

HOUSTON TOWER COMMISSION

Agenda DRAFT

Members:

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

Patrick Walsh, P.E.
Secretary

Monday
April 25, 2016

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

April 25, 2016

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 February 22, 2016 Tower Commission Meeting Minutes

- II. Public Hearing and Consideration of a waiver request
16-T-0672 8702 2/3 Forest Point Drive, Humble, TX.

- III. Public Comment

- IV. Adjournment

MINUTES OF THE HOUSTON TOWER COMMISSION
Monday, February 22, 2016
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 3.32 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	A
Antonio M. Salinas	A
Christy B. Smidt	P Arrived at 3:40 pm

SECRETARY'S REPORT
NONE

I. APPROVAL OF THE APRIL 28, 2014 TOWER COMMISSION MINUTES

Motion was made by Mr. Melcher, seconded by Mr. Jones to approve the April 28, 2014 Tower Commission minutes. Motion carried unanimously.

II. PUBLIC HEARING REQUEST
15-T- 0666 – 5830 2/3 ALLDAY

Motion was made by Mr. Osorio, seconded by Ms. Smidt to approve the requested tower permit application. Motion carried unanimously.

Speaker(s) for Item II: Josean Perez, applicant –supportive; Dr. John Shyu - opposed

III. PUBLIC COMMENT
NONE

IV. ADJOURNMENT

There being no further business before the Commission, Chairman, Rob Todd adjourned the meeting at 4.17 p.m. Motion was made by Mr. Melcher, seconded by Mr. Jones to adjourn the meeting. Motion carried unanimously.

Rob Todd, Chairman

Patrick Walsh, P.E., Secretary

AGENDA ITEM: II

TOWER APPLICATION AND WAIVER REQUEST - STAFF REPORT

LOCATION:	File No.	Zip	Lamb No.	Key Map
8702 2/3 Forest Point Drive, Humble, TX	16-T 0672	77338	5568D	335N

APPLICANT: EcoSite. Dave Petrakovitz

APPLICATION DATE: 12/21/2015

NORTH OF: FM 1960

WEST OF: Eastex Freeway (US-59)

EXISTING USE: Non-Residential (Commercial)

PROPOSED USE: 100' new cellular monopole

PROPOSED TOWER USERS: EcoSite.

WAIVERS REQUESTED: To allow placement of a tower in a residential area.

RELEVANT TOWER ORDINANCE WAIVER PROVISIONS: 28-524 (b): In a residential area, a tower permit shall not be approved for the construction or alteration of a tower structure.

BASIS OF REQUEST: At the request of T-Mobile, EcoSite as the proposed tower owner/operator has designed a monopole structure that will accommodate potential needs future tenants as well. The structure meets all requirements of the code other than being within a residential test area and will significantly improve the coverage for subscribers living in, working in and traveling through the area. EcoSite asks that the request for a waiver be granted, so that the wireless infrastructure in Houston may be improved.

STAFF COMMENTS:

Approval Criteria

Staff Findings

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 600' radius measured from the base of the tower. <ul style="list-style-type: none"> ▪ More than 50% of the tracts or parcels are used or restricted for residential purposes 	Tower is located in a residential area Over 50% (87.5%) 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	The tower is not within a scenic area, park or in a tract of land surrounded by a park as defined by the ordinance.
Tower must setback 1-1/2 times the height of the tower from a residential lot (180')	Distance to the nearest residential lot is 295'
Must not be within 1,000' of an approved tower structure	There is not an approved tower structure within 1000' (see basis of request.)

CRITERIA FOR CONSIDERATION OF A TOWER APPLICATION WAIVER REQUEST:

Per 28-532 (d) (formerly 41-59):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:

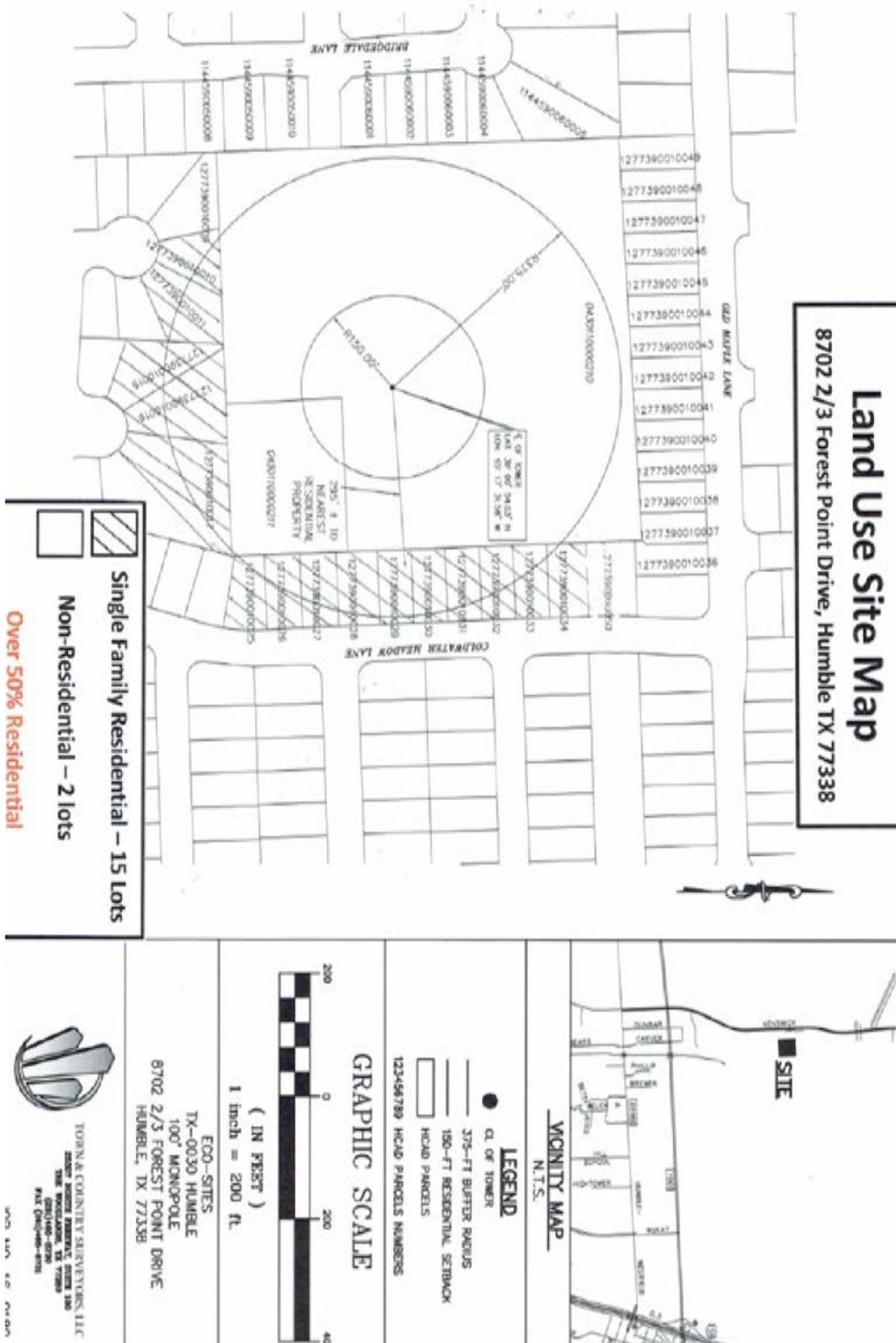
- 1.) That a literal application of this article will result in undue and unnecessary hardship to the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business;
- 2.) The waiver, if granted, will not be contrary to the public interest as implemented 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; and
- 5.) The waiver, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of the tower in a park.

Exhibit 1: Area Map



Exhibit 2: Site Map

8702 2/3 Forest Point Drive, Humble, TX



Houston Tower Commission

File No.: 15-T-0672

Tower Permit Waiver Application

Date: 23 / Feb / 2016

APPLICANT INFORMATION:

Site address: 8702 2/3 Forest Point Drive, Humble, TX

Tower Company: EcoSite

Contact person: Dave Petrakovitz Title: Agent

Phone: 281-701-0604 FAX: N/A Email: dpetrakovitz@pyramidns.com

The waiver application request must be completed in full and include the appropriate studies, investigations, and colored coded maps. Applicants must provide 12 copies of supporting documentation with the waiver application. A separate application is required for each waiver.

WAIVER REQUEST:

Specify City Code reference and standard subject to waiver:

Reason for waiver: Proposed Tower fails the Residential Test Area

WAIVER JUSTIFICATION:

Following a public hearing, the Tower Commission is authorized to consider and grant a waiver according to the five provisions delineated in Chapter 41, Article III, Section 41-59. Provide an attachment to this form repeating the following conditions with a response for justification of the waiver for each of the by showing that:

1. *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 because...;*
2. *the waiver, if granted, will not be contrary to the public interest as implemented in this article because...;*
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 because...;*
4. *the waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city because...; and*
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 because....*

Tower permit applications that do not comply with Section 41-53(h) regarding the 1,000-foot tower separation standard must also complete Tower Permit Waiver Application – Page 2.

TOWER WAIVER REQUEST: 8702 2/3 Forest Point Drive

Applicant's Request and Statement of Support

Tower Ordinance 28-532, formerly Sec 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;**

Due to the rapid and continuing development in the area of the proposed tower, the trend toward greater use and reliance on wireless telecommunications as a user's sole source of telephonic communication, and the increased demand placed on existing systems by newer smart phone technology without a tower located in the proposed area the carrier will soon be unable to meet their obligation to provide reliable and effective cellular coverage to the area

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

The recognized public interest in a reliable and effective means of telecommunications will be served by the granting of this waiver. Due to the increased demand on cellular communications systems that has accompanied the recent growth and development in the area, the expanding use of smartphones, the increased use of cellular communications facilities by police, fire, ambulance and other emergency services and the near constant use of mobile applications such as moving maps, weather data, and local traffic and news it has become necessary for improvements to be made to the cellular infrastructure.

In order to achieve the high download rates required as well as to offer more bandwidth, better coverage and more reliable e911 access throughout the coverage area additional communications facilities must be constructed. This proposed site will not only fill coverage gaps but will enhance 4G data service to all users in the surrounding area. Since the primary benefit of a wireless telecommunications system is the ability to transfer calls seamlessly from location to location, a network of facilities is essential. Without a facility at or near this location, the carrier may be unable to provide reliable coverage in the near future.

- (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 telecommunications facility will not only meet or exceed all applicable federal and City regulations, building, and safety codes but the manner of its location it will not be out of character for the surrounding area. In fact, the proposed communication tower will be located adjacent to MUD 26's water treatment plant. It will be constructed within a stand of trees that will screen it from the surrounding properties. And, the tower will be built on land that currently has an existing high voltage transmission line easement, with two tall transmission line towers and several low voltage distribution line poles running along the entire northern property line

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

The proposed tower has been designed to meet all ordinances, regulations, or statutes, including all adopted or promulgated building codes, enforceable by the City of Houston.

(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.

The land the proposed tower will be located on is not deed restricted against non-residential use and was in fact purposefully excluded from the residential use requirements of the common plan by the developer in order to meet the non-residential needs of the homeowners. The tower will not violate any applicable deed restriction or zoning regulation and is not located in a park or scenic area as defined by the City of Houston Tower Ordinance.

Conclusion

At the request of T-Mobile, EcoSite as the proposed tower owner/operator has designed a monopole structure that will accommodate potential needs future tenants as well.

The structure meets all requirements of the code other than being within a residential test area and will significantly improve the coverage for subscribers living in, working in and traveling through the area.

EcoSite asks that the request for a waiver be granted, so that the wireless infrastructure in Houston may be improved.