MINUTES OF THE MEETING OF THE JERSEY VILLAGE PLANNING AND ZONING COMMISSION

January 16, 2012 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENED ON JANUARY 16, 2012 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS

A. The meeting was called to order at 7:10 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel Barbara Freeman, Commissioner George Ohler, Commissioner Tom Eustace, Commissioner Justin Ray, Commissioner

Commissioners Rick Faircloth and Michael O'Neal were not present at this meeting.

The following City of Jersey Village City Council members and staff were present for the Joint Public Hearing portion of this agenda:

Mayor, Russell Hamley Council Member, Joyce Berube Council Member, Rod Erskine City Manager, Mike Castro City Secretary, Lorri Coody City Attorney, Bobby Gervais

Council Member, Harry Beckwith III, PE

Council Member, Mark Maloy Council Member, Jill Klein

Staff in attendance: Mark Bitz, Fire Chief; Eric Foerster, Chief of Police; Danny Segundo, Director of Public Works; Isabel Kato, Director of Finance; Michael Brown, Director of Parks and Recreation; Courtney Rutherford, Assistant City Secretary; Deborah Capaccioli-Paul, Engineering Technician; and Christian Somers-Kuenzel, Building Official.

B. Conduct Joint Public Hearing with City Council concerning the proposal to amend the city's zoning ordinance to grant a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.

Mayor Hamley called the item and Chairman Debra Mergel announced a quorum for the Planning and Zoning Commission. Mayor Hamley opened the Joint Public Hearing at 7:10 p.m.

Background information on this item is as follows:

The Planning and Zoning Commission met on December 5, 2011 and recommended in its preliminary report that a specific use permit be granted to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.

The preliminary report was submitted to the Council at its December 19, 2011 meeting, and Joint Public Hearings have been ordered for January 16, 2012.

Joint public hearings must be conducted by the City Council and the Planning and Zoning Commission in accordance with the requirements of the Code of Ordinances of the City of Jersey Village - Section 14-84.

The purpose of the hearing is to provide an opportunity for the public to give oral or written comments proposed amendments to the City's comprehensive zoning ordinance concerning the proposal to grant a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.

<u>Dave Petrakovitz, for Applicant T-Mobile West, Inc., 2 Greenway Plaza #1100, Houston, Texas 77046 (281) -701-0604</u> – Mr. Petrakovitz told Council that he is the agent for T-Mobile West and is present to answer any questions about the application for a specific use permit to place the 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 within the City limits of Jersey Village.

There was brief discussion about any additional tax revenue the tower will bring to the City. The City Manager explained that this amount of revenue would be negligible.

With no one else signing up to speak, Mayor Hamley and Chairman Mergel closed the joint public hearing at 7:12 p.m., and the Planning and Zoning Commission retired from the City Council meeting at 7:12 p.m. to conduct its posted meeting agenda and prepare the final report in connection with this joint public hearing.

Chairman Mergel reconvened the Planning and Zoning Commission at 7:15 p.m.

C. Consider approval of the minutes for the meetings held on December 5, 2011.

Commissioner Freeman moved to approve the minutes for the meeting held on December 5, 2011. Commissioner Ohler seconded the motion. The vote follows:

Ayes: Commissioners Eustace, Freeman, Ray, and Ohler

Chairman Mergel

Nays: None

The motion carried.

D. Discuss and take appropriate action regarding preparation and presentation of the Final Report to Council on the proposal to amend the City's comprehensive zoning to grant a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.

Chairman Mergel called the item.

There was brief discussion among the Commission regarding the use of the pole for a flag and increased revenue to the City through property taxes. Dave Petrakovitz, representative for T-Mobile, stated that the pole will not be used as a flag pole due to the noise and being located near the Manor, a senior housing establishment. He also told the Commission that the tax value for this property would only increase by about \$250,000.00, which would be minimal revenue to the City.

Commissioner Freeman did question how the pole would hold up in the event of a hurricane and strong winds. Mr. Petrakovitz stated that the pole is constructed to withstand 300 mph winds.

With no further discussion, Commissioner Ray moved to accept the final report as written and allow Chairman Mergel to present the final report to City Council. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Eustace, Freeman, Ray, and Ohler

Chairman Mergel

Nays: None

E. Adjourn

After Chairman Mergel presented the final report (a copy of which is made apart of these minutes as Exhibit "A") to City Council, the Planning and Zoning Commission adjourned.

The meeting adjourned at 7:23 p.m.

Courtney Rutherford, Assistant City Secretary



CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION FINAL REPORT TELECOMMUNICATION TOWER - SPECIFIC USE PERMIT ZONING DISTRICT G

The Planning and Zoning Commission has previously met on December 5, 2011 and in its preliminary report recommended amendments to the City's zoning ordinance to grant a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.

The preliminary report was submitted to the Jersey Village City Council at its December 19, 2011 meeting. The report was reviewed and the City Council ordered a Joint Public Hearing for January 16, 2012.

On January 16, 2012, the City Council and the Jersey Village Planning and Zoning Commission conducted a joint public meeting, which gave the public an opportunity to make comments concerning the proposed amendment.

The Planning and Zoning Commission after duly considering all the information before it including that gathered at the Joint Public Hearing with City Council on January 16, 2012 at 7:00 p.m., the Planning and Zoning Commission recommends that:

The City's comprehensive zoning ordinance be amended to grant a specific use permit to allow for the installation and use of a 100' stealth cell tower (telecommunication tower) on Lot 3, Block No. 2 located in the Northwest Station Section of zoning District G within the City of Jersey Village.

The amendments to the City's zoning ordinance are more specifically detailed in the attached proposed ordinance marked as Exhibit "A."

Respectfully submitted, this 16th day of January 2012.

ATTEST:

Courtney Rutherford Assistant City Secretary

Debra Mergel, Chairman

Exhibit A to January 16, 2012 Minutes

ORDINANCE NO. 2012-XX

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 14, ARTICLE IV, OF THE CODE OF ORDINANCES, CITY OF JERSEY VILLAGE, SAID ORDINANCE BEING CITY OF JERSEY VILLAGE ORDINANCE NO. 77-14, AS AMENDED, ORIGINALLY ADOPTED THE 6TH DAY OF SEPTEMBER 1977, AND BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, BY GRANTING TO T-MOBILE WEST, INC., A SPECIFIC USE PERMIT TO ALLOW FOR THE INSTALLATION AND USE OF A TELECOMMUNICATION TOWER ON PROPERTY DESCRIBED AS LOT 3, BLOCK 2, NORTHWEST STATION SECTION OF DISTRICT G; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS FOR VIOLATIONS HEREOF; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, T-Mobile, Inc. has made an application for a Specific Use Permit for a tract of land described as Lot 2, Block 3 in the Northwest Station Section of District G, ("the Property") situated within the corporate limits of the City of Jersey Village, Texas ("the City"), said tract being more particularly described in the applicant's application which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, the Property presently has a zoning classification of District G pursuant to the comprehensive zoning ordinance of the City; and

WHEREAS, T-Mobile West, Inc. has made application to the City for a Specific Use Permit to use said Property for the purpose of installing and using a telecommunication tower ("the Specific Use"), as authorized by the City's comprehensive zoning ordinance; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City have, in the time and manner and after the notice required by law, conducted a public hearing on such request for a Specific Use Permit described above; and

WHEREAS, the City Council has received the final written recommendation of the Planning and Zoning Commission; and

WHEREAS, the City Council finds the application complies with section 14-84.1 of the City Code and deems it appropriate to approve such request; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

- <u>Section 2</u>. A Specific Use Permit allowing the use of a telecommunication tower on the Property subject to the terms and conditions set forth below, is hereby granted to T-Mobile West, Inc. The Specific Use Permit shall run with the land and include any successor in interest.
- Section 3. The Official Zoning District Map of the City, as referenced by section 14-82 of The City Code, shall be revised and amended to show the Specific Use authorized hereby for the Property as provided in Section 2 hereof, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Specific Use authorized.
- <u>Section 4.</u> The Specific Use Permit granted hereby shall be null and void after the expiration of two (2) years from the date of adoption of this Ordinance unless the Property is being used in accordance with the Specific Use Permit herein granted or unless an extension of time is approved by City Council.
- **Section 5.** The Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:
 - 1. The maximum tower height of the tower shall not exceed 100 feet.
 - 2. The tower shall be a self-supporting stealth monopole structure.
 - 3. Tower will be erected and operated in compliance with current FCC and FAA rules and regulations and other applicable federal, state and local standards.
 - 4. The tower must be identified by a sign visible from outside the screening stating in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.
 - 5. The site plan, architectural drawings and landscaping plan for the structure shall be in accordance with the City of Jersey Village Code of Ordinances at Chapter 14, Article XII.
 - 6. All paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with City of Jersey Village specifications.
 - 7. City shall be informed of any intent to abandon or cease using the antenna or tower within thirty (30) days of the date the use ceases.
 - 8. Upon discontinued use of the tower, the owner will remove the tower and equipment within six (6) months of such discontinued use. In the event the tower and equipment are not removed as agreed, City shall have the right to remove the tower and equipment and recover the costs associated with such removal from the landowner and place a lien on the property until such costs are paid.
 - 9. A report must be submitted that has been prepared by a registered professional engineer stating all structural components of the tower comply with all applicable codes and regulations and is designed or built to accommodate collocation. A sealed report from a registered electrical engineer certifying that electromagnetic spectrum emissions are in compliance with applicable federal standards must be submitted.
 - 10. No permanent illumination allowed, only that required for maintenance will be permitted.
- <u>Section 6</u>. Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8.	This ordinance shall be in full force and effect from and after its passage.		
PASSED, A	APPROVED, AND ADOPTED this	day of	, 2012.
	Rus	sell Hamley, Mayor	
ATTEST:			
Lorri Coody, City S	Secretary		

CITY OF JERSEY VILLAGE ZONING APPLICATION

Requested Action

ZONING CHANGE ()	SPECIAL EXCEPTION	(X)	NON CONFORMING USE PERMIT (
	APPLICANT / OWNER	, R INFORMATION	•
Owner: Su I Managere Address: 7911 CAPRI CIR Representative: DANNY ER Address: 7911 CAPRI CIRC OWNERSHIP: Check One INDIVI	One OWNER () ist sign that application or s went Co, LLC LCC DELTAC DUAL () TRUST	Telephone: (28 City/State/Zip: TENANT (submit a notarized Telephone: (2 City/State/Zip: Telephone: (7 City/State/Zip: City/State/Zip: () PART	Heuston Ty 77044 PROSPECTIVE BUYER () letter of authorization. PSI B94-9484 (o) Heuston, Th 77095 13-524-1662 (cui) Heuston, Th 72095 NERSHIP () CORPORATION (
If ownership is a trust, partnership, or corpored to the partnership of corpored to the partnership of corpored to the partnership of Applicable) Print Name (and Title if Applicable) Signature of Applicant	ration, name the partners or pr	DANLY	ddresses and positions on a separate attachment. ELLECIAC Title if Applicable)
	ZONING REQUEST I	INFORMATIO	ON .
SITE LOCATION: HORTHUM LOT(S) NO(S): BLOCK		SECTION SIZE OF REQUE	
	<u> </u>	SIZE OF REQUE	
EXISTING ZONING:	6		
PROPOSED ZONING:	6 - SUP		
cell tower (subject of Tersey Village (Please	1	Troeprox	t if
	DOCUMENT (Please provide the		
TRAFFIC IMPACT STUDY (if applicable) SITE MAP PROPER SIGNATURES CORRECT LOT & BLOCK			INDEX LOCATION MAP PROPER FILING FEE SURVEY MAPS (Metes & Bounds)
·	FILING FEE -	\$650.00	
ACCEPTED BY:		DATE ACCEPTE	ED:
Form Reference #			

T··Mobile···

October 31, 2011

Lorrie Coody City Secretary City of Jersey Village 16501 Jersey Drive Jersey Village, TX 77040

Ms. Coody,

Thank you for your assistance and help to date on the T-Mobile proposed cell tower application.

Attached you will find an Application for a Special Exception to allow T-Mobile West, Inc, to erect a 100' stealth cell tower in G Districts under such provisions which allow a cell tower subject to Special Exception approval by City Council.

Again, thank you for all your help to date.

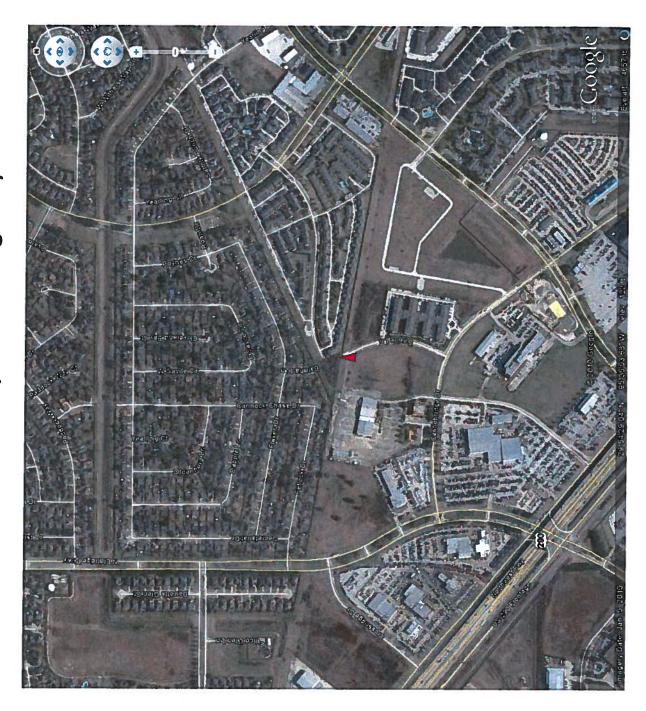
Dave Petrakovitz

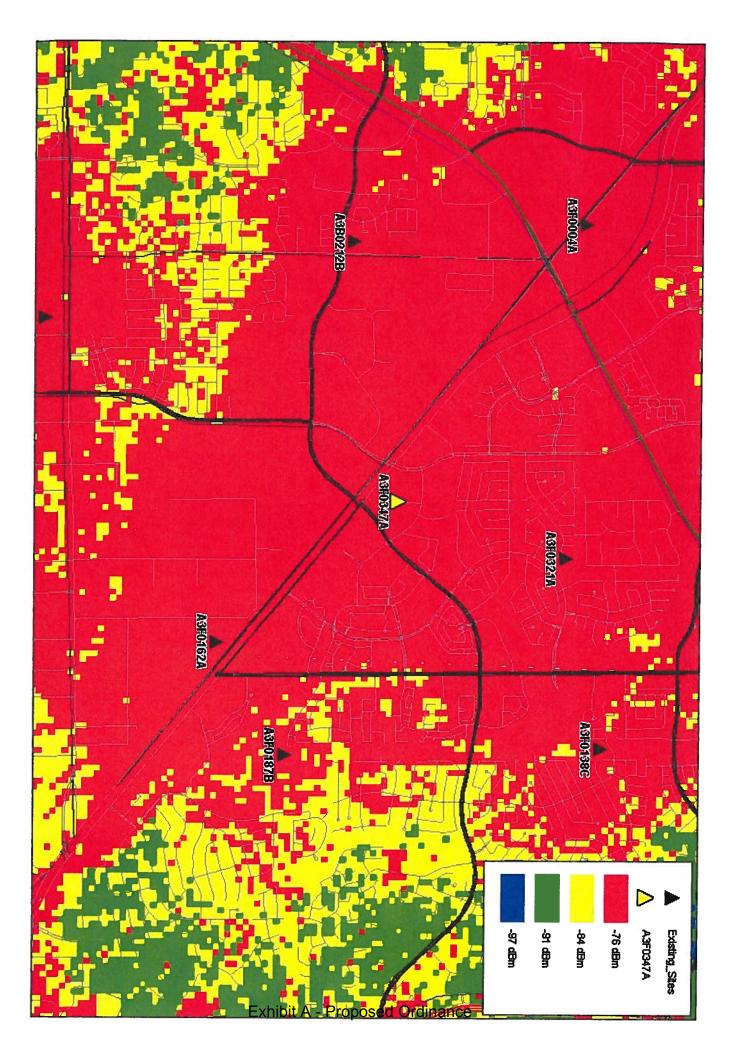
agent for T-Mobile West Corporation

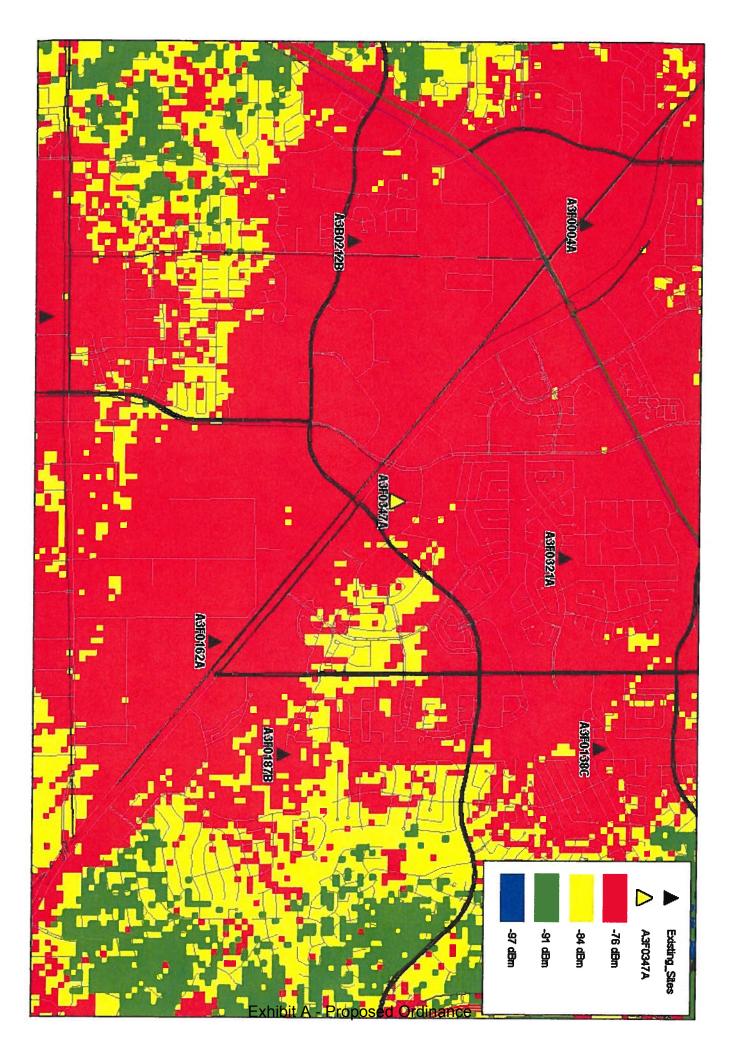
2 Greenway Plaza

Suite 1100

Houston, Texas 77090







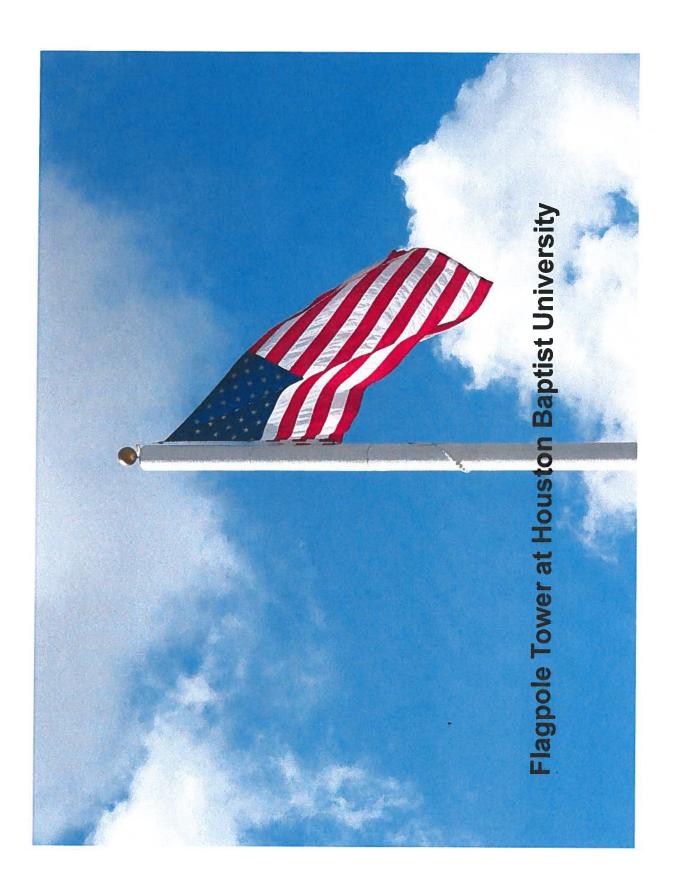


Exhibit A - Proposed Ordinance

100' Flagpole Antenna Site at Houston Baptist University

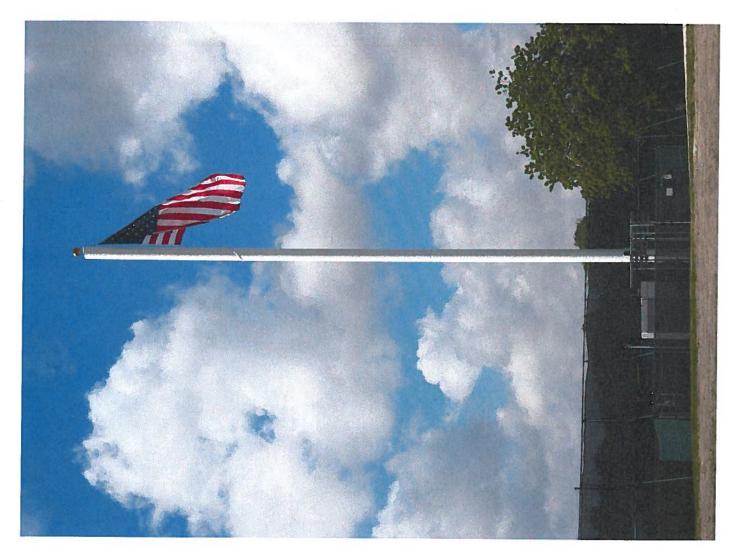


Exhibit A - Proposed Ordinance

75' Flagpole Antenna Site Beltway 8 North Little League field



Exhibit A - Proposed Ordinance

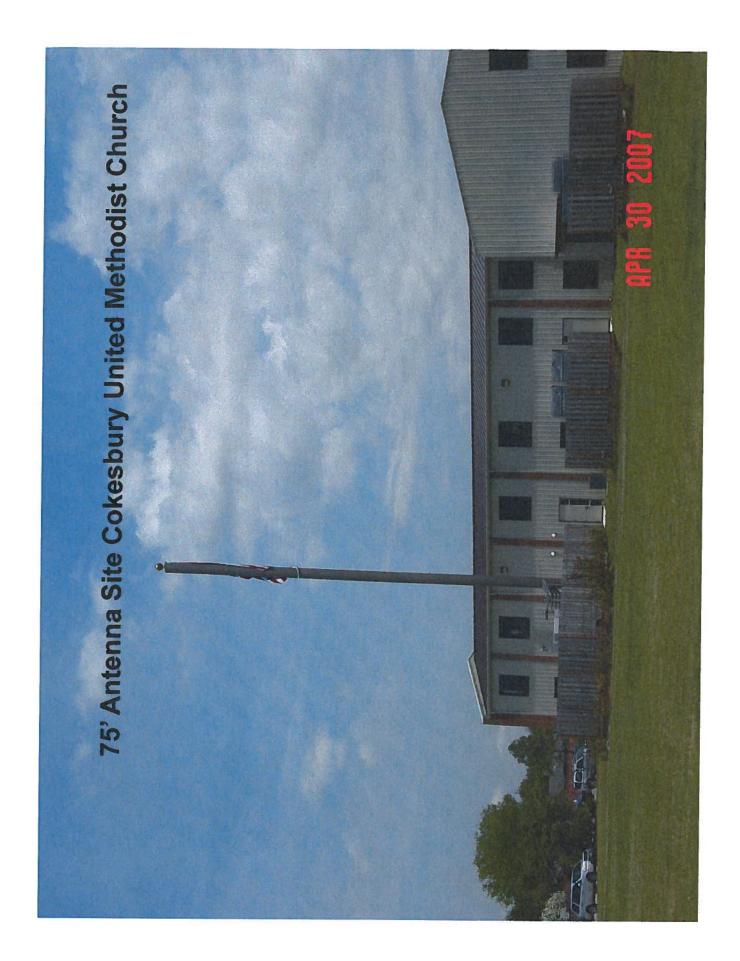


Exhibit A - Proposed Ordinance

Interior view of Cellular Antennas Inside a Flagpole Stealth site

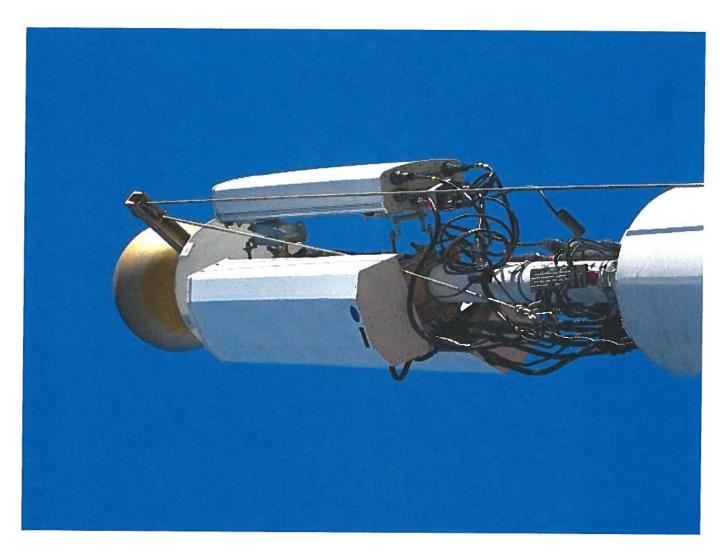


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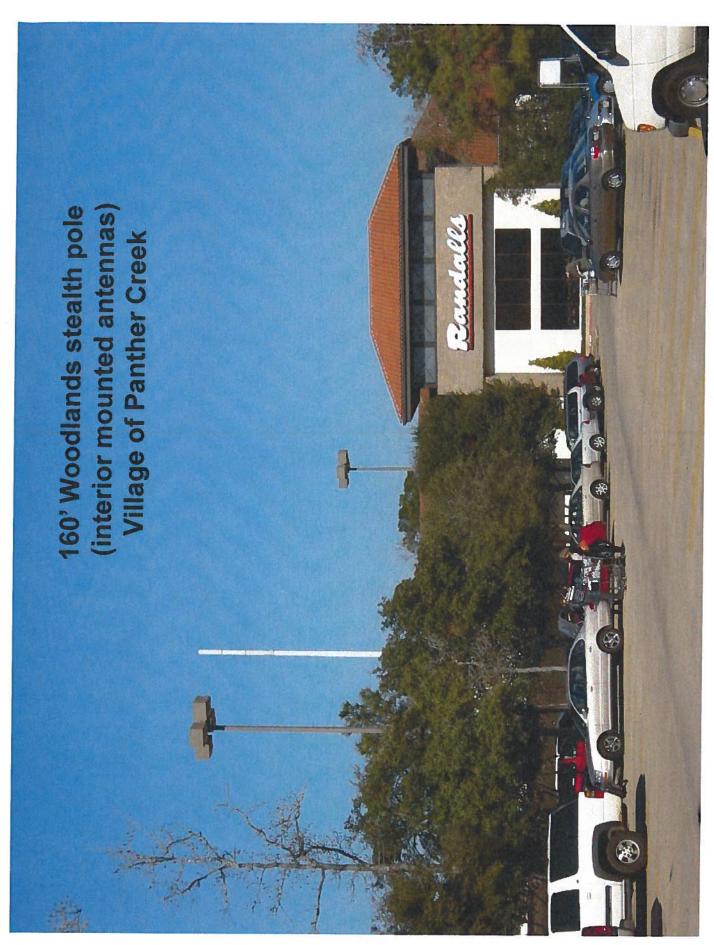


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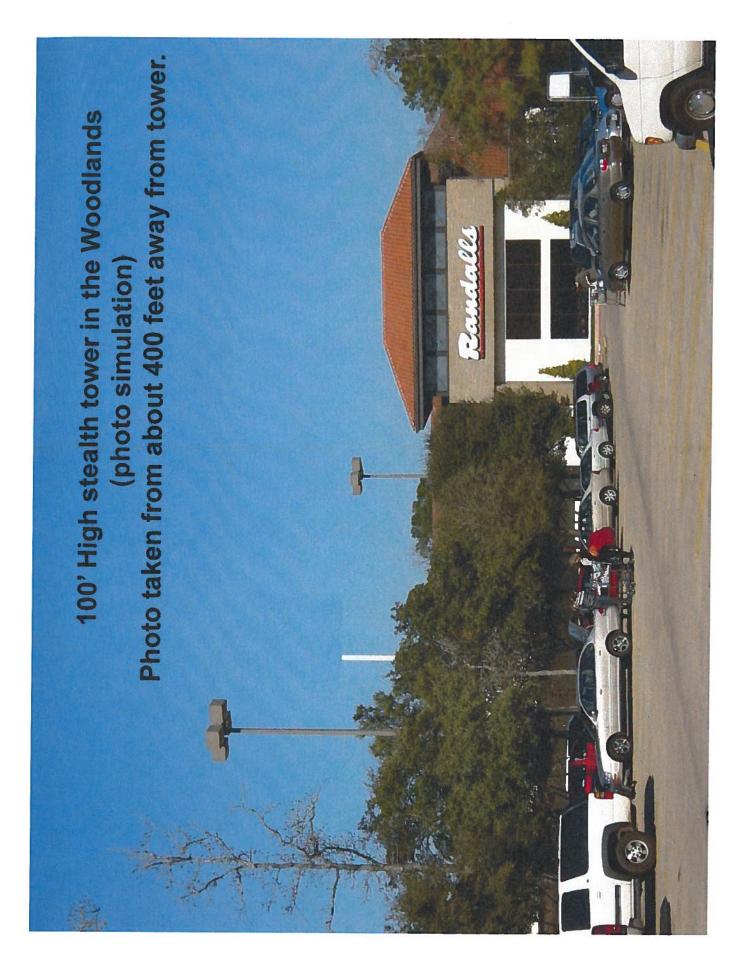


Exhibit A - Proposed Ordinance

