



**PLANNING AND ZONING COMMISSION  
UNIVERSITY PARK, TEXAS**

**SUMMARY OF RESPONSES  
April 10, 2018**

**P&Z 18-006**

**Responses within the 200 foot buffer**

<b>Number of notices mailed</b>	<b>16</b>
<b>Number of responses received</b>	<b>10</b>
<b>OPPOSED</b>	<b>10</b>
<b>IN FAVOR</b>	<b>0</b>
<b>UNDECIDED</b>	<b>0</b>



BONANZA CAPITAL LTD  
2651 N HARDWOOD ST STE 530  
DALLAS, TX 752011584

**NOTICE OF PUBLIC HEARING**  
**PZ 18-006**

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**\*\*Please Type or Use Black Ink.**

(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

BRYAN PACHOLSKY

Signature:

[Handwritten Signature]

Address:

3524 VILLANOVA DALLAS, TX 75225

Comments:

lack of information disclosed.  
Health risks to my children.

**Zoning Change and Amendment Process**

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BALTHROPE CHARLES W II &  
MELISSA C  
3524 VILLANOVA ST  
DALLAS, TX 752255007

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(Circle one) IN FAVOR

**OPPOSED**

UNDECIDED

Name:  
(Please Print)  
Signature:

Address:

Comments:

Charles W. Balthrope  
WBalthrope

3530 Villanova St. Dallas, TX 75225

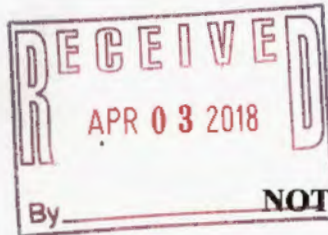
This will significantly lower our  
property value.

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Will and Missy Balthrope

Signature:

WB

Address:

3530 Villanova St.

Comments:

this will significantly lower the value of  
our ~~own~~ property - pls. see attached  
letter estimating a 20% loss to land value.  
Thank you!

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Will Balthrope  
3530 Villanova Street  
Dallas, TX 75225  
214.435.5160  
will.balthrope@sbcglobal.net

VIA FEDERAL EXPRESS

April 2, 2018

Robbie Corder  
City Manager  
University Park City Hall  
3800 University Blvd  
University Park, TX 75205

Jessica Rees  
Planner  
University Park City Hall  
3800 University Park Blvd  
University Park, TX 75205

Re: PZ 18-006  
Impact of proposed cell tower on property values

Dear Mr. Corder and Ms. Rees,

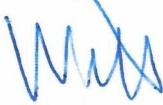
Please see the attached letter from Michelle Chesney of Preston Bend Properties, my property tax consultant, regarding the impact of the proposed cell tower on my home appraised value.

 Please distribute this letter to the Planning and Zoning Commission members prior to the hearing on April 10<sup>th</sup>.

As you can see, it is estimated that my property will lose at least \$179,474 in value if the cell tower is approved. I am only one of many property owners affected by this loss of value.

Thank you for your consideration.

Sincerely,



Will Balthrope

Enclosure

Preston Bend Properties, LLC  
522 Bishop Ave  
Richardson, TX 75080  
214.613.6083

March 21, 2018

Mr. William Balthrope  
3524 Villanova  
University Park, TX 75225

RE: Impact of proposed cell tower on property value

Dear Mr. Balthrope,

It has been brought to my attention that the city of University Park, TX has proposed erecting a cellular tower on top of the water tower that is directly adjacent to your property on the north side. Given the negative data suggesting that EMFs from cellular towers may be harmful to one's health and that the closer a person is to the EMF field, the more likely they are to be affected by the EMFs, we can only presume that a potential buyer would find your property less valuable than comparable properties due to the proximity of your property to the new cell tower. While it is difficult to ascertain exactly what impact this negative influence would have on the valuation of the land, in my professional opinion, I feel comfortable suggesting that it would surely account for a 20% decrease in the market value of the land, perhaps more.

Please keep me abreast of what transpires concerning the proposed tower.

Best,



Michelle E. Chesney  
Broker/Principal

3530 Villanova St.

2017 Assessed land value = \$897,370

X 20% = \$179,474



COMMUNITY DEVELOPMENT  
2650 UNIVERSITY PARKWAY, SUITE 1000  
DALLAS, TEXAS 75201-1000

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Signature:

Address:

Comments:

E. David Furlow

*E. David Furlow*

2812 3537 N.W. Parkway

### Zoning Change and Amendment Process

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ROMANIZACAPITAL LTD  
2881 N. HARDWOOD ST STE 530  
DALLAS, TX 75204-1584

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Signature:

Address:

Comments:

Edward P. Thompson, III

Edward P. Thompson, III

3513 - 3515 N.W. Pkwy.

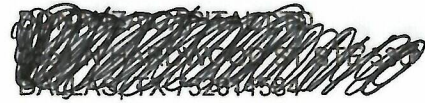
"Opposed"

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Jay Paul, DG Villanova 2 LLC

Signature:

[Signature]

Address:

3520 VILLANOVA

Comments:

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Jenifer Longhofer

Signature:

Jenifer Longhofer

Address:

3516 Villanova St, Dallas 75225

Comments:

Please do not allow a cell tower to be installed near our homes.

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(Circle one) IN FAVOR

☒ OPPOSED

☐ UNDECIDED

Name:  
(Please Print)

Signature:

Address:

Comments:

Kabiru Abubakar

Kabiru

3543 Northwest Pkwy

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~~FLORANTA CAPITAL LTD  
HARDWOOD STREET 500  
DALLAS, TX 75201-1664~~

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Signature:

Address:

Comments:

Larry Wright  
Larry Rees  
3512 Villanova St 75225  
\_\_\_\_\_  
\_\_\_\_\_

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LARUE 1992 TRUST TRUSTEES  
10455 N CENTRAL EXPY # 109, BOX  
509  
DALLAS, TX 752312215

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)  
Signature:

Address:

Comments:

Larue 1992 Trust

Annette Larue, Trustee  
3539 NW PKwy, Dallas, TX 75225

Absolutely hot!

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~~2018-03-13 10:00 AM~~  
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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Signature:

Address:

Comments:

Stacey Beckham Lake  
Stacey Beckham Lake  
3540 Villanova St.

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(Circle one) IN FAVOR

OPPOSED

UNDECIDED

Name:  
(Please Print)

Stacey Beckham Lake

Signature:

Stacey Lake

Address:

I own the property at 3540 Villanova

Comments:

**Zoning Change and Amendment Process**

A request for a zoning change follows a two-step process designed to provide opportunities for citizen involvement and comment. The first step following the submission of an application for a zoning change is to schedule a public hearing before the Planning and Zoning Commission. Landowners within two hundred (200) feet of the subject site are notified of the Planning and Zoning Commission public hearing. They are provided this response sheet and are invited to attend the public hearing to express their support or opposition to the request. Second, the request is forwarded to the City Council for final action following a recommendation from the Planning and Zoning Commission. If the owner(s) of more than twenty percent of the land area within two hundred feet of the site submit(s) written opposition, then a three-fourths vote of all the eligible members of the City Council is required to approve the zoning change. These forms are used to calculate the percentage of the property in opposition.

**NOTE:** Site plans or zoning details proposed by the applicant, may change before or during a public hearing and after this notice. However, these changes must be minor and more restrictive. If they are not minor and more restrictive, another notice must be made.



**PLANNING AND ZONING COMMISSION  
UNIVERSITY PARK, TEXAS**

**SUMMARY OF RESPONSES**

**April 10, 2018**

**P&Z 18-006**

**Responses NOT within the 200 foot buffer**

<b>Number of responses received</b>	<b>2</b>
<b>OPPOSED</b>	<b>1</b>
<b>IN FAVOR</b>	<b>1</b>
<b>UNDECIDED</b>	<b>0</b>

## Jessica Rees

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**From:** Robbie Corder  
**Sent:** Wednesday, April 4, 2018 12:05 PM  
**To:** Jessica Rees; Pat Baugh  
**Subject:** FW: PZ 18-006 - Water Tower  
**Attachments:** Cell-tower-studies.pdf; FCC and RF Radiation.docx; US GOVERNMENT DOCUMENTS.docx; AntennaSites.pdf; Sites1.pdf; Sites2.pdf; Health Study.pdf; Health Study2.pdf; Third Party Coverage Map.pdf; ATTCoverageMap.pdf

FYI

**From:** Caroline Goldman [mailto:carolinerad@gmail.com]  
**Sent:** Wednesday, April 04, 2018 11:57 AM  
**To:** Robbie Corder <rcorder@uptexas.org>  
**Cc:** ELISSA HUFF <elissa.huff@oracle.com>; Mark <msggoldman77@gmail.com>  
**Subject:** PZ 18-006 - Water Tower

Hi Robbie,

Please share the following documentation with the City Council and planning and zoning members illustrating our opposition to the zoning change permitting an unnecessary cell antennae configuration on the water tower.

I understand this is a large amount of information; however, this is an important zoning change that will impact your residents for many years to come. We hope that City Council will see that there is not a legally defined coverage gap in our city. We urge the city to take a deeper look at the coverage issues and health effects. There are alternatives for increased coverage in our neighborhood, including the use of the small cell systems that have already been planned.

### Coverage Issue

There are already multiple cell antennae configurations a few hundred feet away from this proposed location. Residents along Villanova, Colgate, Wentwood, Marquette etc are not experiencing cell trouble. If AT&T and the city council members are deeply concerned with truly fixing any perceived coverage issues, they need to investigate putting cell antennae (or small cell systems) deep in the neighborhood near Caruth Park. The city has already passed an ordinance allowing carriers to use small cell systems to address any "gaps."

AT&T's claim of a coverage gap is contradictory to what they are selling customers. We have not been allowed to see any of their "proprietary" coverage maps, but on their own website, AT&T is selling customers available 4G coverage with street detail. AT&T appears to have told the city of UP that there is a gap in coverage. They are not disclosing to potential customers that there is a gap in coverage. I find this stark discrepancy misleading and according to US cases, unlawful.

The city is not required to provide AT&T seamless coverage in our neighborhood. The Telecommunications Act (TCA) does not assure every wireless carrier a right to seamless coverage in every area it serves and that the inability to cover a few blocks in a large city is, as a matter of law, not a "significant gap."

The burden of proof that a significant gap exists is on the carrier, and that burden of proof has not, and cannot be met in University Park:

- AT&T is presenting an official coverage map to the public showing 4G availability, while we are told they presented a totally contradictory coverage map to the City Council;
- AT&T has not provided an explanation why there is such a disparity in coverage gap claims between their presented data vs their own official coverage map;
- Other carriers have full coverage in University Park;
- Has AT&T provided any new evidence that they have indeed approached other carriers for co-location of coverage?
- Has AT&T provided data that small cell systems can be used to cover a small coverage gap deep within the neighborhood, if it indeed exists? The city has already passed an ordinance for this.



A landmark case U.S. Ninth District Court of Appeals addressed what a significant gap in coverage is and isn't in Sprint PCS v. the City of Palos Verdes Estates.

"We disagree," responded the Ninth Circuit Court, which found Sprint's projected coverage estimates "far from clear." In any event, that there was a "gap," is certainly not sufficient to show there was a "significant gap" in coverage"... "[T]he relevant service gap must be 'truly' significant...The TCA does not guarantee wireless service providers coverage free of small 'dead spots' . . . ."

In addition, the Court noted how Sprint already had existing cell towers throughout the city. It also acknowledged that public remarks and residents' drive test results contained in the staff report "further illustrate that Sprint's existing network was, at the very least, functional." To read this landmark decision, see Sprint v Palos Verdes Estates, October 13, 2009, U.S. Court of Appeals for the Ninth Circuit, pages 14551-14554,

<http://cdn.ca9.uscourts.gov/datastore/opinions/2009/10/13/05-56106.pdf>

We conducted drive tests in UP (admissible by the US Court of Appeals) and found seamless coverage throughout this neighborhood. According to third party maps (attached), **UP has significantly better coverage than other surrounding neighborhoods.**

If residents are complaining, they can consider using services from other carriers or services like Google Fi, VoIP and cell boosters for their home. A new cell tower will not guarantee that there will be other interference such as home age, building materials, etc.

We have a petition with 200+ citizens who are opposed to these cell antennae going onto the water tower. We stopped promoting the petition because we felt like the point was made in getting that many signatures in just a few days while most of the people who signed it were on Spring Break and not in town. Having said that, I am sure that if we put it out on neighborhood social media, we would get many more signatures. In contrast, we would like to know how many people have asked for these antennae to be installed on the water tower? What is that number and where do they live in UP? Do they live on Villanova? Wentwood? Northwest Parkway? Or do they live further in where this addition will likely not help them anyway? Would the small cell systems help them? Have they tried anything to boost their own signal?

#### **Health Effects**

No one can prove that the cell antennae are truly safe. I urge you to look at the attachments in this email regarding health effects. It would be reckless to make such an important decision without knowing all of the facts.

FCC standards do not take in to account: non-thermal effects and long-term, low level continuous exposure, or an accurate model of the effects of non-thermal RF on all residents. Their model for thermal testing is an average size male. What about women, children and the elderly who absorb radiation differently?

The FCC itself states that further studies need to be done regarding health effects. The EPA and the US Dept of Interior have also formally questioned the safety. The FCC also does not monitor or even test the antennae. Emissions are based on a simple computer model. There is no inventory list of installations, no actual on-site measurements.

The EPA itself stated "there are reports that suggest that potentially adverse health effects, such as cancer, may occur" and that "the number of studies reporting effects associated with both acute and chronic low level exposure to radiation has increased."

The University of Washington biometrics lab found that low intensity RF causes damage to the blood brain barrier and causes reproductive problems.

You will notice in the studies attached that the distances testes are 300-500 meters. Our homes are LESS than 100 meters from the water tower.

Your citizens also want to know why the children at Armstrong Elem. are spared from having a cell tower on their school, but the Hyer children are not spared the risk? It is a flawed argument to state that the proposed antennae at Armstrong was a HPISD issue. These are ALL children in this community.

Let's agree that cell antennae pose some health risk but agree that we are unsure exactly how high that risk is. The city has used the cell antennae on top of UP City Hall and on top of the SMU Law School parking garage as a means for comparing what has been done already and what will be done on the water tower. This is NOT an accurate comparison. There is one glaring reason why the proposed antennae on the water tower poses significantly more risk - the number of antennae that will be installed there in the future. The water tower offers a drastically larger space for antennae to be installed. The current ask is just by AT&T for 6 antennae now and 6 later, but if AT&T is given the ability to put their antennae on the water tower, is the city going to deny Verizon, Sprint and T-Mobile when they ask? How many antennae can fit up there in all? How does that compare to the number on top of City Hall or the parking garage? How many multiples of the number on top of City Hall are we talking

about? 2x, 5x, 10x, more? So whatever the health effects are (with safety standards questioned by the FCC and EPA), you are asking our children and the children on nearby blocks to be subject to 2x, 5x, 10x, what ever multiplier MORE TIMES THE HEALTH EFFECTS THAT ANY OTHER PLACE IN UP. How is that acceptable? The money the city will make from this can never justify the potential health effects. How does a resident complaining about cell coverage mean more to the city than our children?

**Attachments**

Cell Tower Studies- shows abstracts with many links to peer reviewed studies

ATT Coverage Map - showing available 4G coverage in UP

Health Study 1, 2, 3

Sites 1, 2 and Antenna Sites

Third Party Coverage Map - showing NO coverage gap in UP

US Government Documents

FCC and RF Radiation

Please let me know if you have any questions. We are also very curious if the city has found the additional signed public notices that went missing in the last meeting.

Thank you,  
Caroline Goldman  
214-755-0014

## Cecilia Mena

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**From:** Jessica Rees  
**Sent:** Monday, March 26, 2018 1:50 PM  
**To:** Cecilia Mena  
**Subject:** FW: PZ 18-006



**Jessica Rees**

City of University Park

*City Planner*

Office: 214.987.5423 | Fax: 214.987.5429

[jrees@uptexas.org](mailto:jrees@uptexas.org) | web: [uptexas.org](http://uptexas.org)

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**From:** Carl Anderson [mailto:carl.anderson@larkspurcapital.com]  
**Sent:** Monday, March 26, 2018 1:22 PM  
**To:** Jessica Rees <jrees@uptexas.org>  
**Subject:** PZ 18-006

Hi Jessica,

I live at 3808 Southwestern Blvd. and my AT&T cell service is poor. I am very much in favor of this proposed zoning change so that UP and surrounding areas can benefit from increased cell service quality. Please pass this along to the commissioners.

Thanks so much.

Carl Anderson

Carl B. Anderson

**Larkspur**

Larkspur Capital Partners LP

8111 Preston Road, Suite 610, Dallas, TX 75225

TEL 214.443.1922 CELL 214.695.4795