



Agenda Information Sheet

November 12, 2015

Agenda Item

S-15-01: Conduct a public hearing and consider adoption of an ordinance regarding a Special Use Permit request to construct an antenna for a low frequency radio station at a maximum height of 180 feet to be located at the Iglesia Cristo Esperanza Viva at 209 W. Pinecrest.

Background & Summary of Request:

The subject property is zoned C-3 (General Business) and was developed in 1940 as a shopping center, currently the building houses a church (the applicant) and full service car wash. The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	R-2 (Single-Family Residential)	Vacant
East of the Property	C-3 (General Commercial)	Car Wash & Offices
South of the Property	C-2 (Retail Business)	Retail Center
West of the Property	C-3 (Single-Family Residential)	Hair Salon

The request is on a Special Use Permit request construct a 96 foot antenna for a low frequency radio station. It should be noted that most of the requirements in the Zoning Ordinance related to antenna towers is designed for telecommunications or cell towers, this being a broadcast radio antenna is exempt from the majority of requirements listed in the ordinance. Staff has attempted to pull out the specific requirements for this type of tower and provide an analysis of how this tower is proposing to comply.

The applicant has stated that the antenna would be 96 feet tall, and used as a site for a low-frequency radio station which will be associated with the church use on the property.

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

- 1.) This activity is only 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 C-3 zoning district and therefore allowed.

- 2.) 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. Towers for broadcast radio, cable television, and television antennas shall be exempt from these distance requirements.

The proposed tower is a maximum of 96 feet in height and only allowed for broadcast radio; therefore exempt from this requirement.

- 3.) 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.

Based on the site plan submitted by the applicant, the proposed tower will not comply with the setback requirements set forth in the ordinance. For a 96 foot tower, the ordinance requires that towers be setback 105 feet from a residentially zoned property. The property owner is proposing a 35 feet setback to the closest property zoned residential. That's a 70 foot difference between what is being proposed and what the ordinance requires. Special Use Permits can be approved with conditions, several conditions have been proposed by staff for this specific request at the end of this memorandum, one of those conditions is to require \$1,000,000 general liability insurance in the event the tower does fall for protection of properties to the north in the residential zoning district.

- 4.) 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.

During the building permit process, staff will ensure this requirement is met.

Possible Conditions:

If approval is being considered for the request, staff would recommend the following conditions be placed on the request:

1. The antenna tower is only allowed for the current property owners activities, specifically related to radio broadcasting. If the property owner ceases operations or no longer conducts broadcast, the antenna tower and all associated equipment must be removed within 90 calendar days of last broadcast.
2. At the time of obtaining a building permit for the tower, the property owner must submit to the city, a copy of their license for broadcasting from the Federal Communications Commission. Said license shall be kept in good standing with the Federal Communications Commission, if at any point in time the broadcasting license is revoked by the FCC the antenna tower and all associated equipment must be removed within 90 days of licensing being revoked.

3. Property owner must provide proof of General Liability Insurance in the amount \$1,000,000.00 at the time of building permit.

Attachments:

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

209 W. Pinecrest Drive Aerial



209 W. Pinecrest (S-15-01)
Site Pictures



209 W. Pinecrest Drive

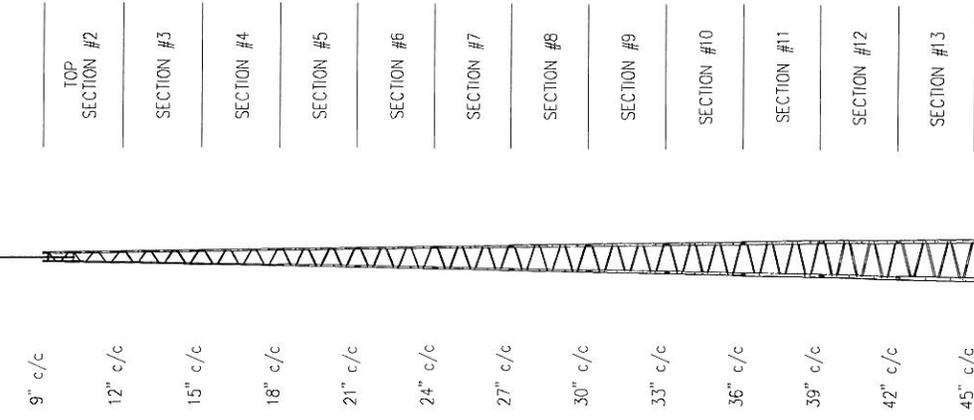


View of proposed antenna location



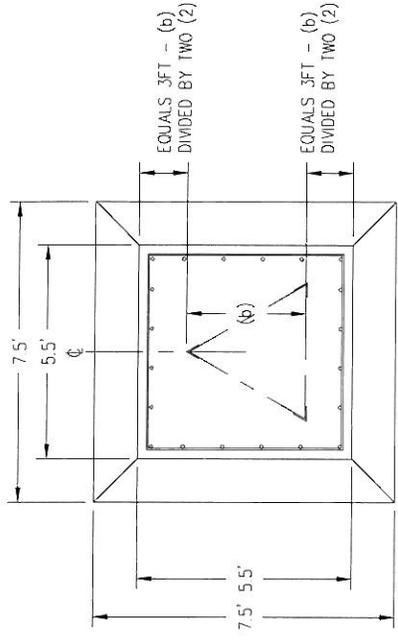
Side view of the property

96' T200 TITAN TOWER
(P/N 4.95.0211.000)

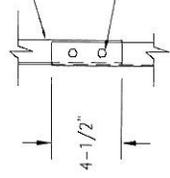


MAXIMUM ALLOWABLE ANTENNA AREA		
SURVIVAL DESIGN NO ICE (ROUND/FLAT)		
70mph WIND	85mph WIND	100mph WIND
15/10 (sqft)	3/2 (sqft)	--/--

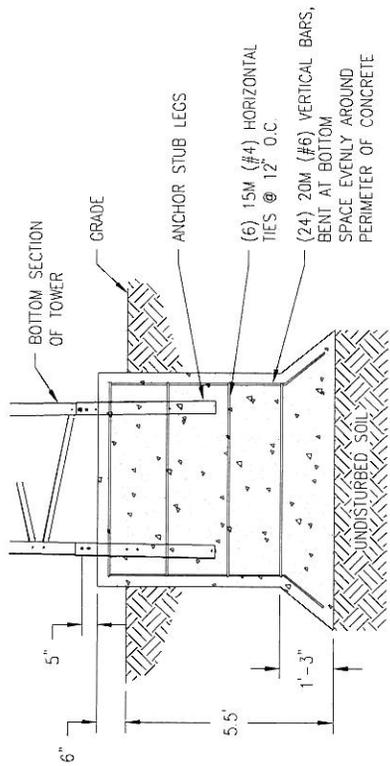
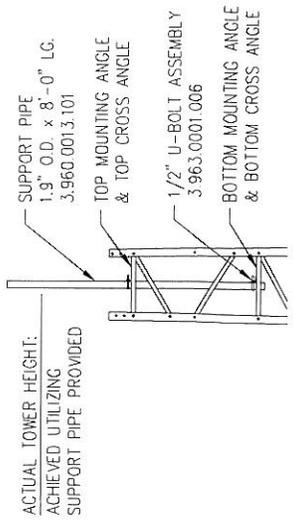
FOUNDATION DESIGN (NORMAL DRY SOIL)



SECTION SPLICE
UPPER SECTION LEG FITS INSIDE LEGS OF LOWER SECTION LEG
3/8" x 3/4" JS500 (Sect #2 - Sect #6)
7/16" x 1" JS500 (Sect #7 - Sect #8)
1/2" x 1" JS500 (Sect #9 - Sect #10)
5/8" x 1-1/4" GR.5 (Sect #11 - Sect #13)



TOP ELEVATION



FOUNDATION LOADS:
MAX. OVERTURNING MOMENT (k*F1) = 105.00
MAX. SHEAR (kips) = 3.0
DESIGN UPLIFT PER INDIVIDUAL LEG (kips) = 32.0
CONCRETE VOLUME: 7.0 CUBIC YARDS

CONFIDENTIAL: ALL INTELLECTUAL PROPERTY RIGHTS HEREIN ARE THE PROPERTY OF TRYLON MANUFACTURING COMPANY LTD. ALL DUPLICATION, RECORDING, DISCLOSURE OR USE IS PROHIBITED WITHOUT WRITTEN CONSENT OF TRYLON MANUFACTURING COMPANY LTD.



- NOTES
- 1) PRE-ASSEMBLED PART NUMBER 4.95.0211.000.
 - 2) MAX ANTENNA LOADS ARE CENTRALLY LOCATED AND BALANCED, 3FT OR LESS ABOVE THE TOWER TOP
 - 3) "SURVIVAL" DESIGN IN NOT THE SAME AS EIA-222 FOR EIA COMPLIANCE SEE OUR SUPER TITAN MODELS.
 - 4) MINIMUM 32ksi YIELD FOR ALL COMPONENTS.
 - 5) CONSTRUCTED FROM PASSIVATED G-90 COAT GALVANIZED STEEL SHEET.
 - 6) TOWERS COME ASSEMBLED IN 8FT SECTIONS.
 - 7) TOP SUPPORT PIPE IS INCLUDED.
 - 8) FOR OPTIONAL ROCK BOLT FOUNDATION SEE DWG 000001.610.0033 AND 000001.610.0021.

CUSTOMER	SITE	SCALE	1:45,000
DATE: 08 MAR 07	BY: MPH	CHK: CR	APP: JB
TITLE: 96' T200 TITAN TOWER	DATE: 5 APR 07	DESCRIPTION:	DRAWING NO: 000001.610.0106

ORDINANCE NO. _____

AN ORDINANCE FOR A SPECIAL USE PERMIT FOR A ANTENNA TOWER ON PROPERTY LEGALLY DESCRIBED AS BEING 0.432 ACRES OF LAND, BEING A PART OF LOTS 2, 3, AND 4 OF THE TALLENT ADDITION, GENERALLY LOCATED NORTHWEST OF THE PINECREST DRIVE (US HWY 43) AND SOUTH WASHINGTON AVENUE INTERSECTION, 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 14 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 12th day of November, 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 legally described as being a 0.432 acre tract of land and being part of Lots 2, 3, and 4 of the Tallent Addition, generally located northwest of the Pinecrest Drive (US HWY 43) and South Washington Avenue intersection within the boundaries of the City of Marshall, is hereby a permitted use for an antenna tower use within the boundaries as shown in the metes and bounds description in Exhibit "A" and depicted on the conceptual site plan in Exhibit "B" and subject to the following conditions:

1. The antenna tower is only allowed for the current property owners activities, specifically related to radio broadcasting. If the property owner ceases operations or no longer conducts broadcast, the antenna tower and all associated equipment must be removed within 90 calendar days of the last broadcast.
2. At the time of obtaining a building permit for the tower, the property owner must submit to the city, a copy of their license for broadcasting from the Federal Communications Commission. Said license shall be kept in good standing with the Federal Communications Commission, if at any point in time the broadcasting license is revoked by the FCC, the antenna tower and all associated equipment must be removed within 90 days of licensing being revoked.
3. Property owner must provide proof of General Liability Insurance for the proposed tower in the amount of \$1,000,000.00 at the time of building permit application.

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 12th day of November, 2015.

AYES: ___

NOES: ___

ABSTAINED: ___

PASSED on second reading the 10th day of December, 2015.

AYES: ____

NOES: ____

ABSTAINED: ____

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

ATTEST:

CITY SECRETARY

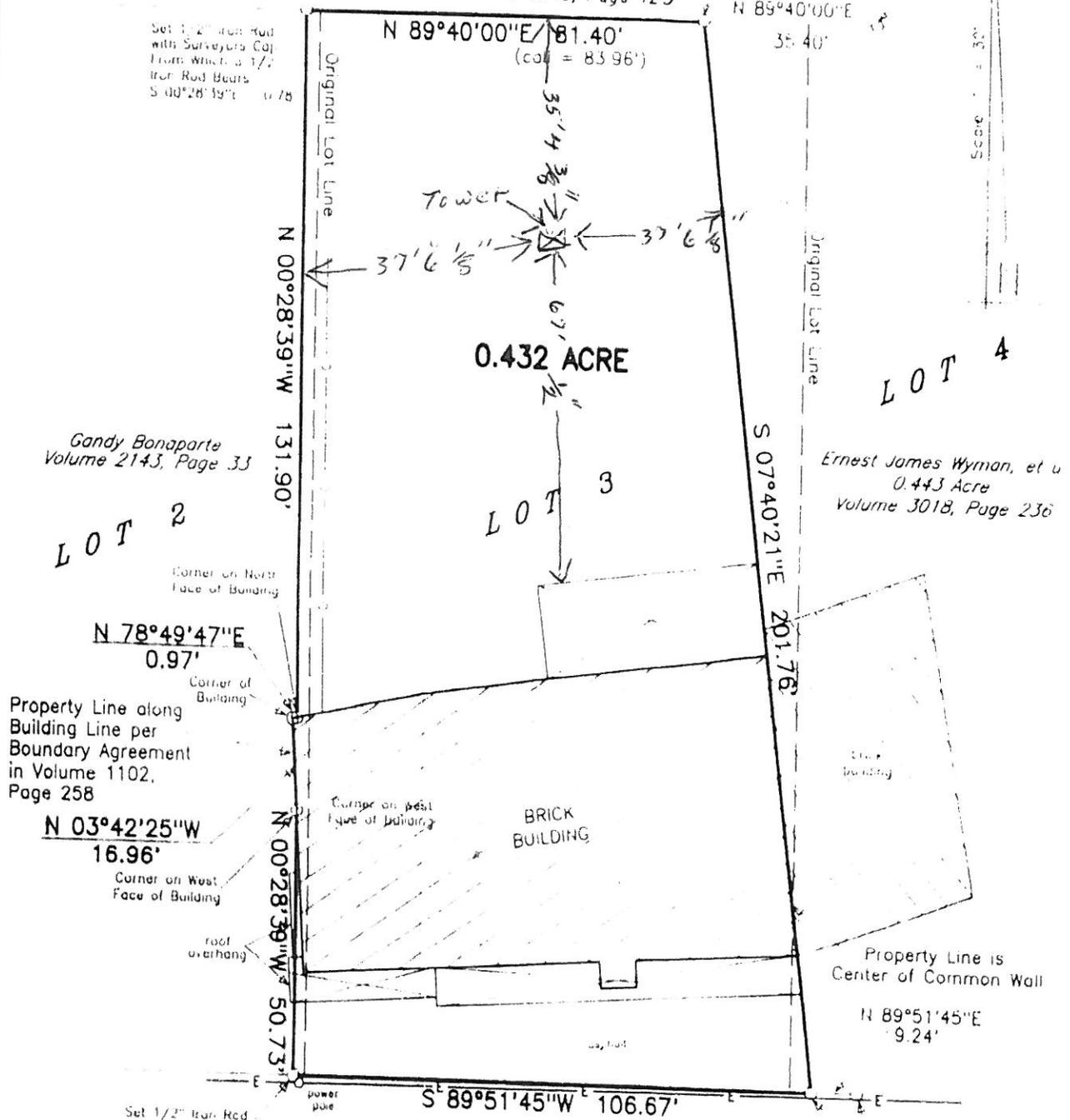
CITY OF MARSHALL

TALLENT ADDITION

Cabinet A, Slide 30

Richard N. Cole
7.242 Acres
Volume 2948, Page 129

Set 1/2" Iron Rod
with Surveyors Cap
From Which a 1/2"
Iron Rod Bears
S 00°28'39"W



Plat Showing: 209/21 West Pinecrest Drive

**0.432 ACRE OF LAND, BEING PART OF
LOTS 2, 3, AND 4, TALLENT ADDITION,
CITY OF MARSHALL,
HARRISON COUNTY, TEXAS**

Being all of that certain tract described in deed to James E. Flori, et ux, and recorded in Volume 1590, Page 344 of the Harrison County Official Public Records

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APR 17 2009

BY: ARK-LA-TEX SURVEYING CO., INC.

LEGEND

I, Mark H. Patreal, hereby certify to CONSTANTINO SEMENTAL, alias Alfredo SEMENTAL and GERONIMO GONZALEZ, exclusively, that this survey was made on the ground, under my supervision, and that this plat correctly represents the facts found at the time of survey. I further state that there are no visible encumbrances or rights of others on the land surveyed.