



City of University Park

City Hall
3800 University Blvd.
University Park, TX 75205

Meeting Minutes Planning and Zoning Commission

Tuesday, April 10, 2018

5:00 PM

Council Chamber

4:30 - 5:00 PM - Work Session for Agenda Review

A work session was opened at 4:00 PM in the Council Conference Room by Chairman West.

Mrs. Rees introduced PZ 18-006 to consider a request by the City of University Park to create a Planned Development District for an elevated water storage facility and installation of cellular telephone antennae and related appurtenances. Mrs. Rees provided an updated PowerPoint presentation and offered information on the two-hundred foot (200') mail buffer and the number of notices that staff received. Mrs. Rees discussed the Federal Communication Commission (FCC) guidelines for radio frequency exposure and pointed out that representatives from AT&T were present for questions. Mrs. Rees explained that staff requested proposed radio frequency emission data from AT&T and finds that it meets the guidelines from the FCC. A brief discussion was held between the Commission, the City Attorney and staff.

Mrs. Rees then moved forward to introduce PZ 18-004 to consider a request by Dallas Corthum with Masterplan, representing Highland Park Presbyterian Church, to amend the existing Planned Development District 36 to demolish the existing Hunt Building and construct a three-story building above an underground parking facility. Mrs. Rees presented a PowerPoint presentation and explained the number of notices that were mailed out and how many staff received. During the presentation, Mrs. Rees explained that the Church would remain on its existing campus, the number of parking spaces in the proposed underground garage, heights and setbacks. Renderings of the proposed additions were also presented to the Commission. A brief discussion was held regarding neighborhood opposition and support and also about how the project has changed over the past few months.

The work session was closed at 4:59 PM.

Call to Order

Chairman West called the meeting to order at 5:00 PM and introduced the Commissioners and City staff members.

Introduction of Commission Members

Present: 6 - Chairman Bob West, Commissioner Mark Aldredge, Commissioner Neil Harris, Commissioner Blair Mercer, Commissioner John Walsh III, and Commissioner Rusty Goff

Excused: 1 - Commissioner Liz Farley

Seated: 2 - Commissioner Doug Roach, and Commissioner Jerry Jordan

Staff in Attendance

Patrick Baugh, Community Development Director,
Jessica Rees, City Planner,
Lea Dunn, Assistant City Manager,
Amanda Hartwick, Special Projects Coordinator,
Rob Dillard, City Attorney.

The Planning and Zoning Commission of the City of University Park will conduct a public hearing in the Council Chamber. Consideration will be given to the following item(s):

PZ 18-006

Continue the public hearing to consider a request by the City of University Park to create a Planned Development District, with Site Plan, for an elevated water storage facility and cellular telephone antennae and related appurtenances. The subject site is located at 3531 Northwest Parkway.

Chairman West requested a briefing from staff. Mrs. Rees introduced PZ 18-006 and provided a brief PowerPoint presentation. Mrs. Rees offered an overview of the notices that were mailed and returned and explained that there has been a lot of conversation on social media regarding this case as well as a petition. Mrs. Rees displayed an overview of the site plan provided by AT&T showing the location of the water tower on the site, proposed antennae and stealth collar around the bottom of the water tower. Mrs. Rees offered an overview of the Federal Communication Commission (FCC) jurisdiction and guidelines and stated that the Commission cannot deny zoning based on safety reasons. Mrs. Rees requested that the Commissioners consider the request and forward a recommendation to City Council. Mrs. Rees mentioned that a representative from the Public Utility Advisory Committee (PUAC), Darren Dittrich, whom reviewed the item in 2017 was available at the public hearing to speak.

Chairman West asked City Attorney Rob Dillard for clarification on the regulatory standards that should be considered for this case. Rob explained that according to the Telecommunication Act of 1996, the FCC sets standards on emission levels that are acceptable to the general public and the City cannot deny the antennas based solely on this information. Mr. Dillard mentioned that the lease that the City has entered into with AT&T has a provision that states that AT&T must provide an evaluation of the emissions and a report on whether or not the proposed facilities will meet the FCC regulations. An evaluation has been completed by Waterford LLC and a representative was present and available to speak to that report.

Darren Dittrich, member of the PUAC, was called to the podium by Chairman West. Mr. Dittrich expressed that it is difficult to come up with a reason why the City should not move forward and recommended that the equipment be installed.

KD Burdett, the RF engineering manager with AT&T, was called to the podium by Chairman West. Mr. Burdett explained that the primary server at the corner of Northwest Parkway and Hillcrest Avenue became unsatisfactory and had a diminishing level of coverage in the area of the proposed site. It was determined that the proposed site was a good location to regain and improve the coverage. Chairman West questioned if the small cell technology has been applied to this area in which Mr. Burdett expressed that AT&T is working through the ordinance requirements. Mr. Burdett explained that the existing infrastructure becomes exhausted with all of today's technology and the traditional cell towers provide more of an over-arching coverage and the small cell antennas provide the ability to evolve going forward. Commissioner Walsh asked about the projection and demand relating to 5G and additional wireless devices and Mr. Burdett explained that there has been a two-hundred

and fifty thousand percent (250,000%) data usage increase since 2007.

Steve Bare Anderson, representative from Waterford LLC, was called to the podium by Chairman West. Mr. Anderson explained that the FCC has guidelines for RF exposure limits and Waterford looked at exposures at ground level and elevated sites. The exposure levels were less than one percent (1%) of the FCC limits for the general population. Mr. Anderson expressed that AT&T and other wireless providers go through a process called designing for compliance which means they are not permitted to create hazardous conditions that people have access to. Although hazardous areas exist across the country, they are mitigated with signs, barriers, and safety plans. In this case the antennas are elevated and on the face of the structure so there is not an opportunity for people to walk in front of them. The ground level conditions and distance were provided for a typical installation. Information regarding RF waves, radio waves and the map provided by AT&T that was within the agenda packet were offered. A discussion was held regarding exposure levels in front of the antennae and raised floor levels. Mr. Anderson expressed that AT&T will complete annual audits and compliance evaluations.

With no one else to speak on behalf or in favor of the item, Chairman West requested for anyone who would like to speak in opposition to approach the podium.

Elissa Huff, resident at 3525 Villanova Street, approached the podium and provided staff with two (2) more opposition notices. Ms. Huff questioned the information on the map provided by AT&T and explained her understanding of the maximum exposure limits and radiation exposure that is cumulative. Ms. Huff expressed her concern for the children that could absorb radiation at a higher rate than adults and questioned how long it takes for them to be affected. Ms. Huff explained that the FCC guidelines are outdated and the FCC only tests thermal waves, not non-thermal radiation. Ms. Huff also questioned about other carriers coming to the tower and the possibility of higher exposure levels.

Will Balthrope, resident at 3530 Villanova Street, approached the podium. Mr. Balthrope expressed that from a real estate aspect, there is a potential loss of property value. Mr. Balthrope explained that his property tax consultant suggested a twenty percent (20%) decrease in market value of land and questioned if there was a plan to compensate the residents who are negatively impacted by the installation of the cell tower.

Caroline Goldman, resident at 3521 Villanova Street, approached the podium. Ms. Goldman pointed out that the Telecommunication Act of 1996 does not assure every carrier seamless coverage. Ms. Goldman offered data from the American Association of Pediatrics and mentioned that the EPA does not agree with FCC standards. Ms. Goldman expressed that non-thermal radiation is what residents are worried about and the guidelines for long term effects have not been established. Ms. Goldman mentioned that the FCC limits are outdated and the effects are wide-ranging. Ms. Goldman closed with information from Harvard University which explained that the long term effects

are unknown.

Hank Huff, resident at 3525 Villanova Street, approached the podium. Mr. Huff proposed that staff should re-evaluate the problem that is trying to be solved. Mr. Huff explained that AT&T has the best coverage in the entire state of Texas and found it hard to believe that there is a coverage gap. Mr. Huff expressed that twelve (12) high powered cell antennas seems like a disproportionate solution. Mr. Huff closed with the question of who is being served here and requested that the Commissioners weigh the primary constituency.

Patra Fazel, whose parents own 3519 Northwest Parkway, approached the podium. Ms. Fazel expressed that the notice letter that her parents received was very confusing. Ms. Fazel also stated that the information from AT&T is ambiguous and more information is needed from AT&T before a decision is made.

Joe Hyde, resident at 3517 Northwest Parkway, approached the podium. Mr. Hyde expressed that his family was not as worried about property value as they are about the unanswered questions about health affects. Mr. Hyde expressed that there is no significant gap in coverage as being presented by AT&T and other carriers also state there is no gap in coverage as well. Mr. Hyde explained that homeowners have conducted drive tests and have found seamless coverage. According to reports, University Park has significantly better coverage than other neighborhoods. Chairman West stated that if additional antennas are requested to be installed then the item will need to come back to P&Z and City Council for approval again.

With no one else to speak in opposition, Chairman West closed the public hearing for this item.

A discussion was held regarding coverage and emissions. Commissioner Mercer asked AT&T for a rebuttal. Mr. Burdett explained that from a coverage standpoint, the recent development at the corner of Hillcrest Avenue and Northwest Highway has diminished coverage. The main objective is to increase coverage for University Park where complaints have been received.

Rob Dillard confirmed that what is shown on the plans is what will be installed and there is a lease that is subject to zoning. The lease provides that AT&T will furnish the City with the valuation of RF emissions from the antennas upon request. The City will ask for additional evaluation after installation and if there is a problem then AT&T will make adjustments to ensure they are within the limits.

Commissioner Walsh questioned the Commission's ability to make a ruling based on safety. Rob Dillard explained that federal law prohibits the City from denying the zoning based on safety. Rob Dillard also expressed that value loss in properties cannot be predicted.

After the vote was made, Commissioner Walsh asked the audience to consider writing the Federal government to get more studies included in

recent decisions that are made.

A motion was made by Commissioner Walsh, III, seconded by Commissioner Aldredge, that this Zoning Change be recommended for approval. The motion carried by a unanimous vote.

PZ 18-004

Consider a request by Dallas Corthrum with Masterplan, representing Highland Park Presbyterian Church, to amend the existing Planned Development District 36 to demolish the existing Hunt Building and construct a three-story building above an underground parking facility. The subject site is located at 3821 University Boulevard.

Commissioner Walsh was substituted by Commissioner Goff for this item.

Chairman West expressed that the private development agreement (PDA) regarding the use of Shannon is a decision strictly made by City Council and the PDA would not be discussed tonight. Procedural notes were offered regarding the amendments to the PD for HPPC campus.

Mrs. Rees approached the podium and provided a PowerPoint presentation for PZ 18-004. Within the presentation, Mrs. Rees offered an overview of notices that were mailed and returned. The existing site plan and proposed concept plan was displayed. Mrs. Rees explained that the existing hunt building would be demolished and a building with underground parking and smaller addition on north side of campus would be rebuilt. Renderings given by Masterplan were also displayed along with the proposed building heights and elevations. Mrs. Rees requested that the Commissioners consider the request and forward a recommendation to City Council.

Clay Sell, elected Elder at HPPC and resident at 4200 Windsor Parkway, approached the podium. Mr. Sell informed the Commissioners that he is a Moderator of Campus Vision Task Force. Mr. Sell offered opening comments such as the Church was founded in 1926, history of campus construction and overview of objectives of the task force for the Church. Mr. Sell acknowledged that the Church has made a number of significant changes and improvements from the proposal that was first introduced last year.

Dallas Corthrum, representative from Master Plan and resident at 2829 Stanford Avenue, approached the podium. Mr. Corthrum explained that this is a remodel with no real substituted changes to the land use by only adding about 7,000 square feet out of 190,000 square feet. Mr. Corthrum explained that parking remains a barrier and comments that came from the 2009 surface lot zoning case showed underground parking is the best answer for neighbors. Mr. Corthrum mentioned that the plan has been revised to stay within the boundaries of the existing campus. Mr. Corthrum shared an overview of off/on-street parking, height information and setbacks.

Aaron Farmer, with OmniPlan Architects, approached the podium and gave an overview of proposed renderings.

Chairman West requested for anyone to speak in favor to approach the podium.

Lou Lebowitz, resident at 3918 University Boulevard, approached the podium. Mr. Lebowitz gave a history of proposed changes and negotiations with the neighborhood. Mr. Lebowitz elaborated that there will not be any zoning

changes to any portion of the western block which is a residential zone now. Mr. Lebowitz expressed that he and his wife want the Church to be successful, continue to grow and whole heartedly support their application.

Austin Neuhoﬀ, resident at 4005 Glenwick Lane, approached the podium. Mr. Neuhoﬀ expressed that he supports the project and that the past opposition was mainly due to re-zoning of the west block and that the church addressed this matter. Mr. Neuhoﬀ also mentioned that there is a number of ministries through the Church and the new facility will give more opportunities to serve the community.

Dylan Bramhall, resident at 3316 Milton, approached the podium. Mr. Bramhall mentioned that he has two (2) young daughters who are students at the Day School and he also teaches Sunday school. Mr. Bramhall stated that there has been an immense growth in the number of young families and it is necessary to renovate and expand the children's area in order to accommodate the young families. Also, the plan provides a parking solution and addresses internal structural issues like better access for strollers, etc.

Ashley Shull, resident at 4436 Glenwick Lane, approached the podium. Ms. Shull expressed that she is a lifelong member of the Church. Ms. Shull's volunteering role consists of helping new members find parking and navigate through the building. Ms. Shull explained that the proposed plan provides more parking, broader hallways and large common areas that will enable families to safely and easily attend the Church.

Laurie Connell, resident at 7320 Turtle Creek Boulevard, approached the podium. Ms. Connell explained that her and her husband, Mark, are co-chairs of the fundraising efforts for the building project. Ms. Connell expressed that there are multiple generations of members within their family who are members of the Church. This past February, over 900 families raised \$72 Million of a \$73 Million fundraising campaign.

Gwen Longino, resident at 3243 Greenbrier Drive, approached the podium. Ms. Longino expressed that she has been a member for almost 30 years and feels that the proposed renovation will enhance the experience for members and non-members during weekday activities. Ms. Longino stated that a new and improved Hunt Building with underground parking will benefit visitors of all ages.

Ray Stazzoni, resident at 4011 University Boulevard, approached the podium. Mr. Stazzoni expressed that his family are members of the church and nearby homeowners. As a homeowner, Mr. Stazzoni sees improvement to traffic with proposed plans as well as a win-win for the community and homeowners.

Martha Lou Beaird, resident at 6408 Williams Parkway, approached the podium. Ms. Beaird expressed that she has lived within walking distance to the Church since 1989 and has been a member since 1962. Ms. Beaird mentioned that she has lived through a lot of construction and knows that this construction will be worth the end result.

Clyde Jackson, resident at 6001 St. Andrews Drive, approached the podium. Mr. Jackson expressed that he has been a lifelong resident of University Park, Deacon and Elder within the Church. Mr. Jackson stated that the Church has been magnificent and will continue to be wonderful as long as the concept is embraced.

Leslie Melson, resident at 3908 Centenary Avenue, approached the podium. Ms. Melson shared that the Church wants to maintain the integrity of the community, landscaping, parks, etc. and plan to complete the project in a timely and neighborly manner.

With no one else to speak in favor of the item, Chairman West requested for those speaking in opposition to approach the podium.

Bob Dill, resident at 3921 McFarlin Boulevard, approached the podium. Mr. Dill stated that he represented over 50-plus neighbors within a two (2) block radius of the church. Mr. Dill presented a PowerPoint presentation including background information and three aspects of concerns: oppose the use of residential homes during construction, oppose the thirty-plus (30+) month closure and reconfiguration of Shannon Lane and oppose the private development agreement. Mr. Dill recommended a residential parking district due to increased volume of cars around campus.

Pete Lempert, resident at 4006 University Boulevard, approached the podium. Mr. Lempert explained that he has been a resident for forty (40) years. Mr. Lempert stated that the church has deep pockets and can hire consultants and others to help with plans. Mr. Lempert expressed that the residents around the church have had to fight on their own. Mr. Lempert expressed that he is in favor of the proposed plan if it stays within their campus because he is a good neighbor. Mr. Lempert stated that he does not support using residential homes, the closing of Shannon for thirty (30) months during construction and unlimited use in the PD.

Kevin Didion, resident at 3819 McFarlin Boulevard, approached the podium. Mr. Didion explained that his home was built in 1934, and he and his wife have taken a lot of time to restore it. Mr. Didion expressed that their driveway gets blocked often times by Church patrons and they hear noise from large buses and trucks. Mr. Didion mentioned that the application says unlimited uses and questioned what were the additional uses that the Church needed. Mr. Didion expressed that he supports what the church is doing within the footprint of campus but is concerned with the unlimited scope.

With no one else to speak in opposition, Chairman West closed the public hearing.

A brief discussion was held regarding the unlimited uses. Commissioner Aldredge confirmed that this is the conceptual plan and a detailed site plan would come back to P&Z and City Council at a later date.

A motion was made by Commissioner Aldredge, seconded by Commissioner Mercer, that this PD Amendment be recommended for approval. The motion

carried by a unanimous vote.

Consider the previous meeting minutes with or without corrections:

[18-04](#)

Minutes from the March 13, 2018 Planning and Zoning Meeting.

A motion was made by Commissioner Aldredge, seconded by Commissioner Mercer, that the Minutes be approved. The motion carried by a unanimous vote.

ADJOURNMENT: With their being no further business before the Commission, Chairman West adjourned the meeting at 7:11 PM.

Approved by:

Chairman Robert H. West

Date