

# 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

Marlene L. Gafrick,  
Secretary

Monday  
November 14, 2011

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.

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**

**November 14, 2011**

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 September 26, 2011 Tower Commission Meeting minutes
  
- II. Public hearing and consideration of waiver request  
11-T- 0634 5805 2/3 Edgemoor
  
- III. 2012 Tower Commission Dates
  
- IV. Public Comment
  
- V. Adjournment

**MINUTES OF THE HOUSTON TOWER COMMISSION**  
**Monday, September 26, 2011**  
**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 3:34 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	A
Ignacio Osorio	P
Dr. Shin-Shem Steven Pei	P
Antonio M. Salinas	P
Christy B. Smidt	A

**SECRETARY'S REPORT**

The Secretary's Report was given by Michael Schaffer, Deputy Director, Planning and Development Department. The Commission will be notified regarding the scheduled meetings for the remainder of the year depending on the submittal of applications.

**I. APPROVAL OF THE August 22, 2011 TOWER COMMISSION MINUTES**

Motion was made by Dr. Pei, seconded by Mr. Salinas to approve the August 22, 2011 Tower Commission minutes. Motion carried unanimously.

**II. PUBLIC HEARING REQUEST**  
**11-T-0631 – 6102 1/2 Ardmore**

Motion was made by Mr. Osorio, seconded by Mr. Jones to close the public hearing. Motion carried unanimously.

Motion was made by Mr. Jones, seconded by Mr. Salinas to deny the application based on 41-59 (d) (1) and (3). Motion carried unanimously.

Speaker for Item II: Dr. Edward Rashtie - applicant - supportive. Council Member Wanda Adams, Deidre Rasheed, representing Council Member Jolanda Jones, State Representative Al Edwards, Tomaro M. Bell, Robert Cenwel, Raphael Cepe, Bernard L. Middleton, Elsie Finley – opposed.

**III. PUBLIC COMMENT**  
**NONE**

**IV. ADJOURNMENT**

There being no further business before the Commission, Chairman Rob Todd adjourned the meeting at 5:03 p.m. Motion was made by Mr. Jones, seconded by Mr. Salinas to adjourn the meeting.

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**Rob Todd, Chairman**

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**Marlene L. Gafrick, Secretary**

**HOUSTON TOWER COMMISSION** MEETING DATE: **November 14, 2011**  
**AGENDA ITEM: II**

**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>
5805 2/3 Edgemoor Dr	11-T-0634	77081	5155	531F

**APPLICANT:** Global Tower Partners  
 Dave Petrakovitz

**APPLICATION DATE:** 10/10/2011

**NORTH OF:** Bissonett

**EAST OF:** Renwick

**EXISTING USE:** Lot (unrestricted)

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

**PROPOSED TOWER USERS:** Cricket, others

**WAIVER REQUESTED:** To allow placement within 1000' of a permitted tower.

**RELEVANT TOWER ORDINANCE PROVISIONS:** 41-53 (h); 41-59 (d) and (e)

**BASIS OF WAIVER REQUEST:** In addition to meeting 5 waiver provisions, Applicant states that the proposed tower meets 3 additional 1000' waiver provisions. The previously permitted tower is not of sufficient height to meet specific engineering criteria; T-Mobile radio frequency interference would be problematic, and the existing site is too small for equipment co-location.

**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% (37.5%) 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	No
Tower must setback 1-1/2 times the height of the tower from residential (150')	Distance to the nearest residential lot is 305'
Must not be within 1,000' of an approved tower structure	There is an approved tower structure within 1000'

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

Per 41-53 (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;

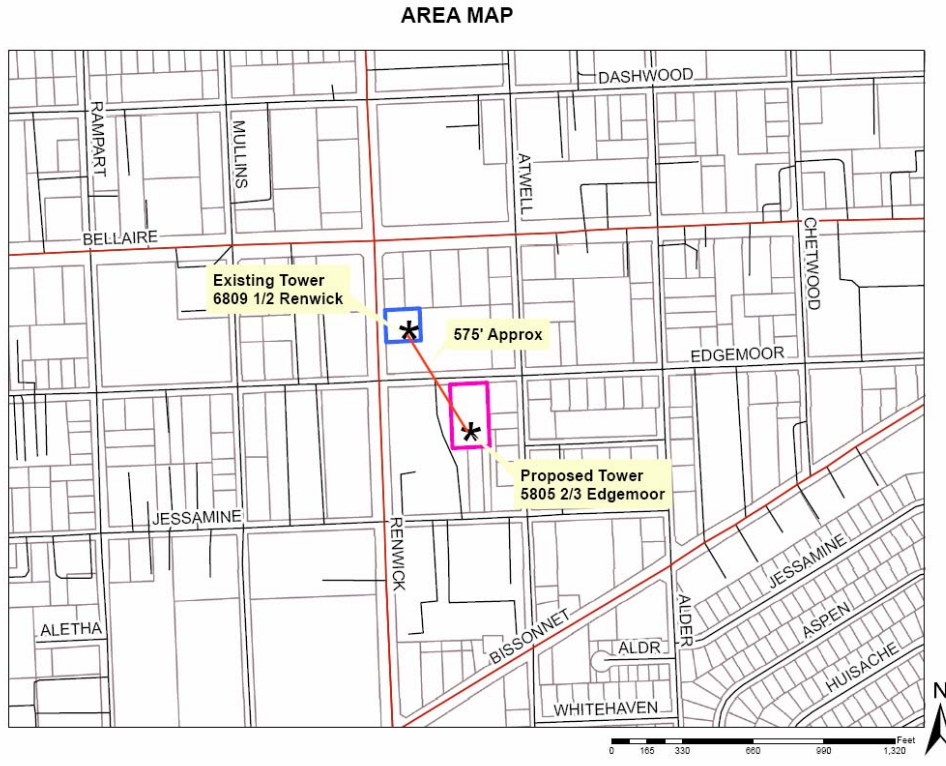
(5) The approved tower or tower structure located within 1,000 feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;

(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.

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**Exhibit 1: Area Map**



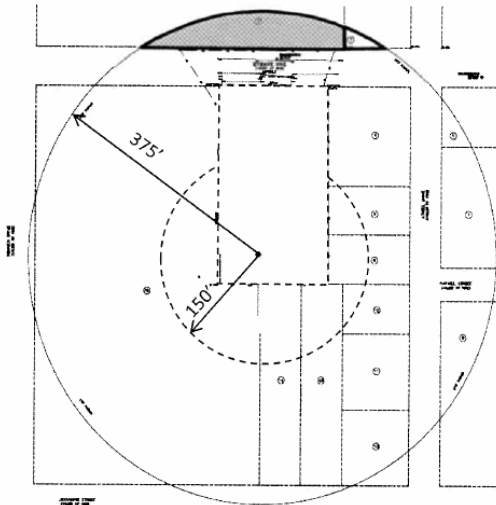
**Exhibit 2: Site Map**

5805 2/3 Edgemoor Drive

Residential Test Ratio  
Residential = 8.4  
Non-Residential = 14  
Residential = 37.5%

Multi-Family Residential

Scale: 1" = 200'  
North



GTP

## Exhibit 3: Waiver Request

### 11-T-0634 Response to Waiver Request

Through its ongoing program of monitoring consumer growth demands and the continuously evolving traffic and usage patterns on its cellular network Cricket Communications (Cricket) radio engineers have determined that there is a need for improved cellular coverage in the area of Renwick and Bissonnett. This is a mixed use neighborhood consisting of light industrial, commercial and multi-family housing with the main coverage objective being centered on the residential areas and traffic traveling through the area on the major cross roads. Cricket has retained Global Tower Partners to provide a build to suit tower, which tower will be available for collocation purposes by other carriers.

Per the Surveyed Zoning Exhibit included as part of this application the nearest residential structure to the proposed site would be 304.1' to the north.

#### 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 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;**

Cricket's need to provide additional antennas and radios for enhanced cellular coverage in the vicinity of the proposed Tower is occasioned by the increased cellular radio traffic in the multi-family neighborhoods surrounding the proposed site. The proposed location is the fifth site given serious consideration by T-Mobile real estate personnel with this site being settled upon as being the furthest from residential structures while still close enough to serve the intended apartment communities.

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

This Tower location was chosen in an effort to provide for the Public Interests in such areas as improved telephone communications and enhanced E911 service.

- (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;**

As in (2) above, Cricket believes that the proposed Tower is not only not detrimental to the public health, safety or welfare, but is an integral part of the safety and communications network of the City of Houston. The proposed Tower will meet or exceed all required City, State, or Federal health and safety standards, codes, statutes, and laws.



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

Other than the 1000' proximity to another permitted tower for which this Waiver is sought, the proposed Tower does not violate any applicable City ordinances, regulations, or statutes.

- (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 applicable deed restrictions on the property of the proposed Tower as shown on the Title Report made a part of this Application. Nor is this site within a park or violate any other zoning regulations of the City of Houston.

Based upon the increased demand in this area for cost effective and affordable improved cellular communications, and the fact that the site meets or exceeds all other Tower Ordinance requirements from, Global Tower Partners requests that the granting of a Waiver from the 1000' requirement be approved by the Tower Commission and a Tower Permit issued.

Thank you for your consideration.

Global Tower Partners  
2601 E. Ocean Blvd  
Long Beach, California 90803

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**11-T-0634 Response to Waiver Request**

Through its ongoing program of monitoring consumer growth demands and the continuously evolving traffic and usage patterns on its cellular network Cricket Communications (Cricket) radio engineers have determined that there is a need for improved cellular coverage in the area of Renwick and Bissonnett. This is a mixed use neighborhood consisting of light industrial, commercial and multi-family housing with the main coverage objective being centered on the residential areas and traffic traveling through the area on the major cross roads. Cricket has retained Global Tower Partners to provide a build to suit tower, which tower will be available for collocation purposes by other carriers.

**Tower Ordinance Sec 41-53 (h)**

**Following a public hearing, the Tower Commission is authorized to consider and grant a waiver from the requirements of section 41-53(h) of the City Code upon finding compliance with Sections 41-59 (d) and (e).**

- (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;**

The approved Tower is not of sufficient height to meet the applicant's specific engineering requirements. The existing tower is 99' in height. The proposed tower is for use by Cricket Communications. Cricket engineers had requested an antenna center line height of 120'. And a location further south than finally decided upon at the proposed location. Due to neighborhood density, in an effort to maintain the smallest visual footprint as possible, and to meet requirements of City Ordinance Section 41-53(b) Location of Towers as pertains to the location of towers in a residential area Cricket engineers agreed to a compromise height at the lowest of 100' for their antennas.

By lowering the proposed tower to 100' in height Section 41-53 requirements are adhered to. But then the 99' existing tower becomes unusable to Cricket as the 99' height is already taken by T-Mobile antennas. The next usable height of 90' is too low for Cricket Radio coverage objectives.

- (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;**

If Cricket were to try and mount their antennas at the 100' level with T-Mobile Radio Frequency interference would be problematic. T-Mobile is now broadcasting a signal using both CDMA and GSM technology.

- (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**

The currently permitted tower located within 1,000 feet of the proposed tower is not usable for co-location because the current leased area that the permitted tower sits on is too small to accommodate the additional radio equipment as required by the Cricket. In addition the owner of the tract on which the permitted tower is located has not agreed to reasonable terms necessary to accommodate the requirements for enlarging the T-Mobile lease area to accommodate Cricket.

Based upon the increased demand in this area for cost effective and affordable improved cellular communications and the fact that the site meets or exceeds all other Tower Ordinance requirements from, Global Tower Partners requests that the granting of a Waiver from the 1000' requirement be approved by the Tower Commission and a Tower Permit issued.

## AGENDA ITEM: III

The City of Houston's Tower Commission meetings (and public hearings) normally occur on the **fourth Monday** of each month at 3:30. Meetings are conducted at the City Hall Annex, Council Chamber, 900 Bagby, public level.

A posted agenda confirms scheduled meetings. Known meeting date and exceptions are noted below, and meetings are not held when there are no items for consideration.

January 23

February 27

March 26

April 23

May 21 (third Monday)

June 25

July 23

August 27

September 24

October 22

November 12 (second Monday)

December 10 (second Monday)

Adopted \_\_\_\_\_