

HOUSTON TOWER COMMISSION

To download the full agenda package
visit:

https://www.houstontx.gov/planning/Commissions/commiss_tower.html

Members

Rob Todd, Chair
John R. Melcher
Kerrick Henny
Yulanda Campbell
Linda Smith
Asim Tufail
Bobby De La Rosa

Secretary

Margaret Wallace-
Brown

Agenda

Monday, August 29th, 2022
3:30 pm

In-Person Meeting Location: Council
Chamber, City Hall Annex

Join Microsoft Teams Meeting or via
web at: <https://rb.gy/b0xgpt>

Phone: [+1 936-755-1521,710685855#](tel:+19367551521710685855)
Conference ID: 710 685 855#

Submit Written Comments to:
planning.tower@houstontx.gov

Make Comments by Phone to:
832-393-6624

SPEAKERS GUIDELINES

WELCOME to a meeting of the City's Planning and Development Department. Your input is valued. Board members act according to established standards; see rules or policies for details. Staff is available to help orient you on meeting procedures. For the City's I SPEAK language line, including traducción en español, call 832-393-3000

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 for virtual meetings:

1. Anyone wishing to speak before the Commission should sign up to speak via phone **832-393-6624** or email **planning.tower@houston.tx.gov**, 24 hours in advance preferred.
2. Please note what item you wish to speak on, or if it is for general public comments.
3. You may also sign up to speak in the chat feature of Microsoft Teams, and either ask to speak, or write your comments there, which will be read into the record by staff.
4. All comments submitted in writing or by phone will be read into the record by staff.
5. If participating virtually, keep your phone or computer on "MUTE" unless identified by the Chair to speak. When your name is called, unmute your phone by pressing your mute button or *6, or unmute your computer. State your name, spell your last name, and make your comments. When you are done, please mute yourself.
6. If the speaker wishes to discuss any subject not otherwise on the agenda, time will be allocated or allotted after all agenda items have been processed and "public comments" are taken.
7. Applicants will be allowed to speak first and are allowed **five** minutes for an opening presentation. The applicant is also permitted a two-minute rebuttal after all speakers have been heard. If there are no speakers other than the applicant, there is no rebuttal period.
8. All other speakers will be permitted two minutes to address the Commission.
9. No speaker is permitted to accumulate speaking time from another person.
10. Time devoted to answering any questions from the Commission is not charged against allotted speaking time. The Commission may extend any speaker's speaking time if it is the Commission's judgment that additional time is needed to sufficiently discuss an item.
11. The Commission reserves the right to limit speakers if it is the Commission's judgment that an issue has been sufficiently discussed and additional speakers are repetitive.
12. 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.

2022 TOWER COMMISSION DATES

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

https://www.houstontx.gov/planning/Commissions/commiss_tower.html

A posted agenda confirms scheduled meetings. Known meeting dates and exceptions are noted below. Meetings are not held when there are no items for consideration. Please call 832-393-6600 for more information.

Scheduled Meeting Dates

Jan 24 (4th Mon at 3:30 unless noted)

Feb 28

Mar 28

Apr 25

May 23

June 27

July 25

Aug 29

Sept 26

Oct 24

Nov 28

Dec 19 (3rd Mon)

Ratified by the Tower Commission 01/24/22

HOUSTON TOWER COMMISSION
AGENDA
Monday, August 29, 2022 3:30 p.m.

The Houston Tower Commission will conduct this meeting both in-person and virtual via Microsoft Teams. The Commission will have the option of participating by videoconference using Microsoft Teams in accordance with the provision of Section 551.127 of the Texas Government Code that have not been suspended by order of the Governor. This platform will allow for two-way video/audio communication with the members of the Houston Tower Commission who choose to attend virtually.

To join the January 24 Tower Commission, please see the following options:

- Attend in person at City Hall Annex, Council Chamber, City Hall Annex
- Join via Microsoft Teams by installing the Microsoft Teams app; or
- Join via Web Browser: <https://rb.gy/rnacis> ; or
- Join via Phone: [+1 936-755-1521,502948712#](tel:+19367551521502948712) Conference ID: 502 948 712#

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Call to Order

Secretary's Report

- I. Approve the January 24, 2022, Tower Commission Meeting minutes
- II. Public hearing and consideration of a waiver request
 - A. 22-T-0751 8228 2/3 Kerr Street for a waiver of Section 28-524 (g): Fall zone, 28-524 (b) residential area of the Code of Ordinances of the City of Houston, Texas.
- III. Public Comment
- IV. Adjournment

Minutes of the Houston Tower Commission

January 24, 2022

Meeting held in Council Chambers, Public Level, City Hall Annex,
with telephonic/video conference via Microsoft Teams via <https://bit.ly/2XW3xFd>
3:30 p.m.

CALL TO ORDER

Chair Rob Todd called the meeting to order at 3:50 p.m., with a roll call vote and a quorum present.

Rob Todd, Chair	Present
Yulanda Campbell	Present virtually
Bobby De La Rosa	Present virtually
Kerrick Henny	Absent
John R. Melcher	Present virtually
Linda Smith	Present virtually
Asim Tufail	Absent

SECRETARY'S REPORT

The Secretary's Report was given by Hector Rodriguez, Planner Manager, Planning and Development Department.

Chair's Report

The Chair's Report was given by Rob Todd, Chair of the Houston Tower Commission.

I. APPROVAL OF THE MAY 24, 2021 TOWER COMMISSION MEETING MINUTES

Motion was made by Commissioner Smith, seconded by Commissioner Campbell, to approve the May 24, 2021 Tower Commission meeting minutes. Motion carried unanimously.

II. PUBLIC HEARING AND CONSIDERATION OF WAIVER REQUEST

A. 21-T-0748 5075 2/3 Eastland Street

Motion was made by Commissioner Melcher, seconded by Commission De La Rosa, to approve the waiver request of section 28-524(g): Fall zone, 28-524 (b) residential area and 28-524 (h) existing tower within 1000 feet, of the Code of Ordinances of the City of Houston, Texas for item II-A., except for the landscape waiver with the conditions that the fending meet the should the vegetation go away the tower is not visible to the public. Motion carried unanimously.

Speaker(s): Beb Francis, attorney representing applicant and Mr. Castilla, Steve Hedges, applicant – supportive.

III. PUBLIC COMMENT
NONE

IV. ADJOURNMENT

There being no further business before the Commission, Chairman Rob Todd adjourned the meeting at 4:58 p.m. Motion was made by Commissioner Melcher and seconded by Commissioner Campbell. Motion carried unanimously.

Rob Todd
Chair

Hector Rodriguez
Secretary

AGENDA ITEM: II - A

TOWER APPLICATION AND WAIVER REQUEST - STAFF REPORT

Location:	File No.	Zip	Lamb. No.	Key Map
8228 2/3 Kerr St	22-T-0751	77029	5675A	495P

Applicant: Dave Petrakovitz

Application Date: 6.27.22

Location: south along Kerr Street and east of McCarty st

Existing Use: existing

Proposed Use: 165' Monopole tower

Proposed Tower Users: Site Concepts

Waivers Request: 28-524 (g): Fall zone, 28-524 (b) residential area of the Code of Ordinances of the City of Houston, Texas.

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.

Waiver Justification

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;**

The preferred location for additional cellular antennas is in an area of Denver Harbor/Port Houston. The proposed location was chosen due to its location in an industrial area. The proposed tower will be able to provide enhanced 5g coverage to the neighborhood and to the newly developing Houston Tradeport facility. There is one residential structure within the required 1.5x tower height setback but this structure is shielded from view and safety by the large industrial building that sits in between the proposed tower and this residential structure. The area is over 50% residential lots, but the actual land use percentage is over 80% industrial per City of Houston land use maps and actual usage.

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- (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. In addition this site will allow for future 5G installations.

- (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;**

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.

(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.

(2) (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, Site Concepts, Inc 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 setback requirements and will significantly improve the coverage for subscribers living in, working in, studying, 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	The proposed tower will not violate deed restrictions.
Tower is located in a residential area Residential test area is a 600' radius measured from the base of the tower. More than 50% of the tracts or parcels are used or restricted for residential purposes	Tower is located in a residential area 61% of the properties within the residential test area are single family.
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')	Nearest residential tract is less than 206' away. The nearest residential structure is approximately 197' from the proposed tower.
Must not be within 1,000' of an approved tower structure	There is no approved tower structure within 1000'

Houston Tower Commission ITEM:II - A

Planning and Development Department

Meeting Date:08/29/2022



Exhibit

Site location

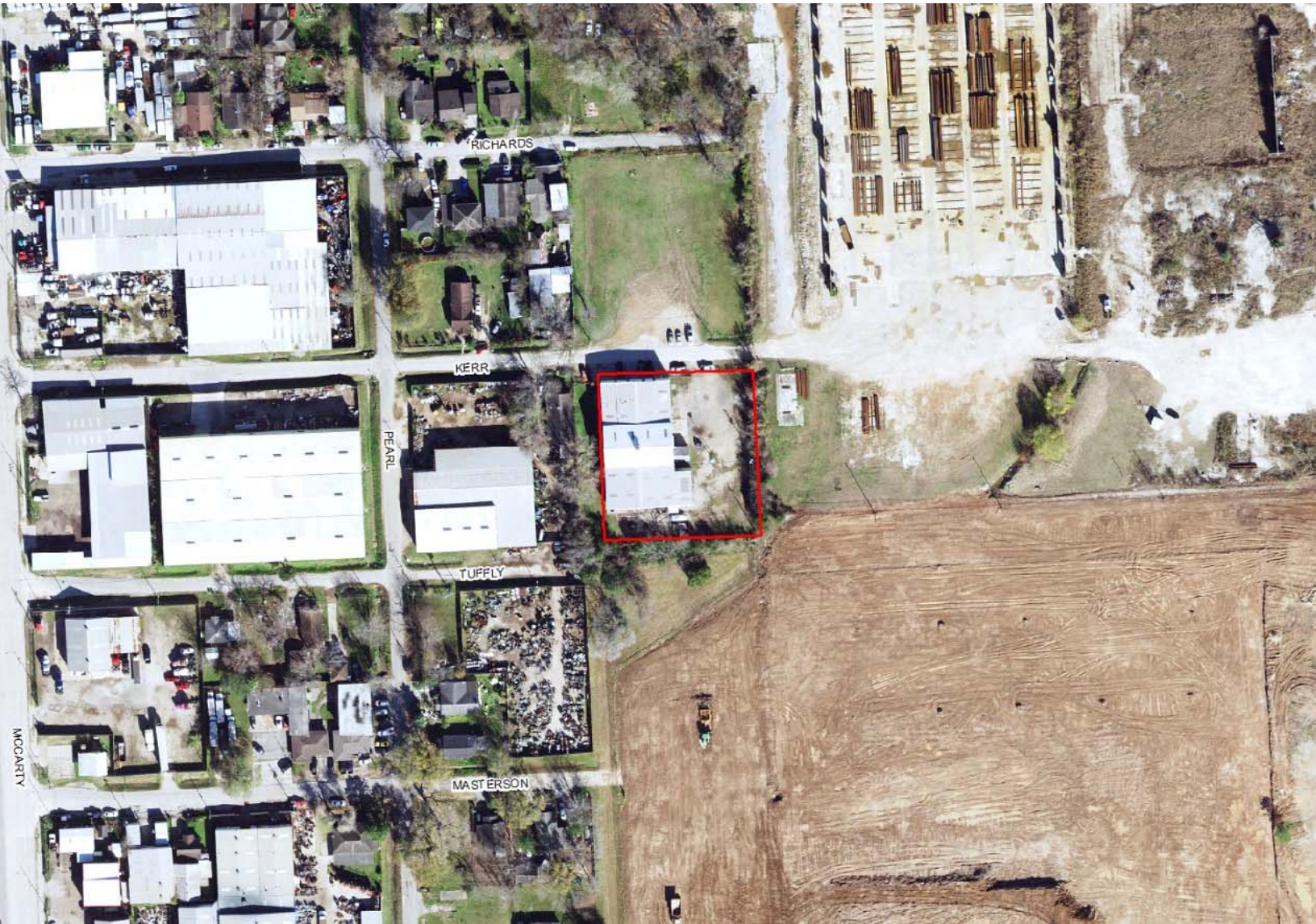


NORTH

Houston Tower Commission ITEM:II - A

Planning and Development Department

Meeting Date:08/29/2022



Exhibit

Aerial

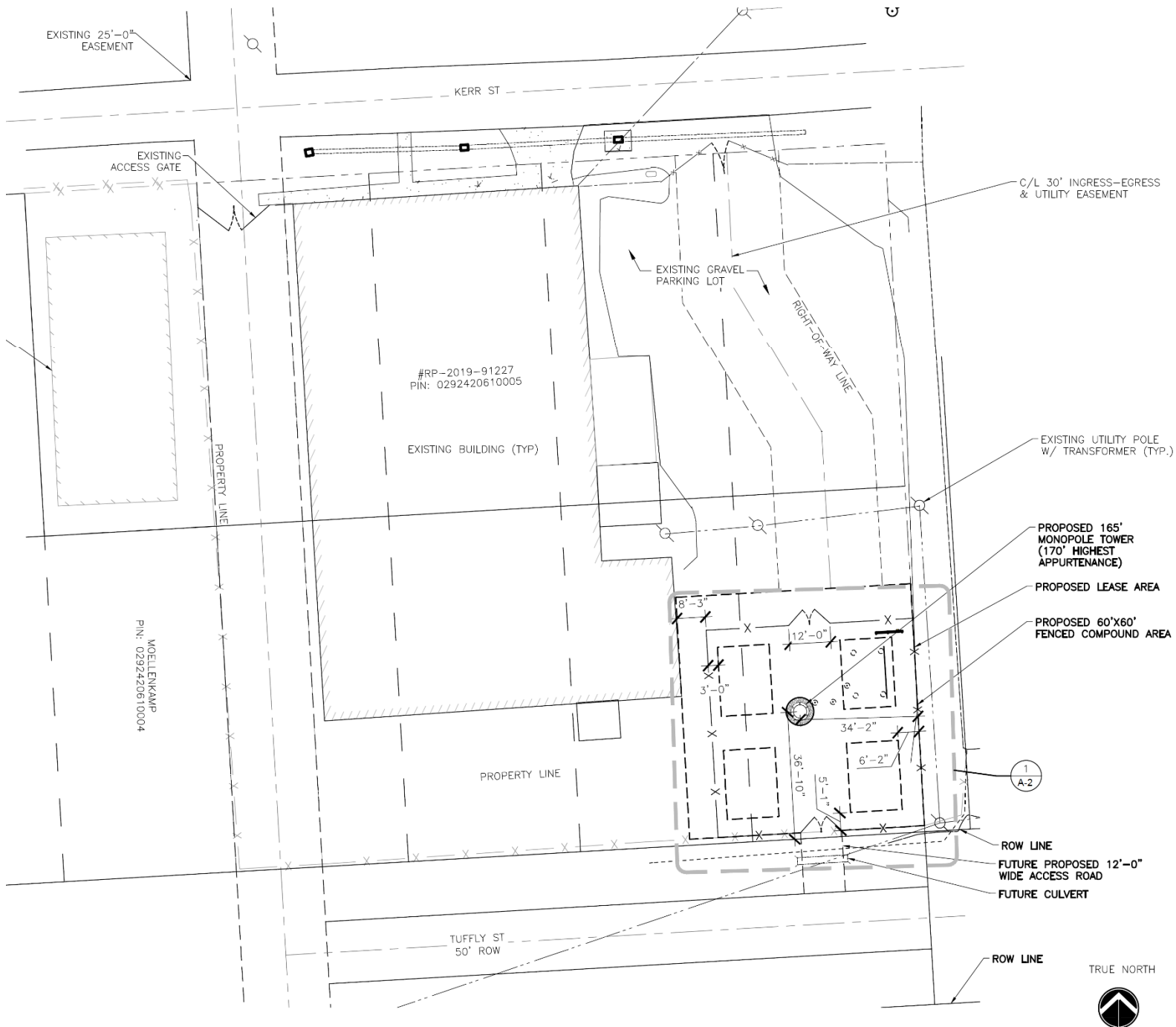


NORTH

Houston Tower Commission ITEM:II - A

Planning and Development Department

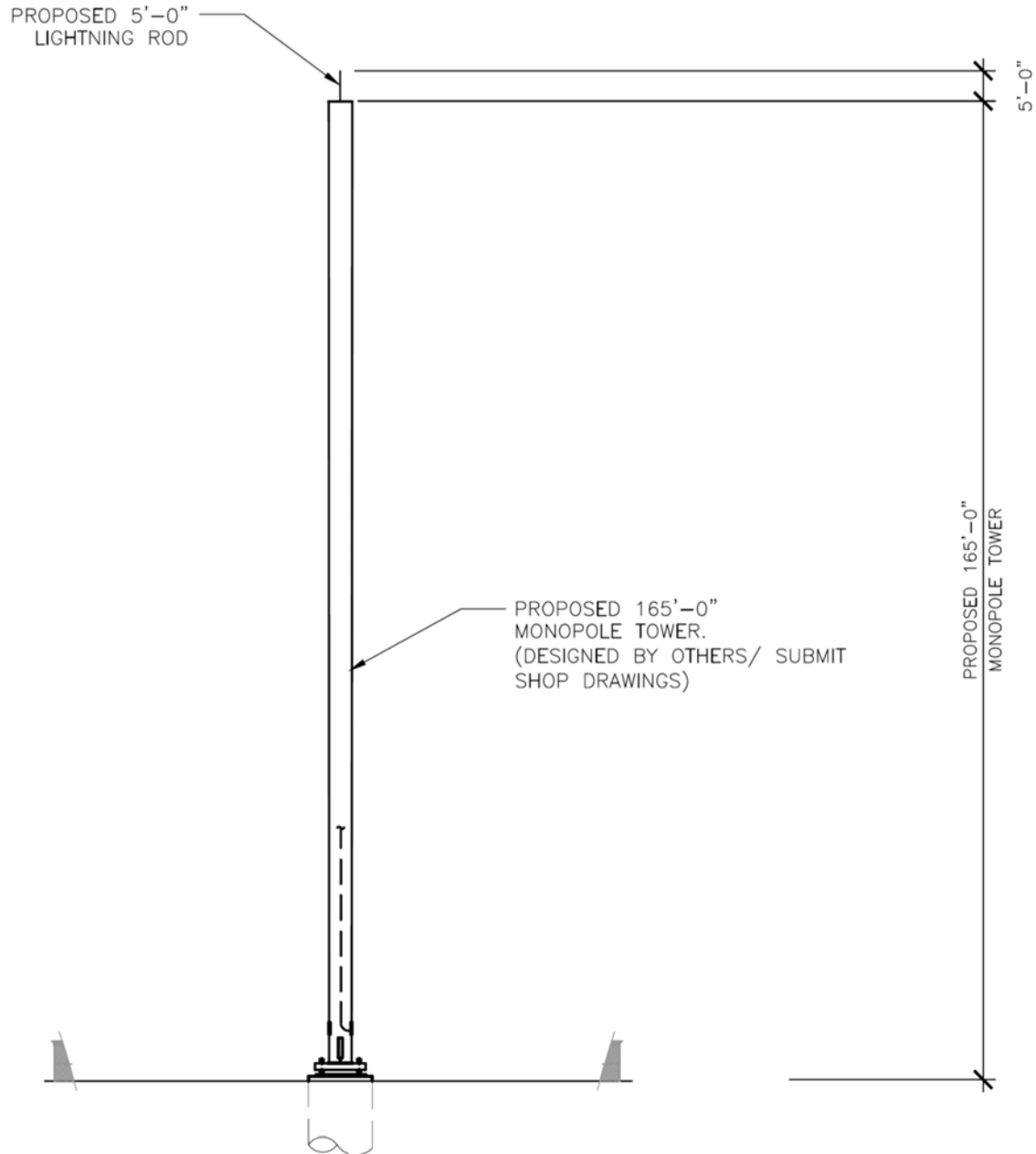
Meeting Date:08/29/2022



Houston Tower Commission ITEM:II - A

Planning and Development Department

Meeting Date:08/29/2022

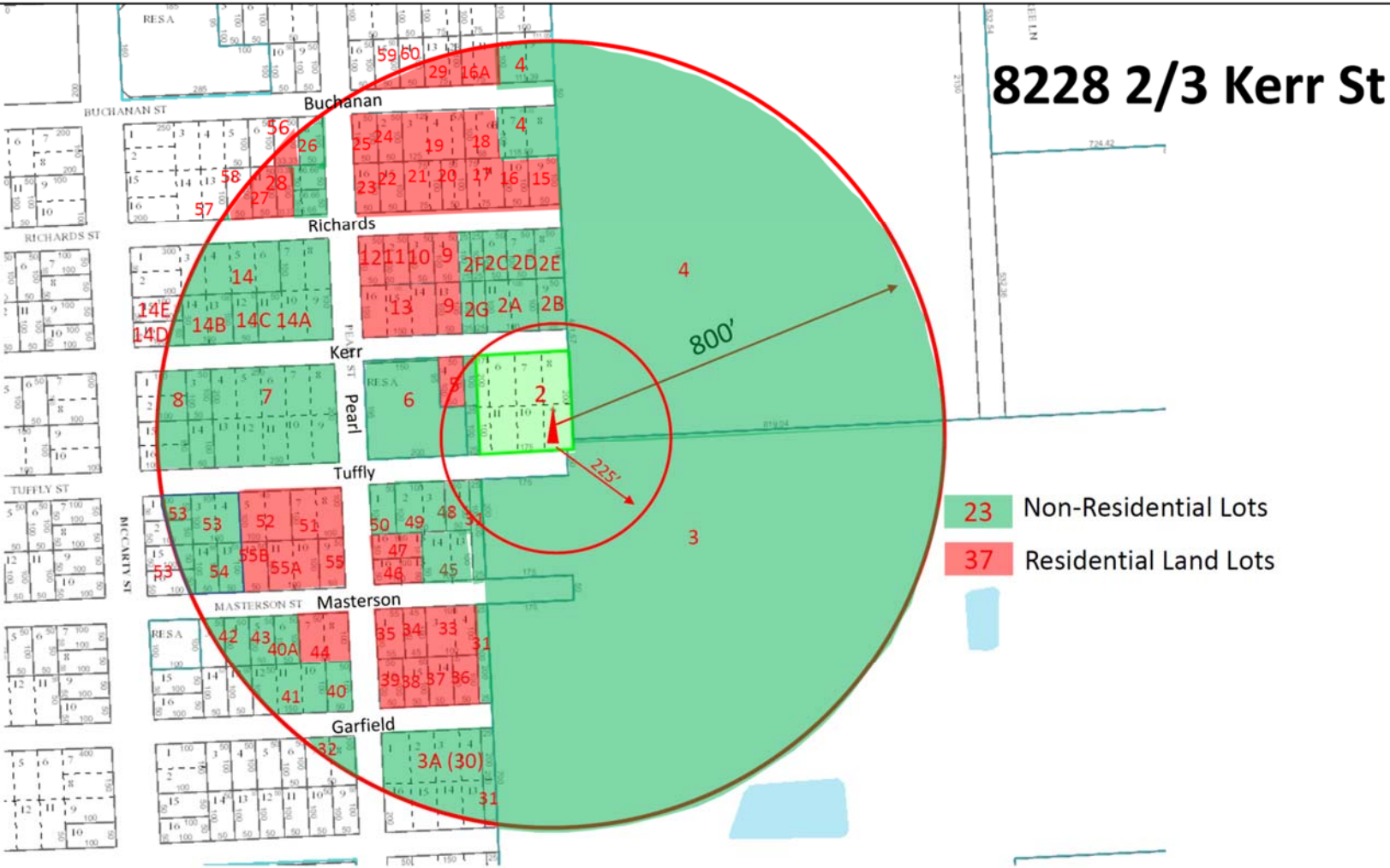


Houston Tower Commission

ITEM:II - A

Planning and Development Department

Meeting Date:08/29/2022



Houston Tower Commission ITEM:II - A

Planning and Development Department

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