

# 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  
June 27, 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**

**June 27, 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 May 23, 2016 Tower Commission Meeting Minutes
  
- II.** Public Hearing and Consideration of a waiver request
  - 1) 16-T-0674 7723 2/3 Lockwood Drive, Houston, TX. (Defer)
  - 2) 16-T-0675 14200 2/3 Memorial Drive, Houston, TX.
  
- III.** Public Comment
  
- IV.** Adjournment

**MINUTES OF THE HOUSTON TOWER COMMISSION**  
**Monday, May 23, 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 3.36 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
John Melcher	A
Ignacio Osorio	A
Dr. Shin-Shem Steven Pei	P
Antonio M. Salinas	P
Christy B. Smidt	P

**SECRETARY'S REPORT**

None

**I. APPROVAL OF THE APRIL 25, 2016 TOWER COMMISSION MINUTES**

Motion was made by Mr. Pei, seconded by Ms. Smidt to approve the April 25, 2016 Tower Commission minutes. Motion carried unanimously.

**II. PUBLIC HEARING AND CONSIDERATION OF A WAIVER REQUEST  
16-T- 0674 – 7723 2/3 LOCKWOOD DRIVE, HOUSTON, TX.**

Motion was made by Ms. Smidt, seconded by Mr. Pei to defer the requested waiver request for a month to give staff time to determine the ownership of the property. Motion carried unanimously. Speaker for Item II: Randy Petrakovitz, applicant and Tia Etter Belford – supportive; Robert Spencer – opposed.

**III. PUBLIC COMMENT  
NONE**

**IV. ADJOURNMENT**

There being no further business before the Commission, Chairman, Rob Todd adjourned the meeting at 4.11 p.m. Motion was made by Mr. Pei, seconded by Mr. Salinas to adjourn the meeting. Motion carried unanimously.

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**Rob Todd, Chairman**

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**Michael Kramer, Secretary**

**AGENDA ITEM: II - 1**

**TOWER APPLICATION AND WAIVER REQUEST - STAFF REPORT**

<b>LOCATION:</b>	<b>File No.</b>	<b>Zip</b>	<b>Lamb No.</b>	<b>Key Map</b>
7723 2/3 Lockwood Dr, Houston TX	16-T 0674	77028	5560	454L

**APPLICANT:** EcoSite. Dave Petrakovitz

**APPLICATION DATE:** 4/14/2016

**NORTH OF:** Bennington St

**WEST OF:** Homestead Rd

**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 375' radius measured from the base of the tower. <ul style="list-style-type: none"> <li>▪ More than 50% of the tracts or parcels are used or restricted for residential purposes</li> </ul>	Tower is located in a residential area  Over 50% (74%) 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 (150')	Distance to the nearest residential structure is 151'
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:

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- 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.
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**Exhibit 1: Area Map**

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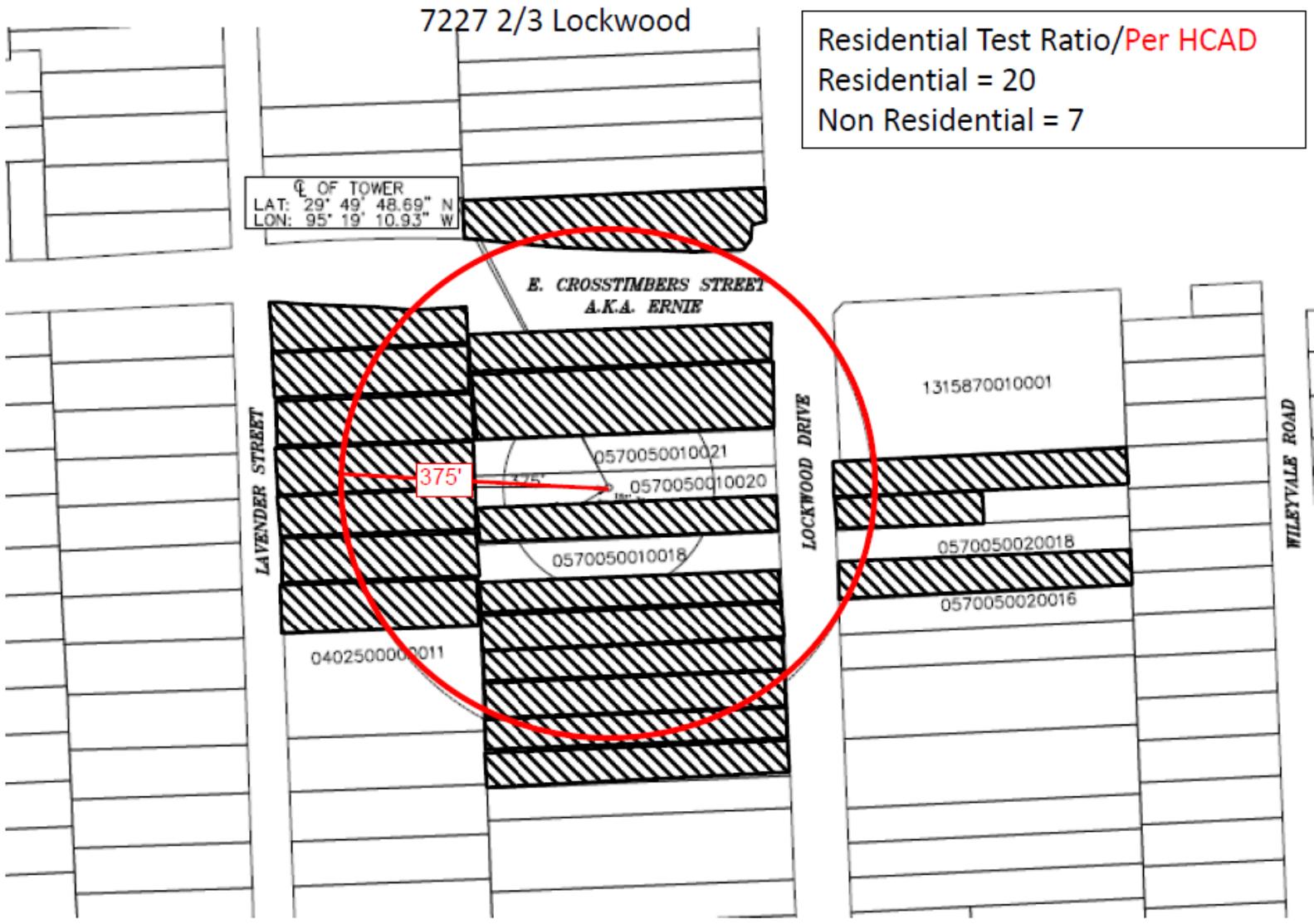


Exhibit 2: Site Map

**7723 2/3 Lockwood Drive, Houston Tx**

Hatched represent residential

Residential Test Ratio/**Per HCAD**  
Residential = 20  
Non Residential = 7



## Tower Permit Waiver Application

Date: 5 / 23 / 16  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

### APPLICANT INFORMATION:

Site address: 7723 2/3 Lockwood St, Houston, TX 77016

Tower Company: EcoSite

Contact person: Dave Petrakovitz Title: Agent

Phone: 281/701-0604 FAX: / 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: Section 28-524: Location of Towers: Residential Test Ratio is greater than 50%

### 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**.

### WAIVER Application Certification

Signature of applicant or agent: \_\_\_\_\_

Print Name: \_\_\_\_\_

I certify that all the information on this application is true and correct.

# TOWER WAIVER REQUEST: 7727 2/3 Lockwood St

## Statement of Support

### **Tower Ordinance 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 exists:

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- (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;**

The actual preferred location for additional cellular antenna was approximately 1600 feet southwest of the proposed site. That location was in the middle of a single family platted residential neighborhood. Much of the land in and around the proposed site is also single family usage but interspersed with vacant lots and commercial land uses. The Lockwood Street location was chosen as the spot with the least residential uses nearby and on a deep lot which would give the maximum distance from the tower base to the widest number of homes as well as to minimize the visual impact to the surrounding local residential neighborhood while still being able to provide enhanced cellular coverage to the surrounding area. EcoSite has attempted to locate the tower base as far back on the lot as possible to minimize views of the tower while balancing the need to be as far from residential structures as possible.

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

The proposed site offers multiple benefits from a providing increased coverage capacity and enhanced high speed cellular signal to residents and businesses alike. The location of this tower will provide enhanced E911 coverage for users of the system. Moreover, the proposal furthers the City's policy of collocation by being designed to accommodate up to three additional carrier's antennas.

The proposed site enhances the general welfare of the community by providing the infrastructure for E911 calls, as well as providing vital means of communication during times of emergency when traditional land lines are not available or in cases of power failure.

- (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;**

LTE technology (the communication system T-Mobile's networks use) is similar to the older cellular services introduced more than 20 years ago, but with additional enhanced features. An extension of the land-line telephone system, LTE & GSM technology utilizes radio waves in place of wires to transmit and receive calls. It is similar to radio and TV broadcasts, but the signals utilized by wireless telephones are much weaker, as they utilize two-way communication (handset to base station and vice-versa) and provide signal to a smaller service area. T-Mobile operates in the 1800 to 2000 megahertz range of the UHF band. T-Mobile's antenna will be operating at an ERP of 100-1000 watts maximum (similar power levels to a remote control car, heating blanket, or hair dryer), well within Federally-mandated requirements.

The proposed communications facility will not interfere with either television or radio reception, as T-Mobile is licensed by the FCC to operate in a very specific frequency at a different location on the spectrum.

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

The facility will be fenced and locked, accessed by a private drive. The facility will emit no noise, glare or odor, and will have no signage other than those required by the FCC for identification. The facility will comply with the strict guidelines of the FCC and FAA, which are designed to protect public safety. To ensure structural integrity of the tower, T-Mobile will construct and maintain it in compliance with all federal, state, and local building codes and standards, and it will be engineered to local wind speed requirements.

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**(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 known applicable Deed Restrictions governing the location of this proposed tower. The proposed facility is not near any parks, and does not violate any zoning regulations.

**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 (although actual historical land usage is for light industrial, horse pasturage and scatter residential usage) 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.

**AGENDA ITEM: II - 2**

**TOWER APPLICATION AND WAIVER REQUEST - STAFF REPORT**

<b>LOCATION:</b>	<b>File No.</b>	<b>Zip</b>	<b>Lamb No.</b>	<b>Key Map</b>
14200 2/3 Memorial Drive, Houston, TX.	16-T 0675	77079	4857	489E

**APPLICANT:** American Tower. Dave Petrakovitz

**APPLICATION DATE:** 05/12/2016

**NORTH OF:** Memorial Drive.

**WEST OF:** N Kirkwood Road.

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

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

**PROPOSED TOWER USERS:** American Tower.

**WAIVERS REQUESTED:** To allow placement of a tower in a residential area and to allow a setback that is less than what is required by the ordinance.

**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.  
28-524 (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.

**BASIS OF REQUEST:** At the request of American Tower as the proposed tower owner/operator has designed a monopole structure that will replace an existing tower located 155 feet to the northeast of the proposed tower. The proposed tower will allow the carriers on the existing tower to upgrade the current cellular coverage to LTE/4G and continue the coverage which has existed at this location for over 15 years. Also, the proposed tower will have a setback of 93 feet which is bigger than the current setback of the existing tower which is 60feet.The structure meets all requirements of the code other than being within a residential test area and having a smaller setback than the one required by the ordinance. The proposed tower will significantly improve the coverage for subscribers living in, working in and traveling through the area. American Tower 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 375' radius measured from the base of the tower. <ul style="list-style-type: none"> <li>▪ More than 50% of the tracts or parcels are used or restricted for residential purposes</li> </ul>	Tower is located in a residential area  Over 50% (86%) 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 (150')	Distance to the nearest residential structure is 93'
Must not be within 1,000' of an approved tower structure	This is a replacement of an existing tower. Therefore, there will not be two towers 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**

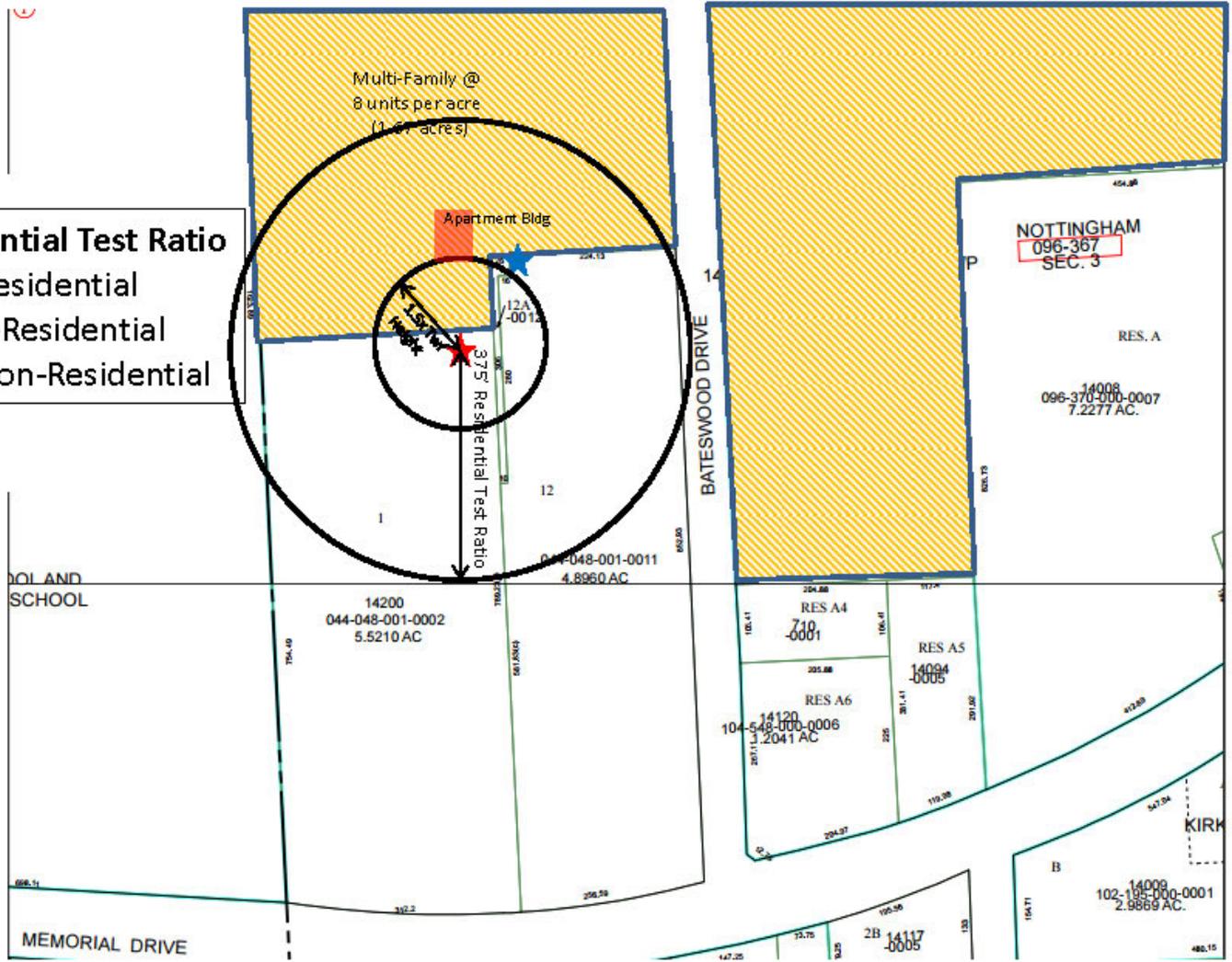


**Exhibit 2: Site Map**

14200 2/3 Memorial Drive, Houston, TX.

# 1400 2/3 Memorial Drive Land Use

**Residential Test Ratio**  
 24.8 Residential  
 4 Non-Residential  
 14% Non-Residential



★ Location of Proposed Tower

★ Location of Existing (to be removed) tower

## Tower Permit Waiver Application

Date: 6 / 27 / 16  
\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

### APPLICANT INFORMATION:

Site address: 14200 2/3 Memorial Drive, Houston, TX.

Tower Company: American Tower

Contact person: Dave Petrakovitz Title: Agent

Phone: 281/701-0604 FAX: / 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: Section 28-524: Location of Towers: Residential Test Ratio is greater than 50% and setback distance is less than one and one half – times the height of the tower or structure.

### 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:

6. 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...;
7. the waiver, if granted, will not be contrary to the public interest as implemented in this article because...;
8. 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...;
9. the waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city because...; and
10. 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**.

### WAIVER Application Certification

Signature of applicant or agent: \_\_\_\_\_

Print Name: \_\_\_\_\_

I certify that all the information on this application is true and correct.

# **TOWER WAIVER REQUEST: 14200 2/3 Memorial Drive**

## **Statement of Support**

### **Tower Ordinance 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 exists:

**(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;**

The proposed tower is intended to replace an existing tower located 155 feet to the northeast of the proposed tower. The proposed tower will also allow the carriers on the existing tower to upgrade the current cellular coverage to LTE/4G.

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

The proposed site is meant to continue the existing coverage which has existed at this location for over 15 years. To deny this tower application would be to deny the local residents of cellular coverage that they have enjoyed for over 15 years.

**(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 actually be placed further from residential structures than the existing tower (93 feet proposed versus 60 feet at present).

The proposed communications facility will not interfere with either television or radio reception, as all carriers in the tower are licensed by the FCC to operate in a very specific frequency at a different location on the spectrum.

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

The facility will be fenced and locked, accessed by a private drive. The facility will emit no noise, glare or odor, and will have no signage other than those required by the FCC for identification. The facility will comply with the strict guidelines of the FCC and FAA, which are designed to protect public safety. To ensure structural integrity of the tower, American Tower will construct and maintain it in compliance with all federal, state, and local building codes and standards, and it will be engineered to local wind speed requirements.

**(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 known applicable Deed Restrictions governing the location of this proposed tower. The proposed facility is not near any parks, and does not violate any zoning regulations.