



**AGENDA**  
**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**7105 WHITLEY ROAD, WATAUGA, TEXAS 76148**  
**THURSDAY, SEPTEMBER 26, 2019**  
**6:30 PM**

**CALL TO ORDER**

**PUBLIC TESTIMONY** Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form provided. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Body. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and effective public meeting.

**APPROVAL OF MINUTES**

1. Approval of Minutes from the July 17, 2019 Regular Meeting of the Zoning Board of Adjustment

**NEW BUSINESS**

1. Discussion and action on selection of Zoning Board of Adjustment Officers
  - a. Chairman
  - b. Vice-Chairman
  - c. Secretary

2. Discussion and action on Zoning Board of Adjustment Case No. 19-01: Request for Special Exception to Watauga City Code of Ordinances, Chapter 115-Zoning, Article V, Section 115-116, Paragraph (e) stating the maximum height for an antenna facility permitted without a special exception in any CF, GU, LB, GB, C, or I district shall be 65 feet. The applicant is seeking special exception for height to increase from 65 feet to 100 feet and for use of a Lattice or Decorative type cellular antenna tower. The property is located at 6600 Starnes Road, Block A of the Foster Village Addition (Foster Village Park). The property owner is City of Watauga. The applicant is CLQ, LLC Tower Consultants dba Wild West Towers Corporation.

## **ADJOURNMENT**

### **Meeting Notices and Reservation of Rights**

The Zoning Board of Adjustment may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

### **NOTICE**

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 281-1991 FOR FURTHER INFORMATION.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Monday, September 23, 2019 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



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Andrea Gardner, City Secretary





## AGENDA MEMORANDUM

**DATE:** September 11, 2019

**TO:** Zoning Board of Adjustment Members

**FROM:** Randy Richards, Building Official  
Paul Hackleman, P.E., CFM, Director of Public Works

**SUBJECT:** Approval of Minutes from the July 17, 2019 Regular Meeting of the Zoning Board of Adjustment

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**BACKGROUND/INFORMATION:**

This item contains Meeting Minutes Draft for Zoning Board of Adjustment review and approval.

**FINANCIAL IMPLICATIONS:**

NA

**RECOMMENDATION/ACTION DESIRED:**

Respectfully recommend the Zoning Board of Adjustment review and take action on the item presented.

**ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. MINUTES - July 17, 2019

**REVIEWED BY:**

Randy Richards, Building Official  
Paul Hackleman, P.E., CFM, Director of Public Works  
Andrea Gardner, City Manager

*Approved as to form for inclusion on Agenda*

Approved - 9/20/2019  
Approved - 9/23/2019  
Final Approval - 9/23/2019



**“A GREAT PLACE TO LIVE”**

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
WEDNESDAY, JULY 17, 2019  
CITY HALL-COUNCIL CHAMBER, 7105 WHITLEY ROAD  
REGULAR MEETING  
5:30 P.M.**

**MEMBERS PRESENT:**

Pete Beierschmitt, Vice-Chairperson, Place 3  
Robert Daniel, Place 5  
Mel Eperthener, Place 4  
David Villafuerte, Alternate, Place 1  
Charlie Mann, Alternate, Place 3

And

George Hyde, City Attorney  
Randy Richards, Building Official  
Paul Hackleman, Director of Public Works  
Jeannette Garcia, Planning and Zoning Coordinator

With

James Kite, Chairperson, Place 2, absent without notice  
Barry Sullivan, Alternate, Place 4, absent with notice

**CALL TO ORDER:**

Vice-Chairperson Beierschmitt called the meeting to order at 5:30 p.m.

**APPROVAL OF MINUTES:**

1. Approval of Minutes from the October 2, 2018 Regular Meeting of the Zoning Board of Adjustment.

Member Bob Daniels made a motion to approve the minutes of October 2, 2018 as presented. Member Charlie Mann seconded the motion, which passed as follows:

AYES: Beierschmitt, Daniels, Eperthener, Mann  
NAYS: None  
ABSENT: Kite, Sullivan  
ABSTAIN: Villafuerte

**PUBLIC HEARING**

1. ZBA Case No. 19-01: Request for Special Exception to Watauga City Code of Ordinances, Chapter 115 Zoning, Article V, Section 115-116, Paragraph (e)

stating the maximum height for an antenna facility permitted without a special exception in any CF, GU, LB, GB, C, or I district shall be 65 feet. The applicant is seeking special exception for height to increase from 65 feet to 100 feet and for use of a Lattice or Decorative type cellular antenna tower. The property is located at 6600 Starnes Road, Block A of the Foster Village Addition (Foster Village Park). The property owner is City of Watauga. The applicant is CLQ, LLC Tower Consultants dba Wild West Towers Corporation.

a. Open Public Hearing, allow for staff comments

Vice-Chairperson Beierschmitt opened the Public Hearing at 5:31 p.m. calling upon staff for presentation and comments. Paul Hackleman, Director of Public Works, opened with introductions of applicants from Wild West Towers. Peter Kavanagh, applicant on behalf of Wild West Towers, took the podium giving introductions of the project and the seeking of a special exception for antenna height to increase from 65 feet to 100 feet. Public Works Director, Paul Hackleman, reminded the board that the City is not looking to build a tower; applicant is seeking to lease the land to build the tower. In the lease will be agreement to maintain the tower, acceptable to the City. Many designs are available to choose from. The tower will belong to the applicant as they are leasing space to operate in the park.

b. Public Comments

At 5:53 p.m. Vice-Chairperson Pete Beierschmitt opened the public hearing to public comments. The City Attorney reminded the public to speak to the Board not the audience. He also reminded the audience that the board cannot use health as a basis to deny a permit. The Board is pre-empted.

Tom Kizer	6541 Starnes Road
Tiffany DeAmicis	7404 Meadowbrook Dr.
Kera Pavelka	6536 Bluegrass Dr.
Neal Cooper	6921 Cheatham Dr.
Sandy Bush	6620 Mona Lisa
Victor Alcasas	7017 Declaration St

c. Close Public Hearing

Vice-Chairperson Beierschmitt closed the public hearing and reconvened the meeting at 6:11 p.m.

**NEW BUSINESS:**

1. Discussion and action on selection of Zoning Board of Adjustment Case No. 19-01: Request for a Special Exception to Watauga City Code of Ordinances, Chapter 115 – Zoning, Article V, Section 115-116, Paragraph (e) stating the maximum height for an antenna facility permitted without a special exception in

any CF, GU, LB, GB, C, or I district shall be 65 feet. The applicant is seeking special exception for height to increase from 65 feet to 100 feet and for use of a Lattice or Decorative type cellular antenna tower. The property is located at 6600 Starnes Road, Block A of the Foster Village Addition (Foster Village Park). The property owner is City of Watauga. The applicant is CLQ, LLC Tower Consultants dba Wild West Towers Corporation.

Applicant, Peter Kavanaugh, on behalf of Wild West Towers, request to postpone item to provide Zone Systems an opportunity to host a meeting with the citizens. Mr. Bob Daniel made a motion as requested and Mr. David Villafuerte seconded the motion, which passed as follows:

AYES: Beierschmitt, Daniels, Eperthener, Mann, Villafuerte  
NAYS: None  
ABSENT: Kite, Sullivan  
ABSTAIN: None

**ADJOURNMENT:**

With no further business to discuss, Mr. Beierschmitt adjourned the meeting at 6:21 p.m.

**APPROVED:** this the \_\_\_\_\_ day of \_\_\_\_\_ 201\_.

**SIGNED:** this the \_\_\_\_\_ day of \_\_\_\_\_ 201\_.

**APPROVED:** \_\_\_\_\_  
Pete Beierschmitt, Vice-Chairperson

**ATTEST:** \_\_\_\_\_  
Mel Eperthener, Secretary



## AGENDA MEMORANDUM

**DATE:** September 11, 2019

**TO:** Zoning Board of Adjustment Members

**FROM:** Randy Richards, Building Official  
Paul Hackleman, P.E., CFM, Director of Public Works

**SUBJECT:** Discussion and action on selection of Zoning Board of Adjustment Officers

- a. Chairman
- b. Vice-Chairman
- c. Secretary

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### **BACKGROUND/INFORMATION:**

Article II.-Administration and Enforcement Section 115-34.-Board of Adjustment (a) (5) Annual meeting; adoption of rules; installation of members, duties of officers. The board shall hold an organizational meeting in September of each year and shall elect a chairman, vice-chairman and a secretary from among its members before proceeding to any other matter of business.

- a. Chairperson shall preside at all meetings and is a voting member of the board.
- b. Vice-chairperson shall assist the chairperson and act in the chair's absence.
- c. Secretary is responsible for accuracy of the minutes and shall sign approved minutes.

### **FINANCIAL IMPLICATIONS:**

NA

### **RECOMMENDATION/ACTION DESIRED:**

Respectfully recommend selection of officers.

### **ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. Sec.\_115\_34.\_\_\_\_Board\_of\_adjustment.



## **AGENDA MEMORANDUM**

### **REVIEWED BY:**

Randy Richards, Building Official

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

*Approved as to form for inclusion on Agenda*

Approved - 9/20/2019

Approved - 9/23/2019

Final Approval - 9/23/2019

Sec. 115-34. - Board of adjustment.

(a) *Organization of the board.*

- (1) *Creation.* There is hereby created a board of adjustment to be composed of five members who shall be qualified electors of the city. It is the declared policy of the city council that it will consider for appointment by the mayor and subject to approval and consent of the city council, only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and availability to prepare for and attend meetings. The city council may appoint up to four alternate members of the board of adjustment who shall serve in the absence of one or more regular members of the board when requested to do so by the mayor or city manager, as the case may be. Alternate members shall be qualified electors of the city and shall serve for a period of two years from September 1 of the year in which they are appointed.
- (2) *Term of office.* The board of adjustment shall consist of five regular members. Places on the board shall be numbered one through five with all members appointed for two-year terms to expire August 31. Members serving in odd-numbered places shall have their terms expire on each odd-numbered year, and members serving in even-numbered places shall have their terms expire on even-numbered years. The board may submit to the mayor the names of those current members who are recommended for reappointment. An interview committee composed of three members of the city council shall be appointed by the mayor for a term of one year (October 1 through September 30) to interview applicants to fill vacancies on the board. The mayor shall designate one of these three members as an "alternate." In the event the city council has a quorum of four members, all three members (including the alternate) shall serve in their capacity to interview applicants. In the event the city council has a quorum of three members, the alternate will not participate in the interviewing of applicants. However, the alternate shall serve in his or her capacity to interview applicants in the absence of one of the two other members. Members of the interview committee, individually, or as a group, shall submit the names of those recommended for appointment to the mayor. No person shall be recommended for appointment to the mayor by a member of the interview committee unless they have been interviewed by at least one member of the interview committee. The mayor may accept or reject the names submitted. The mayor, subject to the approval and consent of the city council in an open meeting, shall appoint members to the board.
- (3) *Vacancy.* Vacancies shall be filled for unexpired terms; no member shall be appointed for a term in excess of two years. A vacancy in a term of office shall occur whenever the city council finds that a member:
  - a. Has resigned or has not maintained the qualifications required for appointment;
  - b. Has repeatedly failed to attend properly called meetings of the board without just cause; or
  - c. Has been guilty of malfeasance or misconduct in office.
- (4) *Liaisons.* In addition to regular board members, each board shall have two members of the city council appointed by the mayor, subject to the approval and consent of the city council, to serve as liaisons to the board. The purpose of the liaisons is to provide guidance to the board in matters pertaining to city administration and home rule charter affairs, and to provide interface with city staff, the city attorney, and the full city council in any matter that may arise. City council liaisons shall not have the right to vote in any matter before the board, but shall have the right to fully participate in all discussions of matters that come before the board. The appointment of liaisons by the mayor shall be at the second meeting in June of each year.
- (5) *Annual meeting; adoption of rules; installation of members, duties of officers.* The board shall hold an organizational meeting in September of each year and shall elect a chairman, vice-chairman and a secretary from among its members before proceeding to any other matters of business. The board shall meet regularly and shall designate the time and place of its meetings. The board shall adopt its own rules of procedure and keep a record of its proceedings in

accordance with the state statutes and this chapter. Newly appointed members shall be installed at the first regular meeting after their appointment. Duties of the officers shall be as follows:

- a. *Chairperson.* The chairperson shall preside at all meetings, represent the board at public functions, appoint special committees, and provide an agenda for each meeting, which will include any item requested by another board member, or by the director of the department with whom this board directly interfaces. The agenda shall be provided to the city secretary in advance of any meeting to provide proper posting and notification notice in accordance with Texas Open Meeting Act (V.T.C.A., Government Code ch. 551). The chairperson shall schedule meetings of the board, if other than the pre-established time, day, and/or week of the month. The chairperson shall be a voting member of the board.
  - b. *Vice-chairperson.* The vice-chairperson shall assist the chairperson in directing the affairs of the board and act in the chair's absence.
  - c. *Secretary.* The secretary is responsible for the accuracy of the minutes of the board meetings. A draft copy of those minutes will be provided to the city secretary within three working days following any meeting. In addition, the secretary shall sign the approved minutes.
- (6) *Quorum and attendance at meetings.* Four members of the board shall constitute a quorum for the conduct of business. The members of the board shall regularly attend meetings and public hearings of the board and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.
- (7) *Removal.*
- a. The board shall recommend to the mayor and city council removal of any member who is absent from two consecutive meetings without first notifying the chair or the city secretary's office by 12:00 noon of the meeting date and/or fails to exhibit a general interest in the endeavors of the board. Two consecutive absences by a member, whether or not the member first notifies the chair or the city secretary's office by 12:00 noon of the meeting date, shall require a specific agenda item at the next regularly scheduled meeting to determine if the reasons for the absences are sufficient to be excused or constitutes a failure to exhibit a general interest in the endeavors of the board.
  - b. After a public hearing and upon a written charge, the council may remove a board member for cause pursuant to V.T.C.A., Local Government Code § 211.008(b).
- (b) *Duties and powers of the board.* The board of adjustment shall have the powers and exercise the duties of a board in accordance to V.T.C.A., Local Government Code § 211.008. Board members are representatives of the city and shall have the right to inspection of premises where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of this city. The board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to insure continuing compliance with its decision.
- (1) *Interpretation.* To render an interpretation of the zoning regulations or the manner of their application where it is alleged that there is error in any order, requirement, or determination made by the zoning official in the administration of such provisions. In reaching its decisions the board shall establish firm guidelines for future administrative actions on like matters.
  - (2) *Special exception.* To decide upon those applications for a special exception use or development of property when the same is authorized under this chapter subject to board approval. In reaching its decision the board shall not grant the application if it finds:
    - a. That the use is not specifically permitted under this chapter;
    - b. That the locations of proposed activities and improvements are not clearly defined on the site plan filed by the applicant; or

- c. That the exception will not be wholly compatible with the use and permitted development of adjacent properties.
- (3) *Variance.* To authorize upon appeal in specific cases such variance from the development controls set forth in this chapter as will not be contrary to public interest. In reaching its decision, the board shall not grant the variance appeal if it finds:
- a. That literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property;
  - b. That the situation causing the hardship or difficulty is not unique to the affected property or is self-imposed;
  - c. That the relief sought will injure the permitted use of adjacent conforming property; or
  - d. That the granting of the variance will not be in harmony with the spirit and purposes of this chapter.
- (c) *Appeal and allocation procedure.*
- (1) *Interpretation request; variance appeal.* A request for interpretation of regulations or an appeal for variance from development controls may be taken by any person aggrieved or by any officer, department, or board of the city affected by a decision of the zoning official. Such appeal shall be taken within a reasonable time as determined by rules of the board of adjustment, by filing with both the zoning official and the board of adjustment a notice of appeal, specifying the grounds thereof. The zoning official shall transmit to the board all papers constituting the record upon which the action appealed from was taken.
  - (2) *Stay of proceedings.* An appeal shall stay all proceedings of the action appealed from, unless the zoning official, after the notice of appeal has been filed with him, certifies to the board that by reason of facts stated in his certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a court of record on application and notice to the zoning official from whom the appeal is taken.
  - (3) *Special exception application.* An application for a special exception to use or develop property as specifically authorized in district use regulations or in this chapter may be filed by any person owning the affected property or by any tenant upon written authorization of the owner. Such application shall be filed with the board, and a copy thereof with the zoning official.
  - (4) *Form of appeal or application.* The appeal or application shall be in such form and contain such information as the board may require under its rules of procedure. It shall be accompanied by the required fee. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the board, and shall not be reviewed or scheduled for hearing until brought to completion.
  - (5) *Notice of hearing.* Official written notice of public hearing on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, or to the person rendering the same for city taxes, affected by such application, located within 200 feet of any property affected thereby, within not less than ten days before such hearing is held. Such notice shall be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on requests for interpretation of regulations applying to more than one property and ownership shall be given by means of a general notice as provided below. In addition, a list of items on the agenda to be heard by the board shall be posted at a public place in city hall at least 72 hours before the hearing on said items, and a list of agenda items shall be published in a newspaper of general circulation in the city at least 24 hours before the hearing at which action will be considered.
- (d) *Hearing and decision.*
- (1) *Generally.*

- a. The board of adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney or agent. Evidence supporting the grant or denial of an appeal shall be submitted only through the zoning official or to the board in public meeting.
  - b. Any appeal or application may be withdrawn upon written notice to the zoning official, but no appeal shall be withdrawn after posting of hearing notice and prior to board action thereon without formal consent of the board.
- (2) *Decision and voting.*
- a. Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the board is authorized to pass under this chapter shall be construed as limitations on the power of the board to act.
  - b. Nothing herein contained shall be construed to empower the board to change the terms of this chapter, or to effect changes in the zoning districts. The powers of the board shall be so applied that the terms of this chapter will be strictly enforced.
  - c. In exercising its powers, the board of adjustment, in conformity with the provisions of V.T.C.A., Local Government Code §§ 211.008—211.013 may modify in whole or in part any order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
  - d. The concurring vote of four members of the board shall be necessary to reverse on appeal, any order, requirement, decision, or determination of the zoning official, or to approve any application upon which it is required to pass under this chapter or to effect any variance in said chapter.
- (3) *Disqualification from voting.*
- a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the board.
  - b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.
- (4) *Approval of request.*
- a. In approving any request, the board of adjustment may designate such conditions in connection therewith in order to secure substantially the objectives of the regulation or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted.
  - b. When necessary, the board of adjustment may require guarantees, in such form as it deems proper, to insure that conditions designated in connection therewith are being or will be complied with.
  - c. Unless a building permit or certificate of occupancy is obtained, appeal shall expire 60 days after the board's decision unless a greater time is requested in the application and is authorized by the board. Any approval may be granted one emergency extension of 60 days on written request filed with the board before expiration of the original approval.
- (5) *Denial of request.* No appeal or application that has been denied shall be further considered by the board under a subsequent request obtained by filing new plans and obtaining of a new decision from the zoning official unless:
- a. The new plans materially change the nature of the request; or

b. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the board, so as to support an allegation of changed conditions.

(6) *Appeal of board action.* Any persons, jointly or separately, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, or board of the city, may present to a court of record a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the board of adjustment, and not thereafter.

(e) *Authorized special exceptions.* The following privately owned or privately operated uses may be permitted as special exceptions by the board in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the board may impose for protection of public health or safety:

Special Exception		District Where Permitted
(1)	Aviation field, airport, or aircraft landing area	I
(2)	Extension of cemetery, mausoleum, or crematory for the disposal of human dead	All districts
(3)	Shared parking: Sharing of the same off-street parking space by two or more uses, as follows:	CF, GU, LB, GB, C or I
(A)	When two or more uses, according to such approved plan, share the same off-street parking space, each may be considered as having provided such sharing space individually.	
(B)	The land uses and common parking facility must be located in close proximity to one another.	
(C)	The land uses must be located not farther from the shared parking than a distance of 300 feet, measured by a straight line from the nearest point of the shared off-street parking space.	
(4)	Off-site parking when the following applies:	
(A)	Must be located not farther from the use served than a distance of 300 feet, measured by a straight line from the nearest point of the land on which the use served is located to the nearest point of the separated off-street parking	

		space.	
	(B)	A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to service.	
(5)		Reduction of required parking between 11% and 50%.	CF, GU, LB, GB, C or I
(6)		Antenna facilities which do not meet the requirements of section 115-116, Antenna facilities. See section 115-116, Antenna facilities.	
(7)		Outside storage for department stores and hardware stores. Conditions: Must not be located in the designated front yard setback area.	CF, GU, LB, GB, C or I
(8)		Carports. Conditions: Must have minimum five foot front yard setback from the sidewalk (or ten-foot front yard setback in yards where there is no sidewalk), and minimum five-foot side yard setback. Carports may be constructed of (1) all metal finished in a color or color scheme identical to, or compatible with, the trim of the existing residential structure, or (2) a combination of wood and masonry so designed that the masonry and roofing material used in the construction of the carport is compatible with the existing residential structure. However, residences constructed pursuant to 80% or greater masonry requirements (based on square footage measurements) must have carports constructed with vertical columns of brick or natural stone. Residences constructed pursuant to zoning buildings regulations with masonry requirements of less than 80% are exempt from the requirement of masonry or natural stone columns. The maximum height of any portion of the carport shall not be higher than the highest part of the residence. Flat roof designed carports shall not extend below the lowest point of the eaves of the house. Carports will not be built to accommodate vehicles more than eight feet in height.	SFA, SF6, D, and MF and residential uses; permitted in nonresidential districts by provisions otherwise contained within the zoning ordinance.
(9)		Seasonal merchants. Conditions: The special exception shall be limited to outdoor retail sales of items to include pumpkins, hay bales, Christmas trees, holiday yard art or holiday accessory	GB, LB, C and I

<p>items, shrubbery, outdoor plants, potted plants, hanging baskets and container plants as well as fruit and vegetable plants, shrubs and trees. These special exception sales may only occur March 1 through December 31. Seasonal permits must be obtained annually from the department of public works.</p>	
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(Code 2001, § 14.604; Code 2010, § 14.06.004; Ord. No. 1439, § IV, 2-22-2010; Ord. No. 1543, § I, 1-27-2014; Ord. No. [1673](#), § I, 10-22-2018)

**State Law reference**— Board of adjustment, V.T.C.A., Local Government Code § 211.008 et seq.



## AGENDA MEMORANDUM

**DATE:** September 11, 2019

**TO:** Zoning Board of Adjustment Members

**FROM:** Randy Richards, Building Official  
Paul Hackleman, P.E., CFM, Director of Public Works

**SUBJECT:** Discussion and action on Zoning Board of Adjustment Case No. 19-01: Request for Special Exception to Watauga City Code of Ordinances, Chapter 115-Zoning, Article V, Section 115-116, Paragraph (e) stating the maximum height for an antenna facility permitted without a special exception in any CF, GU, LB, GB, C, or I district shall be 65 feet. The applicant is seeking special exception for height to increase from 65 feet to 100 feet and for use of a Lattice or Decorative type cellular antenna tower. The property is located at 6600 Starnes Road, Block A of the Foster Village Addition (Foster Village Park). The property owner is City of Watauga. The applicant is CLQ, LLC Tower Consultants dba Wild West Towers Corporation.

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### **BACKGROUND/INFORMATION:**

This application was originally presented to the Zoning Board of Adjustments on July 17, 2019 with a public hearing completed. The item was postponed at the applicants request to allow the applicant time to meet with citizens for their input.

This application remains a request for a special exception to allow an increase in height from 65 feet to 100 feet for a Lattice or Decorative type cellular antenna tower to be placed at 6600 Starnes Road within the Foster Village Park. The proposed antenna tower location is separated from residential property by a distance of 200 feet or more in every direction.

Notice of Public Hearing letters were sent to all properties within 200 feet of proposed antenna location on June 26, 2019.

Sec. 2-168. - Additional requirements for board members.  
(a) Any member of the planning and zoning commission or zoning board of adjustment having interest or having a relative with any interest in any property within 200 feet of the property which is the subject of an amendment to the comprehensive zoning ordinance or on which a change of zoning is requested shall file a written affidavit with the city secretary stating the nature and extent of such interest and shall disqualify themselves from voting or participating in a decision



## AGENDA MEMORANDUM

relative to any amendment to the city's comprehensive zoning ordinance or any change in the zoning classification of subject property. Any such member who has any such interest is legally disqualified from participating in any vote or decision to the change in zoning.

### **FINANCIAL IMPLICATIONS:**

If we pursue an agreement with Wild West Towers, it may eventually provide lease payments to the City's General Fund in the amounts of:

\$1200 per month for 1st Carrier (estimated)

\$ 250 per month for each additional Carrier (three carriers max - estimated)

These are assumed numbers and would be negotiated as part of a lease agreement.

### **RECOMMENDATION/ACTION DESIRED:**

Discussion and approval or denial for ZBA Case No. 19-01 Special Exception

### **ATTACHMENTS/ SUPPORTING DOCUMENTATION:**

1. ZBA-19-01 Application w Special Exception
2. T-Mobile Request Submittal
3. Antenna - Ordinance Requirements
4. Foster Village Park Photo-sims
5. Lease Site Plan
6. Wild West Watauga letter to neighboring citizens
7. Wild West Watauga photo sim sent to neighboring citizens
8. ZBA PUBLIC HEARING NOTICE

### **REVIEWED BY:**

Randy Richards, Building Official

Paul Hackleman, P.E., CFM, Director of Public Works

George Hyde, Legal

Andrea Gardner, City Manager

*Approved as to form for inclusion on Agenda*

Approved - 9/20/2019

Approved - 9/20/2019

Approved - 9/21/2019

Final Approval - 9/23/2019



Zoning Board of Adjustment Application

(PLEASE PRINT)

CASE NO. ZBA 19-01

DATE PAID: 6/17/2019

ZBA FEE: \$250.00

RECEIPT #: 19-00694

I, THE UNDERSIGNED APPLICANT, HEREBY MAKE APPLICATION FOR A \_\_\_\_\_ VARIANCE OR X SPECIAL EXCEPTION FROM THE ZONING ORDINANCE OF THE FOLLOWING DESCRIBED REAL PROPERTY LOCATED IN THE CITY OF WATAUGA, TEXAS:

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ IN THE: Foster Village 14610 \_\_\_\_\_ ADDITION

I AM THE \_\_\_\_\_ OWNER \_\_\_\_\_ LESSEE X \_\_\_\_\_ OTHER OF SAID PROPERTY. (IF NOT THE OWNER PLEASE PROVIDE OWNER'S AUTHORIZATION)

NAME OF APPLICANT: Peter Kavanagh, Zone Systems, Inc.

APPLICANT ADDRESS: 1620 Handley Drive, Suite A, Dallas TX 75208

PHONE: (214) 941-4440 E-MAIL ADDRESS: PeterK@zonesystems.com

LIST PERTINENT SECTION (S) OF ZONING ORDINANCE AND INDICATE THE SPECIFIC VARIANCE OR SPECIAL EXCEPTION AMOUNTS BEING REQUESTED. (ATTACH A SEPARATE SHEET IF NECESSARY)

Telephone switching facilities permitted on GU districts (Article V). Transmission towers permitted in adjacent SF6 district. Maximum height of 65'. See Attachment

STATE GROUNDS FOR THE REQUEST AND DETAIL ANY SPECIAL CONDITIONS WHICH CAUSE HARDSHIPS THAT IN YOUR OPINION JUSTIFY THE VARIANCE OR SPECIAL EXCEPTION (S) YOU ARE REQUESTING.

The height of the antenna is necessary to enable the cellular service to operate efficiently.

(ATTACH A DETAILED DIAGRAM OF SITE DRAWN TO SCALE AND ANY OTHER DRAWINGS OR PICTURES NECESSARY TO HELP EXPLAIN THE CASE.)

\*I have read the completed application and know the same is true and correct and hereby agree that if a permit is issued all provisions of the City Ordinances and State Laws will be complied with whether herein specified or not. I agree to comply with all property restrictions. I am the owner of the property or the duly authorized agent.

\*Submittal of false information or omission as required by this application may result in any permit, license, or approval being revoked.

\*Signatures certify that all information provided is true and correct

SIGNATURE: [Handwritten Signature]

OFFICE USE ONLY: THIS APPEAL HAS BEEN APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ BY THE ZONING BOARD OF ADJUSTMENT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. CHAIRMAN, ZONING BOARD OF ADJUSTMENT



**Zoning Board of Adjustment Application**  
(PLEASE PRINT)

**SPECIAL EXCEPTION REQUEST**

PERTINENT SECTION (S) OF ZONING ORDINANCE AND INDICATE THE SPECIFIC VARIANCE OR SPECIAL EXCEPTION AMOUNTS BEING REQUESTED:

- A. Requesting a special exception per Watauga Zoning Ordinance Section 115-34 (e) (6) where the maximum height for a Cellular Antenna Facility is 65 feet.
- B. Request a variance of 35 feet to the height limit of 65 feet, for a total of 100 feet to accommodate the Antenna Facility.

**Gary Brundage**  
**CLQ, LLC Tower Consultants**  
*Wild West Towers Corporation*  
3200 S. Hiwassee Road  
Orlando, FL 32835

---

April 16, 2019

Jeannette Garcia  
Planning and Zoning Coordinator  
City of Watauga  
Development Services  
7800 Virgil Anthony Blvd.  
Watauga, TX 76148

RE: Zoning Board of Adjustment Application  
Foster Village Park

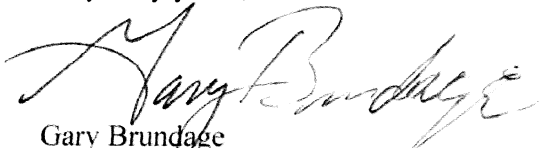
Dear Ms. Garcia,

I authorize Peter Kavanagh, Zone Systems, Inc. to make application to the City of Watauga Board of Adjustment for the construction of a cellular antenna monopole on the property located at Foster Village Park.

This authorization is for the Zoning Board of Adjustment application only and for no other activity relating to our property.

Thank you for your consideration.

Very truly yours,

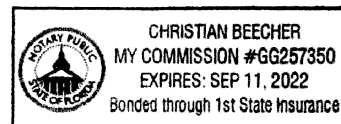
  
Gary Brundage  
Wild West Towers Corporation

State of FLORIDA

County of PINELLAS

The instrument was acknowledged before me on APRIL 17th, 2019 by  
DRIVERS LICENSE FL B653-298-55-252-0.

  
\_\_\_\_\_  
Notary Seal:





City of Watauga  
Planning and Zoning  
7800 Virgil Anthony Blvd  
Watauga, TX 76148

April 10, 2019

Subject: Foster Village Park  
Wireless Telecommunications Facilities  
Site Address: 6600 Starnes Rd, Watauga, TX 76148  
WWTC Site Number: DF351 Foster Park Village – DA03511

To Whom It May Concern:

T-Mobile South LLC (“T-Mobile”) respectfully submits this letter in an effort to site a new telecommunications tower at 6600 Starnes Rd, Watauga, TX 76148. The proposed new Bell Tower Antenna Facility is required to provide adequate RF signal strength for the T-Mobile network within the City of Watauga in the area of Starnes Rd and Rufe Snow Drive.

T-Mobile Engineering has determined that the proposed site is need in order to provide in-building signal strength to the residential and commercial buildings surrounding the area S of Starnes Rd West of Rufe Snow Dr, and N of Hightower Dr. and East of Whitley Rd. Previous optimization efforts in the area were not able to improve the area coverage and it T-Mobile developed a search area for a new site to maintain our network coverage.

The search area included a ½ mile radius from the target area. This area stretches from S of Bursey Rd until North of Chapman Rd, just between Windhaven Rd and Denton Hwy.

T-Mobile looks for co-location opportunities and has made every effort to utilize existing infrastructure to support its network. Given the geographic area in which the T-Mobile Engineering Team determined that the base station needs to be located, there were no opportunities to co-locate on existing structures. The following are the results of a thorough evaluation of this area:

- a) No existing towers or suitable structures of any sort were observed within the ½ mile radius from the proposed site that meet T-Mobile’s requirement to cover the target objectives.
- b) No towers or other structures existed within the ½ mile radius from the proposed site that could be reasonably altered for substantial additional height to meet T-Mobile’s engineering requirement.
- c) Co-location was not an option, as there were no existing towers or other structures within the ¼ mile radius from the proposed site required to meet T-Mobile’s engineering needs.

Additionally, this new site will maintain access to T-Mobile's enhanced E911 services as required by the FCC and local PSAP and maintain safety to the citizens of the City of Watauga, Texas.

T-Mobile owns and operates the following frequency bands in Tarrant County:

<b>700MHz &amp; 600Mhz Bands</b>
Blocks: A, B
<b>1900MHz &amp; 2100Mhz Bands</b>
Blocks: A1, A2, C3, C4, C5, D, E, F1, F2

If you have any further technical questions related to this application, you may contact me Haider Tawfeq at [haider.tawfeq@t-mobile.com](mailto:haider.tawfeq@t-mobile.com)

Sincerely,

Haider Tawfeq  
RF Engineer

cc: Site File,  
enclosure: Current coverage propagation map  
Proposed coverage propagation map

**Sec. 115-116. - Antenna facilities.**

**(e) Commercial or industrial zoned districts.** Radio, television, microwave broadcast relay, receiving towers, transmission, and retransmission facilities, satellite receive-only earth stations (home dish antenna), and any electronic emission equipment of a commercial nature shall be allowed in the CF, GU, LB, GB, C, or I zoning districts; if it complies with the following regulations:

(1) Only one antenna facility per premises.

(2) Antenna facilities shall be limited to building-attached and monopoles only.

(3) An antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning ordinance. Regardless of the above, the maximum height for an antenna facility permitted without a special exception in any CF, GU, LB, GB, C, or I district shall be 65 feet.

(4) The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 65 feet in height without a special exception.

(5) An antenna not fastened to an antenna facility shall not exceed 50 feet, except for an antenna which does not extend more than eight feet above a building to which it is attached.

(6) An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements.

(7) Setbacks.

a. Antennas and antenna facilities shall not be permitted in front or side yards.

b. Antennas and antenna facilities shall be set back from residential districts a minimum distance equal to two times the height of the tower, but in no instance shall the setback be less than 200 feet from any residentially zoned district.

(8) Separation. There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record. With the exception of structure-mounted antenna, there shall be a separation of 1,500 feet from antenna facilities.

(9) Antenna facilities shall not be permitted in any easement.

(10) Lights. No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

(11) Construction standards. A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. An antenna facility must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas.

(12) Maintenance. Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare.

(13) No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility.

(14) No permit shall be issued for the installation of an antenna or antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department.

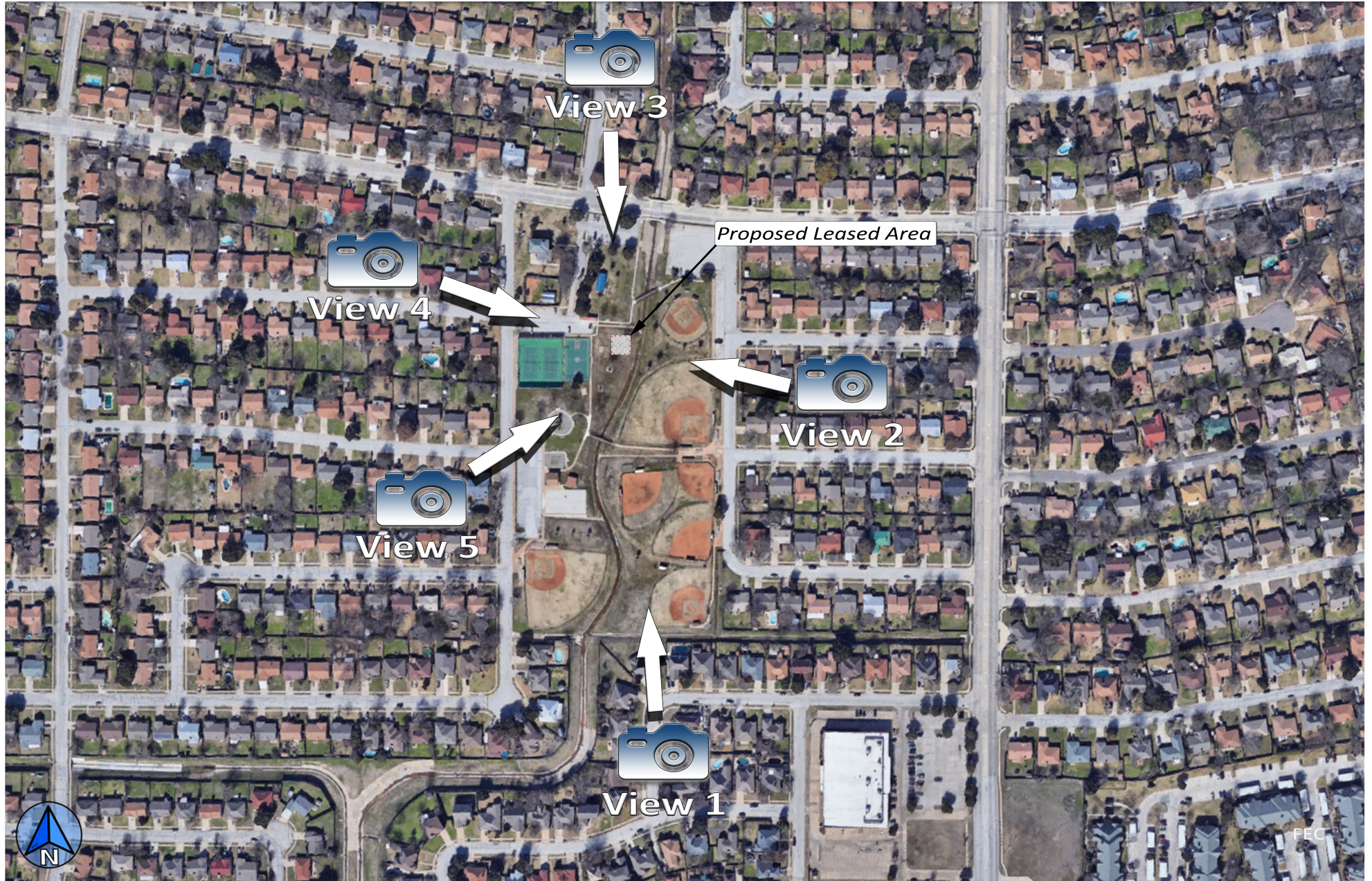
(15) All antennas or antenna facilities shall be subject to an inspection every five years by a qualified expert. Such inspection may be conducted and charged for by the city in accordance with provisions in the building code.

(16) A special exception must be obtained from the zoning board of adjustment for any antenna or tower which does not comply with the regulations specified hereinabove. See [section 115-34\(e\)](#), Authorized special exceptions.

**Sec. 115-34. - Board of adjustment.**

(e) *Authorized special exceptions.* The following privately owned or privately operated uses may be permitted as special exceptions by the board in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the board may impose for protection of public health or safety:

Special Exception	District Where Permitted
(6) Antenna facilities which do not meet the requirements of <a href="#">section 115-116</a> , Antenna facilities. See <a href="#">section 115-116</a> , Antenna facilities.	



*Vicinity Area*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

**WILD WEST  
TOWERS, LLC**

3200 S. HIAWASSEE RD.  
ORLANDO, FL 32835

**Site Name: Foster Village Park**

**Site Number: DFW351**

**Address: 6600 Starnes Rd**

**FULLERTON**  
ENGINEERING · DESIGN  
**Watauga, TX 76148**



*View 1- Before [Looking North from 870']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



*Proposed Wild West Towers, Corp  
100' Bell Tower*

*View 1- After [Looking North from 870']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



*Proposed Leased Area*

*View 2- Before [Looking Northwest from 280']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



*View 2- After [Looking Northwest from 280']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

**WILD WEST  
TOWERS, LLC**

3200 S. HIAWASSEE RD.  
ORLANDO, FL 32835

**Site Name: Foster Village Park**

**Site Number: DFW351**

**Address: 6600 Starnes Rd**

**Watauga, TX 76148**

**FULLERTON**  
ENGINEERING · DESIGN



*View 3- Before [Looking South from 360']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

**WILD WEST  
TOWERS, LLC**

3200 S. HIAWASSEE RD.  
ORLANDO, FL 32835

**Site Name: Foster Village Park**

**Site Number: DFW351**

**Address: 6600 Starnes Rd**

**FULLERTON**  
ENGINEERING · DESIGN  
**Watauga, TX 76148**



*View 3- After [Looking South from 360']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



*View 4- Before [Looking Southeast from 300']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



*View 4- After [Looking Southeast from 300']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



*View 5- Before [Looking Northeast from 380']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



*View 5- After [Looking Northeast from 380']*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.



OWNER: CITY OF WATAUGA  
 6600 STARNES / 01002031  
 FOSTER VILLAGE ADDITION  
 BLOCK A  
 FOSTER VILLAGE PARK &  
 REC BLDG  
 NEIGHBORHOOD:  
 COMMUNITY FACILITY  
 GENERAL

WILD WEST  
 TOWERS, LLC  
 3200 S. HIWASSEE RD.  
 ORLANDO, FL 32835

**FULLERTON**  
 ENGINEERING · DESIGN  
 1100 E. WOODFIELD ROAD, SUITE 500  
 SCHAUMBURG, ILLINOIS 60173  
 TEL: 847-908-8400  
 COA# 13554  
 www.FullertonEngineering.com

#	DATE	DESCRIPTION	INT.
LE	03/19/19	90% REVIEW	MH

I HEREBY CERTIFY THAT THESE DRAWING WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE CODES.

PRELIMINARY NOT FOR CONSTRUCTION

SITE NAME

DFW351

SITE NO.

**FOSTER VILLAGE  
 PARK**

SITE ADDRESS

6600 STARNES RD  
 WATAUGA, TX 76148

SHEET NAME

**OVERALL  
 SITE PLAN**

SHEET NUMBER

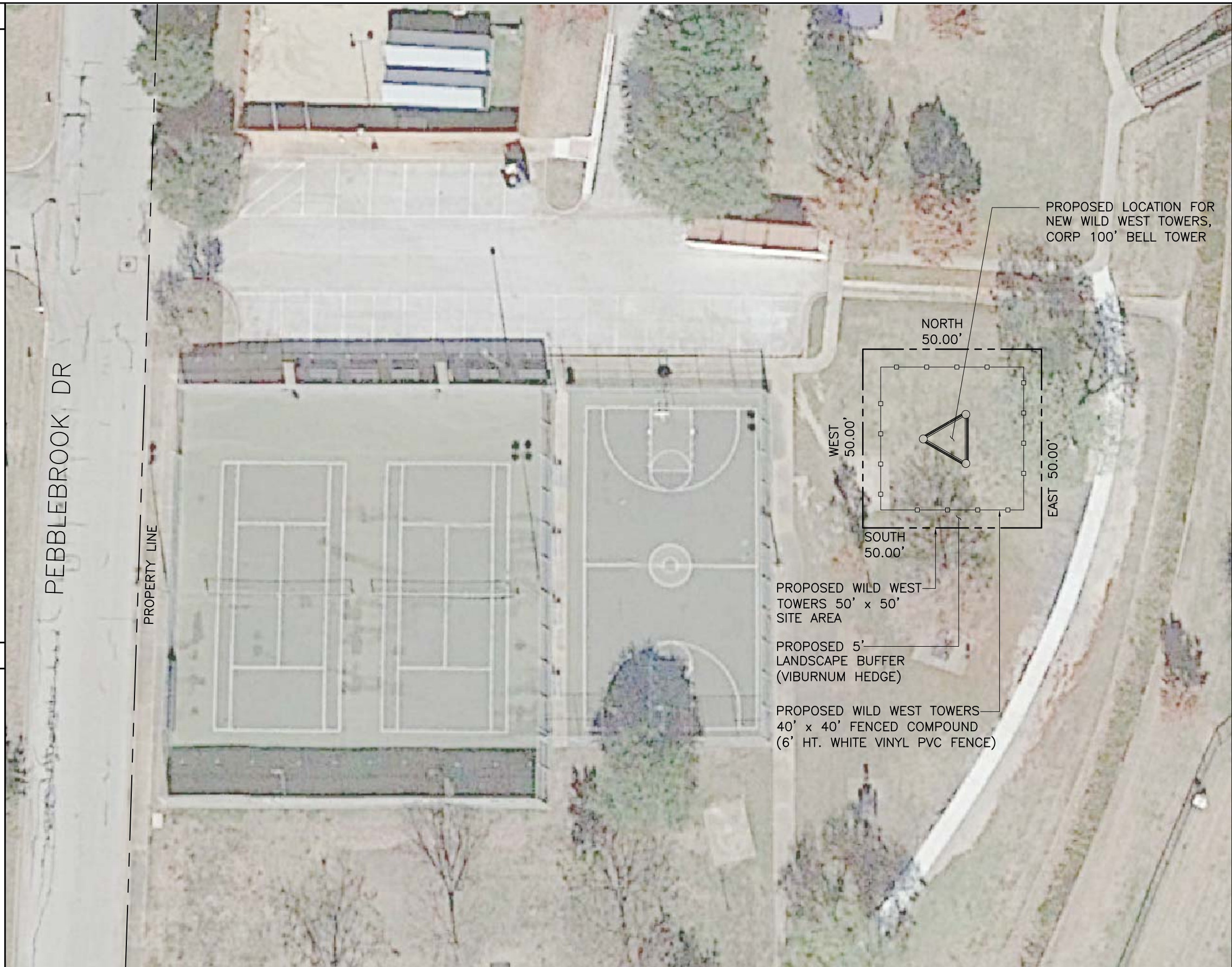
**LE-1**

**1** OVERALL SITE PLAN  
 LE-1 SCALE: 1" = 200'-0"



ABBREVIATIONS	
AFF	ABOVE FINISHED FLOOR
AGL	ABOVE GROUND LEVEL
AMSL	ABOVE MEAN SEA LEVEL
APPROX	APPROXIMATE
AWG	AMERICAN WIRE GAUGE
AWS	ADVANCE WIRELESS SERVICE
BLDG	BUILDING
CLR	CLEAR
COL	COLUMN
CONC	CONCRETE
CND	CONDUIT
DWG	DRAWING
FT	FOOT(FEET)
EGB	EQUIPMENT GROUND BAR
ELEC	ELECTRICAL
EMT	ELECTRICAL METALLIC TUBING
ELEV	ELEVATION
EQUIP	EQUIPMENT
E	EXISTING
EXT	EXTERIOR
FND	FOUNDATION
GA	GAUGE
GALV	GALVANIZED
GPS	GLOBAL POSITIONING SYSTEM
GND	GROUND
HCS	HYBRID CABLE SOLUTION
LTE	LONG TERM EVOLUTION
MAX	MAXIMUM
MFR	MANUFACTURER
MGB	MASTER GROUND BAR
MIN	MINIMUM
MMBS	MULTI MODAL BTS
NTS	NOT TO SCALE
O.C.	ON CENTER
OE/OT	OVERHEAD ELECTRIC/TELCO
PCS	PERSONAL COMMUNICATION SERVICE
RFDS	RF DATA SHEET
RGS	RIGID GALVANIZED STEEL
IN	INCH(ES)
INT	INTERIOR
LB.(#)	POUND(S)
SF	SQUARE FOOT
STL	STEEL
TYP	TYPICAL
UE/UT	UNDERGROUND ELECTRIC/TELCO
UMTS	UNIVERSAL MOBILE TELECOMMUNICATION SYSTEM
UNO	UNLESS NOTED OTHERWISE
VIF	VERIFY IN FIELD
W/	WITH
XFMR	TRANSFORMER
PL	PLATE

SYMBOLS	
	REVISION
	WORK POINT
	UTILITY POLE
	BRICK
	COMPRESSED STONE
	CONCRETE
	EARTH
	GRAVEL
	CENTERLINE
	PROPERTY LINE
	LEASE LINE
	EASEMENT LINE
	FENCE
	CHAINLINK
	WOOD
	WROUGHT IRON
	ELECTRIC OVERHEAD
	ELECTRIC UNDERGROUND
	FIBER OVERHEAD
	FIBER UNDERGROUND
	TELEPHONE OVERHEAD
	TELEPHONE UNDERGROUND
	DCPOWER OVERHEAD
	DCPOWER UNDERGROUND
	SECTION REFERENCE



**WILD WEST TOWERS, LLC**  
 3200 S. HIAWASSEE RD.  
 ORLANDO, FL 32835

**FULLERTON**  
 ENGINEERING • DESIGN  
 1100 E. WOODFIELD ROAD, SUITE 500  
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#	DATE	DESCRIPTION	INT.
LE	03/19/19	90% REVIEW	MH

I HEREBY CERTIFY THAT THESE DRAWING WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE CODES.

PRELIMINARY NOT FOR CONSTRUCTION

SITE NAME
<b>DFW351</b>
SITE NO.
<b>FOSTER VILLAGE PARK</b>
SITE ADDRESS
<b>6600 STARNES RD WATAUGA, TX 76148</b>
SHEET NAME
<b>SITE PLAN</b>
SHEET NUMBER
<b>LE-2</b>

**1** SITE PLAN  
**LE-2** SCALE: 1" = 50'-0"



May 21, 2019

RE: Antenna Facility  
Foster Village Park

Dear Neighbor:

My name is Peter Kavanagh. I am working with Gary Brundage and with the City on a request for approval for an antenna facility in Foster Village Park. We plan to locate the facility on the east side of the tennis and basketball courts. The facility will include a stealth antenna structure enclosed by a six-foot solid fence with a hedge around the fence.

The structure will be a three-sided structure with solid panels around the top. The antennas are inside the panels. Most people will not know that this structure contains antennas. The structure will initially contain antennas that serve the T-Mobile mobile telephone system. The structure will be designed to hold other cellular carriers' antennas as well. Adding other carriers' antennas will not change the appearance of the structure.

The top solid panels will have the city's logo on them. Attached are two items. The first is an aerial photo showing the location of the facility in the Park. The second is a photo simulation that shows the appearance of the facility.

If your home is within the notice distance for the city's notification of our hearing before the City's Board of Adjustment, then you will receive a notice of our request from the city. We are sending this letter to let you know about what we are doing. My phone number is 214-941-4440. My mobile phone number is 214-957-6188. My email is [peterk@zonesystems.com](mailto:peterk@zonesystems.com). Please feel free to call day or night and of course email any questions and I will get right back to you.

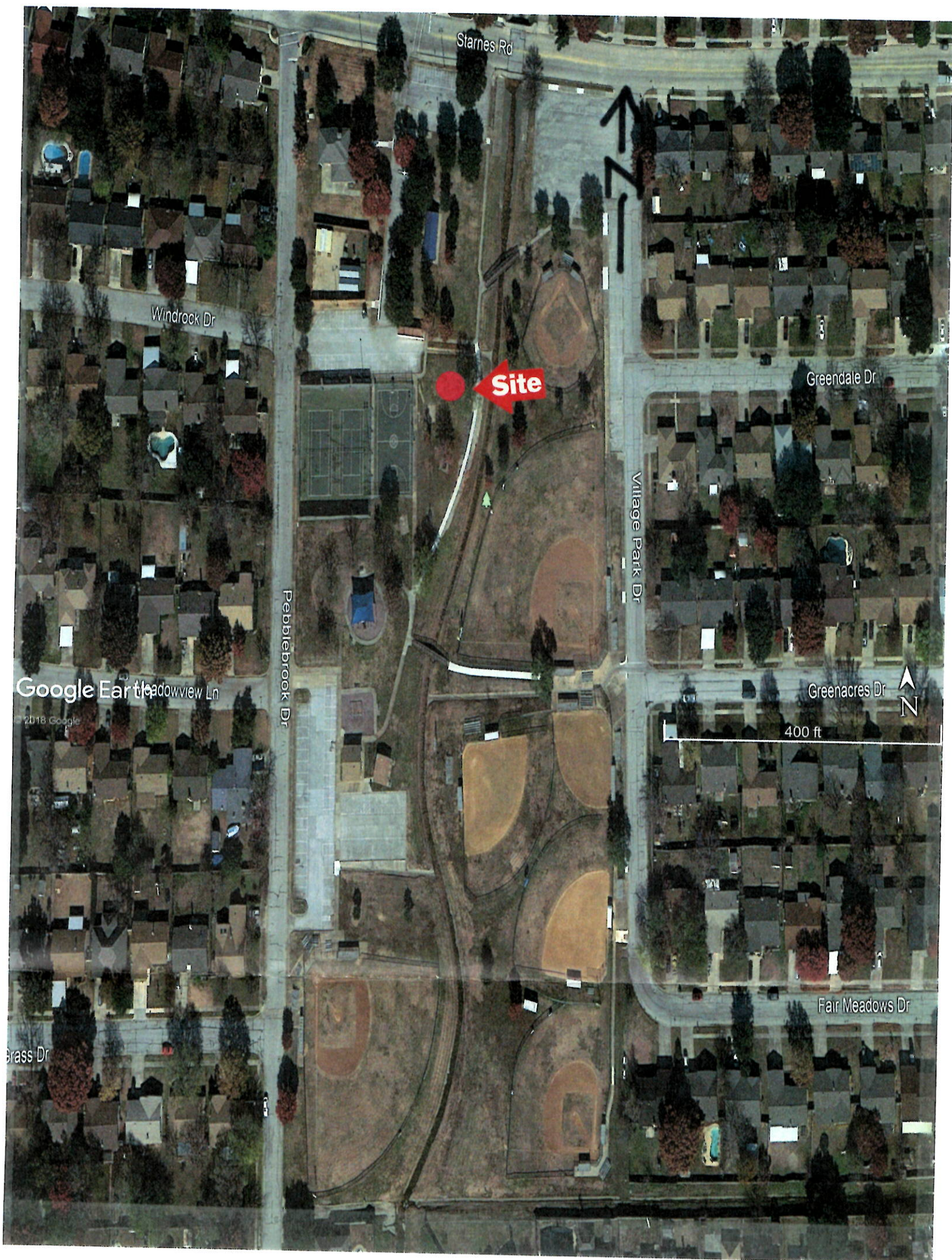
Thanks for your time.

Sincerely,



Peter Kavanagh

Enc.





## NOTICE OF PUBLIC HEARING

ZONING BOARD OF ADJUSTMENT  
CITY HALL COUNCIL CHAMBER  
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148  
JULY 17, 2019  
5:30 P.M.

Notice is hereby given of a Public Hearing to be held in the City of Watauga Council Chamber located at 7105 Whitley Road, on Wednesday, July 17, 2019 at 5:30 p.m. for the purpose of hearing the following Zoning Board of Adjustment Case:

**Zoning Board of Adjustment Case No. ZBA-19-01:** Request for a Special Exception to Watauga City Code of Ordinances, Chapter 115 Zoning, Article V, Section 115-116, Paragraph (e), stating that the maximum height for an antenna facility permitted without a special exception in any CF, GU, LB, GB, C, or I district shall be 65 feet. The applicant is seeking a special exception on the height to increase from 65 feet to 100 feet and for the use of Lattice or Decorative type cellular antenna tower. The property is located at 6600 Starnes Road, Block A of the Foster Village Addition (Foster Village Park). The property owner is City of Watauga. The applicant is CLQ, LLC Tower Consultants dba Wild West Towers Corporation.

Published on Friday, June 28, 2019, in the Fort Worth Star Telegram, Legal Notices Section.

I, Terri Johnson, Interim City Secretary for the City of Watauga, Texas, hereby certify that this notice was posted on the official bulletin board at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, June 28, 2019 before 5:30 p.m., in accordance with Chapter 551 of the Texas Government Code.



  
Terri Johnson, Interim City Secretary