

# HOUSTON TOWER COMMISSION

## DRAFT Agenda

**Members:**

Rob Todd, Chair  
Rodney Louis Jones  
John R. Melcher  
Ignacio Osorio  
Dr. Shin-Shem Steven Pei  
Antonio M. Salinas  
Christy B. Smidt

Marlene L. Gafrick,  
Secretary

Monday  
February 25, 2013

City of Houston  
City Hall Annex  
Council Chamber  
3:30 p.m.

# TOWER COMMISSION MEETING POLICIES AND REGULATIONS

## Public Participation

The public is encouraged to take an active interest in matters that come before the Tower Commission. Anyone wishing to speak before the Commission may do so. The Commission has adopted the following procedural rules on public participation:

1. Anyone wishing to speak before the Commission must sign-up on a designated form located at the entrance to the Council Chamber.
2. If the speaker wishes to discuss a specific item on the agenda of the Commission, it should be noted on the sign-up form.
3. If the speaker wishes to discuss any subject not otherwise on the agenda of the Commission, time will be allowed after all agenda items have been completed and "public comments" are taken.
4. An applicant is given first opportunity to speak and is allowed five minutes for an opening presentation. The applicant is also allowed a rebuttal after all speakers have been heard; three additional minutes will be allowed.
5. All other speakers will be given three minutes.
6. No speaker is permitted to accumulate speaking time from another person.
7. Time devoted to answering any questions from the Commission is not charged against allotted speaking time.
8. The Commission reserves the right to limit speakers if it is the Commission's judgement that an issue has been sufficiently discussed and additional speakers are repetitive.
9. The Commission reserves the right to stop speakers who are unruly or abusive.

**NOTE:** The Tower Commission may only act to approve or disapprove the placement of a tower under Chapter 41, Article III, City of Houston Code of Ordinances.

# HOUSTON TOWER COMMISSION

## Agenda

**February 25, 2013**

Meeting to be held in the City Hall Annex  
Council Chamber Public Level  
900 Bagby

3:30 p.m.

Call to order

Secretary's Report

- I. Approve the December 10, 2012 Tower Commission Meeting minutes
- II. Public hearing and consideration of waiver request  
12-T- 0648 – 3930 Gibson Street
- III. Public Comment
- IV. Adjournment

**MINUTES OF THE HOUSTON TOWER COMMISSION**  
**Monday, December 10, 2012**  
**Held at City Hall Annex Building, City Council Chamber, Public Level,**  
**900 Bagby Street, Houston TX 77002**  
**3:30 p.m.**

**CALL TO ORDER**

Chairman, Rob Todd, called the meeting to order at 3:38 p.m. with a quorum present. The following commission members noted with "P" were present during all or portions of the meeting and the members noted with "A" were absent.

Rob Todd	P
Rodney Louis Jones	P
John Melcher	P
Ignacio Osorio	P
Dr. Shin-Shem Steven Pei	P
Antonio M. Salinas	P
Christy B. Smidt	P

**SECRETARY'S REPORT**  
**NONE**

**I. APPROVAL OF THE February 27, 2012 TOWER COMMISSION MINUTES**

Motion was made by Mr. Jones, seconded by Mr. Melcher to approve the February 27, 2012 Tower Commission minutes. Motion carried unanimously.

**II. 2013 TOWER COMMISSION DATES**

Motion was made by Dr. Pei, seconded by Mr. Osorio and Ms. Smidt to approve the 2013 Tower Commission Dates. Motion carried unanimously.

**III. PUBLIC COMMENT**

Speaker- Teresa Geisheker.

**IV. ADJOURNMENT**

There being no further business before the Commission, Chairman Rob Todd adjourned the meeting at 3.50 p.m. Motion was made by Mr. Osorio, seconded by Mr. Jones to adjourn the meeting.

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**Rob Todd, Chairman**

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**Marlene L. Gafrick, Secretary**

**HOUSTON TOWER COMMISSION**  
**AGENDA ITEM: II**

MEETING DATE: February 25, 2013

**TOWER APPLICATION AND PUBLIC HEARING REQUEST - STAFF REPORT**

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<b>LOCATION:</b>	<b>File No.</b>	<b>Zip</b>	<b>Lamb No.</b>	<b>Key Map</b>
3930 Gibson Street	12-T-0648	77007	5357	492M

**APPLICANT:** Verizon Wireless  
Shep Poland

**APPLICATION DATE:** December 14, 2012

**NORTH OF:** Feagan Street

**EAST OF:** Leverkusuhn Street

**EXISTING USE:** Non-residential

**PROPOSED USE:** 99' monopole tower

**PROPOSED TOWER USERS:** Verizon and others

**WAIVERS REQUESTED:**

- 1) To allow placement of a tower in a residential area;
- 2) To allow placement of a tower within the setback area;
- 3) To allow placement of a tower within 1000' of a permitted tower

**RELEVANT TOWER ORDINANCE WAIVER PROVISIONS:**

41-53(b): In a residential area, a tower permit shall not be approved for the construction or alteration of a tower structure.

41-53(c): A tower permit shall not be approved for the construction or alteration of a tower structure unless the proposed tower structure is located a distance at least equal to the applicable setback area established by subsection (g).

41-53(g): A tower permit shall not be approved for the construction or alteration of a tower structure unless the distance between the center of the base of a tower and the nearest residential lot is at least one and one-half times the height of the tower or tower structure.

41-53(h): A tower permit shall not be approved for the construction or alteration of a tower structure within 1000' of an approved tower structure, other than a tower structure for which a permit would not be required under this article.

**BASIS OF REQUEST:**

Applicant states that there is no location in the area to place a tower that will provide sufficient coverage to customers as required per Verizon Wireless' FCC license. Existing residential uses in the area were constructed after the existing 205' tower (that is planned to be replaced) was built. The proposed and shorter 99' tower will have a lesser impact on the surrounding residential uses. The nearby AT& T tower is not of sufficient height and is currently at 99% capacity and will not support additional equipment.

**STAFF COMMENTS:**

<b>Approval Criteria</b>	<b>Staff Findings</b>
Tower is not prohibited by deed restrictions	Property is not deed restricted
Tower is not located in a residential area Residential test area is a 375' radius measured from the base of the tower. <ul style="list-style-type: none"> <li>▪ Less than 50% of the tracts or parcels are used or restricted for residential purposes</li> </ul>	Tower is located in a residential area  95.8% of the tracts or parcels in the residential area are used for residential purposes.
Tower is not within a scenic area, in a park or on a tract of land surrounded by a park	No
Tower must setback 1-1/2 times the height of the tower from residential (149')	Distance to the nearest residence is approx. 26.5'
Must not be within 1,000' of an approved tower structure	There is an approved tower structure within 470''

**CRITERIA FOR CONSIDERATION OF A TOWER APPLICATION WAIVER REQUEST:**

Per 41-59 (d): The commission is authorized to consider and grant a waiver from the provisions of this article, following a public hearing, when the commission finds that each of these conditions exist:

- (1) That a literal application of this article will result in undue and unnecessary hardship to the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business
- (2) The waiver, if granted, will not be contrary to the public interest as implemented in this article;
- (3) Consistent with the city's police power authority over towers, the waiver, if granted, will not be detrimental to the public health, safety, or welfare;
- (4) the waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city;
- (5) the waiver, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park;

**ADDITIONAL CRITERIA FOR CONSIDERATION OF TOWER APPLICATION WAIVER REQUEST (1000'):**

Per 41-59 (e): A waiver from the requirements of section 41-53(h) of this Code for an antenna tower shall not be granted unless, in addition to finding that each of the conditions expressed in subsection (d) above is satisfied, the commission, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:

- (1) The approved tower or tower structure located within 1,000 feet of the proposed tower will not meet the applicant's engineering requirements;
- (2) The approved tower or tower structure located within 1,000 feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;
- (3) The approved tower or tower structure located within 1,000 feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;

(4) The antenna array of the approved tower or tower structure located within 1,000 feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within 1,000 feet of the approved tower would cause interference with the antenna array of the approved tower;

(5) The approved tower or tower structure located within 1,000 feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;

(6) The approved tower or tower structure located within 1,000 feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable terms necessary to accommodate the requirements for the proposed antenna; or

(7) The approved tower or tower structure located within 1,000 feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.

DRAFT

## APPLICANT JUSTIFICATION:

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### CRITERIA FOR CONSIDERATION OF A TOWER APPLICATION WAIVER REQUEST:

Per 41-59 (d): The commission is authorized to consider and grant a waiver from the provisions of this article, following a public hearing, when the commission finds that each of these conditions exist:

(1) That a literal application of this article will result in undue and unnecessary hardship to the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business

***There is no location in this area to place a tower that would meet the requirement. The area is overwhelmingly residential (within the 375' test area is 118 residential to 6 non-residential), the majority of which has been constructed after the tower that is planned to be replaced was built.***

***Verizon Wireless has an FCC license to operate at this location in order to provide coverage to customers and is unable to provide the coverage mandated by this license without a site in this area.***

(2) The waiver, if granted, will not be contrary to the public interest as implemented in this article because...;

***The proposed 99' tower does not meet the setback requirement (148.5'). It will be 26.5' from the nearest residential structure. There are 8 residential properties in the proposed setback area. In comparison, the tower that is to be replaced is 203' tall and is 35' from the nearest residential structure. The prescribed setback under the tower ordinance would be 304.5'. There are over 100 residences in this setback area. There would be approximately 75% fewer residences included in the setback area for the proposed tower than are in what would be the setback area for the existing tower.***

***If granted, this waiver will result in a new shorter tower at this location which will continue to provide cell phone coverage in this area with a more compact facility that will have less impact on the neighborhood and will not be contrary to the public interest.***

(3) Consistent with the city's police power authority over towers, the waiver, if granted, will not be detrimental to the public health, safety, or welfare

***The proposed tower will not be detrimental to the public health, safety or welfare because it will be built within the prescribed Federal standards for radio towers/equipment installations. The proposed tower will be built to meet all required building codes and standards.***

(4) the waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city

***There are no other ordinances, regulations or statutes that would prohibit the construction of the tower if it is approved by the tower commission; all applicable building permits will be obtained from the City.***

(5) the waiver, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park

***There are no deed restrictions or zoning regulations that prohibit the construction of the tower at this location. The site is not in a park.***

## APPLICANT JUSTIFICATION:

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### ADDITIONAL CRITERIA FOR CONSIDERATION OF TOWER APPLICATION WAIVER REQUEST (1000’):

Per 41-59 (e): A waiver from the requirements of section 41-53(h) of this Code for an antenna tower shall not be granted unless, in addition to finding that each of the conditions expressed in subsection (d) above is satisfied, the Commission, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:

(1) The approved tower or tower structure located within 1,000 feet of the proposed tower will not meet the applicant's engineering requirements;

(2) The approved tower or tower structure located within 1,000 feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;

***Verizon Wireless requires a centerline of no lower than 94’ for antennas. The AT&T tower located at 4009 Gibson Street cannot accommodate the needs of the Verizon Wireless network system. Per the attached communication from the AT&T, the highest available space on the tower is 72’***

(3) The approved tower or tower structure located within 1,000 feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;

***The AT&T tower does not have the structural integrity to accommodate Verizon Wireless equipment. The tower and the base are both currently at 99% capacity and will not support additional equipment.***

(4) The antenna array of the approved tower or tower structure located within 1,000 feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within 1,000 feet of the approved tower would cause interference with the antenna array of the approved tower;

(5) The approved tower or tower structure located within 1,000 feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;

(6) The approved tower or tower structure located within 1,000 feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable terms necessary to accommodate the requirements for the proposed antenna; or

(7) The approved tower or tower structure located within 1,000 feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.

**Exhibit 1: Area Map & Aerial**



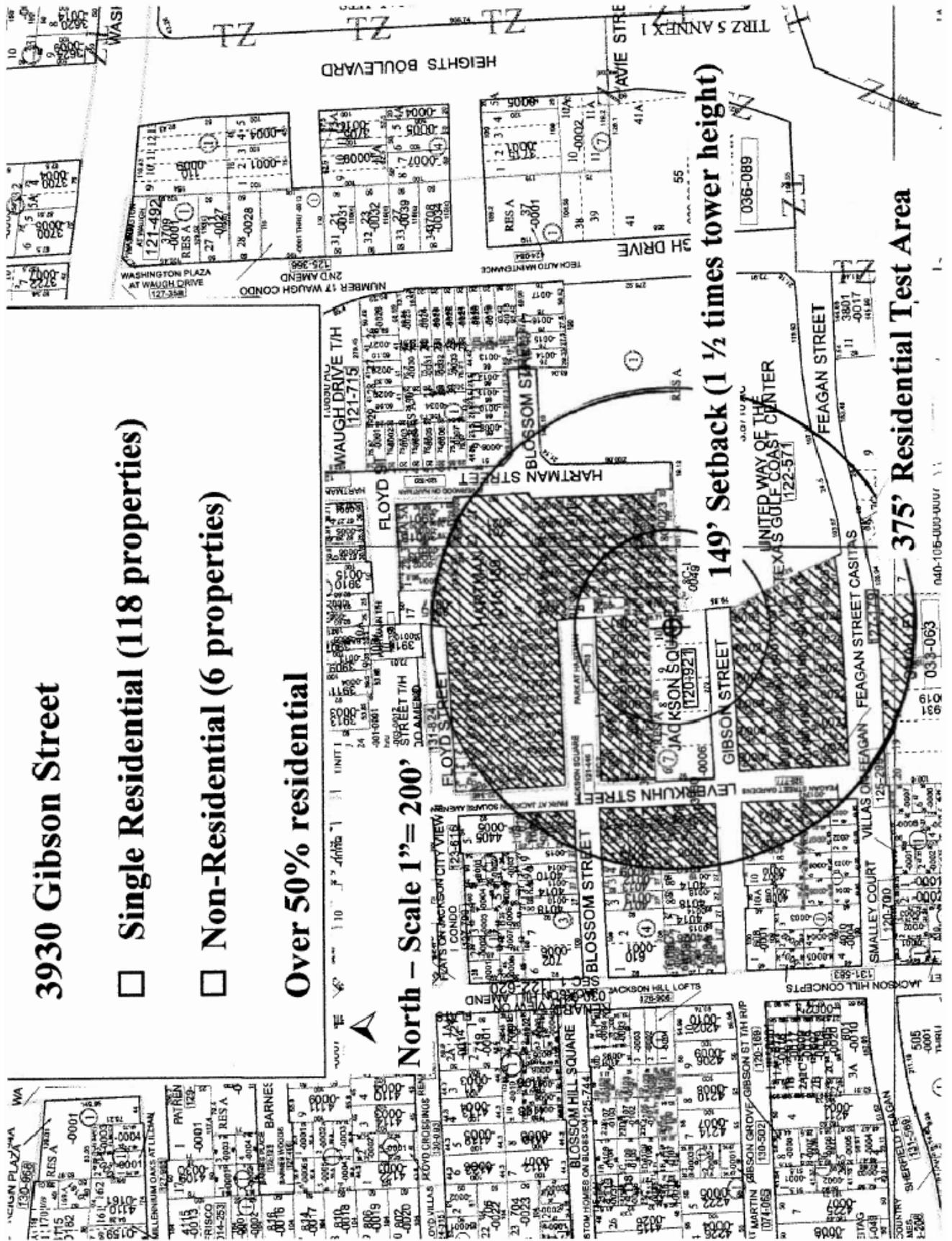
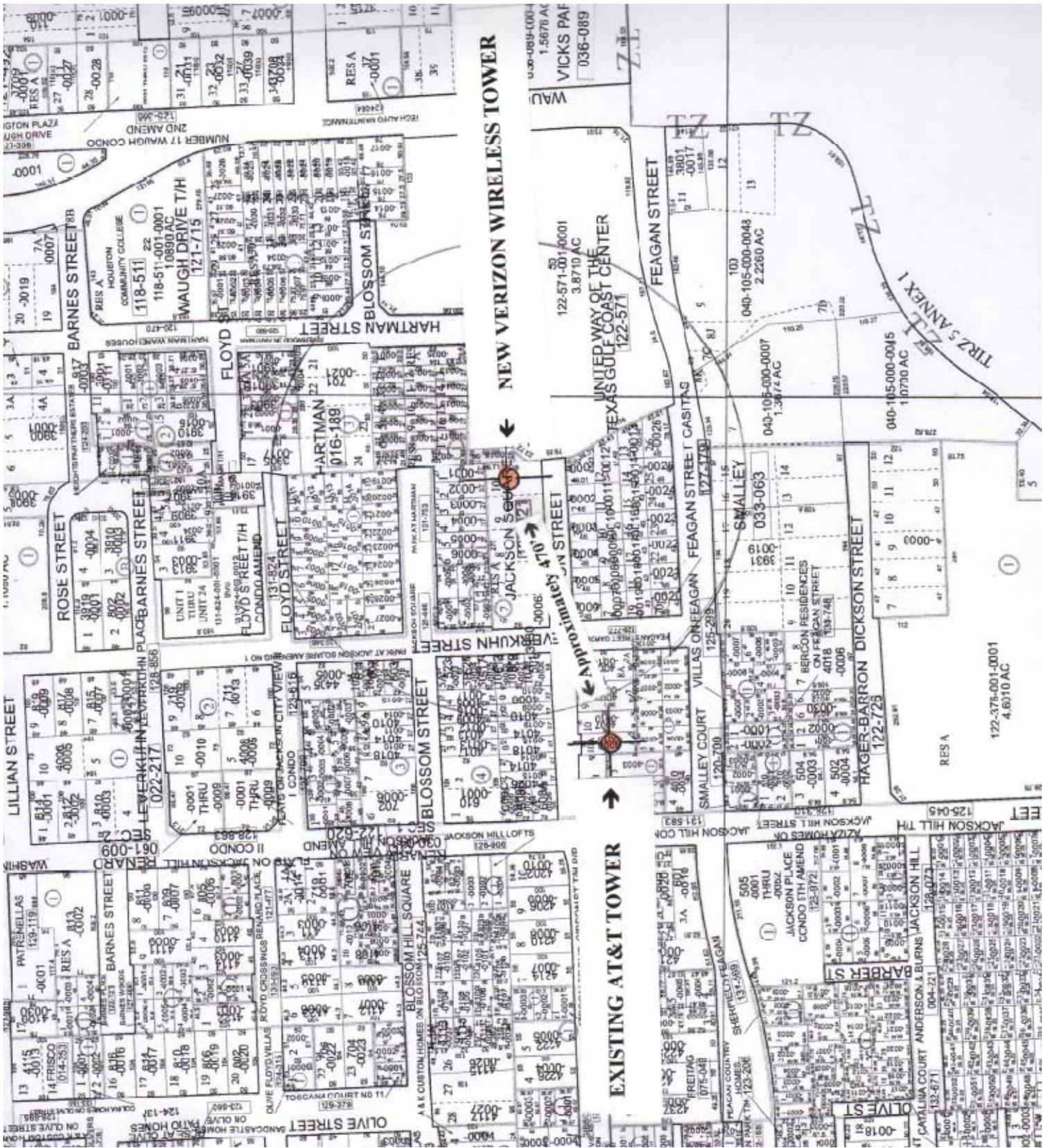


Exhibit 4: Map showing permitted tower within 1000'



## Exhibit 5: AT&T Communication

### Shep Poland

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**From:** CONDER, LUKE  
**Sent:** Monday, November 05, 2012 11:24 AM  
**To:** Shep Poland  
**Subject:** 56024 RE: gibson street tower collocation request

Shep the 100' CL is not available.  
The Tower is currently has four carriers on it, and is at 99% capacity.

VZW can Colo at:  
CL available for Colo is 72'.  
Note the tower and foundation are both is at 99%. Foundation and Tower mods or tower replacement are likely needed to accommodate the install.

Thank you for your business!

Luke Conder, SSGB  
South Central Region (TX) Account Manager  
AT&T Towers

Serving all those great people and places that stake their claim  
**South of the Red River, North of the Rio Grande and West of the Sabine River.**

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**From:** Shep Poland [<mailto:shep.poland@gmail.com>]  
**Sent:** Monday, November 05, 2012 10:48 AM  
**To:** CONDER, LUKE  
**Subject:** gibson street tower collocation request

Luke:

Verizon Wireless is requesting information on a collocation possibility on AT&T tower #56024, located at 4009 Gibson Street, Houston, TX. The proposed equipment for the tower would be at least 9 new panel antennas and 18 new 1 5/8" coaxial cables. The minimum desired height for the new antennas would be 100'. Does AT&T have available space on the tower for the Verizon Wireless equipment?

Thanks for your help.

Shep Poland  
Shep Poland Realty  
P.O. Box 647 (mailing)  
3500 CR 166 (delivery)  
Wharton, TX 77488