

# HOUSTON TOWER COMMISSION

## Agenda DRAFT

**Members:**

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

Patrick Walsh, P.E.  
Secretary

Monday  
May 18, 2015

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 28, Article XVI, City of Houston Code of Ordinances.

This online document is preliminary and not official. It may not contain all the relevant materials and information that the Tower Commission will consider at its meeting. The official agenda is posted at City Hall 72 hours prior to the Tower Commission meeting. Final detailed packets are available at the Tower Commission meeting.

## **HOUSTON TOWER COMMISSION**

### **Agenda**

**May 18, 2015**

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 April 28, 2014 Tower Commission Meeting minutes
  
- II. Public hearing request  
15-T-0666 – 5830 2/3 Allday
  
- III. Public Comment
  
- IV. Adjournment

**MINUTES OF THE HOUSTON TOWER COMMISSION**  
**Monday, April 28, 2014**  
**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 3:37 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	A
Dr. Shin-Shem Steven Pei	P (arrived at 3:40 p.m.)
Antonio M. Salinas	A
Christy B. Smidt	P

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

**I. APPROVAL OF THE February 25, 2013 TOWER COMMISSION MINUTES**

Motion was made by Mr. Jones, seconded by Ms. Smidt, to approve the February 25, 2013 Tower Commission minutes. Motion carried unanimously. Mr. Melcher abstained.

**II. PUBLIC HEARING AND CONSIDERATION OF WAIVER REQUEST**  
**14-T- 0652 – 12335 ½ CULLEN STREET**

Motion was made by Mr. Jones, seconded by Ms. Smidt to approve the requested waivers. Motion carried unanimously.

Speaker(s) for Item II: Nick Longo (the applicant- supportive)

**III. PUBLIC COMMENT**

There were no speakers signed up for Public Comment; however Chairman Todd initiated a discussion as to the need, timing and mechanism by which the Tower Ordinance may be updated. Omar Izfar (Legal Department) did advise the Commission as to how such a process may be initiated. Chairman Todd asked that the Planning Department and Director to advocate for the updating of the Ordinance and advise the Commission on the way forward.

**IV. ADJOURNMENT**

There being no further business before the Commission, Chairman Rob Todd adjourned the meeting at 4:03 p.m. Motion was made by Mr. Melcher, seconded by Mr. Jones to adjourn the meeting.

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**Rob Todd, Chairman**

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**Patrick Walsh, P.E., Secretary**

**HOUSTON TOWER COMMISSION  
AGENDA ITEM: II**

MEETING DATE: May 18, 2015

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

<b>LOCATION:</b>	<b>File No.</b>	<b>Zip</b>	<b>Lamb No.</b>	<b>Key Map</b>
5830 2/3 Allday	15-T-0666	77036	5055	530B

**APPLICANT:** Verizon Wireless  
Josean Perez/Proteus

**APPLICATION DATE:** 03/02/2015

**SOUTH OF:** Harwin Drive

**WEST OF:** Allday Drive

**EXISTING USE:** Non-Residential (Commercial)

**PROPOSED USE:** 100' new monopole tower

**PROPOSED TOWER USERS:** Verizon Wireless

**WAIVERS REQUESTED:** Not Applicable

**RELEVANT TOWER ORDINANCE PROTEST PROVISIONS:** Per 28-533 (a): Any property owner, association or group within the residential area or setback area as applicable, who has reasonable grounds to believe that approval of an application for a tower permit, the granting of a waiver, or the proposed construction will violate any applicable restriction, rule, regulation, or ordinance may request a hearing before the commission to protest and present evidence establishing their allegations.

**BASIS OF PROTEST:** Gwo-Maan Shyu protests the tower location in the middle of a shopping and retail plaza due to leasing concerns, and also potential health risks.

**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 not located in a residential area  Less than 50% (0%) residential is within the residential test area
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 (150')	Distance to the nearest residential lot is 640'
Must not be within 1,000' of an approved tower structure	There is not an approved tower structure within 1000'

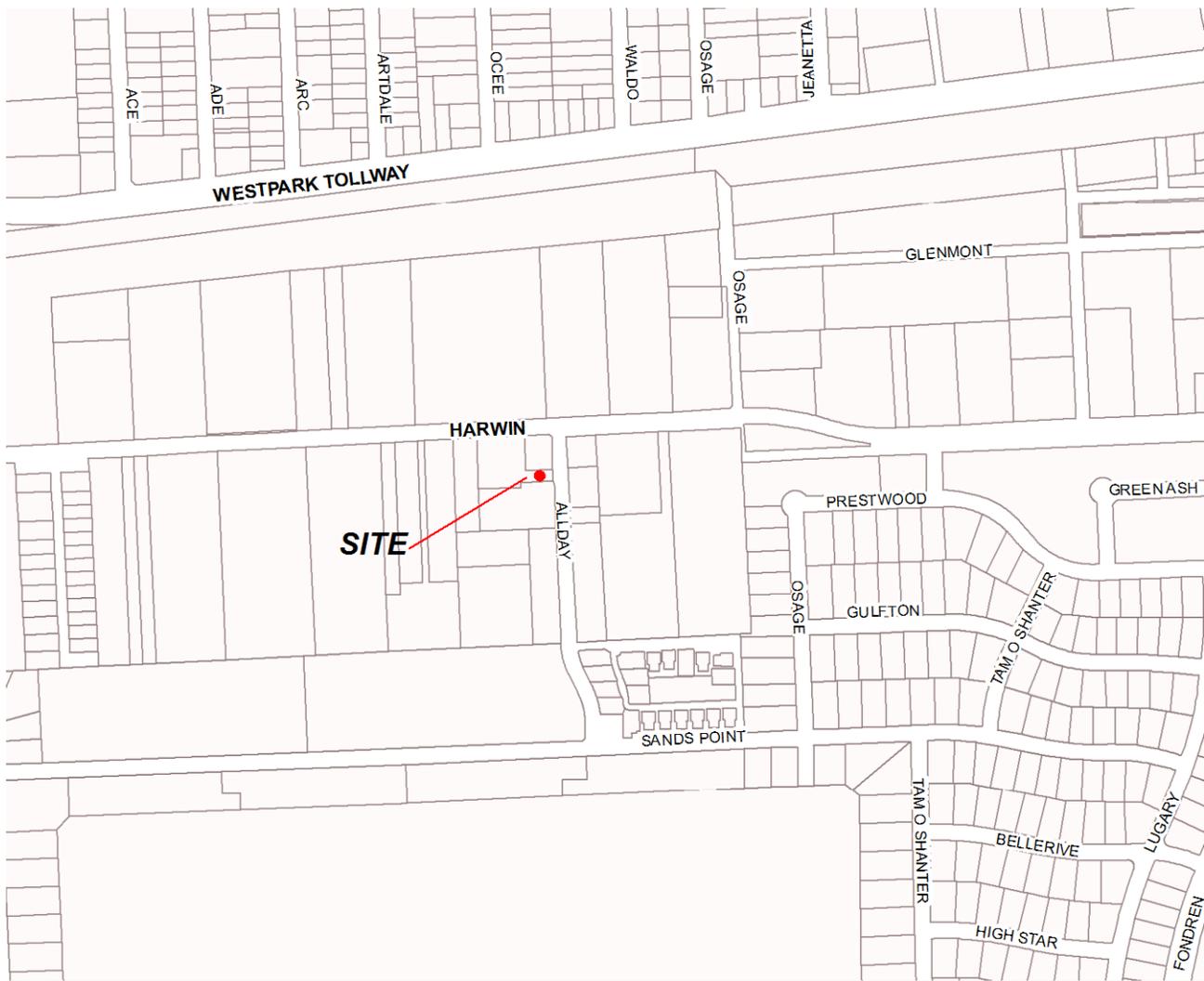
**CRITERIA FOR CONSIDERATION OF TOWER APPLICATION SUBJECT TO A PROTEST:**

Per 28-533 ( e ): The commission, following a public hearing, is authorized to deny a tower permit that is the subject of a protest under subsection (a) upon finding, based on substantial evidence, any of the following:

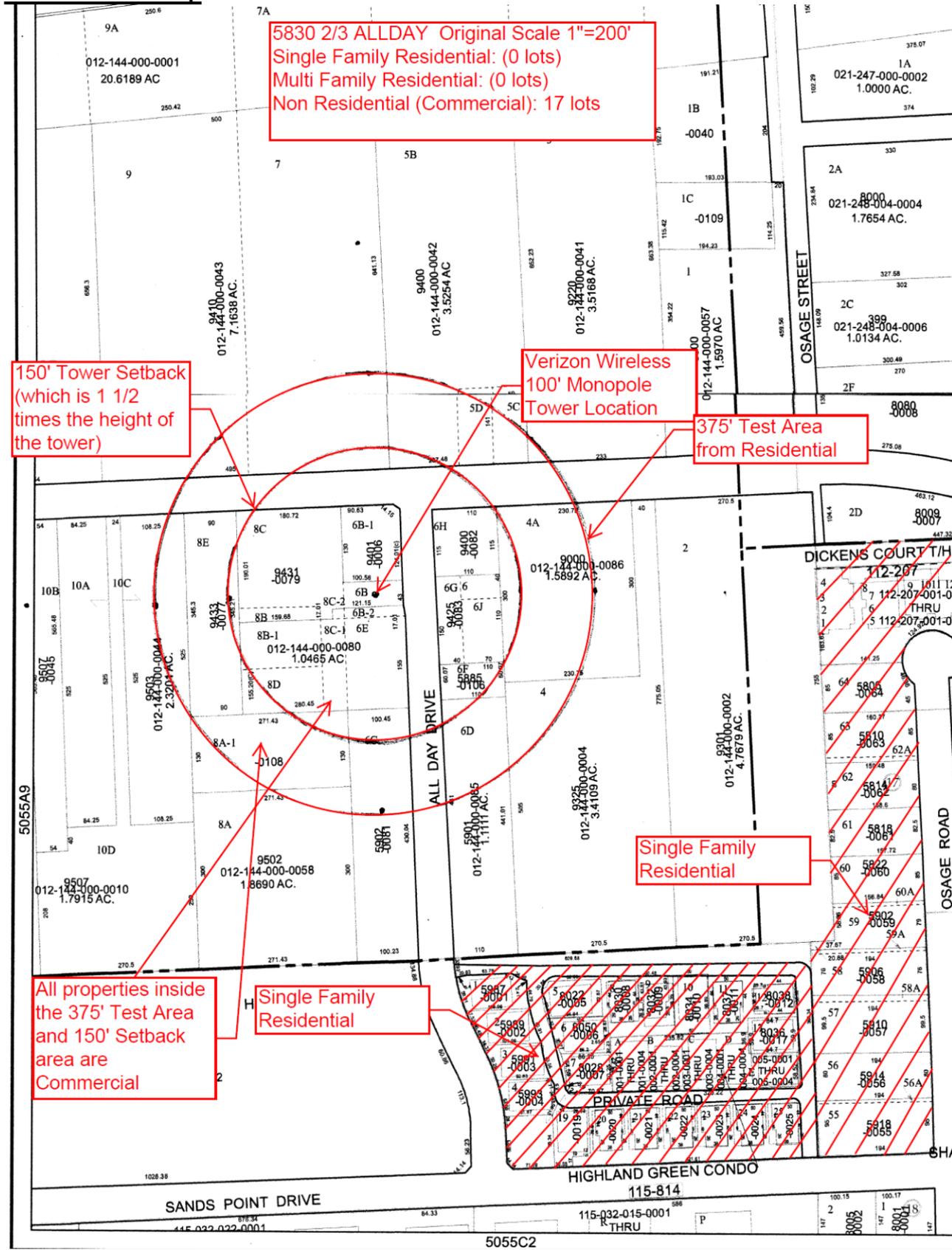
- 1.) The tower permit, if granted will result in the violation of an applicable rule, regulation or ordinance enforceable by the city;
- 2.) The tower permit, if granted, will result in the violation of an applicable deed restriction or zoning regulation; or
- 3.) The information contained in the application is erroneous or the department’s analysis of the permit application is based on erroneous information.

**Exhibit 1: Area Map**

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**Exhibit 2: Site Map**



### Exhibit 3: Written Protest

Gwo-Maan Shyu  
9429 Harwin Dr  
Houston TX 77036

April 4<sup>th</sup>, 2015

RE: Tower Application # 15-T-0666 at 5830 2/3 Allday Dr, Houston

Dear City of Houston Planning & Development Department Tower Commission:

It is with strong objection that I am writing this letter in regards to the proposed application for a 100 feet tall Verizon Wireless Tower at 5830 2/3 Allday Dr, Houston Texas 77036. The proposed Verizon Wireless Tower location is currently situated in a green space in the middle of a shopping & retail plaza at the corner of Harwin Drive and Allday Drive. The retail plaza is composed of 3 buildings with the following address (also shown on the picture embedded):

- 1) 9401 Harwin Dr (1 gas station)
- 2) 9429 Harwin Dr (2 general wholesalers)
- 3) 9431 Harwin Dr. (1 furniture wholesaler)

The installation of a potential Verizon Wireless Tower in the middle of a shopping plaza is already causing negative responses from retailers as well as shoppers of businesses located within. Retailers located at 9429 and 9431 have already expressed their intent on moving out upon the end of their current leases should set tower be installed. Having said that, as the owner and proprietor of the building at 9429 Harwin Dr, this not only negatively affects the leasing potential of the retail space within the area but also can negatively impact the future value of these properties. Recently, several real estate experts have addressed culprits that are label as "bad business" due to their nature in decreasing property value. One of these culprits is the installing of cell phone towers.



The general consumer still believes that living, working, or being near a cell phone tower can adversely increase the risk of cancer or other health related problems. I would also like to point out that I have not encountered any cell phone towers in the middle of any shopping retail plazas, especially this retail plaza at a very busy crossing between Harwin Drive and Allday Drive. Thus, without any evidence to refute potential health risks associated with cell phone towers and potential property value depreciations due to installation of environmental aesthetic culprits, I strongly object to the potential installation of a 100m Verizon Wireless Tower at 5830 2/3 Allday Dr.

*Gwo Maan Shyu*  
Gwo-Maan Shyu