
MINUTES
PLANNING AND ZONING COMMISSION
Meeting of May 15, 2012

The Planning and Zoning Commission of the City of Cedar Hill, Texas met on TUESDAY, May 15, 2012 at 6:00 p.m. in the T.W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Boulevard Building 100, Cedar Hill, Texas.

Planning & Zoning Commissioners present: Chairman Theresa Brooks, and Commissioners: Gehrig Saldana, Lisa Thierry, Stephanie Freeman and Tim Hamilton.

Planning & Zoning Commissioners absent: Vice-Chairman Bill Strother

City Staff members present: Rod Tyler, Director of Planning, Don Gore, Planner and Belinda L. Huff, Development Services Coordinator/Planning & Zoning Commission Secretary.

Four audience members present.

I. Call the meeting to order

Chairman Brooks called the meeting to order at 6:05 p.m. declaring it an open meeting in which a quorum was present and the meeting notice was duly posted.

II. Approve the minutes of the May 1, 2012 regular meeting

A motion was made by Commissioner Hamilton to approve the minutes of the May 1, 2012, with one correction. The motion was seconded by Commissioner Freeman. The vote was as follows:

Ayes: 5- Chairman Brooks and Commissioners Freeman, Thierry, Saldana and Hamilton.

Nays: 0

Chairman Brooks declared the motion carried.

III. Citizens Forum

No one spoke

IV. Case No. 12-02 – CONDUCT A PUBLIC HEARING and consider a request for a **Conditional Use Permit** to construct a monopole cellular tower on 4.3-acres of land, generally located on the southwest corner of East Belt Line Rd. and Sims Dr., Cedar Hill, TX 75104. *Requested by Dave Kirk on behalf of AT&T Mobility.*

The applicant, Dave Kirk, 7219 Westbrook Ln., Dallas, TX 75214 stepped forth to present this request and answer any questions from the Commission.

Mr. Kirk stated that this is a request to construct a cellular tower for AT&T Mobility, which will provide increased coverage and service capacity for customers in the area.

Chairman Brooks opened the public hearing for anyone wishing to speak in support of this request.

No one spoke.

Chairman Brooks closed that portion of the public hearing and opened the floor for any one wishing to speak in opposition.

1. Wes Pool, 611 East Belt Line Rd., Cedar Hill, TX 75104 – Mr. Pool stated that he is opposed to an antenna farm. Mr. Pool cited an existing tower located at Uncle Bob's Storage and questioned why this antenna could not be located on that existing tower. Mr. Pool cited the potential danger of locating a cell tower adjacent to a school playground, in the event it would collapse. He was also concerned about emissions from cell towers and the potential health risks they pose to children.
2. Thomas Haggerty – President of Highlands South Homeowners Association, 428 Sims Dr. Cedar Hill, TX 75104 – Mr. Haggerty stated that he, along with many other residents in the neighborhood he has spoken with, but were unable to attend tonight's meeting, are opposed to this request. Mr. Haggerty also cited the potential health risks to children as one of the primary reasons for opposing the request.
3. Lavaughn Cole - member of the Highland's South Crime Watch Group, as well as a member of the Highlands South Homeowners Association - 416 Sims Dr. Cedar Hill, TX 75104 – Mr. Cole stated that he is opposed to this request. He is concerned about property values declining and the long term effects cellular emissions have on children.
4. Pat Charles, 925 Sharp Dr., Cedar Hill, TX 75104 – Ms. Charles stated that locating a 60' cell tower on Belt Line Rd., a major thoroughfare in the city, is not appropriate. Ms. Charles offered to the Commission photos of signage posted on a few of the existing towers in the city. This signage states space is available for additional towers or antennas and questioned why this tower cannot locate on one of those towers. She, along with many others she's spoken with, is very concerned about the long term effects cellular emissions have on children children's health and as is currently working on a petition from residents in the Highland South neighborhood.
5. Bobby Ford, 405 Cannady Dr. Cedar Hill, TX 75104 – Mr. Ford stated that he is opposed to this request and does not feel that it is appropriate or safe to contrast a cell tower so close to a school.

Chairman Brooks closed the public hearing and opened the floor for anyone wishing to speak in favor of this request.

No one spoke.

Chairman Brooks closed the public hearing and opened the floor to the Commission for discussion.

Commissioner Hamilton asked the applicant if he had any information regarding emissions from cell towers and also to explain how/why this particular site was chosen.

Mr. Kirk stated that he has not personally seen any studies regarding emissions from cell towers and if there are any potential health risks associated with those emissions. He did state this is a very

touchy subject and that the FCC governs the all of the regulations pertaining to communication towers. As for the site selection, Mr. Kirk stated that he was not a part of the site selection process but that this site was chosen because there is a demand for services and coverage in the immediate area. He stated that they have met the City's requirements regarding the separation of this land use from the adjacent residences.

Commissioner Hamilton asked the applicant if this tower could be located elsewhere.

Mr. Kirk stated that they may be able to locate the tower somewhere else on this tract of land, but even if that is possible, it may not satisfy the citizens who stated they do not want a cell tower on this site at all. Because there is limited range on cellular tower transmissions, in order to address current service demands in this area, a tower would have to be constructed on this site or very close by.

Commissioner Thierry asked Mr. Kirk if he had previously requested this tower be located in another area of the city.

Mr. Kirk stated no, he is unaware of any other request.

Commissioner Saldana asked how far the proposed tower is from the playground.

Mr. Kirk stated that the proposed tower would be approximately 65 feet from the playground.

Commissioner Saldana stated that he has concerns about a tower being so close to the playground.

Commissioner Freeman asked the applicant if there are any other locations this tower could be built on. She stated that she agrees with Commissioner Saldana, at 65 feet, the tower would be too close to the playground and worried about possible health risks for the children.

Mr. Kirk stated that site selection is dictated by service demands in a specific geographic area and that this area shows to have a need for increased service capacity.

Chairman Brooks stated that she understands the concerns expressed tonight about placing a cell tower on a major thoroughfare, which serves as a gateway to the community. However, she reminded the Commission, as well as for the benefit of the audience members, that they do not have any information regarding potential health risks resulting from cell tower emissions, this is matter handled by the FCC. The Planning and Zoning Commission's authority to make recommendations on development requests is limited to ensuring compliance with City plans, policies and ordinances.

A motion was made by Commissioner Hamilton to table this request to allow the applicant time to address the concerns voiced by residents.

The motion dies for a lack of a second.

A motion was made by Commissioner Thierry to approve Case No. 12-02, as presented. The motion dies for a lack of a second.

A motion was made by Commissioner Freeman to deny Case No. 12-02. The motion was seconded by Commissioner Saldana.

The vote was as follows:

Ayes: - 3 - Chairman Brooks and Commissioners Freeman and Saldana.

Nays: - 2 - Commissioners Thierry and Hamilton.

Chairman Brooks declared the motion carried.

Secretary's note: Commissioner Saldana left at 6:57 p.m.

IV. Staff Reports & Discussion Items

1. Review of City Center Vision Plan

Don Gore, Planner, stated that representatives from the North Central Texas Council of Governments (COG), along with our consultants, have reviewed the information submitted by Cedar Hill and it appears we have provided all the necessary documentation; therefore, we should receive a notice to proceed soon.

Rod Tyler, Director of Planning, stated that this is actually a COG project, they are administering the contract; however, we will benefit from their work.

Mr. Gore, posing the question to Mr. Tyler, stated that since this project is being administered by COG, would members of the P&Z be asked to serve on an advisory board.

Mr. Tyler stated that the scope of services indicates there will be a steering committee, appointed by City Council, and most likely include a representative from the P&Z Commission.

2. Recent Submittals

Mr. Gore reviewed the case load with the Commission and showed them the link of case load online.

V. Adjourn

A motion was made, followed by a second for adjournment. The meeting adjourned at 7:32 p.m.

Theresa Brooks
Chairman

Belinda L. Huff
Development Services Coordinator
