

SUP10-07 (CLEAR WIRELESS CO-LOCATION)

Applicant Bill Wright with BC Management

Owner CenterPoint Energy

Request The applicant is requesting a Special Use Permit in order to co-locate communication antennae for Clear Wireless. Sprint/Nextel already has communication antennae on the tower within the CenterPoint easement and structure. Three new sector panel antennae and 1 microwave dish will be mounted on an existing electrical tower within a CenterPoint easement. The new equipment will increase the height of the existing tower and equipment by 8 feet to a total height of 123 feet. A new equipment platform with an area of 3 feet by 3 feet and a height of approximately 9 feet, including the GPS antenna, within the existing equipment yard area.

Upon a field visit to the site, it was discovered that this equipment had already been installed prior to the issuance of an SUP or building permit.

City Council Request to Set Hearing – Oct. 26th; Public Hearing & First & Second Readings – Nov. 9th

Citizen 5 – Notices Mailed to Property Owners within 500 feet

Response 0 – Letters of Support Received

0 – Letter of Opposition Received

- Attachments**
1. Zoning Map with Notification Buffer
 2. Photographs of Site
 3. Aerial Map
 4. Proposed Site Plan
 5. Letter from CenterPoint

The Commission should consider the following criteria in its deliberation, which shall be utilized to substantiate its findings. To determine the extent to which the proposed use would be compatible with surrounding properties, the surrounding land uses and the performance impacts of the additional antennae should be considered. Special Use Permits may allow certain uses of land, buildings or structures where adequate measures can be taken to assure compatibility with surrounding uses, public need and the City as a whole.

Surrounding Area The character of the surrounding area is automobile-oriented suburban. Surrounding land uses include retail, multi-family and Clear Creek Intermediate School. The multi-family use is across FM 2094 from this site with retail to the east of the existing multi-family.

Access The subject property is located on the south side of South FM 2094 (Marina Bay Drive), an arterial roadway. The cellular tower is accessed via the CenterPoint access drive off of FM 2094.

Water & Sewer Public utilities are not necessary for the use.

Fire Protection The nearest fire station is Station 3 at 3575 FM 518 East and the second nearest is Station 1 at 601 Second Street. The Fire Marshal does not foresee any fire code issues with this installation.

Co-Location Because the City wants to limit the number of cell towers in the city, co-location is required unless it is not feasible. The applicant has accommodated this requirement by co-locating antennae with existing communication antennae for Centerpoint.



Cell Tower Ordinance Compliance	The applicant has submitted the appropriate application forms for electrical service. However, the equipment is in place onsite and building permit applications were never submitted for installation. Staff has informed the Code Enforcement department. Code Enforcement is unable to give a citation in this situation because the property is owned by a corporation.
Height Limitations	The tower is limited to 200 feet in height by the Ordinance. The height of the existing tower is 115 feet. The addition will bring the total height to approximately 123 feet with the new extension being 5 feet above the existing pole and equipment extending approximately 3 feet beyond the top of the extension pole.
Setbacks	Per Chapter 31-14 (b) (4) in the Communications Tower Ordinance, no additional setbacks are required for antennae or towers mounted on top of any existing structure or building, provided that the increase in height does not exceed ten feet.
Screening	Residential setback requirements are a minimum distance of 400 feet or a distance equal to 150% of the height of the tower, whichever is greater. In this instance, 400 feet is greater. The existing electrical tower is approximately 700 feet from single-family residential and 500 feet away from multi-family zoned property and 350 feet away from FM 2094. However, it is important to note that the electrical tower exist regardless of the communications antennae. The Ordinance states that the base of the tower and associated structures should be surrounded by landscaping hiding the ground elements of the facility from view. CenterPoint indicates that they do not permit landscaping in their easements (see attachment #5). The new equipment cabinet is proposed to be located within the existing equipment area on the southwest side of the site setback approximately 350 feet from the right-of-way. Staff finds upon site inspection that the equipment cannot be seen from the right-of-way due to existing vegetation along FM2094 and the drainage channel to the southwest of the site.
Lighting	A single guard light is proposed to be mounted on the ground equipment. The light is on a timer. It must be turned on by the tech upon arrival and can be set for a maximum of 3 hours. Staff does not find this lighting will be a nuisance or hazard due to its distance from residential and rights-of-way and the fact that it not on unless in use.
Public Benefit vs. Imposed Hardship	Based upon the information provided, the Commission will have to determine "the gain to public health, safety, and welfare due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application".
Potential SUP Conditions	<ol style="list-style-type: none"> 1. In accordance with the Communications Tower Ordinance, prior to obtaining a building permit, submit documentation from the FAA that the lighting is the minimum required by the FAA to the building department with a Building permit application. 2. In accordance with the Communications Tower Ordinance, prior to obtaining a building permit, submit documentation indicating that the power density levels do not exceed federally approved levels or American National Standards Institute standards, whichever provides the stricter requirements. 3. In accordance with the Communications Tower Ordinance, prior to obtaining a building permit, submit documentation indicating that electromagnetic radiation levels do not exceed Federal Communications Commission standards. 4. All outstanding annual fees for all existing communication antennae must be paid in full prior to City Council second reading.

For additional information, you may contact Dausha Moore, Planner at 281-554-1097 or via e-mail at dausha.moore@leaguecity.com.

