

# Maizeland & Murray Cellular Tower (CMRS) Modification Appeal

AR CM2 19-00124  
CITY COUNCIL  
NOVEMBER 12, 2019



# Vicinity Map



# Application Background



- 2/28/2019 - Application submitted
- 7/22 - Administratively approved by staff
- 7/29 - Appeal filed by Sally Maddocks to CPC
- 9/13 - CPC heard the application: upheld appeal
- 9/20 - Appeal to Council filed by vertical bridge

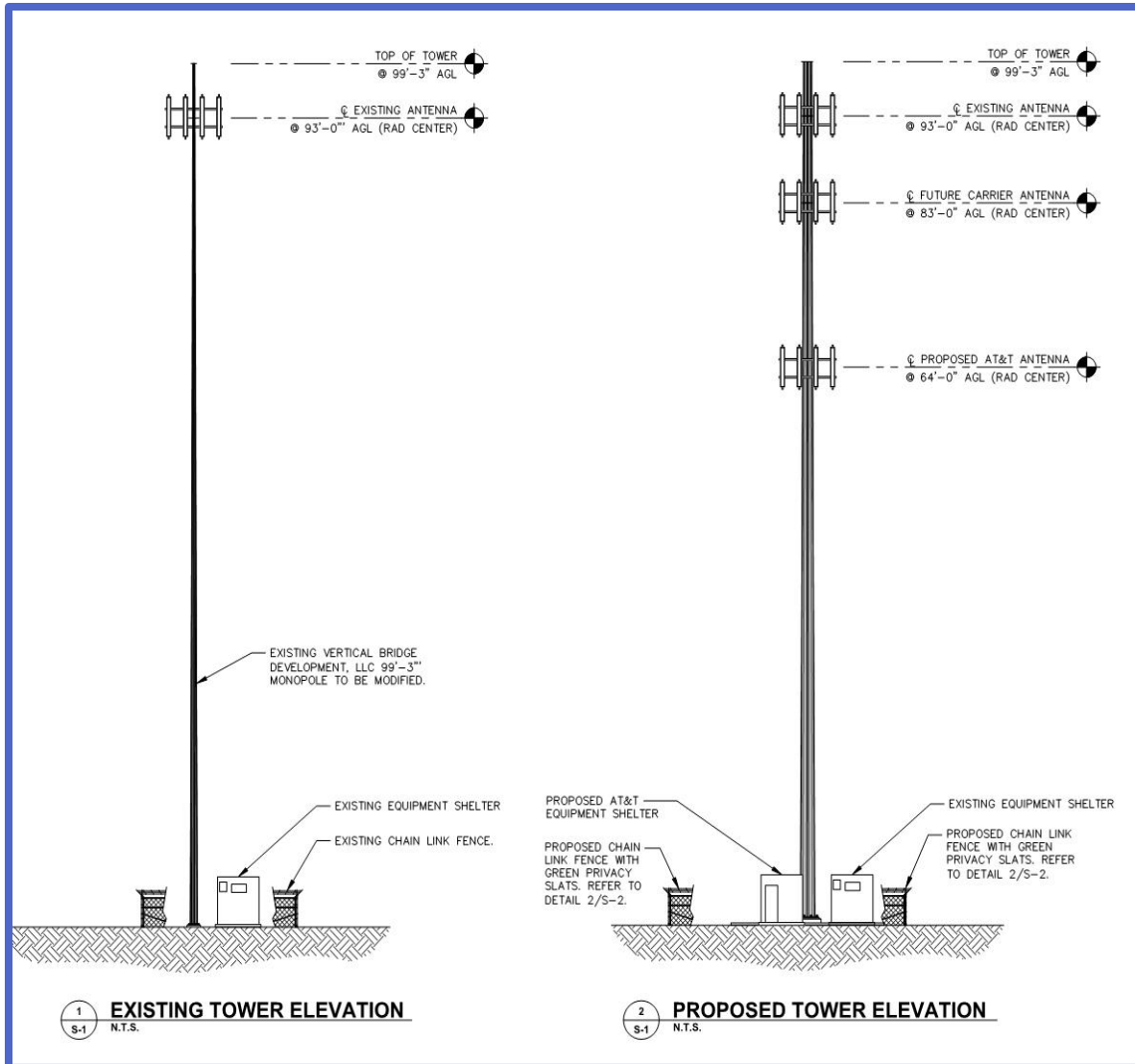


# Administrative Approval



- Administrative Approval
  - Based on submitted application
    - Existing 99+ foot tower
    - Tower stated to be in use
    - Drawings showed existing cellular antenna
    - Height of the tower will not increase
    - Dimension will change from 5'-9" to 10'-0".
  - Staff found this to be an eligible facilities request (FCC),
  - Nonconforming based on City Code Section 7.5.12

# Administrative Approval



# Existing Tower



# Planning Commission Findings



- Planning Commission upheld the appeal
  - Findings:
    - What is the Site?
    - Is the Tower Legal Non-Conforming?
    - Is the Tower Illegal?
- Multiple Federal Regulations
  - NOT an eligible facilities request for modification
- City Code Sections
  - 7.4.602, 7.4.609
  - 7.5.12

# Outstanding Questions



- Initial application states that the tower is existing and “in use”
- DP includes a sheet showing an existing tower with an antenna already attached
- What is considered the “Site”?
- Is the tower legal non-conforming ?
- A modification to an eligible facilities request should have a user for colocation and placement of antenna
  - Is there a user for this tower?



# Potential Motions



Deny the appeal, and uphold City Planning's decision's to deny the administrative approval of the CMRS development plan for Maizeland & Murray, based upon the findings that the appeal criteria in City Code Section 7.5.906.A.4 were not met, and that the CMRS project does not meet the requirements for an eligible facilities request under 47 CFR 1.6100 et. seq.

Approve the appeal, and overturn City Planning's decision's to deny the administrative approval of the CMRS development plan for Maizeland & Murray, based upon the findings that the appeal criteria in City Code Section 7.5.906.A.4 were met, and that the CMRS project meets the requirements for an eligible facilities request under 47 CFR 1.6100 et. seq