

CITY OF SULPHUR SPRINGS
PLANNING AND ZONING COMMISSION
MEETING MINUTES
APRIL 15, 2019
6:00 P.M.

Present: Chairman Ben Spraggins Board Member Mike Horne, Board Member Craig English, Board Member Chuck Sickles

Absent: Vice-Chairperson Kelly Grimes

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Community Dev. Admin Asst.

Other: Bebb Francis, Erwin Cain, Tom Bolin, James Whitmoyer, James Litzler, Steve Woody, Frank Pope, Susan Rabi

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 MARCH 18, 2018.

Consider for approval the Planning and Zoning meeting minutes of March 18, 2109. Board Member Mike Horne moved to approve the meeting minutes as presented. Board Member Chuck Sickles seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 310' GUYED TOWER (314' TO HIGHEST APPURTENANCE) FOR WIRELESS COMMUNICATION AT 1228 JEFFERSON.

A request by Tillman Infrastructure LLC for a Special Use Permit to construct a cell tower on property located at 1228 Jefferson Street, being further described as Lot 2, Block 304.

Board Member Chuck Sickles moved to untable the above request and to re-open the public hearing to discuss the request for a 310' guyed tower located at 1228 Jefferson. Board Member Mike Horne seconded. Motion carried, all voting aye.

Community Development Director, Tory Niewiadomski, gave a summary report of the last meeting to the Board.

Since March 18, 2019, the applicant has provided an updated site plan showing the tower and the compound area to reside only in the Light Industrial zone of the property. The applicant has filed the necessary paperwork for preclearance with FAA and FCC requirements. They have also provided a letter regarding guyed towers design and engineering specs to fall within the guy system. The applicant provided a handout of an appraised value study on cell tower effects.

Steve Woody spoke on behalf of Tillman Infrastructure and James Litzler property owner. The tower and compound will sit in the Light Industrial portion of the property. A portion of two

guyed anchors are sitting in the Residential part of the property owned by Mr. Litzler. The tower is designed to collapse in a carpenter's rule type of effect inside this guyed radiance. Should a failure, that situation being extremely rare, all properties are outside the area of the tower falling on their structure or property. There is concern regarding property values. In all the research done it has not shown that property values have been affected in a negative way. No Board can deny an application due to health issues. Having another tower will not increase coverage, but Verizon no longer wants to do business with SBA.

Bebb Francis, attorney for SBA, is at the meeting to speak on their behalf. This application has nothing to do with coverage or quality of life within the city. Tillman was sent into communities to build towers as close as physically possible to existing towers to move antennas. Some of the Tillman towers have been placed as close as 200ft. Verizon contacted SBA at the first of the year to upgrade their equipment on the SBA towers but then on January 14th, they disconnected with SBA to say they did not want to upgrade when they found a site to put their tower. They showed Verizon has excellent cell service currently. The applicant's tower is ½ mile away from their tower. Referenced the closeness to the neighborhood and the eyesore of the tower. Referenced the size of the compound area being large at 100ft. x 100ft. Referenced a cover plot analysis by their engineers to show that similar coverage provided will be redundant.

Frank Pope read his letter, found in the packet, to the Board. One of his questions was if there is a time limit for a Special Use Permit since his portable building has to be renewed every two years. The Community Development Director answered his question by saying that those dealing with a portable structure would more than likely have a time limit, but that of a cell tower or any other structure that is placed permanently on a fixed slab may not.

Mr. Woody spoke again stating that they have leased a 100ft. x 100ft. piece of the property. They plan on building at most a 50ft. x 50ft. compound at this time, but may need to expand if they get more tenants. They lease a larger part is so there is a staging area for equipment. They intend on putting vegetation to shield the front of the compound from the residential homes.

Mr. Litzler spoke regarding the application and the context of the area. The Kirksey St. Tower, owned by SBA, downtown sits about 550ft. from a residential area on Oak Ave. Both the Community Development Director and Mr. Litzler spoke to Cathy Singleton regarding property values adjacent of a cell tower and if the value diminished because of it. Her answer was no. He also spoke to a Real Estate agent regarding the home values. The Real Estate agent confirmed that a cell tower would not affect the property values. The Land Use Plan for that area calls for commercial and industrial use. In speaking with an Insurance Agent, insurance premiums for adjacent properties do not show an increase when next to a cell tower. This area is not conducive to building residential housing because of there being no utilities.

Board Member Chuck Sickles asked if this request goes to the Zoning Board of Adjustments and the answer was yes. His question is why it would come through the Planning and Zoning Commission if it is in the right zone. It was explained that it can go in any zoning but that it is not associated with any one particular causing it to need a Special Use Permit. There are four cell towers in town. They are at Wildcat Way near Holiday Dr., in Downtown on Kirksey, Thomas or McKenzie Rd by Flowserve and on Mulberry and Glover on Dike St. Most towers are located in the central and east side of town.

Board Member Mike Horne moved to close the public hearing. Board Member Craig English seconded. Motion carried, all voting aye.

Board Member Chuck Sickles asked for clarification on what the next step was once the recommendation by the Planning and Zoning went to the Zoning Board of Adjustments.

Board Member Craig English states he is a big proponent of open market. He does not know how well the people of this area were educated on this matter. One question he has is what the intended use for this area. The use for that area in the Land Use Plan is commercial and industrial. Another of his questions is with the concentration of towers in that area and what else would be allowed to go there. Cellular coverage can sometimes bring value to a property. There is a discussion as to how many responses came back in favor, opposition or undecided.

There are questions and answers as to why the Special Use Permit is needed. Cell towers may be put in any zoning district but require a Special Use Permit.

Board Member Mike Horne moved to approve the request with Staff recommendations. Board Member Craig English seconded. Motion carried, all voting aye.

OTHER BUSINESS

Staff will be bringing back annexed properties needing to be rezoned next month.

ADJOURN

With no other business the meeting adjourned at 7:22 P.M.