



P&Z Agenda Information Sheet

July 28, 2016

Agenda Item

S-16-02: Conduct a public hearing and adopt an ordinance regarding a Special Use Permit request for AT&T mobility (Cingular Wireless) to construct a new unmanned telecommunications facility not to exceed 150 feet on a 12.32 acre tract of land, generally located on the North side of West Emory, and to the East of Sanford Street, more specifically defined as 1510 Sanford St.

The Planning & Zoning Commission unanimously recommended approval of the request.

The City Commission unanimously approved the first reading on July 11, 2016.

Background & Summary of Request:

The subject property is zoned A-E (Agriculture & Estate). The subject property is located at 1510 Sanford Street at a Marshall Independent School District facility where their buses are housed, as well as various other storage facilities for the school district.

	Zoning Classification	Land Use
North of the Property	A-E (Agriculture-Estate) and R-2 (Single Family Detached)	Wooded, Vacant lot, and Wiley College
East of the Property	R-2 (Single Family Detached)	Single Family Homes
South of the Property	R-2 (Single Family Detached)	Single Family Homes
West of the Property	A-E (Agriculture-Estate)	Price T. Young Middle School

The request is on a Special Use Permit for AT&T mobility to construct a new unmanned 150 foot telecommunications tower. According to the Zoning Ordinance, if the tower is visible from the public streets, it shall have a *“minimum setback of 50 feet from the street right-of-way.”* It also cannot exceed 180 feet unless it is *“designed and built to accommodate a minimum of three telecommunications providers.”*

The Zoning Ordinance outlines the following stipulations for allowing antenna towers within the City:

- 1.) This activity shall be permitted in the A-E, C-2, C-3, I-1 and I-2 districts upon approval of a Special Use Permit.

The property is located within the A-E zoning district and therefore allowed with an approved SUP.

- 2.) The applicant shall submit a report with an application for a Special Use Permit demonstrating that no existing tower or structure in the geographic area, required to meet the applicant's engineering requirements, can accommodate the applicant's proposed antenna.

The proposed tower is being built to provide improved wireless coverage in the Wiley College, Marshall area near the intersection of West Emory and Rose Boulevard. The applicant explained that the area is a high traffic area with many voice and data users, and the existing towers are near maximum traffic utilization, which causes dead zones in service.

There are three towers in the area surrounding the proposed tower:

1. 802 N. Columbus St.
2. 1916 E. Houston St.
3. 3303 Meadow Lane

- 3.) An antenna shall be designed and built to accommodate a minimum of three telecommunications providers, if over 180 feet in height.

The proposed tower is a maximum of 150 feet in height; therefore it is exempt from this requirement.

- 4.) If the height of the tower exceeds more than 180 feet, the tower must be located a minimum of one mile from any existing tower in excess of 180 feet in height.

The proposed tower is a maximum of 150 feet in height; therefore it is exempt from this requirement.

- 5.) Towers and accessory facilities shall satisfy the minimum yard setback requirements for the zoning district in which they are located. Towers visible from public streets shall observe a minimum setback of 50 feet from the street right-of-way. Setback shall be measured from the base of guys for guyed towers or for self supporting towers from the base of the tower. Except that an antenna tower shall be setback from any residential zoning district a distance equal to 100 percent of the fall zone as designated by a licensed professional engineer to the nearest single-family residential zoning district an antenna tower shall be set back from any occupiable structure a distance equal to 110 percent of the fall zone of the tower as designated by a licensed professional engineer.

The property is zoned Agriculture-Estate, but is located in an area that is a mixture of educational institutions, vacant land, and single family residential. Per engineered plans that were provided with the Special Use Permit application, there is a fall zone radius of 175 feet of the tower, which is a fall zone distance equivalent to about 116-percent. There is no

residential property within the fall zone, and the only existing structure in the fall zone is a storage facility on the Marshall ISD property.

- 6.) A fence shall be required around an antenna tower and all supporting members. The fencing shall not be less than eight (8) feet in height measured from finished grade and shall have a minimum of two strands of barbed wire along the top edge.

Submitted plans show that the minimum fencing requirement is met.

Attachments:

1. Aerial of Site
2. Pictures of the Site and Surrounding Area
3. Proposed Site Plan and Elevation
4. Proposed Ordinance

Aerial View of Proposed Antenna Site



S-16-02 Photos



Site where the proposed antenna will be constructed



South of proposed antenna site



Storage facility located in the antenna's fall zone.



West of proposed antenna site.

ORDINANCE NO. _____

AN ORDINANCE FOR A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER ON PROPERTY LEGALLY DESCRIBED AS BEING 12.32 ACRES OF LAND, GENERALLY LOCATED NORTH SIDE OF WEST EMORY STREET AND EAST OF SANFORD STREET, MORE SPECIFICALLY DEFINED AS 1510 SANFORD STREET, WITHIN THE BOUNDARIES OF THE CITY OF MARSHALL, TEXAS.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 22 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request special use permits; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed special use permit; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Commission, recommending approval of the requested special use permit; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Commission held a public hearing in Marshall, Texas at City Hall on the 14th day of July, at 6:00pm for the purpose of considering the requested special use permit, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Commission, after considering the proposed request and after hearing all parties and citizens desiring to be heard, deems that the following request are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. A special use permit is hereby granted and the property described as being a 12.32 acres of land, generally located north of West Emory Street and east of Sanford Street, more specifically defined as 1510 Sanford Street within the boundaries of the City of Marshall, is hereby a permitted use for telecommunications tower use within the boundaries as depicted on the conceptual site plan in Exhibit "A".

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the 14th day of July, 2016.

AYES: __

NOES: __

ABSTAINED: __

PASSED on second reading the 28th day of July, 2016.

AYES: ____

NOES: ____

ABSTAINED: ____

CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

