



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, July 27, 2016
2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT,
110 West Main Street, 4:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. NEW BUSINESS
 - A. VA 16-06 Request for Variance from setback requirements for a proposed cellular tower adjacent to a residential district located at 602.5 Martin Luther King Drive West with the parcel number 118N-00-0097.03.
- I. PLANNER REPORT
- II. ADJOURN



THE CITY OF STARKVILLE
PLANNING & ZONING COMMISSION
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals
FROM: Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
CC: Applicant: GST Capital Partners, LLC
SUBJECT: VA 16-05: Request for Variance relief from required setback for a proposed cell tower adjacent to residential property located at 602.5 Martin Luther King Drive West; Parcel Number 118N-00-0097.03
DATE: July 27, 2016

AREA:

The subject property is +/-1.51 acres and is located at 602.5 Martin Luther King Drive West in a C-2 (General Business) zone.

PROPOSED USE & BACKGROUND:

The applicant, GST Capital Partners, LLC, is requesting relief from the required setback requirements for a proposed cellular tower adjacent to a residential district. The applicant is requesting to grant a 250 foot setback distance in lieu of the required 300 foot setback distance adjacent to a residential property and a +-380 foot radius in lieu of the required 2,640 foot radius from a residential district. The proposed cell tower would exceed the minimum setback requirements for cell towers adjacent to a residential property and district.

The subject property to be leased is approximately 1.51-acres of land within a C-2 (General Business) zoning district. The subject property is currently undeveloped land and located directly off Martin Luther King Drive West. The proposed communication tower will be a 150-foot monopole design within a 75' x 75' enclosed compound that will connect to an existing gravel access drive. The facility will be unmanned and will accommodate up to three carriers.

NOTIFICATION

17 property owners of record within 300 feet of the subject property were notified directly by mail of the variances requested. A public hearing notice was published in the Starkville Daily News on Monday, July 11th, 2016 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one email request for information and one in person visit against this request.

Variance Requests From:

- 1. Chapter 104- Telecommunications Article III- Wireless Communication Towers, Sec. 104-54. District (zoning) regulations.
- 2. Chapter 104- Telecommunications Article III- Wireless Communication Towers, Sec. 104-55 Towers; performance standards and other requirements

Variance Request 1

Chapter 104- Telecommunications Article III- Wireless Communication Towers, Sec. 104-54. District (zoning) regulations.

(a) *Permitted uses.*

(2) *Specific permitted uses are as follows:*

- a. *The placement of a tower or antenna, including additional buildings or other supporting equipment, in zoning district A-1 (agricultural), zoning district M-1 (manufacturing) and zoning district C-2 (general business), provided however, that such tower shall not exceed one foot for each two feet the tower is setback from residential property up to a maximum tower height of 150 feet;*

Variance Request 2

Chapter 104- Telecommunications Article III- Wireless Communication Towers, Sec. 104-55 Towers; performance standards and other requirements

(b) *Tower construction requirements. All towers erected, constructed, or located within the City of Starkville, and all wiring thereof shall comply with the following requirements:*

(8) *Antennas and towers shall not be erected in any zoning district except the A-1 (agricultural), M-1 (manufacturing) and C-2 (general business), as set forth in the zoning ordinances of the city, unless and except a special use permit has been applied for and received from the mayor and board of aldermen of the city, and shall be subject to the following restrictions:*

- d. *No tower shall be, set within a 2,640-foot radius of another tower or residential zoning district.*

VARIANCE REQUEST REQUIREMENTS:

Appendix A, Article VI, Section K outlines four conditions a Variance request needs to meet:

To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by

the board of adjustments and appeals unless and until a written application for a variance shall be submitted, demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and the same conditions are not applicable to other land, structures and buildings in the same district.
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
3. That the special conditions and circumstances have not resulted from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district. In granting any variance, the board of adjustments and appeals shall have the authority to prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. Under no circumstances shall the board of adjustments and appeals grant a variance to permit a use other than a use permitted generally, or by special exception, in the district involved, nor shall a variance be granted to any use expressly or by implication prohibited by the terms of this ordinance in said district.

Attachment 1
VA16-06 Aerial

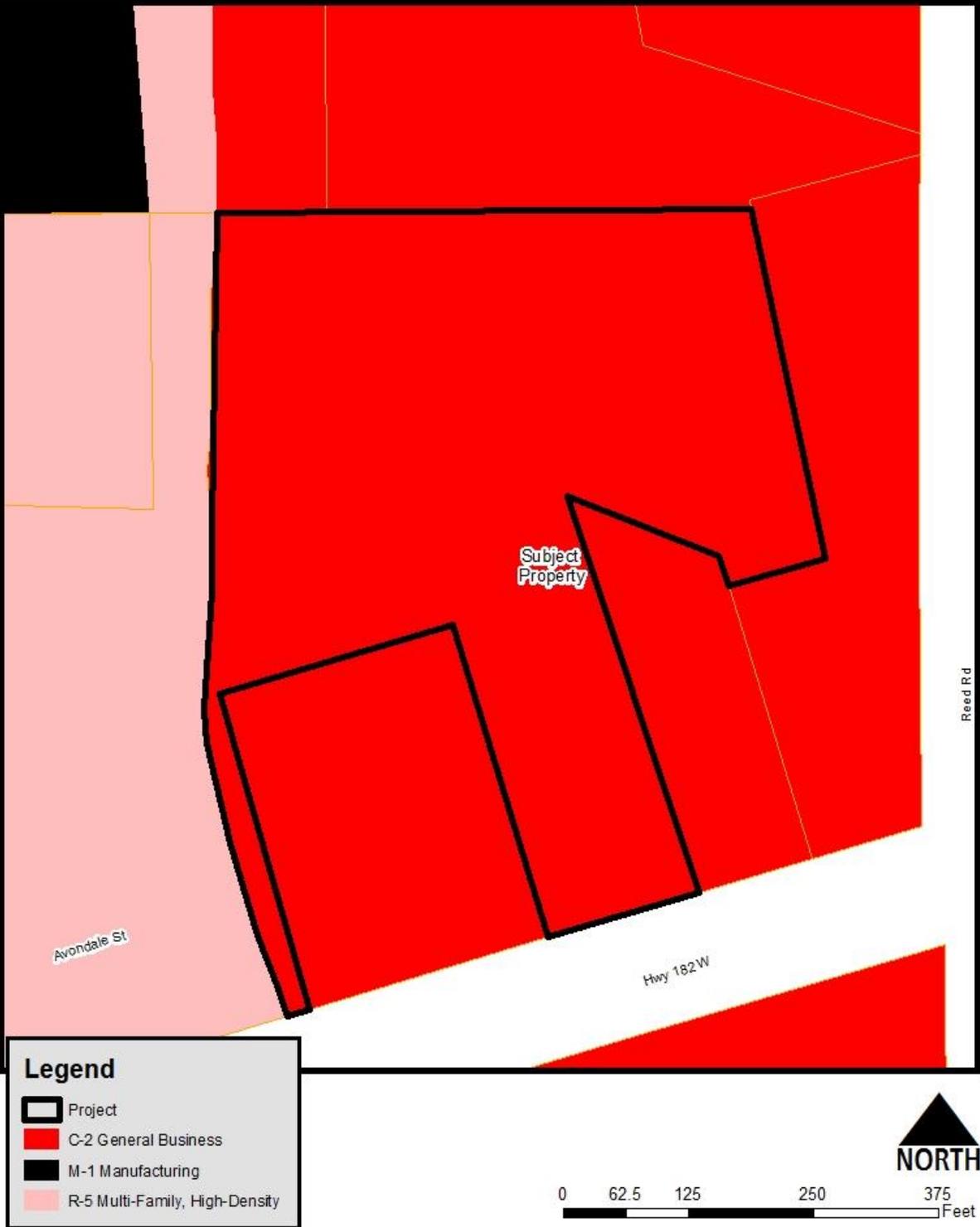


Legend

 Project



Attachment 2
VA16-06 Zoning



Attachment 4



Date: 8/06/2016

**City of Starkville
Planning & Zoning
City Hall, 101 E. Lampkin Street
Starkville, MS 39759**

Re: MS2015007 Mini
150' Communication Tower
602.5 Dr. Martin Luther King Jr. Drive West
Starkville, MS 37959

We are proposing a 150' communication tower at 602.5 Dr. Martin Luther King Jr. Drive West in Starkville, Mississippi. This 150' communication tower will accommodate three carriers and the enclosed compound will hold the associated equipment for all three carriers and will not have any lighting. The district that the tower will be located is zoned C-2 which allows for a communication tower. There are no existing structures within a one mile radius of the proposed location that will accommodate our needs. We will allow colocation of any carrier that meets reasonable terms and conditions. The estimate cost of the communication compound is \$200,000.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Bean'.

John Bean
President
GST Capital Partners, LLC

Attachment 5



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2015-ASO-15697-OE

Issued Date: 12/01/2015

John Bean
Gulf South Tower
650 Olive Street
Shreveport, LA 71101

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole MS20157 MINI
Location:	Starkville, MS
Latitude:	33-27-55.22N NAD 83
Longitude:	88-50-00.76W
Heights:	294 feet site elevation (SE) 150 feet above ground level (AGL) 444 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 06/01/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (718) 553-2611. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-ASO-15697-OE.

Signature Control No: 266745482-273911604
Angelique Eersteling
Technician

(DNE)

Attachment 6



UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION ANTENNA STRUCTURE REGISTRATION



OWNER: GST Capital Partners, LLC

FCC Registration Number (FRN): 0024372476

ATTN: John Bean GST Capital Partners, LLC 330 Marshall Street, Suite 300 Shreveport, LA 71101	Antenna Structure Registration Number <p style="text-align: center;">1298512</p> Issue Date <p style="text-align: center;">02/29/2016</p>						
Location of Antenna Structure 612 Dr. Martin Luther King Jr. Drive West Starkville, MS 39769 County: OKTIBBEHA	Ground Elevation (AMSL) <p style="text-align: right;">89.6 meters</p> Overall Height Above Ground (AGL) <p style="text-align: right;">45.7 meters</p>						
<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Latitude</td> <td style="text-align: center;">Longitude</td> <td style="text-align: center;">NAD83</td> </tr> <tr> <td style="text-align: center;">33- 27- 54.7 N</td> <td style="text-align: center;">088- 50- 01.1 W</td> <td style="text-align: center;">NAD83</td> </tr> </table>	Latitude	Longitude	NAD83	33- 27- 54.7 N	088- 50- 01.1 W	NAD83	Overall Height Above Mean Sea Level (AMSL) <p style="text-align: right;">135.3 meters</p>
Latitude	Longitude	NAD83					
33- 27- 54.7 N	088- 50- 01.1 W	NAD83					
Center of Array Coordinates <p style="text-align: center;">N/A</p>	Type of Structure MTOWER Monopole						
Painting and Lighting Requirements: FAA Chapters NONE Conditions:							

This registration is effective upon completion of the described antenna structure and notification to the Commission. **YOU MUST NOTIFY THE COMMISSION WITHIN 24 HOURS OF COMPLETION OF CONSTRUCTION OR CANCELLATION OF YOUR PROJECT, please file FCC Form 854.** To file electronically, connect to the antenna structure registration system by pointing your web browser to <http://wireless.fcc.gov/antenna>. Electronic filing is recommended. You may also file manually by submitting a paper copy of FCC Form 854. Use purpose code "NT" for notification of completion of construction; use purpose code "CA" to cancel your registration.

The Antenna Structure Registration is not an authorization to construct radio facilities or transmit radio signals. It is necessary that all radio equipment on this structure be covered by a valid FCC license or construction permit.

You must immediately provide a copy of this Registration to all tenant licensees and permittees sited on the structure described on this Registration (although not required, you may want to use Certified Mail to obtain proof of receipt), and display your Registration Number at the site. See reverse for important information about the Commission's Antenna Structure Registration rules.

You must comply with all applicable FCC obstruction marking and lighting requirements, as set forth in Part 17 of the Commission's Rules (47 C.F.R. Part 17). These rules include, but are not limited to:

Posting the Registration Number: The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure. Exceptions exist for certain historic structures. See 47 C.F.R. 17.4(g)-(h).

Inspecting lights and equipment: The obstruction lighting must be observed at least every 24 hours in order to detect any outages or malfunctions. Lighting equipment, indicators, and associated devices must be inspected at least once every three months.

Reporting outages and malfunctions: When any top steady-burning light or a flashing light (in any position) burns out or malfunctions, the outage must be reported to the nearest FAA Flight Service Station, unless corrected within 30 minutes. The FAA must again be notified when the light is restored. The owner must also maintain a log of these outages and malfunctions.

Maintaining assigned painting: The antenna structure must be repainted as often as necessary to maintain good visibility.

Complying with environmental rules: If you certified that grant of this registration would not have a significant environmental impact, you must nevertheless maintain all pertinent records and be ready to provide documentation supporting this certification and compliance with the rules, in the event that such information is requested by the Commission pursuant to 47 C.F.R. 1.1307(d).

Updating information: The owner must notify the FCC of proposed modifications to this structure; of any change in ownership; or, within 30 days of dismantlement of the structure.

You can find additional information at [\[insert link\]](#) or by calling (877) 480-3201 (TTY 717-338-2824).

Attachment 7

MISSISSIPPI DEPARTMENT *of* ARCHIVES AND HISTORY



HISTORIC PRESERVATION
Jim Woodrick, director
PO Box 571, Jackson, MS 39205-0571
601-576-6940 • Fax 601-576-6955
mdah.state.ms.us

March 25, 2016

Mr. Simon R. List
Sitech Consulting
9000 Breeland Way
Raleigh, NC 27613

RE: Balloon test and visual effects assessment for the proposed Starkville cellular tower, MS-2015, TCNS #131881 MDAH Project Log #03-058-16 (01-100-16, 12-078-15), Report 16-0002, Oktibbeha County

Dear Mr. List:

We have reviewed the balloon test and visual effects assessment, received March 10, 2016, for the above referenced undertaking, pursuant to our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, we would concur that the proposed tower will not have an adverse visual effect on historic properties listed or eligible for listing in the National Register of Historic Places. As such, we have no objection to the undertaking.

There remains the possibility that unrecorded cultural resources may be encountered during the project. Should this occur, we would appreciate your contacting this office in order that we may offer appropriate comments under 36 CFR 800.13.

If you need more information, please let me know.

Sincerely,

Greg Williamson
Review and Compliance Officer

FOR: Katie Blount
State Historic Preservation Officer

Board of Trustees: Kane Ditto, president / E. Jackson Garner, vice president / Reuben V. Anderson / Nancy Carpenter / Valencia Hall
Betsey Hamilton / Web Heidelberg / Hilda Cope Povall / Roland Weeks / Department director: Katie Blount