



**Planning Commission Minutes
July 10, 2023**

The City of Yukon Planning Commission held a Meeting on July 10, 2023 at 7:00 p.m. in the Centennial Building at 12 South 5th St.

ROLL CALL: (Present) Bill Baker, Chairman
Jarrid Wright, Vice-Chairman
Nick Grba, Commissioner
David Enmark, Commissioner
Jeff Geis, Commissioner

OTHERS PRESENT: Jessica Bloye, City Planner with J&A
Mark Zitzow, City Planner with J&A
Julie Shannon, Planning Secretary
Mitchell Hort, Assistant City Manager
Roger Rinehart, City Attorney

INVOCATION: Commissioner Baker
FLAG SALUTE: Commissioner Baker

1.ITEM: APPROVAL OF THE MINUTES OF THE MAY 8, 2023 MEETING

Motion: Commissioner Enmark stated "I would like to make a motion to approve the minutes of the May 8, 2023 meeting".

Commissioner Geis asked that the motion be amended due to a name error on an item and that the error be fixed to replace Geis with Grba since Commissioner Geis was absent at the May meeting.

and that they were trying to offload some capacity off of those towers and that the project meets number one.

2. To protect the health and welfare of the community, public environment and protect community aesthetics. He said it was a short tower that blends in with the life standards. There are very few land lines and if you need to call 911, this tower will have a dedicated service band width for first responders that protects the health and welfare of the community.

3. To avoid damage to adjacent properties. The tower would fail within the lease area according to engineer stamped plans. AT&T does not build towers they do not need. Part of the problem in Yukon is that our code is strict and he had to be able to find enough acreage and he is limited to this parcel.

He discussed property values and the studies that show there is no impact on property values. He discussed studies about radio frequencies and other studies about health. He mentioned that the Planning Commission cannot consider radio frequencies in their decision according to federal law.

Commissioner Grba asked about dates on studies and that he had done a fair amount of research with more recent dates that showed negative impact to property values.

Commissioner Baker asked about the drive going to the lease plot and what was existing. Mr. Ferris said that none of it is existing and a 12 foot gravel road would go in but that a lot of space would be left.

Commissioner Geis asked what the reason their antennas cannot go on the water tower. Mr. Ferris said they cannot be that close to the other antennas.

Commissioner Enmark asked about allowing other carriers onto the pole. Mr. Ferris said that they can be 15 feet apart and about height where effectiveness is lost. The keys are coverage and capacity. Every tower can only handle 75 to 100 calls at a time.

Commissioner Baker asked distances. He did not see a distance from the tower to the stands. On the survey it shows 354 feet from the concession stands but Mr. Baker said he meant the stands to the southwest and Mr. Ferris said it appeared that it would be in the 150 feet range.

Commissioner Geis asked about the distance to the water tower and he is unclear why the water tower would not meet the definition of a water tower if it had equipment on it. Mr. Ferris said that a communications tower is defined in our ordinance as a freestanding tower.

Commissioner Baker said they have 16 people signed up on the list to speak and each can have 3 minutes to speak.

Denny Myers came to the podium and said that he used to do satellite measuring for the City, and he took some measurements that showed less than 400 feet from the proposed fence line around the antenna site. He mentioned that the zoning must be Agricultural, and it cannot be on a site less than ten acres and he did not think it was that big of a site. He discussed that the neighborhood uses that area as a kid's playground, and he is worried that the kids will try to get in there and climb the tower. He said there are other areas that it can go. Commissioner Wright asked how he determined the distance for his map and he answered with satellite.

Nydia Logan passed.

Nan Knox passed.

Nancy Seaton said her point was going back to how many towers were in the area. She said there were 43 towers in the area, and she wonders why we need another AT&T tower. Mr. Ferris said all towers are now 4G and 5G and all of them will be 5G eventually. These are \$500,000 investments and they don't put them up if they do not need them.

Joseph Scannelli passed.

Christine Scannelli passed.

Angela Henry passed.

Kenneth Floyd thinks that the water tower is a communication tower. It has an FCC sticker on it. He said he has AT&T on his cell phone and has no issues with service. The field gets used as a passthrough from the school to the houses and the kids will have to watch out for the trucks that come in to service the tower. He thinks it will be a nuisance and an eyesore and there are better places to put it instead of right in the middle of the kids. He is the president for the HOA at Kingsway.

Tim Sewell passed.

Sherry McAlister spoke about property values. She did research and found updated research as recent as May 2023 that says there is a negative effect on property values. She also researched reputable sites that said more research is needed to determine health effects. She said she has good cell service.

Jacque Pearsall said that she lives directly behind the field. She said they submitted 81 petitions to the City, and she has an additional 15 petitions to turn

in. She put together a power point presentation showing details of the project. She said the tower is called a "retail envelope" with multiple sites for tenants. She said that our code is written in such a way that the Planning Commission has the authority to grant the permit, but they do not have to. It "may" grant, not "shall" grant which means we do not have to grant it.

She says the project fails to meet the statutory requirements in 3 places. One place is where our code says the permit must address the harms to general welfare of the community, public environment, property, and community aesthetics. She believes that the homes in the area will have a loss of about 1.2 million dollars based on a 7.9% loss of value.

She said that the application says the lot is not used. She said that there are people using that lot every day. She also said the code says they have to maximize existing towers. She said there are three towers within a mile. She said the pictures shown are deceptive. She also questioned the 400-foot setback. She said that Yukon does not have the authority to grant the permit if the 400-foot setback is not met.

Rick Cacini came forward and said that he did not want to make mistakes when it came to a child's life.

Burke Lucas, Vice President of the Sunrise Hills HOA with 300 houses in the area. He has talked with neighbors and the board, and they do not support the cell tower. They fear it will negatively affect property values.

Commissioner Baker asked if a letter went to the HOA from the School Board when they were meeting about the contract and Mr. Lucas did not know.

Ryan Newton spoke about how the water tower should be considered a communication tower. He said he has great cell service. He thinks the 12-foot-wide road would be a nuisance. He thinks that AT&T should find a better place for the tower. He feels that there is enough research to show that property values are affected by communications towers.

Commissioner Baker said there were 4 ½ minutes of banked time left since people who had signed up passed, if anyone else wanted to speak.

Shawn Kearn said that he had made a deal with the Yukon Public Schools to allow him to mow and maintain the field if they would let him use the fields for his organizations practice fields. They have 11 teams that use it. He feels that the cell tower can find another spot. His father was the Parks Director for many years who developed good facilities and programs. He is glad that Yukon has strict codes. He understands that we are a land-locked community and that there is

land outside of the City limits that is available. He thinks we should do what is right for the community.

Commissioner Geis read the definition of tower and asked about why the water tower was not considered a communications tower. The ordinance says no towers within ½ mile of an existing tower.

Mr. Ferris said that our code is probably the strictest code that he has ever seen. He said that is why they are limited to this particular spot. He thanked the Planning Commission for their hospitality and service.

Commissioner Baker said that when the City does something notices go out by the thousands but he was not sure if the School District had to give notice. He said he did not mind going out and measuring the site if he needed to. He said that the Planning Commission was here to give their advice to the City Council. He clarified that the City Council would meet on August 15th if members of the audience wanted to attend.

Planning Secretary Julie Shannon said that she only received 23 letters and requested that they be sent again in smaller batches if there were more. She said she would send them over to the City Clerk.

Chairman Baker called for the vote:

First Motion: Commissioner Grba made the following motion”

“In the case of the CUP application by Tillman Infrastructure, on behalf of AT&T Wireless, we have read the staff report and received testimony at the public hearing. We find ourselves in agreement with the staff findings cited in the Staff Report. I move that this item be recommended for approval.”

Seconded by Commissioner Enmark

The Vote:

Ayes: None

Nays: Baker, Enmark, Grba, Wright, Geis

Vote: 0-5

Motion Failed (but was followed by another motion)

Commissioner Baker asked City Attorney Rinehart if they had time to write up a

statement about why they voted no and he said yes. Attorney Rinehart also said that they need a separate motion to deny the request so that the motion would go on to City Council and that they would have a recommendation of denial before them.

Commissioner Baker said they had not done that before. Assistant City Manager Mitchell Hort said that they have done that in a different way but that it was probably appropriate on this one.

Second Motion: Commissioner Baker made the following motion:

"In the case of the CUP application by Tillman Infrastructure, on behalf of AT&T Wireless, we request that Yukon City Council deny the application."

Seconded by Commissioner Enmark

The Vote:

Ayes: Baker, Enmark, Grba, Wright, Geis

Nays: None

Vote: 5-0

Motion Carried

City Attorney Rinehart said that clarifies the record and thanked the Planning Commission for doing that.

4. ITEM: NEW BUSINESS None

5. ITEM: OPEN DISCUSSION

6. ITEM: ADJOURNMENT – NEXT MEETING AUGUST 14, 2023