

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0005 – APC Towers – TX 1395
Kuckols Crossing

Z.A.P. DATE: March 5, 2019

ADDRESS: 4400-1/2 East William Cannon Drive

DISTRICT AREA: 2

OWNER: LDG Development, LLC
(Jacob P. Brown)

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

ZONING FROM: GR-MU-CO

TO: GR-MU-CO, to remove the restriction
pertaining to the maximum 45' height of a
structure on the property

AREA: 0.04 acres (1,600 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The conditional overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); club or lodge; college or university facilities; communication service facilities; custom manufacturing; drop-off recycling collection facility; exterminating services; funeral services; guidance services; hospital services (general); pawn shop services; plant nursery; private secondary educational facilities; public secondary educational facilities; residential treatment; service station; special use historic; theater; urban farm, and drive-in services as an accessory use, and limits the maximum height of a building to 45 feet.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

March 5, 2019: *APPROVED GR-MU-CO DISTRICT ZONING TO CHANGE A CONDITION OF ZONING, AND LIMIT THE MAXIMUM HEIGHT OF A STRUCTURE TO 45 FEET, EXCEPT THAT A TELECOMMUNICATION TOWER MAY NOT EXCEED 100 FEET.*

[B. EVANS; S. LAVANI – 2ND] (9-0) 2 VACANCIES ON THE COMMISSION

NOTE: *ALL OTHER EXISTING CONDITIONAL OVERLAYS CONTINUE TO APPLY.*

ISSUES:

The Applicant is in agreement the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject undeveloped pad site is within a larger tract and zoned community commercial – mixed use – conditional overlay (GR-MU-CO) district by a 2016 case. The Conditional Overlay is for a list of prohibited uses and restricts height of a building or structure to 45 feet (C14-2016-0004 – Oporta Zoning). Access is taken from East William Cannon, a divided major arterial roadway and therefore, vehicle movements are limited to right-turn in, right-turn out. There is undeveloped land to the west and north (MF-2), and auto-related and personal service uses to the east (GR-CO; CS). For additional context, the Williamson Creek Greenbelt is further north (SF-3). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (2016 Rezoning Ordinance).

The Applicant has requested a change to the Conditional Overlay to remove the height limit for a structure in order to build a 100-foot tall telecommunication tower on a 1,600 square foot pad site. The proposed tower location near the southeast corner of the property area meets the required 50-foot setback from a dwelling unit (LDC 25-2-839(E)(1)(c)). It also meets the required 200-foot setback from an SF-5 or more restrictive district or use, which is the SF-3 zoned Williamson Creek greenbelt to the north (LDC 25-2-839(F)(1)). For these reasons, Staff recommends the Applicant's request.

The CO continues the same prohibited uses and the height limit for a building as the surrounding GR-MU-CO site approved in 2016, and allows for retail sales, restaurants, administrative and business offices, medical offices, consumer convenience services and consumer repair services, personal services and personal improvement services to occur.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU-CO	Undeveloped
<i>North</i>	MF-2; SF-3	Undeveloped; Williamson Creek Greenbelt
<i>South</i>	SF-3	Single family residences in the Indian Hills Section 3 subdivision
<i>East</i>	GR-CO; CS	Auto sales; Auto rental and repair; Personal services
<i>West</i>	GR-MU-CO; MF-2	Undeveloped (proposed for apartments); Apartments

AREA STUDY: Not Applicable**TIA:** Is not required**WATERSHED:** Williamson Creek – Suburban**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

96 – Southeast Corner Alliance of Neighborhoods (SCAN)

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

1228 – Sierra Club, Austin Regional Group

1258 – Del Valle Community Coalition 1363 – SEL Texas
 1408 – GO! Austin/VAMOS! Austin – Dove Springs
 1431 – Indian Hills Neighborhood Watch 1438 – Dove Springs Neighborhood Association
 1441 – Dove Springs Proud 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
 1578 – South Park Neighbors 1607 – Inner City Alliance
 1616 – Neighborhood Empowerment Foundation

SCHOOLS:

Perez Elementary School Mendez Middle School Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0089 – Garcia Zoning – 4410 E William Cannon Dr	SF-3 to GR-CO	To Grant GR-CO w/CO for 2,000 trips/day and limits the development to retail sales, restaurants (except drive-thru), offices, consumer convenience services, consumer repair services, personal services and personal improvement services	Apvd GR-CO as Commission recommended (01-17-2002).
C14-00-2124 – Garcia Zoning – 4410 E William Cannon Dr	SF-3 to CS	Not applicable (Case expired)	Not applicable
C14-91-0003 – Preiss Tract – 4500 E William Cannon Dr	CS to SF-3	Forwarded with no recommendation	Withdrawn
C14-82-009 – Las Maderas Apts – 2510 and 4504 North Bluff Dr	Interim-“A” Residence, First Height and Area to “BB” Residence, First Height and Area, as amended	To Grant “BB” Residence, First Height and Area and require site plan approval by Commission	Apvd “BB” Residence, First Height and Area w/ site plan approval by Commission (03-01-1984).

RELATED CASES:

The larger tract which includes this pad site was zoned from SF-3 to GR-MU-CO on May 5, 2016 (C14-2016-0004 – Oporta Zoning).

The property was annexed into the full-purpose City limits on November 16, 1972 (C7-72-4AN).

There are no subdivision or site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West William Cannon Drive	117 feet	84 feet	Major arterial divided	Yes	Bike Lane	Yes, Route 7

CITY COUNCIL DATE: March 28, 2019

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The conditional overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); club or lodge; college or university facilities; communication service facilities; custom manufacturing; drop-off recycling collection facility; exterminating services; funeral services; guidance services; hospital services (general); pawn shop services; plant nursery; private secondary educational facilities; public secondary educational facilities; residential treatment; service station; special use historic; theater; urban farm, and drive-in services as an accessory use, and limits the maximum height of a building to 45 feet.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The 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.

This property has frontage on East William Cannon Drive.

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

The proposed tower location near the southeast corner of the property area meets the required 50-foot setback from a dwelling unit (LDC 25-2-839(E)(1)(c)). It also meets the required 200-foot setback from an SF-5 or more restrictive district or use, which is the SF-3 zoned Williamson Creek greenbelt to the north (LDC 25-2-839(F)(1)). For these reasons, Staff recommends the Applicant's request.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped and generally slopes to the east, with groupings of trees along the north and east property lines. There is an existing gravel u-shaped driveway that extends along the south, west and north property lines.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Comprehensive Planning

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

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.

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 and Compatibility Standards

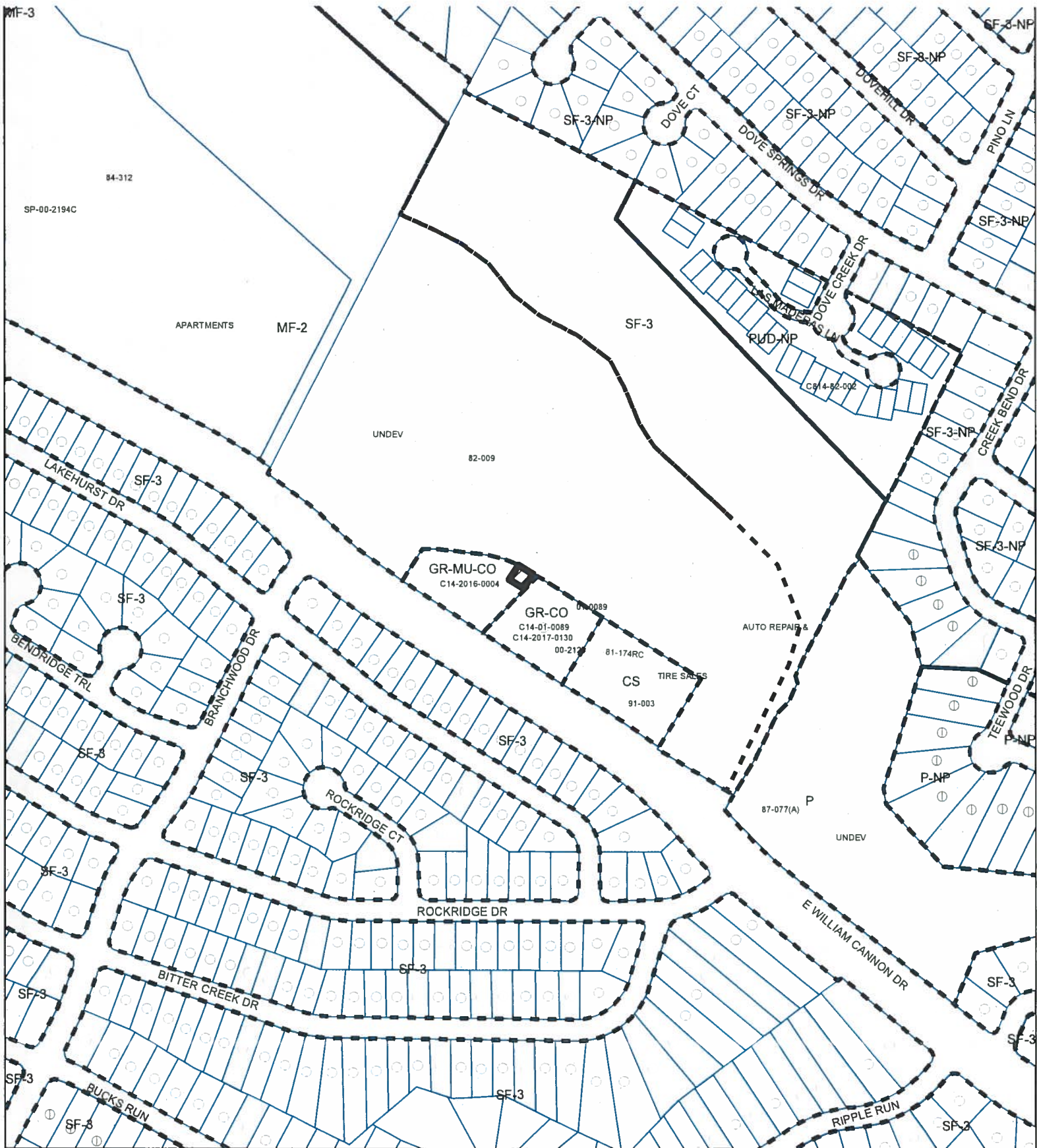
Site plans will be required for any new development other than single-family or duplex residential.

Transportation and Complete Streets Review

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

Water and Wastewater

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.






ZONING

EXHIBIT A

ZONING CASE#: C14-2019-0005



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

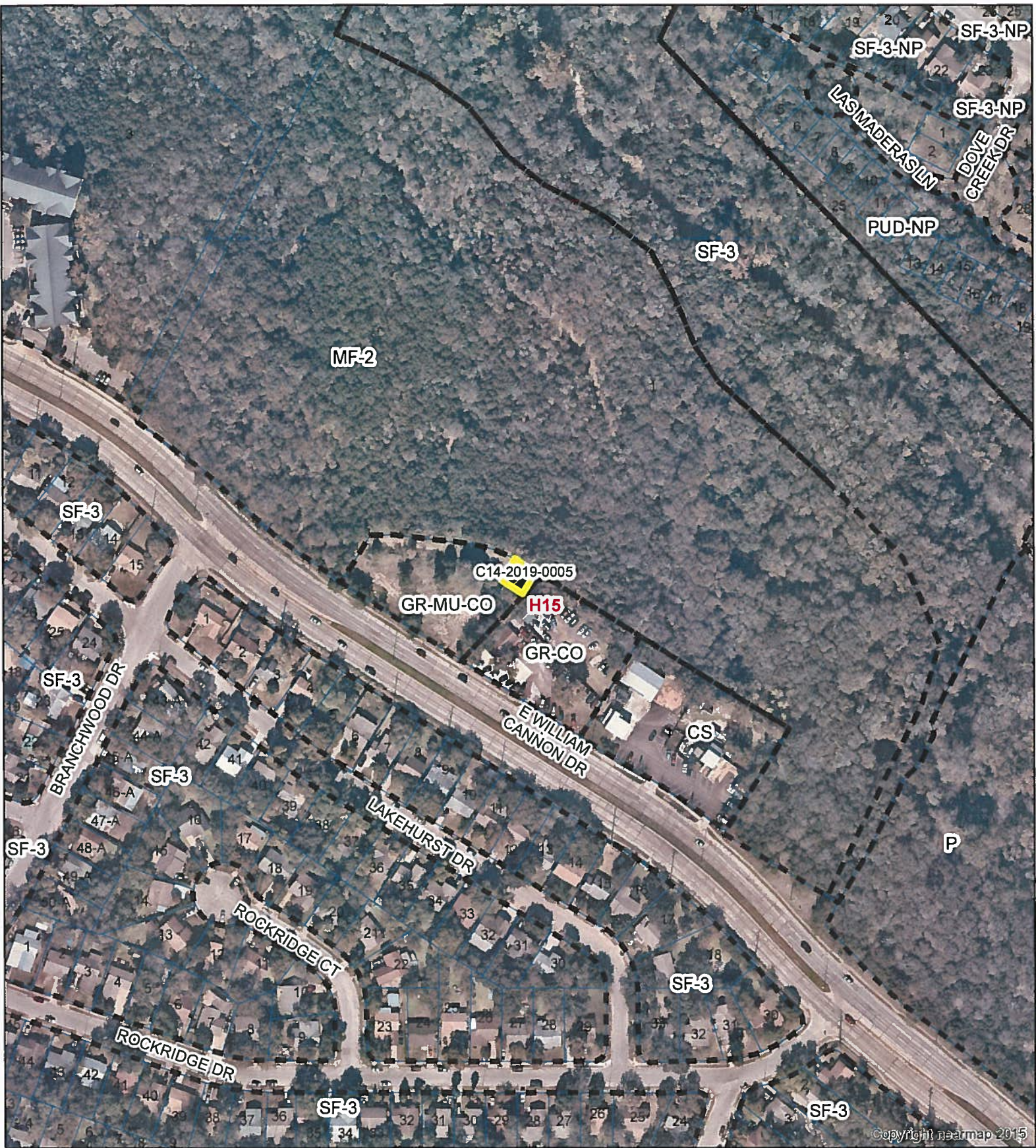
1" = 300'

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



N



1" = 200'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY



CREEK BUFFER

APC Towers - TX 1395 Kuckols Crossing

ZONING CASE#: C14-2019-0005

LOCATION: 4400-1/2 E William Cannon Dr

SUBJECT AREA: 0.04 ACRES

GRID: H15

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. 20160505-043

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4400 EAST WILLIAM CANNON DRIVE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

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 district from family residence (SF-3) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in **Zoning Case No. C14-2016-0004**, on file at the Planning and Zoning Department, as follows:

All that certain parcel or tract of land out of the Santiago Del Valle Grant, Travis County, Texas; being all of a remaining portion of a tract of land as conveyed to Vicky Oporta by general warranty deed recorded on Document No. 2010106125 of the Official Public Records of Travis County, Texas, save and except that tract as conveyed to the City of Austin as described in a street deed recorded in Volume 9541, Page 158 of the Real Property Records of Travis County; and being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4400 East William Cannon Drive in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".

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

A. The following uses are not permitted uses of the Property:

Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Club or lodge	College and university facilities
Communication service facilities	Custom manufacturing
Service station	Exterminating services
Funeral services	Guidance services
Hospital services (general)	Pawn shop services
Plant nursery	Special use historic

Theater
Urban farm
Drop-off recycling collection
facility

Residential treatment
Private secondary educational facilities
Public secondary educational facilities

- B. The maximum height of a building or structure on the Property shall not exceed 45 feet.
- C. Drive-in service use is prohibited as an accessory use on the Property.

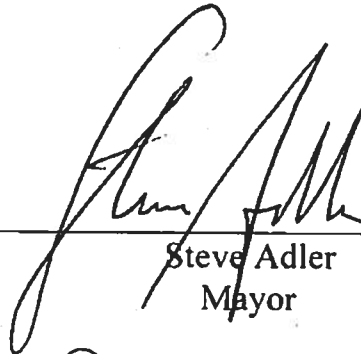
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on May 16, 2016.

PASSED AND APPROVED


_____, May 5, 2016

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§
§



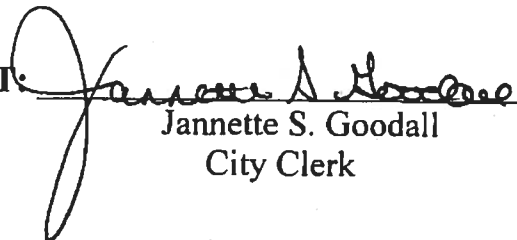
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

$$1'' = 400'$$

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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%
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Commercial	80%	90%

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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 and Compatibility Standards

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

Transportation and Complete Streets Review

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

Water and Wastewater

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.

Question and Answer Report March 5 2019 ZAP Agenda

- 4. Rezoning:** **C14-2019-0005 - APC Towers - TX 1395 Kuckols Crossing; District 2**
- Location: 4400-1/2 East William Cannon Drive, Williamson Creek Watershed
- Owner/Applicant: LDG Development LLC (Jacob P. Brown)
- Agent: Vincent Gerard & Associates, Inc. (Vincent G. Huebinger)
- Request: GR-MU-CO to GR-MU-CO, to change a condition of zoning
- Staff Rec.: **Recommended**
- Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Planning and Zoning Department

Question: Commissioner King

1. The property would be entitled to a building height of up to 100 feet on the 1,600 square feet portion of the property and up to 45 feet on all other portions of the property. Is this correct?
2. The property would be entitled to 100-foot building height on the entire 1,600 square feet portion of the property. One 100-foot building or one 100-foot tower could be built by right on this portion. Is this correct?
3. The only change to the existing zoning entitlements and conditional overlay for the property is an increase of the current 45-foot building height limit to 100 feet on the 1,600 square feet portion of the property. All other aspects of the existing conditional overlay (prohibited uses and prohibit drive-in services) continue in force for this property. Is this correct?
4. If staff recommendation for this case is approved by ZAP and Council, would the property owner be entitled by right to use the 100-foot structure height entitlement to build a 100-foot tall building or any other structure instead of a telecommunications tower on the 1,600 square feet portion?
5. Could the property owner use this entitlement for any other structure (other than telecommunications tower) or any building that exceeds 45 feet on the 1,600 square feet portion of the property?
6. Can ZAP limit the 100 feet height entitlement solely to a telecommunications tower on the 1,600 square feet portion of the site? As I understand, that portion of the property would still be entitled to 45 feet height for a building or other structure that doesn't exceed 45 feet in height.

Answer: Staff

1. Yes.
2. A telecommunications tower is considered a "structure", rather than a "building". Substituting the word "structure" for "building" in the above sentence would be correct. The zoning change would allow for one 100-foot tall structure in the 1,600 square foot rezoning area.
3. Substituting the word "structure" for "building" is correct. The zoning change would allow for one 100-foot tall structure in the 1,600 square foot rezoning area. All other aspects of the existing –CO remain unchanged.
4. The intent is to use the 1,600 sf rezoning area for a 100-foot tall telecommunications tower, the "structure" (as covered in my last email, this is different from a building). The Owner could build a structure that is not a telecommunications tower, however I don't know what kind of structure that would be other than some kind of utility structure, such as a water reservoir.
5. Yes.
6. Yes.

5. Rezoning:	C14-2018-0130 - The Meadows on West Slaughter; District 5
Location:	707 West Slaughter Lane, Slaughter Creek Watershed
Owner/Applicant:	SFC Software Factory LLC (Leonardo Madrigal)
Agent:	Morales Development LLC (Amy Morales)
Request:	GO-MU-CO to GR-MU-V
Staff Rec.:	Recommended
Staff:	Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov Planning and Zoning Department

Question: Commissioner King

Does staff's recommendation for this case include the existing conditional overlay that establishes a 2,000 daily trip limit for this property?

What is the location of the closest bus stop to this property?

Can the V (vertical mixed use) designation be limited to the section of the property immediately north of the existing vacant single family home up to the property line along Slaughter Lane? This lot looks fairly deep and as I understand vertical mixed use is isn't intended to go too far back from a transit corridor.