

CITY OF SULPHUR SPRINGS
PLANNING AND ZONING MEETING
SEPTEMBER 21, 2020
6:00 P.M.

Present: Board Member Tommy Harrison, Board Member Pat Chase, Board Member Matthew Mattison, Board Member Chuck Sickles

Absent: Vice Chairman Craig English

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

Others: City Manager Marc Maxwell, Taylor Nye, Faith Huffman, Joey Baker, Ken Dority, Philip Anderson, Jim Aulbaugh, John Heilman, Brandt Dozier

CALL MEETING TO ORDER:

Board Member Chuck Sickles called the Planning and Zoning Meeting to order at 6:00 P.M.

DISCUSSION/ACTION ON PLANNING AND ZONING MEETING MINUTES OF JULY 20, 2020:

Consider for approval the Planning and Zoning meeting minutes of July 20, 2020. Board Member Tommy Harrison made a motion to approve the meeting minutes. Board Member Pat Chase seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ZC 200901 ON PUBLIC HEARING TO REZONE PROPERTY GENERALLY LOCATED AT THE CORNER OF SPENCE AND FISHER STREET CONSISTING OF APPROXIMATELY 10.84 ACRES FROM HEAVY COMMERCIAL TO SINGLE FAMILY ATTACHED.

The applicant is proposing to rezone property consisting of approximately 10.84 acres from Heavy Commercial (HC) to Single Family Attached (SFA) housing which will limit the intensity of uses on the property to residential development only. This property is located at the corner of Spence and Fisher Street.

This down zoning will allow for residential development to occur on the property. The applicant has expressed a desire for duplex style housing on this property and the single family attached zoning designation permits that use. The property is surrounded by a mix of zoning designations.

The neighbors feel that some of the neighborhood is a slum and they don't want more housing until what is there is cleaned up. Spot zoning is also a concern and that this zoning would be inconsistent to the area. In this case the property is located in a transitional area. Staff's response to these concerns is that investment and new construction can help revitalize neighborhoods and stimulate reinvestment. Single family attached zoning provides transition between multi-family and single family development. Given the context of the area, single family attached zoning is an appropriate transition zone for this area.

Kenny Dority, the applicant, spoke regarding his plans for the property. The applicant has expressed a desire for duplex style housing. This will be high end type townhouses with most being two story. The square footage will be approximately 1000 to 1200 square feet for each unit while the duplexes would be 2000 plus square feet. Some would have garages and some not. They will look like a modern farmhouse or modern cabin on the outside. There will be nine lots off of Spence and off Fisher there with a road thru to Village Dr. which will connect 36 lots total with each property being either a duplexes or a townhome.

Philip Anderson at 1063 and 1067 Village Dr. spoke regarding the property and would like to oppose the request because he is concerned about the resale value of his property.

Staff does recommend the rezoning of the property from Heavy (HC) to Single Family Attached (SFA).

Board Member Pat Chase made a motion to approve the rezoning request. Board Member Matthew Mattison seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ZC 200902 ON PUBLIC HEARING TO REZONE ANNEXED PROPERTY IDENTIFIED IN ORDINANCE 2763 GENERALLY REFERRED TO AS THE LUMINANT OR THERMO MINE PROPERTY LOCATED BETWEEN HIGHWAY 11 AND FM 1870 CONSISTING OF APPROXIMATELY 4,857 ACRES TO HEAVY INDUSTRIAL

A request by staff to rezone annexed city owned property identified in Ordinance 2763 generally referred to as the Luminant or Thermo Mine Property located between Highway 11 and FM 1870 consisting of approximately 4,857 acres.

This area was recently annexed on March 3, 2020 and is owned and controlled by the City of Sulphur Springs. When the property was annexed, it was not brought in with a zoning designation at that time and the next step is to provide it with a proper zoning designation. Historically the property has been utilized as Heavy Industrial dating back to the 1970's. The property has the potential to be utilized for industrial purposes again in the future with the Class 1 KCS railroad along with two 7,000 foot railroad spurs on and through the property. The Heavy Industrial Zoning designation provides the most flexibility in development opportunity for the site should opportunities arise. This designation can allow the EDC to make investments into the property and help attract major employers and industry to portions of the site that are suitable for development to help increase the tax base to the City of Sulphur Springs.

There were several property owners opposed, one in favor and 2 undecided. A change.org protest was received with 214 signatures from all over the U.S. These included people who live out of state, those living in Texas and those in Hopkins County.

Comments from the public include:

1. Quiet country living lifestyle
2. Wildlife
3. Increasing noise and traffic which negatively would affect their property values
 - a. Rezoning does not affect property value. Hopkins County properties are not zoned.

4. Fear of being annexed
 - a. City cannot unilaterally annex property. This zoning designation applies to the City property only.
5. County residents have the benefit of being close to city amenities and not be subject to city taxes or zoning regulations.
6. Many people thought the property was gifted to the City for a park.
 - a. Property was not donated as a park to the City. This is something that the City has identified as a potential opportunity for recreation on parts of the nearly 5,000 acre site. The proposed zoning does not change this.
 - b. Area H will be designated as a park. This may be 10 or so years down the road. This will not happen anytime soon.

Board Member Matthew Mattison made a motion to recommend to City Council to approve the rezoning request. Board Member Tommy Harrison seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ZBA 200901 ON PUBLIC HEARING REQUEST FOR A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 150' SELF-SUPPORT WIRELESS COMMUNICATION TOWER AT 1212 W. INDUSTRIAL DRIVE (NOW 683 GOSSETT LANE).

A request by John Heilman for a Special Use Permit to construct a 150' cell tower on property located at 1212 W. Industrial (now 683 Gosset Ln) being further described as Lot 2R Block 215 6.

The applicant is requesting a Special Use Permit per Article 20 to construct a 150' (156' overall height with appurtenances) on behalf of AT&T for a self-supporting cell tower on the approximate 0.36 acre site with a 75' x 75' fenced compound to house equipment and infrastructure. The location of the cell tower is proposed to be directly west of the Coleman Lake Water Tower, which is 94' tall.

The City has four cell towers within the city limits, those being on Kirksy, McKinsey, Wildcat Way and Jefferson St. Regarding the location of this tower:

1. The proximity of the airport is 2.3 miles.
2. The tower penetrates city airspace flight path by 15'.
3. The Director of the airport cited objection to 15' penetration into the airspace.
4. Indicated that they would have no objection if the tower is lowered by 15' or 141' overall height.
5. Applicant is amenable to reducing the height by 15'.

There are some federal protections in place that disallow cities from prohibiting or having the effect of prohibiting the provision of personal wireless services. Cities are preempted from making a decision based on environmental effects of radio frequency. There is discretion available to the Planning & Zoning Commission if additional information is deemed necessary to make an informed decision.

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Jacobs Engineering was hired by AT&T to put up what are called fill in towers. The need for this tower is based on specific calls by citizens of Sulphur Springs, businesses, industries and emergency response teams that they have low, bad or no cell coverage or dropping calls because of data.

Staff recommends two options:

- 1. Option 1- To deny the request due to an adverse impact to the City's municipal airspace as referenced by the Airport Director.**
- 2. Option 2- To approve the request with the following modification:**
 - a. The applicant complies with all requirements from the FCC for preclearance.
 - b. The applicant reduce the overall height by 15 feet or 141' overall height so it does not exceed obstruction standards.

Board Member Pat Chase made a motion to recommend Option 2 to the Zoning Board of Adjustments to approve the Special Use Permit request with the modifications of set forth by Staff and that the applicant complies with all requirements from the FCC for preclearance. Board Member Matthew Mattison seconded. Motion carried, all voting aye.

ADJOURN

With no further business the meeting was adjourned at 7:10 P.M.