

MINUTES OF THE PLANNING COMMISSION
MEETING HELD ON May 13, 2024

The meeting was called to order by Rau at 7:00PM.

Roll call was taken: **Present:** Rau, Hicks, Voelker, Gaitsch, Pittman, Youngs

Rau asked if there were any additions or corrections to the minutes from the March 11, 2024 Planning Commission meeting. There were none. A motion was made by Youngs and seconded by Hicks to approve the minutes of the March 11, 2024 meeting. **Motion carried.**

Rau asked if there were any citizens to address the Planning Commission. There were none.
Rau asked if there were any corrections or deletions to the agenda. There were none.

PETITIONS:

Z-24-05-01 Review and Comment on a proposed Special Use Permit to allow a Communication Tower located at 961 North Market Street, Parcel No. 07-13-300-005-000 in the I-1 Zoning District, as permitted by 40-2-3(B), as requested by petitioner SBA Towers X LLC.

Tony Dawson, consultant for the petitioner, SBA Towers X LLC, was present via Zoom to represent the petition. SBA Towers X LLC wishes to erect a communications tower at the southwest corner of the Wal-Mart property which is currently zoned I-1. Communications towers are allowed by special use permit within this zone. SBA Towers X LLC participates in a business arrangement with Wal-Mart to build and maintain communication towers on their properties and then leases parts of the tower to communications providers. Benefits to the community would include better E911 and NG 911 communications. The petitioner provided several maps displaying data analysis on current coverage in the area. There is a large area that sees poor cellular and data coverage. This communications tower would help relieve poor signal quality in the surrounding area.

This proposal meets city zoning requirements for accessory setbacks for the light industrial district. Since the city's zoning code does not have specific communication tower regulations, the County's communication regulations were given as a reference which the setbacks are far greater than the City's and the proposed tower does not meet the county setbacks for communication towers.

Several citizens were present to voice concerns that a new communications tower on this property would negatively impact adjacent property values. Additionally, they were concerned about human health being exposed to nearby radio frequency. Pittman asked Tony to address the citizens' concerns. Tony responded that according to FCC regulations and studies, that household microwaves produce a larger radio frequency output than a communications tower. Also, that it is illegal for municipalities to deny a communication tower based on health reasons. He referenced the Telecommunications Act of 1996, Section 4.

The Commission inquired as to the fall zone radius of the tower. Dawson responded the proposed tower is engineered so if it fails it will fall within the Walmart property and not onto adjacent property.

Recommendation: A motion was made by Voelker and seconded by Hicks for favorable recommendation for a Special Use Permit to allow a Communication Tower on the subject property with the following stipulations:

- 1. The monopole to be engineered to not fall outside the parent property.**
- 2. That the city communicated with the County Assessor regarding potential property value impacts**
- 3. That the pole will be moved as far from the property line as possible.**

Members voted as follows:

YES –Rau, Hicks, Voelker, Gaitsch, Pittman, Youngs

OLD BUSINESS: None.

COMMENTS:

Motion to adjourn the meeting at 9:02 PM was made by Hicks and seconded by Gaitsch. Motion carried.
Minutes respectfully submitted by Lauren Voelker.