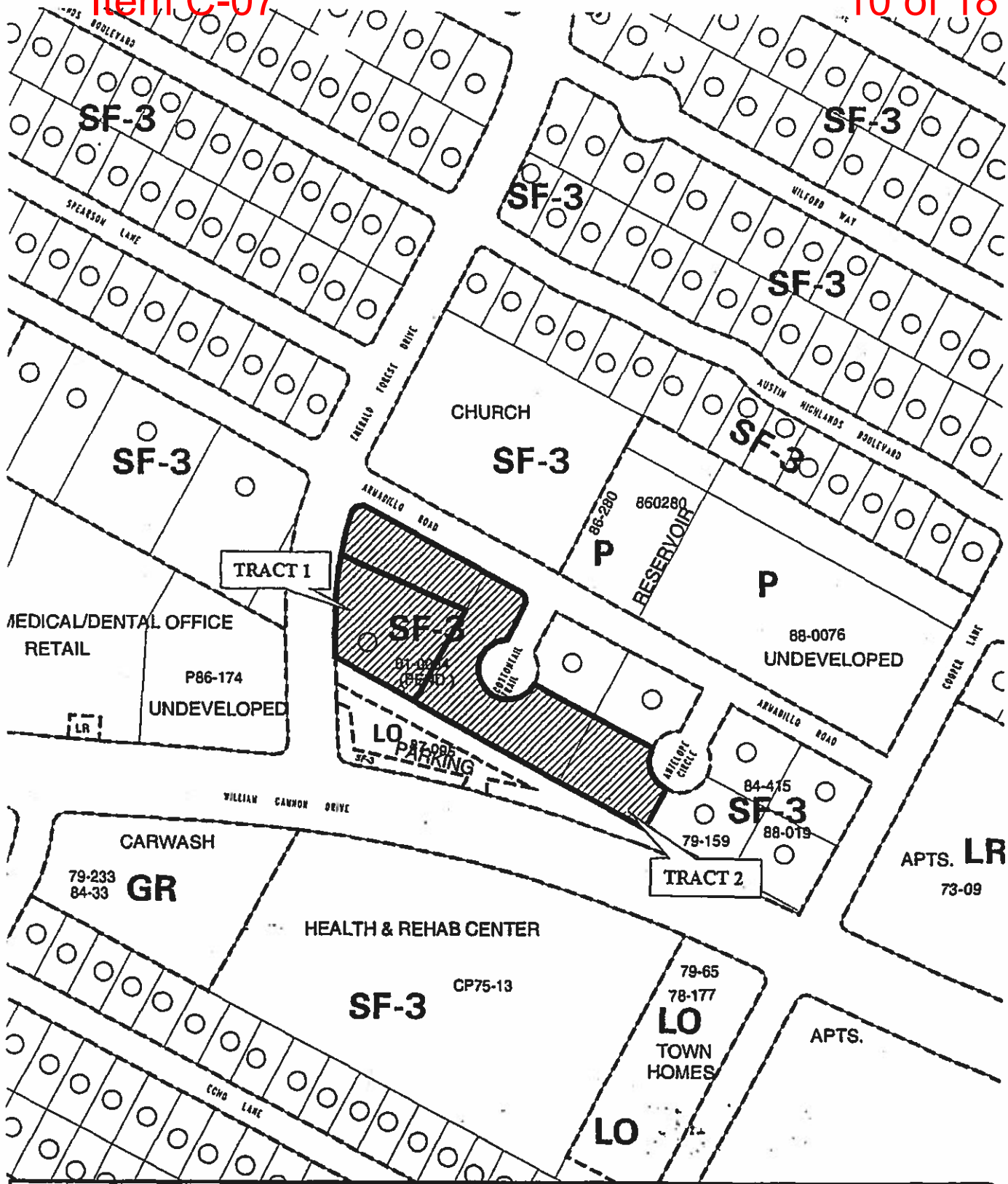
Kirk Watson
Mayor





APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk



 1" = 200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W.WALSH	<div style="text-align: center;">    </div> <div style="text-align: center;"> ZONING EXHIBIT C CASE #: C14-01-0084 ADDRESS: 1001 Armadillo Rd. & 8805 Emerald Forest Dr. SUBJECT AREA TACTICS: 2, 826 </div> <div style="text-align: right;"> DATE: 01-08 INTLS: TRC </div>	CITY GRID REFERENCE NUMBER F18
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SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant neighborhood office – mixed use – conditional overlay – neighborhood plan (NO-MU-CO-NP) combining district zoning and remove telecommunication tower, local utility services and urban farm from the list of prohibited uses.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The neighborhood office (NO) district is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet of pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The conditional overlay (CO) combining district may be applied in combination with most base districts. The district is intended to provide flexible and adaptive use or site development regulations by requiring standards tailored to individual properties. The NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

- 2. Zoning should allow for reasonable use of the property.*

In the years following adoption of this ordinance, Staff received direction to refrain from prohibiting the telecommunication tower use because it is a civic use with its own set of Code requirements and there are some challenges in meeting the prescribed locational criteria. To this end, telecommunication tower is a permitted in nearly all zoning districts and under some circumstances may be conditional. The proposed location near the southwest corner of rezoning area meets the required 200-foot setback from an SF-5 or more restrictive district or use. For these reasons, Staff recommends the Applicant's request. Staff is also recommending that the local utility services and urban farm uses be removed from the prohibited use list. Local utility services (minor structures including lines and poles) are provided almost exclusively by the City and otherwise permitted in the NO district. Council approved revisions to the urban farm use and regulations in late 2013 and it is now a permitted use Citywide.

EXISTING CONDITIONS

Site Characteristics

The subject property contains a single family residence and accessory structures, and there are groupings of trees along the west and south sides. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the NO-MU-CO-NP zoning district would be 60%, which is based on the more restrictive zoning regulations.

Comprehensive Planning

This rezoning case is located on the south side of Armadillo Road, which contains 0.71 acre of vacant lot. This case is located also within the boundaries of the South Austin Neighborhood Plan Area. Surrounding land uses include a church to the north, a parking lot with seasonal sales of various items to the south. The proposed use is a private telecommunication tower and to remove the CO which prohibits telecommunication facilities from this office zoned property.

South Austin Combined (SACNP) Neighborhood Plan

This property is located within the South Austin Combined Neighborhood Planning area. The SACNP Character District Map classifies this area of the plan as ‘**Residential Core**’ (which is adjacent to a Neighborhood Transition District). Zone NO-MU is not permitted in the character district but the zoning of this property was grandfathered during the planning process. The following SACNP text and policies are relevant to this case:

The Residential Core character districts consist of contiguous areas within the interior of the neighborhood made up of one- and two-story single-family homes and some duplexes. This is where most people in the neighborhood live. Most homes date from the 1950s to the 1980s, although some areas developed more recently (such as Independence in the mid-2000s). Streets and homes within the district are shaded by mature trees, which contribute to the sense of place distinguishing this district from others. The intent of this district is to maintain the character of the neighborhood. The community would like to preserve the residential character of this district, while improving its walkability. The Residential Core also presents the opportunity to incorporate some “missing middle” housing types into the neighborhood fabric, which aids affordability and can contribute to walkability. (p. 47)

Vision: Well-maintained homes, an abundance of trees, and a complete sidewalk system create a safe and inviting place to walk, bike, and meet neighbors. (p. 48)

Policies for the Residential Core:

RC P1: Maintain the residential character of the Residential Core, ensuring that future development or redevelopment is appropriate to the district and is compatible with the existing neighborhood.

RC P2: The following residential building types fit the character of the district and are appropriate as infill or redevelopment options (see page 49 thru 50 for details):

- Single family houses
- Duplexes
- Small houses on small lots
- Cottage clusters/bungalow courts

RC P7: Maintain residential character while encouraging missing middle housing types that are compatible with the neighborhood character. In the interim between the adoption of this neighborhood plan and the adoption of the revised Land Development Code being developed through CodeNEXT, the following zoning districts should be generally considered appropriate to the Residential Core character district:

MH: Mobile home residence
SF-2: Standard lot single family
SF-3: Family residence
SF-4A: Small lot single family
SF-4B: Single family condo
SF-5*: Urban family residence
SF-6*: Townhouse & condo residence
MF-1: Limited density multi-family

* Uses should be conditional and may be appropriate when located next to more permissive districts or intensive uses, depending on context.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this area of the city as being by an Activity Corridor, on William Cannon Drive. Activity corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

While this property is located by an Activity Corridor, based on the comparative scale of this site, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

Drainage

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site 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.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to 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.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other 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.

Site Plan and Compatibility Standards

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- *For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.*
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

Additional right-of-way may be required at the time of subdivision and/or site plan.

A Neighborhood Traffic Analysis and/ or Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113 and LDC 25-6-114.

FYI – There appears to be an existing driveway accessing Emerald Forest Drive. Existing non-conforming driveways may be required to conform to City standards, including driveway closing and curb construction where appropriate [LDC, 25-6-295, 25-6-321, 25-6-322; TCM, 5.3.1.R.].

FYI – Sidewalks shall be required at the time of site plan application in accordance with City of Austin standards.

Water and Wastewater

FYI: The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the

development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.



VINCENT GERARD & ASSOCIATES, INC.

May 5, 2017

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

RE: Rezone Application to Amend Ordinance No. 011025-30 to Include a Wireless Telecommunication Facility as a Permitted Use on Tract One

Dear Case Manager,

We are requesting an amendment to Zoning Ordinance No. 011025-30 to allow a wireless telecommunication tower at this property. The site is zoned NO-MU-CO. Verizon Wireless is attempting to upgrade their service for this area. Verizon has made every possible attempt in collocating on an existing structure or rooftop within this area. Their real estate team has looked at colocation efforts with the City of Austin on the adjacent AWU water tower tract but were not successful in this lease location. Even though Clearwire is currently located on the water tower, AWU was not interested in a Verizon long term lease. There were no other structures available or height related rooftops for colocations within the area of problem coverage.

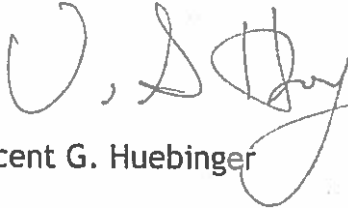
New tower options on other properties were also unsuccessful. The retirement facility south of this tract was a considered option for a new site but the parties were not able to agree on terms and conditions. The adjoining commercial tract was also considered. It is currently a vacant tract with parking only however the owners requested a site location that did not comply with the City of Austin Wireless code for setbacks. There were also significant trees in the area. All other commercial property owners were contacted and were not interested.

The attached maps show significant problems achieving in home coverage for the surrounding customers in the immediate vicinity. Our client is seeking to locate a new facility on this property in order to upgrade cellular coverage to its customers. We have no other options available to allow better customer coverage with the exception of this location. Unfortunately, it requires an amendment to the conditional overlay that prohibits Telecommunication facilities.

Our proposal meets all other requirements of Section 25-2-839 of the Land Development Code.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'V. G. Huebinger', written over a horizontal line.

Vincent G. Huebinger