

CITY OF SULPHUR SPRINGS
PLANNING AND ZONING COMMISSION
MEETING MINUTES
MARCH 18, 2019
6:00 P.M.

Present: Chairman Ben Spraggins Vice-Chairperson Kelly Grimes, Board Member Mike Horne

Absent: Board Member Craig English, Board Member Chuck Sickles

Staff: Tory Niewiadomski, Community Development Director

Other: Hank Hayes, Steve Woody, Erwin Cain, James Litzler, Frank Pope

CALL MEETING TO ORDER:

Chairman Ben Spraggins called the Planning and Zoning Commission Meeting to order at 6:00 P.M.

DISCUSSION/ACTION ON MEETING MINUTES NOVEMBER 20, 2018.

Consider for approval the Planning and Zoning meeting minutes of November 20, 2018. Vice-Chairperson Kelly Grimes moved to approve the meeting minutes as presented. Board Member Mike Horne seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A REQUEST TO REZONE PROPERTY LOCATED AT 607 HOUSTON FROM SINGLE FAMILY (SF) TO 2 FAMILY (2F).

Owner would like to rezone the property to 2 Family, for the possibility of duplexes, thinking it would be a better use of the lot since it is big and could handle more than a single family residence. The property is surrounded by Single Family zoning which is what the Land Use Plan calls for in this area. Staff recommended denial for this reason. Vice Chairperson Kelly Grimes moved to deny the rezone request. Board Member Mike Horne seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A SPECIAL USE PERMIT REQUEST TO LOCATE A CARGO CONTAINER ON THE SOUTHWEST CORNER OF 1400 COLLEGE ST.

The applicant is requesting to locate a cargo container on the southwest corner of the property at 1400 College St. The applicant will be storing items not conducive to being stored indoors such as chemicals, pumps with gas engines, etc. The location of the container is proposed to be located on the southwest corner of the site off the edge of the parking lot in an open area near a tree lined/screened area behind the auto repair shop on Shannon Rd. Board Member Mike Horne moved to approve the request. Vice Chairperson Kelly Grimes seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A SPECIAL USE PERMIT REQUEST TO ALLOW THE CONSTRUCTION OF A 301' GUYED TOWER FOR WIRELESS COMMUNICATION PURPOSES AT 1228 JEFFERSON.

Tillman Infrastructure is being represented by Steve Woody and James Litzler the owner of the property. The owner would like to build a cell tower 310' in height on his property. There are federal protections from the Federal Communication Commission that preempt local units

government from denying applications either premised directly or indirectly on environmental effects such as radiation concerns so that is nothing that we can discuss or hear or take into consideration from the radio frequency emissions and also the city cannot have the effect of prohibiting or not allowing cell towers to provide service in your community. Staff does not have information on property values or information as to what would show if the cell tower would have a negative effect on them. There are currently three cell towers in Sulphur Springs. One tower is located on Kirksy and does have a Special Use Permit, one on McKenzie which is about half a mile from the current property location and one over by Wildcat Way and Holiday Dr. Due to the proximity of the City's Airport and the height exceeding 200' the applicant would be required to notify the FAA and have an analysis completed and provide the City a determination letter of no hazard from the FAA if it approved. The Land Use Plan does define this area as being commercial.

Erwin Cain was representing SBA on this matter. The current tower is only a ½ mile away from the current tower. This requested tower will not improve any service area because it is already producing or providing service that is already there. This just a competition issue and not a need issue. This tower is the equivalent of a 31 story building and according to the residential zoning code of Sulphur Springs zoning ordinance 2050 it only allows for a 2 ½ story building which is no higher than 25ft. which is 12 time higher than the prohibition of any structure that can building there.

Steve Woody spoke to question that there is a concern that the tower could fall. If the tower should fall it is designed to fall in a spiral manner and not over from the base. It will fall within the guyed radius. The actual base is only 3x3. The applicant agrees to put some type of greenery so all you would see is the compound area.

Frank Pope spoke and was mostly concerned about the property values of those property holders in the surrounding area. The Board informed Mr. Pope that they had no control over what the appraisal district deemed the value of the property. If the tower should become no longer needed the agreement is to take it down.

An issue of improper notice was raised during the hearing that the height of the tower request was 310' and not 301' in the notices to the property owners. Staff recommended this issue be tabled to discuss with the City Attorney and that it be brought back to the Commission at the April 16, 2019, meeting conducted at 5:00pm located at 201 N. Davis.

After discussion by and with all parties the request was tabled by Planning & Zoning commission on 03/18/19. Board Member Vice Chairperson Kelly Grimes moved to table the request. Board Member Mike Horne seconded. Motion carried, all voting aye.

ADJOURN

With no other business the meeting adjourned at 7:01 P.M.