



City of University Park

City Hall
3800 University Blvd.
University Park, TX 75205

Meeting Minutes Planning and Zoning Commission

Tuesday, March 13, 2018

5:00 PM

Council Chamber

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

A work session was opened at 4:31 PM in the Council Conference Room by Chairman West.

Mrs. Rees introduced PZ 18-005 to consider a request by Ken Reiser, representing Highland Park United Methodist Church, for a specific use permit under Section 20-101 Residential Districts Use Table of the zoning ordinance that allows for a Place of Worship use in a residential district. Mrs. Rees provided a brief Power Point presentation and presented a rendering of the 200 foot buffer and survey, displaying the modifications. Mrs. Rees explained that the Wesley house has been operating since 2004 and the Baptist Church had been there for many years prior. Mrs. Rees expressed that the specific use permit will exist with the property and the zoning will not change. A brief discussion was held regarding the permitted uses and operating hours.

Mrs. Rees then moved forward to introduce PZ 18-006 to consider a request by the City of University Park to create a Planned Development District to allow specific uses on the lot currently used for an elevated water storage facility. Within the Power Point presentation, Mrs. Rees offered a rendering of the 200 foot buffer and explained that there was currently a petition that had about 150 opposed signatures mainly due to health concerns. Mrs. Rees displayed plans that were submitted by AT&T as well as a rendering of an existing tower with cellular antennas. Mrs. Rees expressed that there are currently cellular antennas in the City and when installed did not have any previous issues or concerns. Discussion ensued regarding the impact of cellular antennas, current studies regarding cellular antennas and the possibility of utility companies placing cellular nodes within the City simply by applying for a permit.

The work session was closed at 4:54 PM.

Call to Order

Chairman West called the meeting to order at 5:02 PM and introduced the Commissioners and the City staff members.

Introduction of Commission Members

Present: 5 - Chairman Bob West, Commissioner Mark Aldredge, Commissioner Liz Farley, Commissioner Blair Mercer, and Commissioner John Walsh III

Excused: 4 - Commissioner Doug Roach, Commissioner Neil Harris, Commissioner Jerry Jordan, and Commissioner Rusty Goff

Staff in Attendance

Jessica Rees, City Planner,
Cecilia Mena, Planning Technician,
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 18-005](#)

Consider a request by Ken Reiser, representing Highland Park United Methodist Church, for a Specific Use Permit under Section 20-101 Residential Districts Use Table of the zoning ordinance that allows for a Place of Worship use in a residential district. The subject site is located at 3220 Daniel Avenue.

Chairman West requested a briefing from Mrs. Rees. Mrs. Rees approached the podium to present a Power Point presentation and displayed the 200 foot buffer and offered a summary of the responses that were received. Mrs. Rees displayed a current survey as well as the changes regarding the concrete work and back patio. Mrs. Rees explained that we do allow a place of worship use in a residential district through a specific use permit. An image was displayed that showed the proposed modifications on the first and second floor. Mrs. Rees recommended that the Commissioners review the documentation that was submitted and explained that the specific use permit would remain with the property. Mrs. Rees expressed that the Wesley house has been there since 2004, along with the Baptist church that was there prior. Mrs. Rees explained that the space has been used this way for a long period of time.

Chairman West requested that anyone who wish to speak to this case to approach the podium.

Reverend Andrew Beard, Associate Pastor at Highland Park United Methodist Church, concurred with Mrs. Rees. Reverend Beard explained that this is a safe opportunity and a place for students to study and have small worship gatherings. Reverend Beard expressed that the property has been operating like this for several decades.

Chairman West requested that anyone who wish to speak to this case in favor or in opposition to approach the podium. With no one else to speak in favor nor in opposition, Chairman West closed the public hearing for this item.

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

[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.

Mrs. Rees approached the podium to present a Power Point presentation for item PZ 18-006. Mrs. Rees expressed that this particular lot currently has a specific use permit to allow the existing water tower and staff would like to dissolve the SUP and create a Planned Development District to allow specific uses such as the cellular antennas. The 200 foot buffer was displayed and Mrs. Rees offered a summary of responses that were received. Plans from AT&T were displayed showing the location of the antennas on the water tower, height, and layout of the site. Mrs. Rees also displayed a graphic of an existing cellular tower and mentioned that a resident committee and City Council reviewed and approved a lease agreement in 2017. Mrs. Rees asked the Commissioners to review the submitted information and forward a recommendation to City Council.

Chairman West requested that anyone who wish to speak to this item in favor or in opposition to approach the podium.

Alisa Huff, resident at 3525 Villanova Street, approached the podium. Ms. Huff mentioned that she was not inside the 200 foot buffer, but directly across the street from the water tower and provided the Commissioners with additional responses. Ms. Huff expressed that the notice that was given was inadequate and mentioned that some people did not receive a notice who live within the 200 feet, others threw the notice away, and others thought that this item was for a dog park. Ms. Huff expressed that every single person that were spoken with regarding this notice was opposed to the item and explained that she had a petition with over 200 signatures opposing the item. Ms. Huff suggested that the City start the notice process over and questioned whether a cellular antenna is needed for adequate coverage.

Caroline Goldman, resident at 3521 Villanova Street, approached the podium. Ms. Goldman mentioned that she resides 300 feet from the tower and did not receive a notice. Ms. Goldman offered information regarding the gap in coverage in University Park. Ms. Goldman explained that the Telecommunication Act does not assure every wireless carrier seamless coverage in a neighborhood and current coverage is considered very adequate. Ms. Goldman explained that there are two cell towers on top of the Equinox building which is less than one block from the water tower and offered a map of the area that displayed recent coverage. Ms. Goldman explained that there are over 35 kids on one block of Northwest Parkway and Villanova. Ms. Goldman proceeded to offer information from multiple studies on the radioactive emissions and non-thermal effects. Ms. Goldman also mentioned that the Washington Post article has sources that state that putting a cell phone antenna near a school is too risky and also mentioned a study that said 79 percent of people said under no circumstances would they ever purchase or rent a property within a few blocks of a cell antenna or cell

antenna configuration. Ms. Goldman explained that some citizens may want more cell phone coverage, but that doesn't mean that they have to use AT&T and mentioned different options. Ms. Goldman explained that she personally drove every single street in the City and had perfect coverage.

Joe Hyden, resident at 3517 Northwest Parkway, approached the podium. Mr. Hyden explained that he did not receive the notice and requested to have proper notification and also a chance to study the effects. Mr. Hyden expressed that if there are benefits then he may be in favor of the item and the effects on the decreasing property values is not a critical factor. Mr. Hyden explained that although he trusted Ms. Goldman's points, he did not have a chance to look into any of the information and reiterated that he would like a chance to get more information.

Ms. Goldman approached the podium again and expressed that she reached out to parents of children at Armstrong Elementary and HPISD who successfully fought the installation of cell towers on the school because of the health reasons. Ms. Goldman questioned why are the Armstrong kids so much more important than the Hyer kids that live on Villanova and stated that if the City believes that there is a potential risk then any financial or coverage gain is not worth the risk. Ms. Goldman explained that the only area that may need extra coverage is by Caruth Park based on the coverage maps.

Heidi Levy, resident at 3521 Northwest Parkway, approached the podium. Ms. Levy stated that she has owned the property since there was an old metal water tower on it and that the crane fell onto their property. Ms. Levy concurred with the previous speakers and expressed that she was confused about the notice. After speaking with others, Ms. Levy expressed that the towers are not something that you want close to yourself and explained that she is against the item due to radiation and other side effects.

Will Balthrope, resident at 3530 Villanova Street, approached the podium. Mr. Balthrope stated that he has lived behind the water tower for fourteen years and is in the real estate business. Mr. Balthrope stated that he was given an improper notice, there is 60 percent opposition, 200 petitions against the item, and that it would be reckless and negligent for the City to move forward without doing more investigation and properly notifying all the people that will be effected. Chairman West explained that the 200 feet is the legal requirement for notification for a zoning case. Mr. Balthrope expressed that there will be a significant loss in property value among other things beyond the radiation effects.

Edward Chen, resident at 3536 Villanova Street, approached the podium. Mr. Chen stated that radiation is a really big concern with two teenagers in the house even though there are inconclusive studies.

Heidi Levy, approached the podium again and questioned if any of the Commissioners lived close to the water tower and Chairman West stated that he lived nearby.

Mark Goldman, resident at 3521 Villanova Street, approached the podium. Mr.

Goldman stated that he works in IT and there are alternate carriers, booster signals, and fiber connection that are offered to everyone in the neighborhood. Mr. Goldman also stated that the radiation factor is a valid and legitimate concern.

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

A brief discussion was held regarding the multiple locations of the existing cell towers in the City. Chairman West expressed that for every person who says they are dangerous there is someone who says they are not. Chairman West also explained that cell phones may also have negative effects.

Chairman West reopened the public hearing in order to take testimony at the continued meeting on April 10th. Commissioner Walsh expressed that any evidence should be submitted to City staff.

A motion was made by Chairman West, seconded by Commissioner Farley, that this Zoning Change be continued to the April 10th. The motion carried by a unanimous vote.

Consider the previous meeting minutes with or without corrections:

18-03

Planning & Zoning Minutes from the February 13, 2018 meeting.

A motion was made by Commissioner Aldredge, seconded by Commissioner Walsh, III, 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 5:50 PM.

Approved by:

Chairman Robert H. West

Date