
BOARD OF ADJUSTMENT

December 9, 2008

Minutes

Members Present: Wayne Bradshaw
Robert Beerman
Brad Carter
Roger Huber
Morton Langholtz

Staff Present: Teresa James, Assistant City Attorney
Ben Bryner, Planning Services Manager
Zack Rainbow, Planner I
Rodney Fletcher, Residential Plans Examiner
JoAnn Sczech, Executive Secretary, Recording

Others Present: Glenda Thornton
Ray Andress
Jerome Hejl
Dave Kirk

Item One: Call the Meeting to Order:

Mr. Bradshaw called the meeting to order at 8:30 AM and declared a quorum present.

Item Two: Approval of the Minutes

Col. Langholtz moved to approve the minutes of the November 12, 2008, meeting. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Bradshaw, Beerman, Huber, Carter and Langholtz) to none (0) opposed.

Mr. Bradshaw read the opening statement for the Board of Adjustment.

Item Three: Special Exception/Variance Requests:

b. BA-2008-68

A public hearing to consider a request from T-Mobile West Corporation, agent Dave Kirk for a special exception to locate an antenna tower in a GC (General Commercial) zoning district. Legal description being Mockingbird Self Storage, Block A, Lot All, Acres .9862. Located at 3002 Vogel Avenue.

Mr. Zack Rainbow presented the staff report for this case. The request is to place a 140' monopole communication tower in a GC zone. The zoning ordinance allows such antennas in LI and HI zones by right. GC, HC, MU, CU, and AO zones require a Special Exception from the Board of Adjustment. This is so the Board of Adjustment can determine if the applicant has met the conditions stated in the zoning ordinance regarding the location of new antennas. The applicant provides wireless communication services for T-Mobile. Based on information gathered by the T-Mobile radio frequency engineers, this area was determined to be best suited for an antenna location. The applicant states that they first look for existing antenna structures within the defined area and if none can be located they then try to find the best location to build a new structure. That is the reason this location was chosen for the new antenna structure.

Property owners within 200 feet of the variance request were notified. One (1) comment form was returned in favor of the request and one (1) in opposition.

The Zoning Ordinance specifically addresses several conditions that the tower must meet to be located in the city limits. Below you will find some of the issues that should be considered with the Special Exception request and the City's plans for accommodating them:

23-306.5.J(6)(k) - "No new antenna tower exceeding fifty (50) feet in height shall be permitted unless the tower is designed and constructed to accommodate co-location."

The proposed tower has been designed for collocation.

23-306.5.J(6)(n) - "All antenna towers shall be separated from residentially-zoned property by a minimum distance equal to the height of the tower plus 20% of the tower height."

The subject property is approximately 325 feet in depth and the proposed tower is 140 feet. The distance from the nearest residential zoning is approximately 385 feet. Therefore, there are plenty of locations within the subject property where the antenna would meet the setback requirements.

Planning staff recommends approval as the request meets the criteria necessary to approve a Special Exception.

Mr. Bradshaw opened the public hearing.

Mr. Dave Kirk with T-Mobile West Corporation stated that he agrees with staff's recommendations. Mr. Kirk stated that although not ideal, the location is a typical location for a tower in a commercial or industrial site. Mr. Kirk stated that currently their challenge is to provide service to residential customers while still providing infrastructure in the commercial areas. Mr. Kirk stated that the creation of new sites is based on feedback from customers in the area (dropped calls or insufficient coverage in an area).

Mr. Jerry Hejl, owner of the self-storage units, stated that a communications tower is located behind the drive-in theatre. The reason T-Mobile contacted him requesting the location of a tower on this property was because the existing tower was full.

Ms. Glenda Thorton stated that they own the property east of the storage buildings, the Town and Country Theatre, and they do have a communication tower on their property. Ms. Thorton stated that their primary concern is the amount of light that could possibly be emitted from the tower that could interfere with the viewing of a movie. Ms. Thorton stated that the tower on their property is 180 feet in height and has no lights.

There was discussion regarding the height at which a tower would be required to be illuminated. FAA rules state that the tower must exceed 200 feet in height before illumination is required.

Col. Langholtz asked Mr. Kirk to address the lighting questions.

Mr. Kirk stated that there would be no lights on the tower. The only light on the site would be an outside light that would be five (5) feet from the ground to allow the technicians to work at night. This light would have a light switch and would only be utilized when technicians are working on the tower.

Col. Langholtz asked Mr. Kirk if they would have any problem with the Board adding a condition that the light be shielded to reflect only on the work area.

Mr. Kirk stated that this would not be a problem

Mr. Bradshaw closed the public hearing.

Col. Longholtz moved to approve the Special Exception for BA-2008-68 with the condition that any lighting be shielded to illuminate work areas only. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Bradshaw, Beerman, Carter, Huber and Langholtz) to none (0) opposed.

Item Four: Adjourn

Mr. Carter moved to adjourn the meeting. Mr. Huber seconded the motion and the motion carried unanimously.

Mr. Bradshaw adjourned the meeting at approximately 8:48 a.m.

Approved: _____, Chairman