

ZONING CHANGE REVIEW SHEET

CASE: C814-01-0038.03

Z.A.P. DATE: February 19, 2019

(Parmer-Walnut Creek PUD Amendment #3 – APC Towers TX) April 2, 2019

ADDRESS: 1210 West Parmer Lane

DISTRICT AREA: 7

APPLICANT/OWNER: 1212 Parmer LLC (Luis Montes, Manager)

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

ZONING FROM: PUD **TO:** PUD

AREA: Tract 3 = 1.672 acres

The applicant is requesting an amendment to the Parmer/Walnut Creek Planned Unit Development (PUD) to add the Telecommunications Tower use as a permitted use on Tract 3 and to allow the maximum building height for a Telecommunications Tower use to be up to 100 feet on Tract 3 subject to Land Development Code Sec. 25-2-839. (Please see Request Letter-Attachment A).

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant the proposed amendment to the Parmer/Walnut Creek Planned Unit Development. The staff's recommendation includes the following conditions:

The City Arborist has requested the following note to be added to the PUD Land Use Plan (Please see Attachment B):

Include new wording stating that any development under the original PUD and/or its amendments will be subject to the tree preservation and mitigation requirements at the time of that development submittal.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/19/19: Postponed to April 2, 2019 at the applicant's request (8-0, D. Breithaupt and S. Lavani-absent); N. Barrera-Ramirez-1st, J. Duncan-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a retail center (Parmer on the Creek Shopping Center) that fronts onto W. Parmer Lane. There is a multifamily residential development to the north (Ten Oaks Apartments), a six-lane major arterial roadway to the south (Parmer Lane), convenience storage, service station and convenience store uses to the east and a detention facility for Walnut Creek to the west.

The applicant is requesting an amendment to the existing PUD to erect a Broadleaf Stealth pole tower on Tract 3 of the PUD. The staff recommends the applicant's request for an amendment to the Parmer/Walnut Creek PUD because the proposed amendment will not alter the overall

benefits or intent of the PUD development. The amendment will permit a Telecommunication Tower use within an existing commercial/retail center as it complies with the city's requirements in LDC Sec. 25-2-839 - TELECOMMUNICATION TOWERS (Ord. 990225-70; Ord. 000302-36; Ord. 010607-8; Ord. 031211-11; Ord. 041202-16). The property takes access to West Parmer Lane, a major arterial roadway, and the proposed amendment will not generate additional traffic within the PUD development. The Imagine Austin Comprehensive Plan (IACP) Growth Concept Map identifies West Parmer Lane and North Lamar Boulevard as Activity Corridors in the City of Austin. The Parmer/Walnut Creek PUD has a mixture of residential and commercial, with open space/ dedicated land that that has been utilized by the City of Austin for a regional water quality and storm-water detention facility (Wells Branch Regional Detention Pond). The proposed PUD amendment will provide for additional service opportunities within this area of the city.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	Retail Center (Parmer on the Creek Shopping Center: Mirchi Restaurant, Indian Pakistani Hala Restaurant, DC Haircuts, One Main Financial, Texas Physical Therapy Specialists, KP Indian Grocery, ATX Card House, Tran Chiropractic)
<i>North</i>	MF-2-CO	Multifamily Residence (Ten Oaks Apartments)
<i>South</i>	Arterial Roadway, SF-1	West Parmer Lane, Single-Family Residential Neighborhood
<i>East</i>	PUD, GR	Convenience Storage (888 Storage), Service Station/Convenience Store (Exxon/7-Eleven)
<i>West</i>	PUD	Detention Facility (Wells Branch Regional Detention Pond), Townhouses (Scofield Villas)

AREA STUDY: North Lamar Area Study

TIA: Waived

WATERSHED: Walnut Creek

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
 Bike Austin
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Growth Corridor Alliance
 Pflugerville Independent School District
 River Oaks Lakes Estates Neighborhood
 River Oaks Neighborhood Association
 Scofield Farms HOA
 SELTEXAS
 Sierra Club, Austin Regional Group
 Yager Planning Area

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-01-0038.02 (Parmer-Walnut Creek PUD Amendment #2: 1200-1210 West Parmer Lane)	PUD to PUD: To amend the PUD to 1) Incorporate a 1.792 acre tract (proposed "Tract 5"), which is currently zoned GR, into the existing PUD; 2) On the new Tract 5, allow GR District development standards; 3) Add Convenience Storage as a permitted use for Tracts 3, 4, and 5 of the PUD; 4) Allow GR District uses for Tracts 3, 4, and 5, except for (prohibit) the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Congregate Living, Consumer Repair Services, Exterminating Services, Funeral Services, Off-Site Accessory Parking, Pawn Shop Services, Pet Services, Stables, Theater, Residential Treatment, Urban Farm,	3/01/05: Approved staff's recommendation of PUD zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	6/23/05: Approved PUD Amendment #2 by consent (7-0); 1 st reading only 8/18/05: Approved PUD Amendment on consent (7-0); 2 nd /3 rd readings

	5) Incorporate Design Standards for the proposed Convenience Storage use on Tracts 3, 4, and 5		
C814-01-0038.01 (Parmer-Walnut Creek PUD Amendment #1: 1310-1314 Block of West Parmer Lane)	PUD to PUD: To amend the PUD to 1) To allow for 96 townhouse/condominium units on Tract 1; 2) To limit development to yards, recreational uses and improvements related to townhouse/condominium residential use within the area located 50 to 75 feet from and along the west property line; 3) To reduce the building setback from 100 feet to 75 feet from the western property line; 4) To limit the entire PUD site to less than 2,630 vehicle trips per day (630 vehicles per day for Tract 1 and 2,000 vehicle trips per day for Tracts 3 & 4).	8/3/04: Approved staff's recommendation of PUD zoning; with conditions that apply from the agreement between applicant & neighborhood by consent (8-0, J.P. – Absent), K. Jackson-1 st , J. Martinez-2 nd .	8/26/04: Granted PUD amendment on 1 st reading (7-0) 11/04/04: Granted PUD amendment (7-0); 2 nd /3 rd readings
C814-01-0038	SF-6, RR, LO to PUD	10/30/01: Approved staff's rec. of PUD zoning with conditions of: 1. No structures within 100' of the west property line; 2. No access from Dapplegrey Lane, except for emergency vehicles when needed; 3. Impervious cover of 53% for Tract 1 (Lot 1)	11/29/01: Approved PUD zoning with clarification that parking and carports are allowed within the 100' buffer along the west property line (7-0), 1 st reading. 8/8/02: Approved 2 nd reading with the following modified conditions (7-0): 1) One-story carport and/or garages shall be allowed within

		<p>4. Include Environmental Board's Recommendation, with the exception of impervious cover for Tract 1 (8-0, N. Spelman- absent)</p>	<p>100-feet, but not closer than 50 feet, from the western property line of Tract 1. Architectural guidelines contained within the Scofield Farms Neighborhood Homeowners Association shall apply to the construction of garages.</p> <p>2) The deletion of the Environmental Board's requirement that a certificate of occupancy not be issued for Tract 1 until construction of the flood/erosion control pond is completed.</p> <p>3) The proposal by the applicant to allow SF-6, Townhouse & Condominium Residence, zoning district uses to the permitted uses for Tract 1, with a unit limit of 80 townhomes/or single- family detached.</p> <p>4) An increased trip limit of 2,500 vehicle trips for the entire Parmer/Walnut Creek PUD to satisfy current requirements for Tracts 2, 3, and 4 and to account for the inclusion of the SF-6; townhouse/or single-family detached uses on Tract 1, without the requirement of a Traffic Impact Analysis (TIA).</p> <p>5) To redefine the transfer process for the dedication of Tract 2 to the City of Austin so that the entire dedication of this portion of land does not need to be made with the PUD approval at third reading. The timing of the conveyance of Tract 2 of the PUD should be as follows: a) To dedicate the dam area of Tract 2 at the approval of zoning (before third reading of the PUD ordinance); b) The dedication of a drainage easement for the remaining portion of Tract 2 at the approval of zoning (before third reading of the PUD ordinance); c) Fee simple dedication of the drainage easement on the Perry property, at</p>
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			the eastern side of Tract 2, before subdivision (final plat) approval; d) Fee simple dedication of the drainage easement on the Schofield/Chilek property, at the northwestern side of Tract 2, before site plan approval. 4/24/03: Approved (6-0-1, Garcia-absent); 3 rd reading
C14-01-0085	GO to GR	6/26/01: Approved staff rec. of GR-CO by consent (7-0)	8/2/01: Approved Planning Commission's rec. of GR-CO by consent on all 3 readings (6-0)
C14-99-2137	I-RR to MF-3	5/9/00: Approved staff rec. of MF-3-CO, limited to 458 units, by consent (8-0)	6/8/00: Approved MF-3-CO (TR1) and RR (TR2) as rec. by PC on 1 st reading (7-0) 6/29/00: Approved 2 nd /3 rd readings (7-0)
C14-96-0008	DR to RR, MF-2-CO	3/5/96: Approved MF-2-CO, RR subject to engineering study	3/28/96: Approved MF-2-CO (TR1), RR (TR2-floodplain area); (5-0); all 3 readings
C14-91-0086	LR, GR, P to GR, LR SF-6 to SF-2, P MF-3 to MF-1	11/26/91: Approved GR, LR, SF-6, MF-1, LO, MF-3, MF-1, SF-2, P	12/19/91: Approved GR, LR, SF-6, MF-1, LO, SF-6, MF-3, SF-2, P; all 3 readings

RELATED CASES: C814-01-0038, C814-01-0038.01, C814-01-0038.02 (Previous Zoning Cases)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lamar Blvd.	120'	Varies	Major Arterial	N/A
Parmer Lane	150'	2@50'	Major Arterial	33,000 ('97)

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057

sherri.sirwaitis@ci.austin.tx.us

CITY COUNCIL DATE:

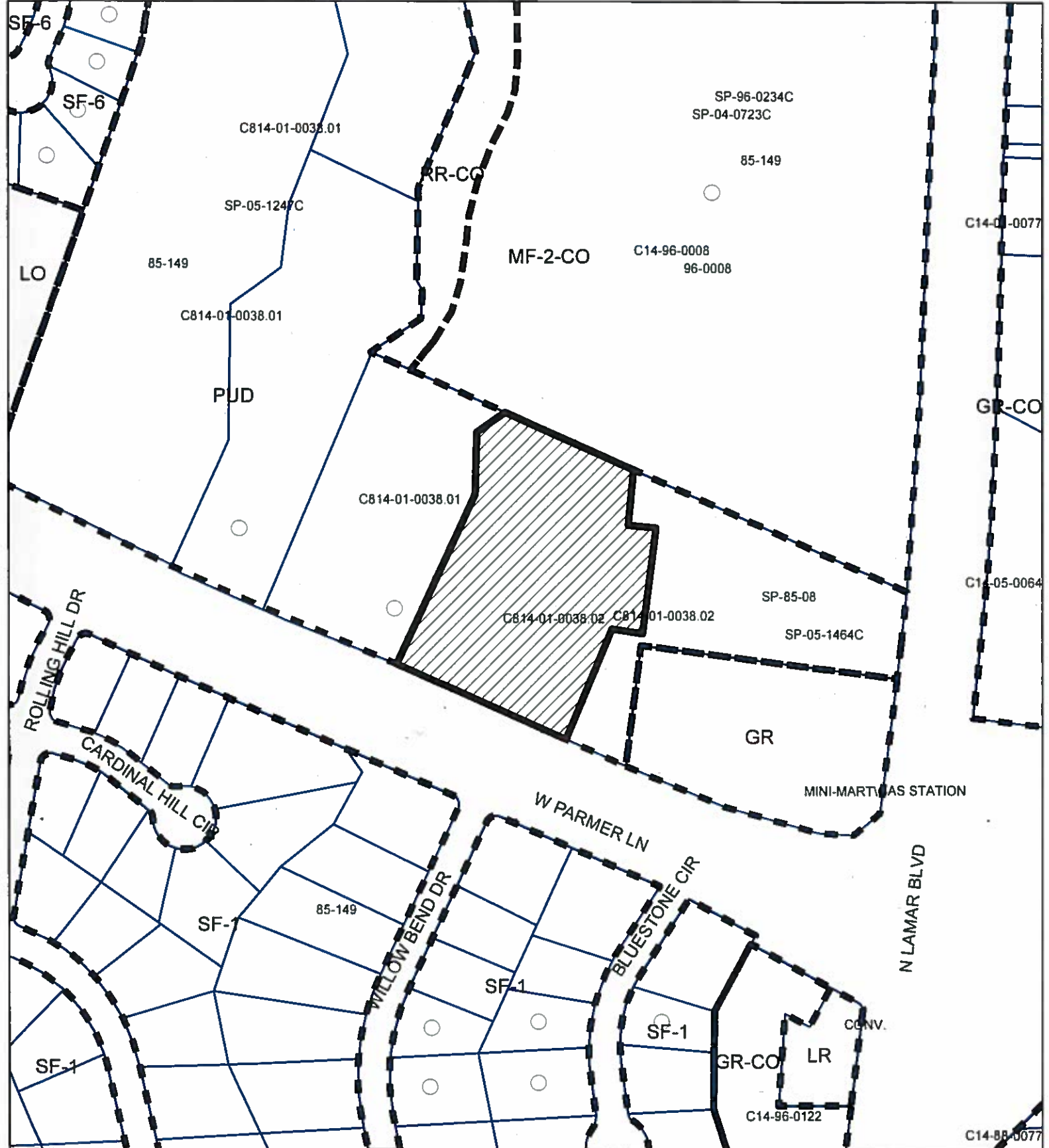
ACTION:

ORDINANCE READINGS: 1st





2nd

3rd

ORDINANCE NUMBER:



PLANNED UNIT DEVELOPMENT
ZONING CASE#: C814-01-0038.03

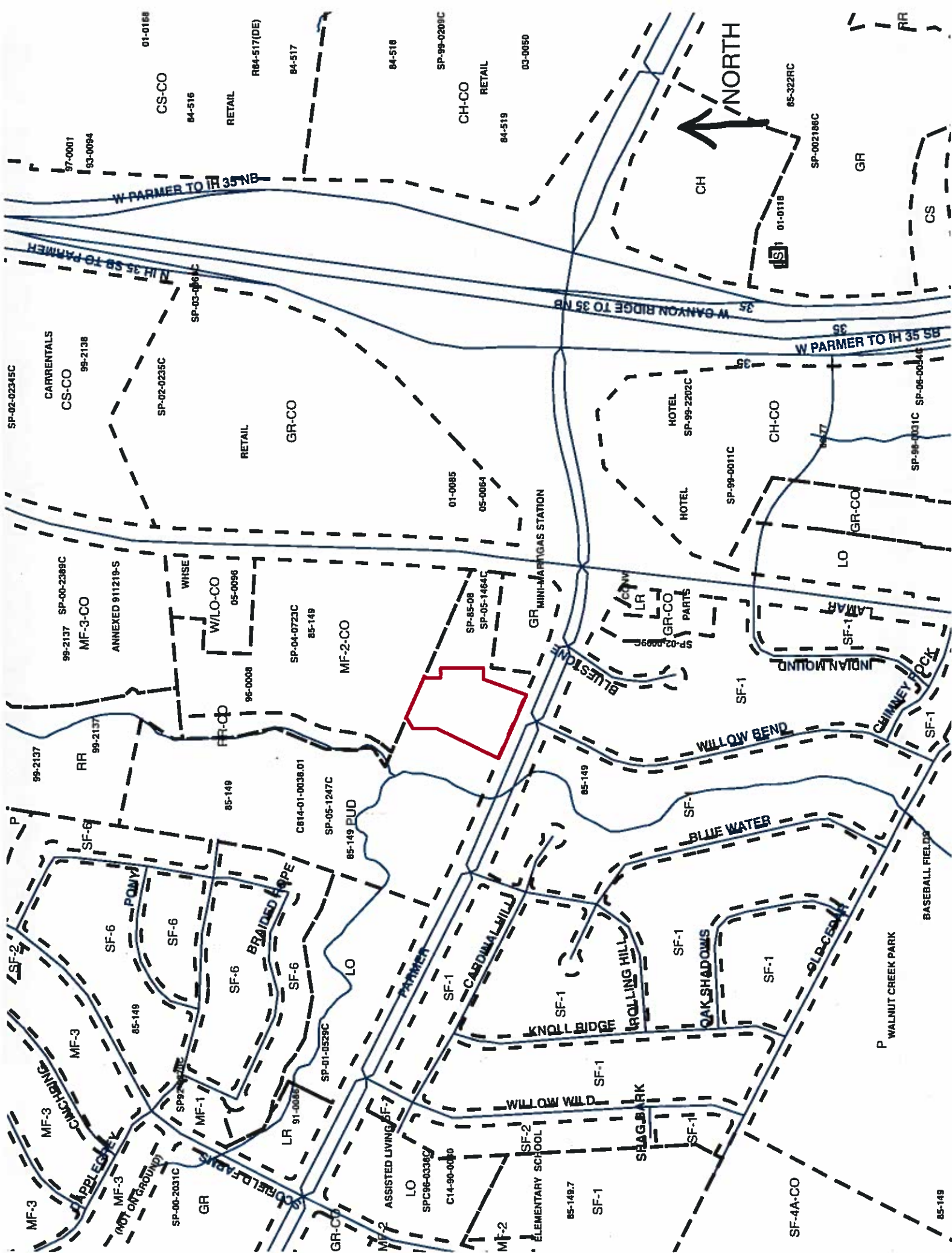
-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

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.





STAFF RECOMMENDATION

The staff's recommendation is to grant the proposed amendment to the Parmer/Walnut Creek Planned Unit Development. The staff's recommendation includes the following conditions:

The City Arborist has requested the following note to be added to the PUD Land Use Plan:

Include new wording stating that any development under the original PUD and/or its amendments will be subject to the tree preservation and mitigation requirements at the time of that development submittal.

BASIS FOR RECOMMENDATION

1. *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The Parmer/Walnut Creek PUD has a mixture of residential and commercial, with open space/ dedicated land that has been utilized by the City of Austin for the development of a regional water quality and storm-water detention facility.

The proposed amendment to the Parmer/Walnut PUD will not alter the overall benefits or intent of the PUD development. The amendments will permit a Telecommunication Tower use on Tract 3 of the PUD behind an existing commercial/retail shopping center development.

2. *Use of a PUD District should result in development superior to that which would occur using conventional zoning and subdivision regulations. PUD zoning is appropriate if the PUD enhances preservation of the natural environment; encourages high quality development and innovative design; and ensures adequate public facilities and services for development within the PUD.*

The proposed amendments to the Parmer/Walnut Creek PUD will result in a superior development than that which could have occurred using conventional zoning and subdivision regulations, because the proposed Telecommunication Tower use on Tract 3 will generate less vehicle traffic than some of the original uses that were allowed on these tracts and will provide for additional cellular service opportunity within this area of the city in accordance with Code requirements in LDC Sec. 25-2-839.

Zoning and Land Use

The property in question is part of an existing PUD that consists of 20.21 acres that is located to the west of the intersection of North Lamar Boulevard and West Parmer Lane. The site currently contains a townhouse/condo development on Tract 1 (Southfield Villas), heavily wooded undeveloped area and a detention facility for Walnut Creek on Tract 2, a retail center (Parmer on the Creek Shopping Center) and small undeveloped area on Tract 3 and a convenience storage use (888 Storage) on Tracts 4 and 5 of the PUD.

Arborist

The original PUD and subsequent amendments include language dating development regulations to the signing date of those documents. Please revise this amendment to remove this wording from the PUD amendment and include new wording that any development under the original PUD and/or its amendments would be subject to the tree preservation and mitigation requirements at the time of that development submittal.

Comprehensive Planning

1210 ½ W PARMER LN

C814-01-0038.03

PROJECT: APC TOWERS TX – 1498 GRACE

Nov 13, 2018

The site is located on the north side of W Palmer Lane, on tract that is part of a larger PUD project. The site is partially undeveloped but contains a small shopping center on the eastern portion of the property. The property is not located within a neighborhood planning area. Surrounding land uses includes two apartment complexes to the north; a large single family subdivision, a small grocery store and café to the south; a single family subdivision to the west; and a large shopping center with a variety of retail uses to the east. The applicant submitted an amendment to the Parmer/Walnut Creek PUD to install a 100-foot stall stealth monopole tower and ground equipment within a 1600 square foot lease area, which is part of a greater 1.79 acre site, in order to upgrade cellular phone coverage in the area. The current conditional overlays on this property only permits a structure to be no taller than 35 ft. in height. The agent stated in their application that the cell tower would comply with Section 25-2-839 of the Land Development Code for a 100' stealth structure.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies West Parmer Lane and North Lamar Boulevard as an **Activity Corridor**. 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.

The following Imagine Austin policies are also applicable to this case:

- **E P15.** Invest in sustainable, affordable utility sources (communications, power, water, wastewater) to meet the needs of increasing population and employment bases.

Based on the property being located by an Activity Corridor, which support an access to services, including telecommunication connectivity, and the policy referenced above that supports expanded and affordable utilities for our growing population, this project appears to support Imagine Austin.

Flood Plain

Friday November 16, 2018

Reviewer Notes: Zoning change for a PUD located in the Walnut Creek watershed. The site is adjacent to the Wells Branch Regional Detention Pond. WLN XS 7199 500-yr WSE 688.52 ft.

FYI: Our understanding of flood risk in Austin is changing. What is now known as the 500-year floodplain is a good representation of what the 100-year floodplain will be according to a National Weather Service publication called Atlas 14. This could affect the layout of this development, including the location of drainage easements, buildings, and parking areas. The City will likely be using the current 500-year floodplain as the design floodplain for commercial building permit review by the end of 2018. In order to minimize flood risk to our community and better ensure that this lot can be developed in the future, the City of Austin recommends that you consider the 500-year floodplain as a surrogate for the 100-year floodplain when designing this development. Please contact this reviewer if you have any questions.

Environmental

According to flood plain maps, a portion of the site lies within the 100-year flood plain. The site also contains Critical and Transitional Water Quality Zones. No development is allowed in the Critical Water Quality Zone.

Floodplain

Provided contour information is accurate, the fully developed 100-yr floodplain should not encroach on Tract 3.

Impervious Cover

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

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

The adopted PUD has a 53% impervious cover limit on Tract 1 and a 60% impervious cover limit on Tracts 3 & 4.

Parks and Recreation

Monday November 19, 2018

No PARD review comments.

Site Plan

December 10, 2018

Applicant should confirm whether they propose to use existing standards like 25-2-839 and 25-2-840 or create their own for this PUD.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Transportation

Thursday November 29, 2018

There are no Transportation concerns regarding the proposed PUD Amendment.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Lamar Blvd.	120'	Varies	Major Arterial	N/A
Parmer Lane	150'	2@50'	Major Arterial	33,000 ('97)

Water Quality

This site is located on West Parmer Lane in the Walnut Creek Watershed, which is classified as a Suburban Watershed.

Water and Wastewater

Friday November 02, 2018

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own his 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 uses. It is recommended that Service Extension Requests be submitted to the Austin Water Utility at the early stages of project planning. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility in compliance with Texas Commission of Environmental rules and regulations, the City's Utility Criteria Manual 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 fees 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. Typical water system operating pressures in the area are above 65 psi. Pressure reducing valves reducing the pressure to 65 psi (552 kPa) or less to water outlets in buildings shall be installed in accordance with the plumbing code.

All AWU infrastructure and appurtenances must meet all TCEQ separation criteria. Additionally, AWU must have adequate accessibility to safely construct, maintain, and repair all public infrastructure. Rules & guidelines include:

1. A minimum separation distance of 5 feet from all other utilities (measured outside of pipe to outside of pipe) and AWU infrastructure;

2. A minimum separation distance of 5 feet from trees and must have root barrier systems installed when within 7.5 feet;
3. Water meters and cleanouts must be located in the right-of-way or public water and wastewater easements;
4. Easements for AWU infrastructure shall be a minimum of 15 feet wide, or twice the depth of the main, measured from finished grade to pipe flow line, whichever is greater.
5. A minimum separation of 7.5 feet from center line of pipe to any obstruction is required for straddling line with a backhoe;
6. AWU infrastructure shall not be located under water quality or detention structures and should be separated horizontally to allow for maintenance without damaging structures or the AWU infrastructure.
7. The planning and design of circular Intersections or other geometric street features and their amenities shall include consideration for access, maintenance, protection, testing, cleaning, and operations of the AWU infrastructure as prescribed in the Utility Criteria Manual (UCM)
8. Building setbacks must provide ample space for the installation of private plumbing items such as sewer connections, customer shut off valves, pressure reducing valves, and back flow prevention devices in the instance where auxiliary water sources are provided.

FYI: Dedication of private streets and public utility easements does not obligate the City to approve the placement of City water and wastewater mains within same. Water and wastewater service shall be provided to each lot at their Right of Way frontage.



VINCENT GERARD & ASSOCIATES, INC.

October 19, 2018

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

RE: Proposed PUD Amendment to Allow a Wireless Telecommunication Facility at 1210 West Parmer Lane, Austin: Case Number C814-01-0038.03

Dear Ms. Sirwaitis,

We are requesting a PUD Amendment to the Parmer/Walnut Creek Planning Unit Development Project in order to amend Zoning Ordinance No. 20050818-060 to allow a wireless telecommunication facility on Lot 2 Block A of the Frontier Storage subdivision, also known as "Tract 3" in the Parmer/Walnut Creek PUD.

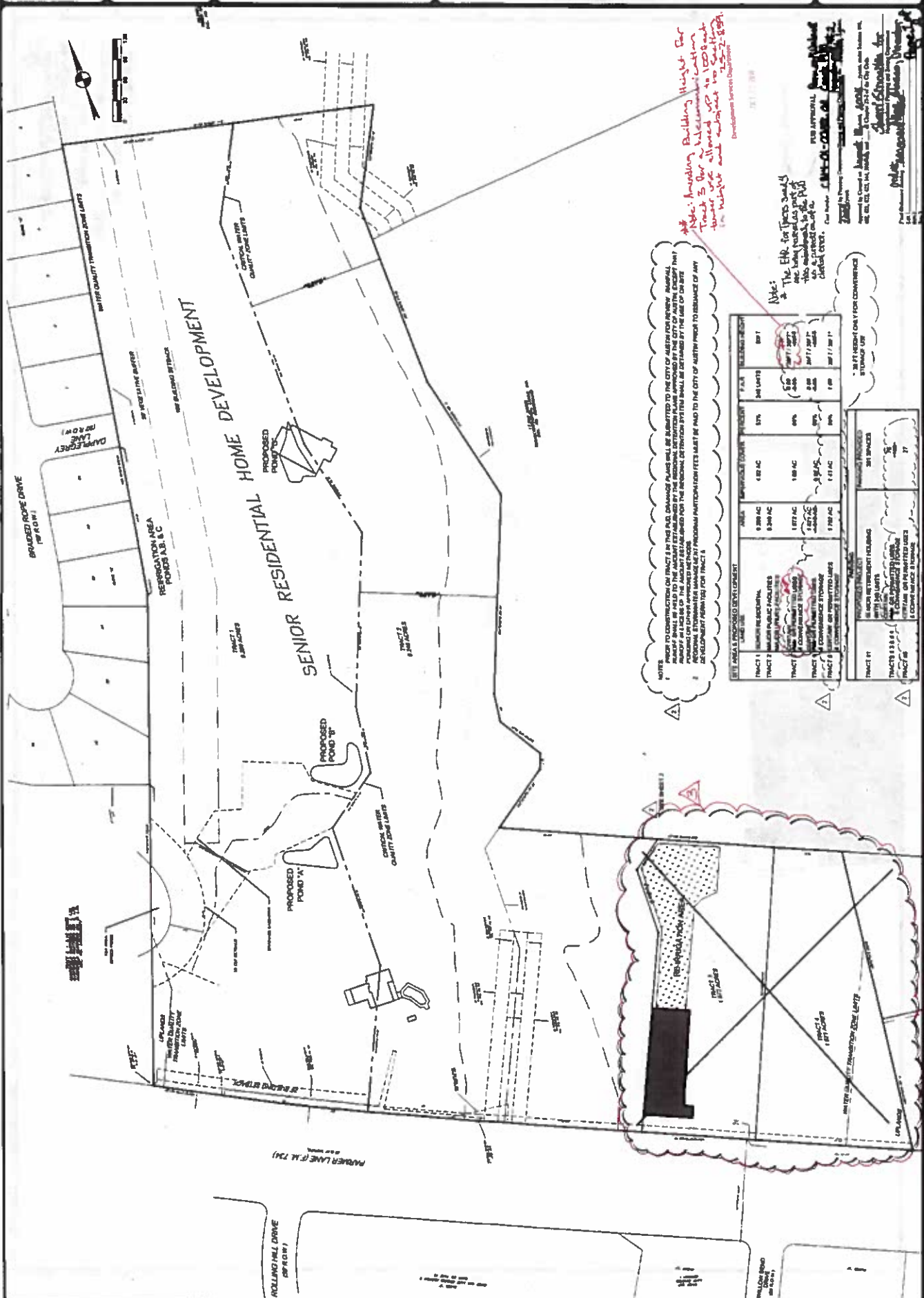
Part 6.2.C of Ordinance No. 20050818-060 states "Except as otherwise provided in this section the maximum height of a building or structure is 35 feet from ground level." We are requesting to amend this condition by revising it to allow Section 25-2-839 of the Land Development Code, which does not affect the PUD. We believe that "except as otherwise provided" should have taken in account 25-2-839, and "structure" should have been "building height." Part 11 lists all permitted uses, and we are requesting for Section 25-2-839 to be a listed permitted use as well.

Our client is proposing a 100-foot tall Stealth monopole tower and ground equipment within a 1600 square foot lease area in order to upgrade cellular coverage to its customers. The site is located behind an existing retail strip center and meets all requirements of Section 25-2-839 of the Land Development Code.

Please contact us with any questions or concerns with our PUD Amendment request. We look forward to hearing back from you once you've reviewed our application package.

Respectfully,

Vincent G. Huebinger

[illegible]

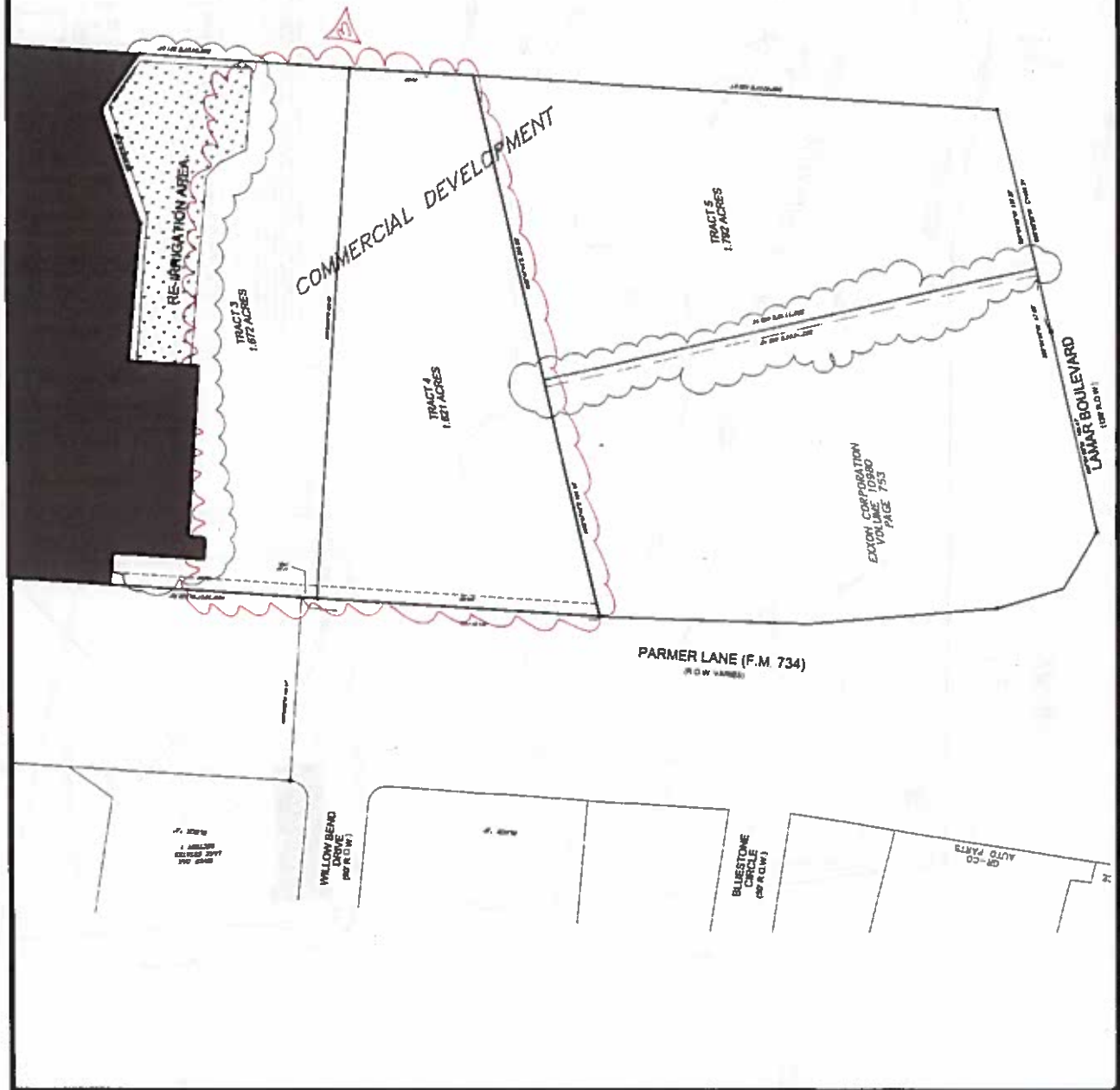
Note: Awarding Building Height For
Tract 3 for a building construction
tower will allow up to 100' out
in height and subject to Section
75-7-8.99.

Note: The EHR for Tjones and I are being processed as part of this assignment to the FBI

[illegible]

• 20 FT HEIGHT ONLY FOR CONFORMANCE
STORAGE USE

[illegible][illegible]



ORDINANCE NO. 20050818-060

AN ORDINANCE AMENDING ORDINANCE NO. 030424-30 TO INCREASE BY 1.792 ACRES THE BOUNDARIES OF THE PROJECT KNOWN AS PARMER/WALNUT CREEK PLANNED UNIT DEVELOPMENT PROJECT, AND REZONING THE 1.792 ACRES FROM COMMUNITY COMMERCIAL (GR) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; TO MODIFY THE LAND USE PLAN, REZONING AND CHANGING THE ZONING MAP FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR THE PROPERTY LOCATED GENERALLY IN THE VICINITY OF PARMER LANE AND NORTH LAMAR BOULEVARD.

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

PART 1. The Parmer/Walnut Creek Planned Unit Development ("the Original Parmer PUD") is comprised of approximately 21.808 acres of land located in the vicinity of Parmer Lane and North Lamar Boulevard in Travis County and more particularly described by metes and bounds in the land use plan incorporated into Ordinance No. 030424-30. The Parmer/Walnut Creek PUD was approved April 24, 2003 under Ordinance No. 030424-30 (the "Original PUD Ordinance") and amended November 4, 2004 under Ordinance No. 041104-44.

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from planned unit development (PUD) district to planned unit development (PUD) district on the property described by metes and bounds in Ordinance No. 030424-30 as approximately 21.808 acres of land, identified as Tracts One, Two, Three and Four, and to change the base district from community commercial (GR) district to planned unit development (PUD) district on the property described in Zoning Case No. C814-01-0038.02, as follows:

A 1.792 acre tract of land, more or less, out of the J. M. Swisher Survey No. 32 and the William B. Harrison Survey No. 86, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property")

the 23.600 acres being generally known as the Parmer/Walnut Creek planned unit development, ("Parmer/Walnut Creek PUD") locally known as the property located in the 1200-1210 block of Parmer Lane near North Lamar Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 3. The exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A	Description of a 1.792 acre tract (Tract 5)
Exhibit B	Zoning Map
Exhibit C	Amended PUD Land Use Plan

PART 4. This ordinance, together with Exhibits A, B, and C, amends the Original PUD Ordinance. The Original Parmer PUD shall conform to the limitations and conditions set forth in the Original PUD Ordinance as amended by this ordinance. If this ordinance and the attached exhibits conflict, the ordinance applies. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the Parmer/Walnut Creek PUD.

Although this reads as a PUD amendment, see below for qualifications specific to zoning.

PART 5. Except as specifically provided in this ordinance, the Property shall comply with the terms and provisions of the Original PUD Ordinance, as amended.

PART 6. The Original PUD Ordinance, as amended, is modified as shown in this part.

1. Part 5 is amended to read as follows:

A site plan or building permit for Tract One 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 630 trips per day for Tract One and 2000 trips per day for Tracts Three, ~~[and]~~ Four, and Five combined.

2. Part 11 is amended as follows:

Except as otherwise provided in subsections A through H ~~[and B]~~, the 5.083 ~~[3.291]~~ acre tract of land identified as Tracts Three, ~~[and]~~ Four, and Five ("the Tracts"), shall be developed according to the community commercial (GR) district site development regulations and performance standards of the Code.

Terms of this condition refer to standard GR district site development regulations and not the PUD regulations or SP.

B. The following uses of the property are permitted uses:

Bed and breakfast residential
(Groups 1&2)
~~[Automotive rentals]~~

Administrative and business office
Art and craft studio (limited)
~~[Automotive repair services]~~

[Automotive sales]	[Automotive washing (of any type)]
[Bail bond services]	Business or trade school
Business support services	Commercial off-street parking
Communications services	Consumer convenience services
[Consumer repair services]	[Exterminating services]
Financial services	[Funeral services]
Food sales	General retail sales (convenience)
General retail sales (general)	Personal improvement services
Personal services	Restaurant (drive-in, fast food)
Restaurant (general)	Restaurant (limited)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Medical offices (not exceeding 5000
Medical offices (exceeding 5000	sq. ft. of gross floor area)
sq. ft. of gross floor area)	[Off-site accessory parking]
Outdoor sports and recreation	[Pawn shop services]
[Pet services]	Professional office
Research services	Service station
Software development	[Stables]
[Theater]	College and university facilities
Communications services facilities	Community recreation (private)
Community recreation (public)	[Congregate living]
Counseling services	Cultural services
Day care services (commercial)	Day care services (general)
Day care services (limited)	Family home
Group home class I (general)	Group home class I (limited)
Group home class II	Guidance services
Hospital services (general)	Hospital services (limited)
Private primary educational facilities	Private secondary education facilities
Public primary educational facilities	Public secondary educational facilities
Religious assembly	[Residential treatment]
Safety services	[Urban farm]
<u>Convenience storage</u>	

- C. Except as otherwise provided in this section the maximum height of a building or structure is 35 feet from ground level. For convenience storage use the maximum height is 38 feet from ground level. Amending this condition by revising to allow 25-2-839 Telcom. which does not affect the PUD.
- D. The cumulative floor to area ratio (FAR) may not exceed a ratio of 0.7 to 1.0.

- E. The cumulative parking required may not exceed the minimum City of Austin off-street parking requirements.
- F. The maximum impervious cover for Tract Five is 80 percent.
- G. A site plan or building permit for Tract Five may not be approved, released, or issued until participation fees for the Regional Stormwater Management Program are paid to the City.
- H. The following applies for a convenience storage use on the Tracts.
 - 1. Vehicular access from Tracts shall be provided to Parmer Lane and North Lamar Boulevard.
 - 2. A fence shall be provided and maintained along the north property line of Tracts Three, Four and Five, the south property line of Tract Five, and the east property line of Tract Four.
 - 3. Exterior lighting shall be hooded or shielded so that the light source is not directly visible from the adjacent residential properties.
 - 4. A 25-foot wide vegetative buffer shall be provided and maintained along Parmer Lane. Improvements permitted within the buffer zone are limited to drainage, driveways, sidewalks, fencing, signage, irrigation, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
 - 5. The minimum building setback from Parmer Lane is 75 feet.

PART 7. Except as otherwise provided in the ordinance, the terms and conditions of Ordinance No. 030424-30 remain in effect.

PART 8. This ordinance takes effect on August 29, 2005.

PASSED AND APPROVED

August 18, 2005

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk



Consumer Guide

Human Exposure to Radio Frequency Fields: Guidelines for Cellular and PCS Sites

Primary antennas for transmitting wireless telephone service, including cellular and Personal Communications Service (PCS), are usually located outdoors on towers, water tanks and other elevated structures like rooftops and sides of buildings. The combination of antenna towers and associated electronic equipment is referred to as a "cellular or PCS cell site" or "base station." Cellular or PCS cell site towers are typically 50-200 feet high. Antennas are usually arranged in groups of three, with one antenna in each group used to transmit signals to mobile units, and the other two antennas used to receive signals from mobile units.

At a cell site, the total radio frequency (RF) power that can be transmitted from each transmitting antenna depends on the number of radio channels (transmitters) that have been authorized by the Federal Communications Commission (FCC) and the power of each transmitter. Although the FCC permits an effective radiated power (ERP) of up to 500 watts per channel (depending on the tower height), the majority of cellular or PCS cell sites in urban and suburban areas operate at an ERP of 100 watts per channel or less.

An ERP of 100 watts corresponds to an actual radiated power of 5-10 watts, depending on the type of antenna used. In urban areas, cell sites commonly emit an ERP of 10 watts per channel or less. For PCS cell sites, even lower ERPs are typical. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter rapidly decreases as distance from the antenna increases.

Consequently, normal ground-level exposure is much less than the exposure that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS cell sites have shown that ground-level power densities are well below the exposure limits recommended by RF/microwave safety standards used by the FCC.

Guidelines

In 1996, the FCC adopted updated guidelines for evaluating human exposure to RF fields from fixed transmitting antennas such as those used for cellular and PCS cell sites. The FCC's guidelines are identical to those recommended by the National Council on Radiation Protection and Measurements (NCRP), a non-profit corporation chartered by Congress to develop information and recommendations concerning radiation protection. The FCC's guidelines also resemble the 1992 guidelines recommended by the Institute of Electrical and Electronics Engineers (IEEE), a non-profit technical and professional engineering society, and endorsed by the American National Standards Institute (ANSI), a nonprofit, privately-funded membership organization that coordinates development of voluntary national standards in the United States.

In the case of cellular and PCS cell site transmitters, the FCC's RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular or PCS cell site towers or in the vicinity of other, lower-powered cell site transmitters. Calculations corresponding to a "worst-case" situation (all transmitters operating simultaneously and continuously at



the maximum licensed power) show that, in order to be exposed to RF levels near the FCC's guidelines, an individual would essentially have to remain in the main transmitting beam and within a few feet of the antenna for several minutes or longer. Thus, the possibility that a member of the general public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

When cellular and PCS antennas are mounted on rooftops, RF emissions could exceed higher than desirable guideline levels on the rooftop itself, even though rooftop antennas usually operate at lower power levels than free-standing power antennas. Such levels might become an issue for maintenance or other personnel working on the rooftop. Exposures exceeding the guidelines levels, however, are only likely to be encountered very close to, and directly in front of, the antennas. In such cases, precautions such as time limits can avoid exposure in excess of the guidelines. Individuals living or working within the building are not at risk.

Consumer Help Center

For more information on consumer issues, visit the FCC's Consumer Help Center at www.fcc.gov/consumers.

Accessible formats

To request this article in an accessible format - braille, large print, Word or text document or audio - write or call us at the address or phone number at the bottom of the page, or send an email to fcc504@fcc.gov.

Last Reviewed 10/31/16



Wireless Networks and Your Health: THE FACTS

FACTS

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

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

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

47 U.S.C. § 332(c)(7)(B)(iv)

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

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

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

CONCLUSIONS

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

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

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

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

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

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

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

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

RFquestions@pcia.com
www.pcia.com

PCIA
The Wireless Infrastructure Association

Sirwaitis, Sherri

Subject: FW: C814-01-0038.03 and SP-2018-0509C

From: Luci Gallahan < >

Sent: Sunday, December 30, 2018 2:14 PM

To: Edmond, Cindy <Cindy.Edmond@austintexas.gov>; Davis, Clarissa <Clarissa.Davis@austintexas.gov>

Cc: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: C814-01-0038.03 and SP-2018-0509C

This is my notice to you that I am against the development proposed in the notice of filing of application for an amendment to a PUD for a cell tower at **1210 ½ W. Parmer Lane**.

This is also my notice that I qualify as an interested party for the notice of filing of application for administrative approval of a site plan for **1208 ½ W. Parmer Lane** due to my primary residence at 1310 W. Parmer Lane #602 which is within 500 feet of the proposed development.

I will be mailing in the notice. However, due to the Christmas/New Year holiday and the fact that I was out of town during this period, it may not reach you within the specified date of January 2, 2019. Hopefully, this email notice and a postmark before January 2 is sufficient.

Luci Gallahan
Homeowner and Board of Directors Officer, Scofield Villas Condominiums HOA
1310 W. Parmer Ln. #602
Austin, TX 78727

P.S. to Cindy Edmond: I just attempted to email this notice using the email address listed on the notice and it was rejected. Apparently your email address is mistyped on the notice. Please alert the notification personnel about this error. Also, please let me know if this error qualifies for the requirement for corrected notices to be mailed to all affected parties.

Thanks.

Sent from [Mail](#) for Windows 10

Sirwaitis, Sherri

Subject: FW: Strongly opposed to Case # C814-01-0038.03

From: Kristen Ude < >

Sent: Sunday, December 30, 2018 9:09 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Strongly opposed to Case # C814-01-0038.03

Dear Ms. Sirwaitis,

I live within 100 ft of proposed cell phone tower and I'm opposed to it for health and safety reasons. Please watch this video and let me know what you think. Even the first six minutes are illuminating. These things are not safe for our DNA, especially not right next to condos and apartments. At the very least they need to be located 500-1,000 ft away. Please don't force me to move.

Please kill this project.

Please don't knowingly give people cancer.

Scientists Warn Health Effects of Cell Phone Towers in Washington DC Nov. 2018:

<https://www.youtube.com/watch?v=ljLynbr5iPc>

Sincerely,

Kristen Ude

1310 W. Parmer Ln #2101

Austin, TX 78727

512-970-8883

Sirwaitis, Sherri

Subject: FW: Zoning Meeting Case C814-01-0038.03
Attachments: 5G Feb 2019 meeting.docx

From: Kristen Ude < >
Sent: Sunday, February 17, 2019 11:50 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: Zoning Meeting Case C814-01-0038.03

Dear Ms. Sirwaitis,

I am representing the 96 families of Scofield Villas Condominiums directly next door to the proposed cell phone tower on Parmer Ln near N. Lamar in Austin.

Case # C814-01-0038.03
Contact: Sherri Sirwaitis 512-974-3057
Public Hearing: Feb. 19, 2019 Zoning and Platting Commission

Please read attached letter which I will bring to meeting along with many references.

I have spent two days reading peer-reviewed literature on the severe and immediate danger to living within 100 ft of a 4G cell phone tower, much less a 5G cell phone, which I am sure is the plan for this piece of land DIRECTLY next door (within 50 feet of where pregnant women and children live). I'm looking at one peer-reviewed paper right here that states "the risk of embryo growth ceasing is significantly higher in women without distance protection from towers."

Even the most liberal articles state that the minimum distance humans can live from towers without drastic health consequences is 100 meters. That equals 328 feet. This tower is MUCH LESS than 300 ft from my bedroom and I am not alone. Between the apartments, condos and houses densely packed here, there are likely 500 families within 300 ft of that plot.

I will be at the meeting on Tuesday and will bring other residents who also will want to speak. We vehemently oppose any rezoning of this property that would allow "cell phone stealth monopole to upgrade cell phone service" as described on the initial paper work that hundreds of us received in December regarding this tract of land DIRECTLY next door.

Look forward to fighting and killing this horrifying project as soon as possible. I will get the media involved if it goes further than this meeting on Tuesday. I'm sure you agree this is not worth the cancers, damage to retina, damage to DNA, neurological damage and birth defects that will result.

Please read attached letter which I will bring Tuesday.

Sincerely,
Kristen Ude

Some of the 10,000 peer-reviewed articles are linked in this excellent review signed by nearly 3,000 scientists and doctors.

<https://www.globalresearch.ca/wireless-radiation-stop-the-5g-network-on-earth-and-in-space-devastating-impacts-on-health-and-the-environment/5665066>

CASE Number: C814-01-0038.03

Project Location: 1210 W. Parmer Ln

Owner: 1212 Parmer LLC, Luis Montes, Manager

Applicant: Vincent Gerard & Assoc, Inc, Vincent Huebinger, 512-328-2693

Stealth Monopole Telecommunications Tower 100 ft on Tract 3 subject to land development code Sec. 25-2-839

By: Kristen Ude, resident with 3 autoimmune diseases within 100 ft of proposed cell phone tower.

Dear PUD:

Please maintain the current zoning restrictions at 1210 Parmer Lane. The proposed change creates an unnecessary health risk to families, especially babies, toddlers, children and pregnant women. There are hundreds of houses, a large apartment complex and 96 family units in Scofield Villas at Parmer Ln. near North Lamar where they are proposing this dangerous tower. This tower will literally be 50 ft or less away from where children sleep. In the past, wireless towers were some distance away from people's homes. Imagine the publicity and uproar when the families of voters and the media become aware that their government, who is supposed to be a responsible government, gave way to pressure from a land-developer who will saturate their homes with toxic radiation. The standard for governments has always been "risk vs benefit".

Although I am concerned about my own health, I have the financial ability to move away from the tower. I will simply sell my home before the publicity of the tower hits the media, and I will be just fine. However, as for my conscience, I am here to represent the innocent residents, many of whom have no idea that they are about to be sprayed with radio frequency radiation hundreds of times more powerful than levels permitted for current base stations. As proof becomes evident of the health hazards of 5G towers, the nearby property values as well as the tax base will become compromised. And for what benefit? We have plenty of internet speed already. Does the public really need to download a movie any faster at the cost of having a citizen baby born with permanent birth defects? Whom among you would like to go on public record explaining to a young mother that the benefits of this radiation far exceed the needs of her newborn?

In other words, has anybody on this PUD looked at the medical costs and human costs of this zoning change? If the answer is no, then I would suggest that the PUD has not done its due diligence and should at the very least postpone its recommendation until such analysis has been done by an independent company. The costs of such analysis should be allocated to the land developer.

We have a literature base of well over 10,000 peer-reviewed studies showing damage to DNA, damage to the retina, alteration in heart rhythm, altered gene expression, cancers, cognitive impairment, neurological damage and altered stem cell development from radio frequency radiation. The PUD should take into consideration the article and petition linked below signed by over 26,000 scientists and medical professionals that show how governments who do not understand this type of radiation could FAIL their constituents and have a health catastrophe on their hands. The paper goes so far as to say that "the deployment of 5G constitutes an experiment on humanity and the environment that is defined as a crime under international law."

This refers to the Nuremberg Code of 1949 which applies to all experiments on humans, thus including the deployment of 5G with new, higher radio frequency radiation exposure than has been pre-market tested for safety. "The voluntary consent of the human subject is absolutely essential." You do not have our consent. Stop this immediately in the zoning stage. KXAN investigates will be involved if this goes further.

10 page article including 5 pages of references entitled
"Wireless Radiation: Stop the 5G Network on Earth and in Space,
Devastating Impacts on Health and the Environment" by Arthur Firstenberg
To the UN, WHO, governments of all nations. 26,740 signatures by
scientists, doctors as of Dec. 4, 2018
<https://www.globalresearch.ca/wireless-radiation-stop-the-5g-network-on-earth-and-in-space-devastating-impacts-on-health-and-the-environment/5665066>

Kristen Ude, representative of 96 families Scofield Villas
1310 W. Parmer Ln. #2101
Austin, TX 78727
512-970-8883

Sirwaitis, Sherri

From: Vincent Huebinger <VinceH@vincentgerard.com>
Sent: Thursday, February 14, 2019 9:18 AM
To: Sirwaitis, Sherri
Cc: Kayla Bryson
Subject: RE: Parmer-Walnut Creek PUD Amendment #3, Case C814-01-0038.03
Attachments: pcia_rf_fact_sheet.pdf; 180' distance to dwelling.JPG; RF exposure.JPG

Sherri, regarding Ms. Kristen Ude response on notice for RF exposure, see attached document from reliable sources. The FCC studies the exposure levels annually and have continually concluded that a tower emits .002% or 2/1000 of the acceptable levels of RF exposure allowable. These sites are regulated by the FCC. The bar graph attached shows the FCC minimum percent exposure and to the right is the level from a tower. Also, legal should advise the P&Z that based on the Telcomm Act, a municipality cannot base their denial on exposure levels.

I have read all the studies claiming that the towers have health affects and they are all the same, no facts, no hard evidence, they base their assumptions on a conclusion that any level of RF is harmful, and that is scientifically not true.

Regarding Ms. Luci Gallahan objection letter, there does not appear to be a reason for objection. If the condo association is in objection I may have Kayla postpone this case until we have a chance to meet with them. I will be out of town on business Tuesday but Kayla will be there.

Vincent G. Huebinger

Vincent Gerard & Assoc. Inc
1715 S. Capital Texas Hwy, Suite 207
Austin, Texas 78746
512 328-2693 (O) 512 423-0853 (M)

From: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Sent: Thursday, January 31, 2019 11:51 AM
To: Vincent Huebinger <VinceH@vincentgerard.com>
Cc: Kayla Bryson <KaylaB@vincentgerard.com>
Subject: RE: Parmer-Walnut Creek PUD Amendment #3, Case C814-01-0038.03

Hi Vince and Kayla,

I received a sign off from Jeremy Siltala with Site Plan review. So I have scheduled the notice for the public hearing dates below.

Please provide an 8 ½ x 11 copy or a digital version of the redlined land use plan for the staff to include in the backup for the Commission and City Council hearings.

Thank you,

Sherri Sirwaitis

*City of Austin
Planning & Zoning Department*

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: C814-01-0038.03

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Feb 19, 2019, Zoning and Platting Commission
Mar 28, 2019, City Council

Mary Carolyn Woodward
Your Name (please print)

1310 W. Parmer Ln # 1301

Your address(es) affected by this application Austin 78727

Mary Carolyn Woodward Feb. 14, 2019
Signature Date

Daytime Telephone: 512 753 4204

Comments: I was careful not to buy nearly any EMF. I have lived here 8 yrs. I feel that it is not fair to me to have a tower built here now. I am 85 yrs old and it would be impossible for me to sell and relocate due to cost of real estate. In addition due to EMF and autoimmune diseases it limits possible buyers. There is a definite health connection between EMF and autoimmune diseases.

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

discussed there fore our property value is lowered.

Sirwaitis, Sherri

Subject: FW: C814-01-0038.03 and SP-2018-0509C

-----Original Message-----

From: 章泽民 <>

Sent: Saturday, February 23, 2019 6:15 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: C814-01-0038.03 and SP-2018-0509C

Dear Sherri,

My name is Zemin Zhang, the owner of 1420 Dapplegrey lane, Austin 78727. My wife and me were very surprised by city project of APC Towers near here. We might have to be forced to move to another safe area. Every one knows radiation is harmful to our health and environment. Our property value will lose. Usually these towers we can see them in the fields there is nobody living there. So, we are objecting cases C814-01-0038.03 and SP-2018-0509C.

Hope city zoning management committee can listen our residents opinions to change these cases. Thanks for your time.

Zemin Zhang and Yichao Shen

Sent from my iPad

Sirwaitis, Sherri

Subject: FW: Case Number C814-01-0038.03 and Case Number SP-2018-0509C

From: dwayne haught < >

Sent: Saturday, February 23, 2019 4:59 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Fw: Case Number C814-01-0038.03 and Case Number SP-2018-0509C

My name is Dwayne Haught and I am the homeowner at 12300 Rolling Hill Drive, Austin, TX 78758. I am writing to you specifically to object to a cell phone tower which is proposed to be erected within 1000 feet of my residence. I am objecting primarily because of potential health and safety risks including neurological, cardiovascular, DNA, retinal damage and cancer. In addition erecting a cell tower as proposed would cause me to lose property value and force me to move from a neighborhood that I have happily resided in for the past 15 years.

Please maintain the current zoning restrictions for 1208 and 1210 Parmer Lane, Austin, TX 78758.

Sincerely,

Dwayne R. Haught, M.S.N., R.N.

Sirwaitis, Sherri

Subject: FW: Cell Tower on Parmer

From: Chad Palmatier < >

Sent: Thursday, February 28, 2019 3:58 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Cell Tower on Parmer

Sherri,

I am writing to state my opposition to the proposed cell tower at 1208 1/2 and/or 1210 W. Parmer Lane.

As a resident living less than 1000 feet away, I object to this tower for the potential of lost property value as well as for any potential and unknown health hazards.

This pertains to case #'s C814-01-0038.03 and SP-2018-0509C.

My address is: 1406 Cardinal Hill Drive, Austin, TX 78758

Thank you for your attention,
Chad Palmatier

Sirwaitis, Sherri

Subject: FW: Objection to C814-01-0038.03 and SP-2018-0509C

From: Felicia Lord < >

Sent: Thursday, February 28, 2019 5:12 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Aguirre, Ana - BC <BC-Ana.Aguirre@austintexas.gov>; Davis, Clarissa <Clarissa.Davis@austintexas.gov>; Edmond, Cindy <Cindy.Edmond@austintexas.gov>; Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>

Subject: Objection to C814-01-0038.03 and SP-2018-0509C

I'm writing to express objection to the re-zoning of land for the construction of a cell tower on the basis of significant risk to human health and property value loss, both of which would require my relocation, which represents a significant disruption to my life. (See Case #'s below)

Due to the known human health risks associated with the radio frequency that cell towers produce, they have historically been built at a safe distance away from residential areas.

This proposed cell tower will be built within 50-1000 feet of homes.

The topic of health risks associated with cell phone radiation is controversial as are any when it comes to industry and it's impact on health.

As such, it comes down to personal opinion on an individual basis. As someone in a position of influence, your opinion carries significant weight.

Please consider the following in assessing whether there is a risk between human health and radiation the proposed cell tower would emit.

5G technology remains untested on human health making it's impact unknown, representing a grave risk.

In the absence of such information, we do have a basis for reasonable expectation.

Radiation is a well-documented, uncontested cause of cancer.

The radio frequency of current cell tower technology presents enough risk to human health that safe distance zones have been established and implemented.

The nature of 5G technology requires an increase in power output, making it more harmful. Any negative impacts on human health will then, by default, be increased in direct proportion to the increase in radio frequency radiation.

Please ask yourself if you would want your own child, mother or yourself exposed to this type of risk.

Thank you,

Felicia Lord

1309 Braided Rope Dr

Austin, tx 78727

Sirwaitis, Sherri

Subject: FW: Objection to C814-01-0038.03 and SP-2018-0509C

From: Ryan Hoke < >

Sent: Thursday, February 28, 2019 5:15 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Aguirre, Ana - BC <BC-Ana.Aguirre@austintexas.gov>; Davis, Clarissa <Clarissa.Davis@austintexas.gov>; Edmond, Cindy <Cindy.Edmond@austintexas.gov>; Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>

Subject: Objection to C814-01-0038.03 and SP-2018-0509C

I'm writing to express objection to the re-zoning of land for the construction of a cell tower on the basis of significant risk to human health and property value loss, both of which would require my relocation, which represents a significant disruption to my life. (See Case #'s below)

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The topic of health risks associated with cell phone radiation is controversial as are any when it comes to industry and it's impact on health.

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The nature of 5G technology requires an increase in power output, making it more harmful. Any negative impacts on human health will then, by default, be increased in direct proportion to the increase in radio frequency radiation.

Please ask yourself if you would want your own child, mother or yourself exposed to this type of risk.

Thank you,

Ryan Hoke

1309 Braided Rope Dr

Austin, TX 78727

Sirwaitis, Sherri

Subject: FW: Letter of Concern/ Objection Regarding (1) 1210 W. Parmer Ln and (2) 1208.5 W. Parmer Lane (case numbers C814-01-0038.03 and SP-2018-0509C) rezoning and cell tower build

From: Olga Stansell <>

Sent: Friday, March 01, 2019 9:33 AM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Letter of Concern/ Objection Regarding (1) 1210 W. Parmer Ln and (2) 1208.5 W. Parmer Lane (case numbers C814-01-0038.03 and SP-2018-0509C) rezoning and cell tower build

Dear Ms. Sirwaitis:

My name is Olga Stansell. I am writing to you on behalf of myself and my family, namely, my husband Brian Stansell and my elderly mother Nina Suldikova, who resides with us at 12620 Pony Lane in the Scofield Farms residential neighborhood. It has come to our attention that you are currently reviewing and considering an application for rezoning of two areas (1) 1210 W. Parmer Ln and (2) 1208.5 W. Parmer Lane (case numbers C814-01-0038.03 and SP-2018-0509C) for the purposes of being able to erect a cell tower. Both of these locations are very close to our residence (within 500-1000 ft).

We wanted to reach out to you to express our concerns and our objections to this rezoning and building this, what is described to be a 100 ft cell tower.

There is extensive evidence supported by numerous research studies regarding very serious health risks of having cell towers close to people's homes, including 200 to 900 % increase of the cancer risks, damage to DNA, retina damage, and other neurological and cardiovascular problems.

Here is one of the articles related to the above identified health risks. A quick online search returns hundreds of hits detailing grave health risks from exposure to high levels of radiation resulting from close proximity of people's homes to cell towers, especially, 5G towers that emit higher levels of radiation than previous generation of cell towers.

<http://electromagnetichealth.org/electromagnetic-health-blog/emf-help-blog%E2%84%A2-5/>

These risks are especially high for children, pregnant women, and the elderly. My elderly mother who lives with us is at a particularly high risk of severe and grave health risks from exposure to radiation from such a cell tower. I am very concerned and honestly afraid for my family and our health. Our homes should be havens of comfort and safety, not a danger zone where we cannot relax because we are living under the constant and continuous exposure to something that is undermining our health and may very well be a silent killer.

Next, it is a matter of general knowledge that proximity of cell towers emitting high levels of radiation to homes, as the proposed one would, results in the diminution of property value. As you know, our homes are our biggest financial assets and liabilities. Most of us have to work very hard and sacrifice a lot to be able to provide a home for ourselves and our families and fulfill our financial obligations associated with home ownership, such as a mortgage and continuous home maintenance and upkeep. Consequently, we are all concerned with property values and see our homes as not only a place to live but also an asset to provide for us in retirement years. It is unfair and unjust when something, like a proposed cell tower, poses a threat to the property value of our largest asset and liability when it can be erected far away from our homes. We

moved to our home in December of 2017 when we moved to Austin from San Antonio. We sold our house in San Antonio, which we had been living in and paying for since 2007. Not only did we put the proceeds of sale from our SA home into our home in Austin but we also put our other savings into this home as well. We also paid for multiple repairs and improvements upon moving in. We made a substantial financial investment in our home and we do not want for our property value to decline as a result of this rezoning and cell tower build or be forced to move after we just completed our move less than 2 years ago. Not only we would have to undergo new moving expenses, we would also most likely have to sell the home at a loss to us since we have only been here for a year and a half and after making a substantial investment since we were planning to stay here permanently and make this our forever home.

We are urging you to please deny the proposed rezoning and cell tower build. We trust you will do what is fair and just.

Thank you for your kind consideration.

Respectfully,

Olga Stansell, Brian Stansell, Nina Suldikova

Sirwaitis, Sherri

Subject: FW: Cell Tower on Parmer

From: Edmond, Cindy

Sent: Friday, March 01, 2019 10:47 AM

To: Davis, Clarissa <Clarissa.Davis@austintexas.gov>; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: FW: Cell Tower on Parmer

FYI

From: Chad Palmatier < >

Sent: Thursday, February 28, 2019 4:04 PM

To: Edmond, Cindy <Cindy.Edmond@austintexas.gov>

Subject: Cell Tower on Parmer

Cindy,

I am writing to state my opposition to the proposed cell tower at 1208 1/2 and/or 1210 W. Parmer Lane.

As a resident living less than 1000 feet away, I object to this tower for the potential of lost property value as well as for any potential and unknown health hazards.

This pertains to case #'s C814-01-0038.03 and SP-2018-0509C.

My address is: 1406 Cardinal Hill Drive, Austin, TX 78758

Thank you for your attention,
Chad Palmatier

Sirwaitis, Sherri

Subject: FW: Objection to C814-01-0038.03 and SP-2018-0509C

From: Felicia Lord < >

Sent: Thursday, February 28, 2019 5:11 PM

To: Sirwaitis, Sherri; Aguirre, Ana - BC; Davis, Clarissa; Edmond, Cindy; Denkler, Ann - BC

Subject: Objection to C814-01-0038.03 and SP-2018-0509C

I'm writing to express objection to the re-zoning of land for the construction of a cell tower on the basis of significant risk to human health and property value loss, both of which would require my relocation, which represents a significant disruption to my life. (See Case #'s below)

Due to the known human health risks associated with the radio frequency that cell towers produce, they have historically been built at a safe distance away from residential areas.

This proposed cell tower will be built within 50-1000 feet of homes.

The topic of health risks associated with cell phone radiation is controversial as are any when it comes to industry and it's impact on health.

As such, it comes down to personal opinion on an individual basis. As someone in a position of influence, your opinion carries significant weight.

Please consider the following in assessing whether there is a risk between human health and radiation the proposed cell tower would emit.

5G technology remains untested on human health making it's impact unknown, representing a grave risk.

In the absence of such information, we do have a basis for reasonable expectation.

Radiation is a well-documented, uncontested cause of cancer.

The radio frequency of current cell tower technology presents enough risk to human health that safe distance zones have been established and implemented.

The nature of 5G technology requires an increase in power output, making it more harmful. Any negative impacts on human health will then, by default, be increased in direct proportion to the increase in radio frequency radiation.

Please ask yourself if you would want your own child, mother or yourself exposed to this type of risk.

Thank you,

Felicia Lord
1309 Braided Rope Dr
Austin, tx 78727

Sirwaitis, Sherri

Subject: FW: Case numbers: C814-01-0038.03, SP-2018-0509C, objection to rezoning

From: Richard Kyle <>

Sent: Saturday, March 02, 2019 10:13 AM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Case numbers: C814-01-0038.03, SP-2018-0509C, objection to rezoning

Case numbers: C814-01-0038.03, SP-2018-0509C

I object to the proposed re-zoning of the property at 1208.5 and/or 1210 West Parmer Lane to allow construction of a cell phone tower. This action would reduce property values and in this dense residential and commercial area will expose many to adverse health risks.

Further, it is a poor choice for a communications tower site as it is on the downslope towards Wells Branch, at an elevation around 100 feet lower than the high ground to the east.

James R. Kyle
1328 Braided Rope Drive
Austin, TX 78727

Sirwaitis, Sherri

Subject: FW: Objection to Case Numbers: C814-01-0038.03 and SP-2018-0509C

-----Original Message-----

From: Melissa James < >

Sent: Sunday, March 03, 2019 7:29 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Objection to Case Numbers: C814-01-0038.03 and SP-2018-0509C

Dear PUD,

We are writing to you today to ask for your help in maintaining the current zoning restrictions at 1208 & 1210 Parmer Lane. The proposed change poses an unnecessary environmental health threat to this densely populated area which consists of: hundreds of homes, condominiums, apartment complexes, schools, churches, and even a senior residential community. This proposed Tower would be built less than 50 feet from the Scofield Villas family units located on Parmer Lane.

Historically, the City of Austin Leadership and PUD staff have always made planning & zoning decisions taking into account the environmental risks & financial consequences to its citizens. We ask that you do so once again with these cases. At a minimum, an independent study (cost allocated to the land developer) should be conducted and shared with the public, that analyzes the environmental health risks. If this has not been done, we ask that you either postpone, or better yet, stop this proposal entirely. You do not have support due to the negative health and financial impact this proposed zoning change brings to everyone in this area.

Thank you in advance for your help.

Sincerely,

Melissa and Donnie James

1366 Braided Rope Drive

Austin, Texas 78727

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: C814-01-0038.03

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Feb 19, 2019, Zoning and Platting Commission
Mar 28, 2019, City Council

Kristen Ude

Your Name (please print)

1310 W. Parmer Ln. #2101 Austin TX 78727

Your address(es) affected by this application

KUde

Signature

2.16.19

Date

Daytime Telephone: 512-970-8883

Comments: This land must not be re-zoned for telecommunications tower because it is far too close to over 100 family homes. Peer-reviewed research shows cell phone towers must be a minimum of 100m (328ft) away from human habitation. Probably 1,000 families are within 500ft and well over 100 are within 300ft. They must move further away from humans, esp infants, toddlers, pregnant women. Cancers, retina damage, neurological damage. If you use this form to comment, it may be returned to: City of Austin <https://www.globalresearch.ca/wireless-radiation-Planning&ZoningDepartmentstop-the-5g-network-on-earth-and-SherriSirwaitisinspace-devastating-impacts-on-health-and-the-environment/5665066> P. O. Box 1088 Austin, TX 78767-8810

☐ I am in favor
☒ I object

Sirwaitis, Sherri

Subject: FW: In regards to Case Number: C814-01-0038.03

From: Crystal Guy <>

Sent: Monday, March 18, 2019 9:47 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: In regards to Case Number: C814-01-0038.03

To whom it may concern for the Proposed Zoning Change:

CASE number: C814-01-0038.03 and SP-2018-0509C

It has come to my attention that a wireless tower will be built next door to my apartment/apartment complex. I am outraged, thus I **OBJECT**. I **OBJECT**, because wireless towers give off electromagnetic radiation. **Electromagnetic radiation is linked to DNA damage and cancer.** The tower would be built right outside of my window, only 100 ft away, and that is not considering the amount of time I spend in the grassy area with my dogs. This is extremely concerning, and I'm not sure why health risks are not being considered more closely.

You do not have my consent to expose me or my family to 5G radio frequency radiation in this capacity. I **DO NOT** want to be forced to move, which I will be if this proposal is approved. I **DO NOT** want to risk my health or my family's health for "faster" Wi-Fi. In addition, I **DO NOT want to lose property value of any kind.** Moreover, I **DO NOT** want those beautiful trees to be cut down.

My name is Crystal Guy.
12612 N. Lamar Blvd. Apt 6201
Austin, TX 78753

Regards,

Crystal Guy
313-673-0054

Sirwaitis, Sherri

Subject: FW: One particular petition against Re-zoning for cell tower
Attachments: Arjun-Karkhanis-03-18-2019.pdf

From: Kristen Ude <>

Sent: Tuesday, March 19, 2019 9:23 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>; Davis, Clarissa <Clarissa.Davis@austintexas.gov>; Edmond, Cindy <Cindy.Edmond@austintexas.gov>

Subject: One particular petition against Re-zoning for cell tower

Dear Zoning and Permitting Team,

RE: Case C814-01-0038.03 and Case SP-2018-0509C

It looks like the city is one step closer to allowing the PUD zoning change that would allow Vincent Gerard and APC Towers to install 100 ft Telecommunications Tower 50 ft from children's and pregnant women's bedrooms.

Please read this attached petition in particular from a pediatric neurologist who owns a unit in Scofield Villas condos, 250 ft from proposed cell tower. We will be at the Zoning and Platting Commission meeting Tues 4/2/19 with as many of our 288 families as possible (between Scofield Villas Condos and Ten Oaks apartments) to vehemently oppose this industrial toxic microwave radiation tower from causing cancer and neurological damage to our children.

I will personally print out ALL of the petitions along with as much scientific literature as you would like to get this thing moved at least 2,000 ft from our homes.

Grateful there are people at the city who care about our health even if the Federal Communications Commission does not.

One more news item dropped this past week: Cell tower at school being blamed on fourth child with cancer in Sacramento. Doctors say it's a tumor from environmental causes. Please read this article.

<https://sacramento.cbslocal.com/2019/03/12/school-cell-tower-causing-cancer/>

I am continuing to update KXAN Investigates with this struggle.

Our condo association is meeting with the applicant, Vincent Huebinger this Thursday.

Thank you,
Kristen Ude

--
Kristen Ude, DC, CCN
Integrated Chiropractic Wellness
1600 W. 38th St. Suite 412
Austin, TX 78731
512-970-8883

Monday, March 18, 2019

SCOFIELD VILLAS SURVEY

Petition to Object to Re-zoning (for Proposed Industrial Cell Phone Tower) City of Austin Case C814-01-0038.03 and Case SP-2018-0509C

Todays Date Monday, March 18, 2019

Resident Name Arjun Karkhanis

Unit # 1002

Resident Email (optional) akarkhanis@utexas.edu

Phone Number (Optional) (281) 7722619

I hereby ask that the city DOES NOT PERMIT the re-zoning of 1208.5, 1210 or 1212 W. Parmer Lane; and I ask that a Telecommunications Tower NOT be built this close to our residences. I am concerned about the following: (Please check all that apply).

Loss of property value in residential neighborhood. Potential health and safety risks in close proximity of residential neighborhood. Zoning inappropriate for residential neighborhood. Other (See below).

Additional Comments

I'm a physician who works primarily with children, Board Certified by the American Board of Psychiatry & Neurology. I am VERY aware of the neurological health risks proximity to these cell towers puts my community at, especially our children. I am vehemently opposed to this telecommunications tower. PLEASE, for the health and safety of our community, DO NOT allow this to continue. My first solemn duty as a physician is to DO NO HARM. Please do your duty.

Sirwaitis, Sherri

Subject: FW: Case Number C814-01-0038.03 and SP-2018-0509C, Permit/Case 2018-187

From: Renee Blustein < >

Sent: Wednesday, March 20, 2019 11:08 AM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Case Number C814-01-0038.03 and SP-2018-0509C, Permit/Case 2018-187

My company owns Ten Oaks Apartments located at 12612 N. Lamar Blvd, Austin, 78753. The property has an apartment building with 24 apartments located within 100-200 feet of the proposed site 1208-1/2 W. Parmer and 1210 W. Parmer.

We are opposed to and object to the rezoning of the land to install a 100'stealth monopole cell phone tower.

Thank you.

Warm regards,

Renee Blustein, CPM
Vice President
Price Realty Corporation
4125 Centurion Way #200
Addison, Texas 75001
P 972-788-1925 ext. 233
F 972-788-4665



Petition to the City Council of Austin, TX

We protest the Zoning Change at Parmer/Walnut Creek PUD which would allow a maximum height Cell Tower within 100 ft of children's bedrooms and within 600 ft of approximately 300 families' residences. We were not on the maps that proposed this zoning change and we were not given proper notice to become an interested party (received notice of filing 12/22/18 and was told we had to respond by telephone or in writing by 1/2/19 when the entire city work force was understandably out of the office for the Christmas holiday).

Date: March 26, 2019

City of Austin, 301 W. 2nd St, Austin, TX 78701

Planning and Zoning Commission, One Texas Center, 505 Barton Springs Rd, Suite 800, Austin, TX 78704

We, the undersigned owners of property affected by the requested zoning change described in the referenced file (CASE # C814-01-0038.03 and CASE # SP-2018-0509C), do hereby protest against any change of the Land Development Code which would zone the property to any classification other than the current PUD which does NOT allow for a 100 foot telecommunications tower.

We protest this zoning change due to the resultant loss in our property values as many buyers will not purchase a home so close to cell tower. We also protest this because the zoning would be inappropriate for 188 families in Ten Oaks apartments and 96 families in Scofield Villas and 100's of families in surrounding subdivisions. We protest this zoning change because aesthetically, a 100 ft tower would be at least three times the height of the current trees and one story roof line currently on the site, which would look awful and bring even more awareness to the RF Radiation Tower. Finally, although the FCC says their towers can not yet be denied for the increased cancer and neurological disease risks, that is changing as more national news stories are hitting like the one in Sacramento where the tower is being taken down next to school after the fourth child and third teacher have been diagnosed with environmental (RF radiation) cancer.

Even the PUD (planned unit development) is intended for large or complex developments which are a minimum of ten acres. This tiny plot of land is maybe 1-2 acres at most and directly on the other side (50ft) of fence are children's bedrooms at Ten Oaks apartments. Definitely not a safe enough distance from 100 ft telecom tower (no matter what the industry says).

Attaching well over 20% of owners' petitions. These owners list their name, address, phone number, reason for asking the city to NOT RE-ZONE 1208.5, 1210 or 1212 W. Parmer Ln and signature.