



College Station, TX

Meeting Agenda
Zoning Board of Adjustment
1101 Texas Avenue, College Station, TX 77840
Internet: www.microsoft.com/microsoft-teams/join-a-meeting
Meeting ID: 225 871 901 674 | Passcode: uPw35s
Phone: 833-240-7855 | Phone Conference: 860 370 012#

The City Council may or may not attend this meeting.

November 6, 2024

6:00 PM

Council Chambers

1. Call meeting to order

2. Agenda Items

2.1. Consideration, discussion, and possible action to approve meeting minutes:

Attachments: 1. October 1, 2024

2.2. Public Hearing, presentation, discussion, and possible action regarding a height variance to the Airport Zoning Ordinance for the property located at Boyett, Block 9, Lots 4, 5 & 6, being 0.511 Acres generally located at 201 Boyett S. The property is zoned NG-1 Core Northgate. Case #AWV2024-000017

Sponsors: Gabriel Schrum

Attachments:

1. Staff Report
2. Vicinity Map and Aerial
3. Applicant's Supporting Information
4. Federal Aviation Administration Documentation for Crane
5. Federal Aviation Administration Documentation for Building
6. Easterwood Airport Management Documentation
7. TAMU System Documentation
8. Exhibit

3. Discussion and possible action on future agenda items.

A member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

4. Adjourn.

Adjournment into Executive Session may occur in order to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.

I certify that the above Notice of Meeting was posted on the website and at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on November 1, 2024, at 1:00 p.m.

City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre."



Minutes
Zoning Board of Adjustment
Regular Meeting
October 1, 2024

MEMBERS PRESENT: Chairperson Bill Lartigue, Board Members Michael Martinez, James Hutchins, Trent Thomas, and Justin Collins

CITY STAFF PRESENT: Assistant Director of Planning and Development Services Molly Hitchcock, Assistant City Attorney Gavin Midgley, Assistant City Attorney David Purnell, Staff Planner Gabriel Schrum, Technology Service Specialist Trey Bransom, and Staff Assistant II Crystal Fails

1. Call meeting to order.

Chairperson Lartigue called the meeting to order at 6:00 p.m.

2. **Agenda Items**

- 2.1. Consideration, discussion, and possible action to approve meeting minutes:

Board Member Martinez motioned to approve the meeting minutes from June 4, 2024, Board Member Collins seconded the motion, the motion passed 5-0.

- 2.2. Public Hearing, presentation, discussion, and possible action regarding a height variance to the Airport Zoning Ordinance for the property located at A002601, John H Jones (ICL), Tract 14 CS, being 8.458 Acres, generally located at 8699 Turkey Creek Rd. The property is zoned R - Rural. Case #AWV2024-000012

Staff Planner Schrum presented the item to the Board and stated that the applicant is requesting a temporary 20-foot height variance to the Airport Zoning Ordinance to allow for a crane for the maintenance of an existing cell tower.

Staff recommended approval of the request due to the fact that it meets the specified criteria. Specifically:

1. A literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship.
2. The granting of the relief would result in substantial justice being done.
3. The granting of the relief would not be contrary to the public interest.
4. The granting of the relief would be in accordance with the spirit of the regulation.

Chairperson Lartigue opened the public hearing.

No one spoke during the public hearing.

Chairperson Lartigue closed the public hearing.

Board Member Hutchins motioned to approve the variance as it will not be contrary to the public interest, the fact that the Federal Aviation Administration (FAA) and Texas A&M University did not have concerns, and that the approval was within the Zoning Board of Adjustment’s jurisdiction, Board Member Thomas seconded the motion, the motion passed 5-0.

- 3. Discussion and possible action on future agenda items - A member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There was no discussion on future agenda items.

- 4. Adjourn.

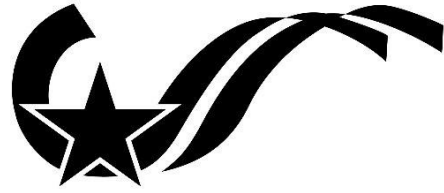
The meeting adjourned at 6:06 p.m.

Approved:

Attest:

Bill Lartigue, Chairperson

Crystal Fails, Board Secretary



CITY OF COLLEGE STATION

**AIRPORT ZONING BOARD OF
ADJUSTMENT AIRPORT HEIGHT VARIANCE
REQUEST
FOR
201 Boyett St
AWV2024-
000017**

REQUEST: Height variance to the Easterwood Airport Zoning Ordinance for building and temporary crane

LOCATION: 201 Boyett St
Boyett, Block 9, Lots 4, 5 & 6, 0.511 Acres

ZONING: NG-1 Core Northgate

PROPERTY OWNER: OLDHAM BACCUS INVESTMENTS LLC

APPLICANT: Mitchell and Morgan

PROJECT MANAGER: Gabriel Schrum, Staff Planner
gschrum@cstx.gov

RECOMMENDATION: Approval

BACKGROUND: The applicant is proposing a new student high rise development in Northgate encompassing 3 lots on the Corner of Boyett Street, Patricia Street, and Church Avenue. The building is anticipated to have commercial use and a lobby on the ground floor, with a parking garage and residential units above similar to the character of other developments in the area. The structure is anticipated to be 23 Stories in height, and the tallest corner will sit at 580' Above Mean Sea Level (AMSL) or 234' Above Ground Level (AGL). To construct the building the applicant is also anticipating a crane that will need to sit at a maximum height of 651' Above Mean Sea Level (AMSL) or 305 AGL. Per the Airport Zoning Ordinance for the Easterwood Airport, the maximum height limitation for this site is 470.6 AMSL. The applicant is requesting a height variance for the building of approximately 110' and a height variance for the temporary crane of approximately 181'.

ORDINANCE INTENT:

The purpose of the Airport Zoning Ordinance is to establish clear and unambiguous regulations for the protection of the lives and property of users, owners, and occupants of and in the vicinity of Easterwood Field Airport and for the protection of airport operations.

NOTIFICATIONS

Advertised Board Hearing Date: November 6, 2024
 Property owner notices mailed: 20
 Contacts in support: None at time of staff report
 Contacts in opposition: None at time of staff report
 Inquiry contacts: None at time of staff report

ZONING AND LAND USES

Direction	Zoning	Land Use
North	NG-1 Core Northgate	Church Avenue (Right-of Way)
East	NG-1 Core Northgate	Boyett Street (Right-of-Way)
South	NG-1 Core Northgate	Patricia Street (Right-of-Way)
West	NG-1 Core Northgate	Surface Parking Lot

REVIEW CRITERIA

According to the Texas Local Government Code Section 241.034 Variances, the Board shall allow a variance from an airport zoning regulation if all of the following criteria are met:

1. A literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship.
2. The granting of the relief would result in substantial justice being done.
3. The granting of the relief would not be contrary to the public interest.
4. The granting of the relief would be in accordance with the spirit of the regulation.

The board may impose any reasonable conditions on the variance that it considers necessary to accomplish the purpose of airport zoning.

The variance request is to allow for an increase in maximum height for a new proposed mixed use structure and its associated crane. The height variance request of 110-feet for the building structure and 181-feet for the tower crane will allow for both the height of the building and the use of the crane for the work that is needed to develop the newly proposed mixed use structure. The overall building height will sit at a maximum of 580 Above Mean Sea Level or 234' Above Ground Level. The crane will need to sit at a maximum of 651' AMSL or

305' Above Ground Level. The FAA has made the determination that No Hazard to Air Navigation is present for the building and they have also made the determination that No Hazard to Air Navigation for Temporary Structures is present for the crane. In consultation with the EAM team, the TAMU System has no objections to the granting of a variance for the use of the building and its associated crane.

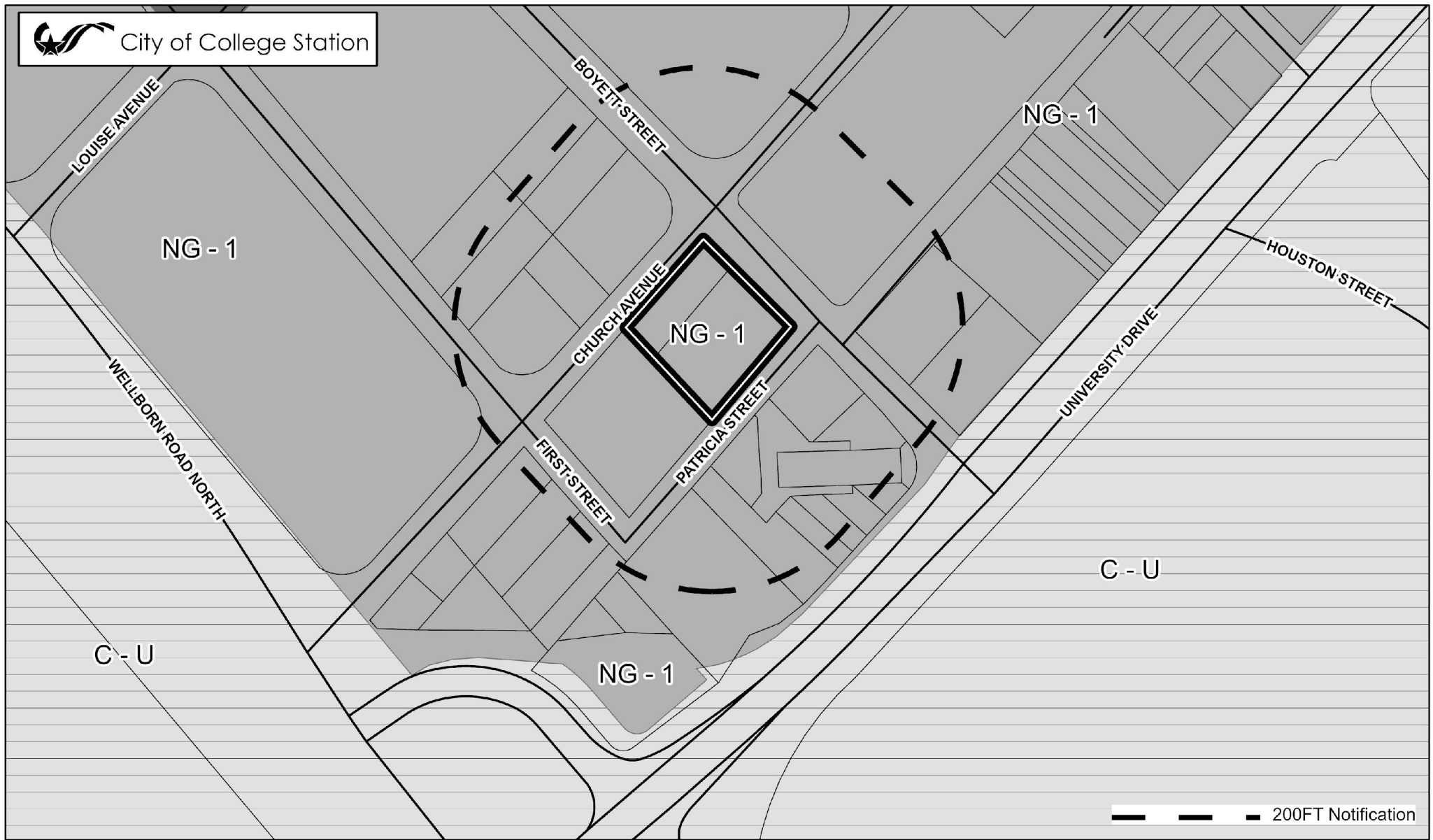
Allowing the height encroachment for the crane would result in substantial justice being done. The relief would not be contrary to the public interest as it has been deemed acceptable by the FAA, Easterwood Airport and the TAMU System with additional safety precautions and communication processes between the applicant and airport required. The relief would be in accordance with the spirit of the regulation to allow development while protecting lives, property, and airport operations.

STAFF RECOMMENDATION

After reviewing the request and the related criteria, the information provided by the FAA, EAM and TAMUS, staff recommends approval of the request. The granting of the variance would result in substantial justice being done without being contrary to the public interest, and the spirit of the regulation remains.

ATTACHMENTS

1. Vicinity Map and Aerial
2. Applicant's Supporting Information
3. Federal Aviation Administration Documentation for Crane
4. Federal Aviation Administration Documentation for Building
5. Easterwood Airport Management Documentation
6. TAMU System Documentation
7. Exhibit



 200FT Notification

ZONING DISTRICTS (In Grayscale)

Residential	MH	Middle Housing
R	Rural	MF Multi-Family
WE	Wellborn Estate	MU Mixed-Use
E	Estate	MHP Manufactured Home Pk.
WRS	Wellborn Restricted Suburban	
RS	Restricted Suburban	
GS	General Suburban	
D	Duplex	
T	Townhome	

Non-Residential

NAP	Natural Area Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial
BP	Business Park
BPI	Business Park Industrial
C-U	College and University

Planned Districts

P-MUD	Planned Mixed-Use Dist.
PDD	Planned Develop. Dist.

Design Districts

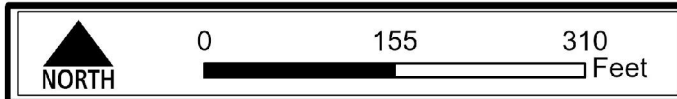
WPC	Wolf Pen Creek Dev. Cor.
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate

Overlay Districts

OV	Corridor Ovr.
RDD	Redevelopment District
HOO	High Occupancy Ovr.
ROO	Restricted Occupancy Ovr.
NPO	Nbrhd. Prevailing Ovr.
NCO	Nbrhd. Conservation Ovr.
HP	Historic Preservation Ovr.

Retired Districts

R-1B	Single Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
RD	Research and Dev.
M-1	Light Industrial
M-2	Heavy Industrial



201 BOYETT STUDENT HOUSING PROJECT

Case: APPEALS WAIVERS VARIANCES
AWV2024-000017



WC BOYETT

UNIVERSITY DRIVE ROW



0 100 200 Feet

201 BOYETT STUDENT HOUSING PROJECT

Case: APPEALS WAIVERS VARIANCES
AWV2024-000017



APPEAL/WAIVER APPLICATION SUPPORTING INFORMATION

Name of Project: 201 BOYETT STUDENT HOUSING PROJECT (AWV2024-000017)

Address: 201 BOYETT ST

Legal Description: BOYETT, BLOCK 9, LOT 5 & 6

Applicant: MITCHELL & MORGAN

Property Owner: OLDHAM BACCUS INVESTMENTS LLC

Applicable ordinance section being appealed/seeking waiver from:

Airport Zoning Ordinance height restriction to the Horizontal Surface, Section 4. (3).

The following specific variation to the ordinance is requested:

Height Variances to the Horizontal Surface for Easterwood Airport for a building and tower crane. The building will be the permanent structure and the tower crane will be utilized during construction. With this request, we are asking for a permanent height variance of 110-feet for the building structure and a temporary height variance of 181-feet for the tower crane. FAA approval of these height variances is attached.

The following special condition exists:

The size of the property and existing development surrounding the property make it difficult to provide the density necessary to create a marketable product and make it impossible to move materials to the upper floors of a high-rise building without the use of a temporary construction crane. The helper crane is necessary to erect and disassemble the temporary construction crane.

The unnecessary hardship(s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

A strict application of the ordinance may constitute a hardship in this case since the request does not violate the spirit of the ordinance as described in the ordinance language. Furthermore, the stated purpose of the ordinance is to protect the airspace necessary for the use and operation of Easterwood Airport. Since the FAA has determined that there is no hazard to air navigation in this case, the spirit of the local ordinance has been fulfilled.

The following alternatives to the requested variance are possible:

None, if the variance is not granted, the project does not work economically.

The variance will not be contrary to public interest due to:

The requested waiver is not contrary to the public interest because the ordinance was established to protect aviation and the public's interest in safe air travel. The FAA has determined that the Easterwood Field Airport will not be negatively affected by the proposed intrusion into the horizontal surface. Now that the FAA has made the determination that the building height is not unsafe to aviation, the public's interest will not be negatively affected by the granting of the variance.



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

Aeronautical Study No.
2024-ASW-11338-OE

Issued Date: 09/12/2024

David Pierce
Parallel Acquisitions, LLC
506 W 7th Street, Suite 1
Austin, TX 78701

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

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:	Tower Crane Tower Crane
Location:	College Station, TX
Latitude:	30-37-03.89N NAD 83
Longitude:	96-20-51.40W
Heights:	346 feet site elevation (SE) 305 feet above ground level (AGL) 651 feet above mean sea level (AMSL)

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

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

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, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, 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 includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a 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 temporary 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.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Air Missions (NOTAM).

If you have any questions, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ASW-11338-OE

Signature Control No: 629237924-632926367

(TMP)

Andrew Hollie

Specialist

Additional Condition(s) or Information for ASN 2024-ASW-11338-OE

Proposal: To construct and/or operate a(n) Tower Crane to a height of 305 feet above ground level, 651 feet above mean sea level.

Location: The structure will be located 1.94 nautical miles northeast of CLL Airport reference point.

Case Description for ASN 2024-ASW-11338-OE

Proposed tower crane for building project in College Station, TX. 2024-ASW-4935-OE

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Section 77.17 (a) (2) by 105 feet - a height that exceeds 546 feet above mean sea level within 1.94 nautical miles of CLL.

Section 77.17 (a) (3) by 71 feet - a height that increases a minimum instrument flight altitude within a terminal area (TERPS Criteria). The proposal would necessitate At 651 AMSL, 4D, Easterwood Fld (CLL) College Station, TX. ILS or LOC RWY 35, Amdt 14B, RNAV (GPS) RWY 11, Amdt 1D, RNAV (GPS) RWY 17, Amdt 1C, RNAV (GPS) RWY 29, Amdt 1B, RNAV (GPS) RWY 35, Amdt 1C, VOR or TACAN RWY 11, Amdt 19F, VOR RWY 29, Amdt 14A, increase Cat B Circling MDA from 880 to 960, NEH 580 AMSL.///LOC BC RWY 17, Amdt 8A, increase Cat B Circling MDA from 940 to 960, NEH 640 AMSL.

Section 77.17 (a) (5) a height that affects an Airport Surface by penetrating:

Section 77.19 (a) Horizontal Surface by 181 feet as applied to CLL.

Preliminary FAA study indicates that the above mentioned structure would:

have no effect on any existing or proposed arrival, departure, or en route visual flight rules (VFR) operations.
not exceed traffic pattern airspace

have no physical or electromagnetic effect on the operation of air navigation and communications facilities.

have no effect on any airspace and routes used by the military.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, flags/red lights-Chapters 3(Marked),4,5(Red),14(Temporary),&15.

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 Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that the FAA be notified 3 business days prior to the temporary structure being erected and again when the structure is removed from the site. Notification should be made to this office through your registered e-filing account. Notification is necessary so that aeronautical procedures can be temporarily modified to accommodate the structure.

NOTIFICATION IS REQUIRED AGAIN THROUGH YOUR REGISTERED E-FILING ACCOUNT WHEN THE TEMPORARY STRUCTURE IS REMOVED FROM THE SITE FOR NOTICE TO AIR MISSIONS (NOTAM) CANCELLATION.

It is required that the manager of EASTERWOOD FLD, (979) 775-9901 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

It is required that the manager of EASTERWOOD FIELD Air Traffic Control at 979-846-3998 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site. Additionally, please provide contact information for the onsite operator in the event that Air Traffic Control requires the temporary structure to be lowered immediately.

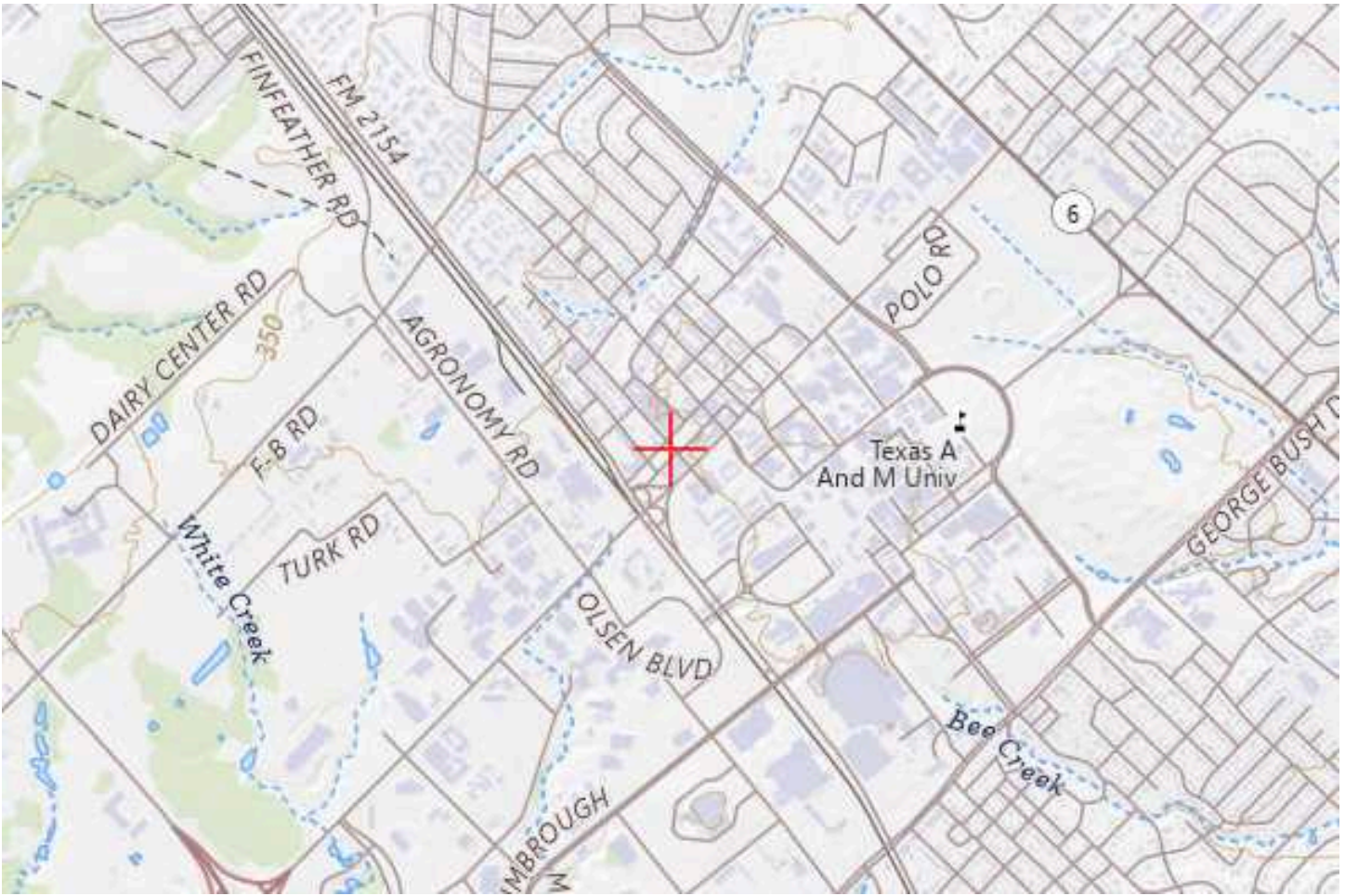
This determination expires on 03/12/2026 unless extended, revised, or terminated by the issuing office.

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.

You must contact the FAA as specified above to request a Flight Data Center (FDC) Notice to Air Missions (NOTAM) in order to coordinate the following:

At 651 AMSL, 4D, Easterwood Fld (CLL) College Station, TX. ILS or LOC RWY 35, Amdt 14B, RNAV (GPS) RWY 11, Amdt 1D, RNAV (GPS) RWY 17, Amdt 1C, RNAV (GPS) RWY 29, Amdt 1B, RNAV (GPS) RWY 35, Amdt 1C, VOR or TACAN RWY 11, Amdt 19F, VOR RWY 29, Amdt 14A, increase Cat B Circling MDA from 880 to 960, NEH 580 AMSL.///LOC BC RWY 17, Amdt 8A, increase Cat B Circling MDA from 940 to 960, NEH 640 AMSL.

You must also contact the FAA as specified above when the temporary structure has been removed from the site to cancel the NOTAM(s). If it specifies above that you must contact the FAA via e-filing, please visit the instructions link at [oeaaa.faa.gov](https://www.faa.gov/oeaaa) and review the NOTAM Efile Desk Reference Guide for assistance.







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

Aeronautical Study No.
 2024-ASW-4935-OE

Issued Date: 09/12/2024

David Pierce
 Parallel Acquisitions, LLC
 506 W 7th Street, Suite 1
 Austin, TX 78701

**** 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: Building 201 Boyett Apartments
 Location: College Station, TX
 Latitude: 30-37-02.30N NAD 83
 Longitude: 96-20-51.98W
 Heights: 346 feet site elevation (SE)
 234 feet above ground level (AGL)
 580 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, a med-dual system-Chapters 4,8(M-Dual),&15.

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 Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

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)

See attachment for additional condition(s) or information.

This determination expires on 03/12/2026 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 subject to review if an interested party files a petition that is received by the FAA on or before October 12, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

This determination becomes final on October 22, 2024 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. Any questions regarding your petition, contact Rules and Regulations Group via telephone (202) 267-8783.

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, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, 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 includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

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.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed

structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Andrew Hollie, at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ASW-4935-OE.

Signature Control No: 617675066-632925456

(DNH)

Julie A. Morgan

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Case Description

Map(s)

Abbreviations

AGL = Above Ground Level

MSL = Mean Sea Level

NM = Nautical Mile

RWY = Runway

NEH = No Effect Height

CAT = Approach Category For Aircraft

Part 77 = Title 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

Our study has disclosed that this proposed building project, located approximately 1.91 nm northeast of the airport reference point, is within the protected surfaces at Easterwood Field (CLL), College Station, TX.

At the proposed height, this structure will penetrate these protected airport surfaces:

> 77.17 (a)(2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet. Exceeds by 40 feet.

> 77.17 (a)(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

At 586 AMSL, 1A, Easterwood FLD (CLL), College Station, TX. RNAV (GPS) RWY 17, AMDT 1C, ILS or LOC RWY 35, AMDT 14A, RNAV (GPS) RWY 11, AMDT 1D, RNAV (GPS) RWY 29, AMDT 1B, RNAV (GPS) RWY 35, AMDT 1C, VOR RWY 29, AMDT 14A, VOR OR TACAN RWY 11, AMDT 19F, increase Circling CAT B MDA from 880 to 900, NEH 580 AMSL. Mitigated by reducing the height 6 feet.

**Note: Aircraft categories are based on approach speed, CAT A = less than 91 knots, CAT B = 91- 120 knots, CAT C = 121-140 knots, CAT D = 141-165 knots, CAT E = 165 + knots.

**The MDA / DA is the minimum altitudes to which an aircraft may descend while on the instrument approach to the airport during periods when reduced visibility and/or low cloud ceiling conditions exist. If the pilot cannot achieve visual reference to the ground upon reaching the MDA / DA, the approach must be abandoned. This results in the aircraft having to proceed to an alternate airport or waiting in a holding pattern for improved weather conditions. Any increase in the MDA / DA would have a significant adverse effect on the benefits derived from the instrument procedures.

> 77.17 (a)(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.19, 77.21, or 77.23.

77.19 (a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation. Exceeds by 110 feet.

**Part 77 obstruction standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study. This study is conducted in order to determine if the proposal would

have a significant adverse effect on protected aeronautical operations and airspace. While part 77 obstruction standards trigger formal aeronautical study, including public circularization, these obstruction standards do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds certain obstruction standards of part 77 is in itself not sufficient grounds for issuance of a determination of hazard to air navigation.

The proposal was circularized for public comment on 07/22/2024 to 5891 email respondents with one response returned. The airport objected to any increase to the MDA. The proponent agreed to lower the height 6 feet, which would clear the impact to the approach. That would leave a remaining 110 foot penetration to the horizontal in which the airport was ok with.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

- > The proposed structure would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.
- > The proposed structure would have no effect on any existing or proposed IFR en route routes, operations, or procedures.
- > The proposed structure would have no effect on any existing or proposed IFR minimum flight altitudes.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

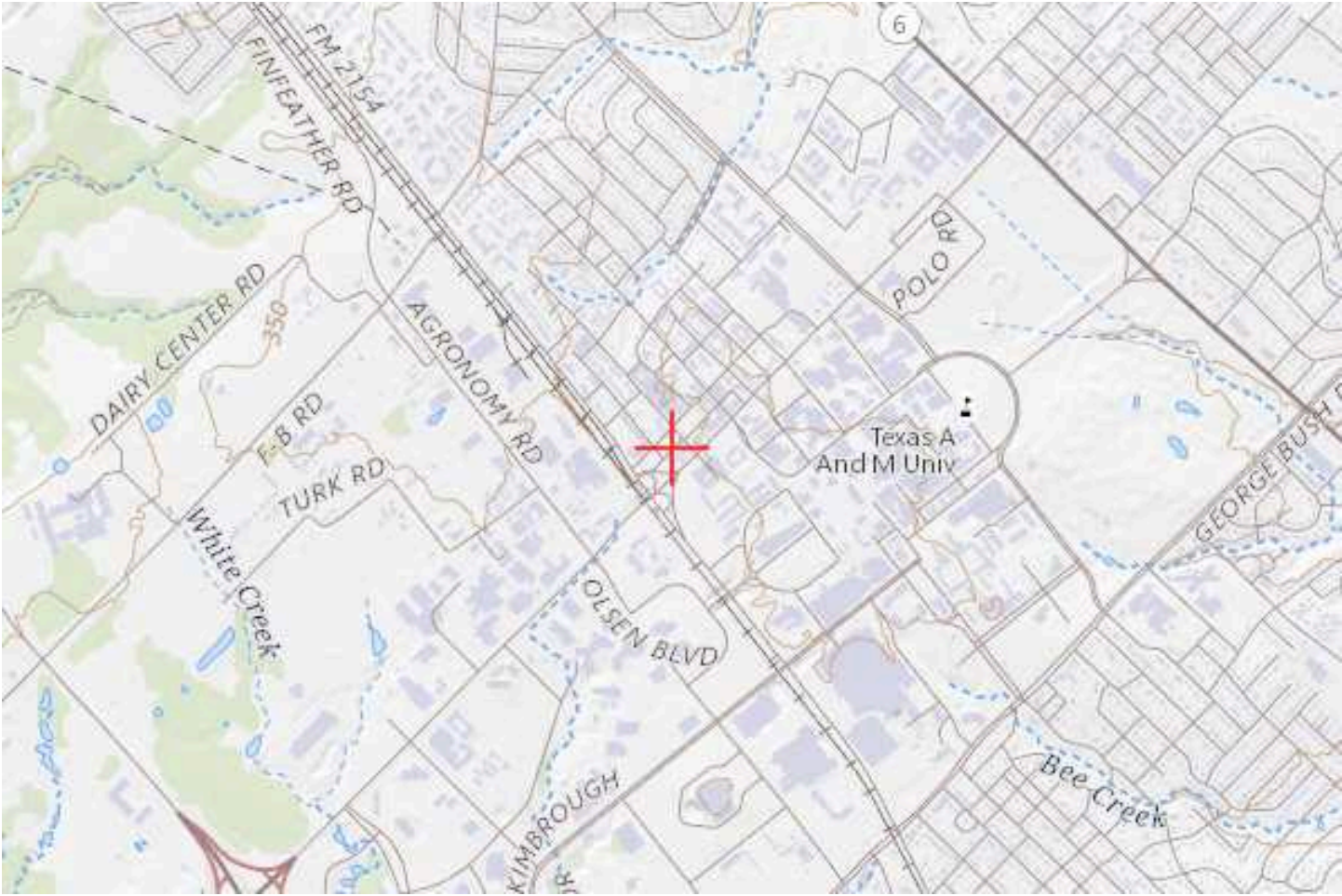
- > The proposed structure would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.
- > The proposed structure would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports.
- > The proposed structure would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

Case Description for ASN 2024-ASW-4935-OE

New construction of a high-rise apartment building with associated parking and amenities, not to exceed the aforementioned height AGL.







Easterwood Airport Management
1 McKenzie Terminal Blvd,
College Station, TX 77845

October 9, 2024

Anthony Armstrong, P.E., CFM,
Land Development Review Administrator
City Of College Station
1101 Texas Ave.
College Station, TX 77840

Re: Student Housing Building and Crane at 201 Boyett St.

Dear Mr. Armstrong:

Easterwood Management has reviewed the application for a height variance for the construction of a 234-foot-tall building and one temporary tower crane at 201 Boyett St., as well as the FAA letter of “Determination of No Hazard to Air Navigation for Temporary Structure.”

Easterwood Airport Management has no objection to granting these height variances so long as the builder complies with the conditions outlined in the FAA Letters.

Respectfully,

Kevin Davis
Easterwood Airport Management

From: [Robin Macias](#)
To: [Gabriel Schrum](#)
Subject: FW: 201 Boyett St - Hight Variance- Recommendation Letter
Date: Thursday, October 10, 2024 11:45:50 AM
Attachments: [Height Variance Letter for 201 Boyett Student Housing and Crane Letter.pdf](#)
[24034-201Boyett_Crane_FAA_NoticeofDetermination_20240912.pdf](#)
[24034-201Boyett_FAA_NoticeofDetermination_20240912.pdf](#)
[24034-201 Boyett - FAA - Building Elevation.pdf](#)

From: O'Neill, John <joneill@tamus.edu>
Sent: Thursday, October 10, 2024 11:43 AM
To: Anthony Armstrong <aarmstrong@cstx.gov>; Robin Macias <rmacias@cstx.gov>
Cc: Kevin Davis <KDavis@EasterwoodAirport.com>
Subject: 201 Boyett St - Hight Variance- Recommendation Letter

******* This is an email from an EXTERNAL source. DO NOT click links or open attachments without positive sender verification of purpose. Never enter USERNAME, PASSWORD or sensitive information on linked pages from this email. *******

Anthony,

The Texas A&M University System (TAMUS) relies on the expertise of the Easterwood Airport Management (EAM) team and the Federal Aviation Administration (FAA) to determine the impacts of height variance requests which would or could affect the airport's operations.

At this time, the Easterwood Airport Management team, per the attached letter, has no objections to granting the height variance for a 234-foot-tall building, and tower crane variances for a student housing project at 201 Boyett St, located at the intersection of 201 Boyett St and Church Ave, *so long as the builder complies with the conditions as outlined in the FAA Letter (see attached).*

In consultation with the EAM team, the TAMU System has no objections based on the determinations made by our subject matter experts in the field, as long as all conditions, as outlined, have been met.

Thanks and should you need anything else, please feel free to contact me,

John

John J. O'Neill, MBA | Executive Director

Business Affairs

joneill@tamus.edu

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THE TEXAS A&M UNIVERSITY SYSTEM

