

MINUTES OF SPECIAL MEETING
June 6, 2016
MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the regular meeting to order at 6:35 p.m.

Present: William Simpson, Nelson Cox and Carol Langley
Absent: Arnette Easley and Jeffrey Waddell
Also Present: Jack Yates, City Administrator
Larry Foerster, City Attorney

CONSIDERATION AND POSSIBLE ACTION

1. Discuss/take action regarding special use permit to Verizon Tower for a Special Use Permit to allow a radio station and tower to be located on a 0.05474 acre tract of land situated in the John Corner survey, abstract number eight, Montgomery County, Texas, and being out of a called 108.89 acre tract (tract one) conveyed to LaFevre Development Inc., (property is immediately east of Rampy Lake and west of Lone Star Pkwy.)

Chairman Cox advised that he was going to allow the landowner to speak regarding this matter.

Mr. Phillip LeFevre stated that he felt that the City needed to have a consistent policy regarding this matter, so that if they say yes to this request, then they need to be willing to say yes to everybody unless the City has a definitive plan. If you say no, the City needs to be consistent and say no to other people rather than being selective. Mr. LeFevre said that he would support whatever decision the Commission makes. Mr. LeFevre said that the City could even consider a compromise where the person requesting the tower would get approval from everyone within 500 feet. Mr. LeFevre said that he did not want to profit at the expense of their neighbors, so if they have any neighbors who feel that this will hurt the value of their property they certainly

intend to take that into consideration. Mr. LeFevre said that whatever the Commission decides will be good with him and he was sure that they would make the right decision.

Mr. Cody Cargill, representing Verizon, said that he knew there has been discussions about the tower reducing property values, radiation and the tower falling over. Mr. Cargill said that all those arguments could be made about everything, including a gas station or a phone pedestal being placed in a front yard. Mr. Cargill said that the towers do not fall, but said that the Exxon sign or telephone poles or any aspect of things could fall over onto a road. Mr. Cargill said that, in his opinion, none of the arguments are really viable because you have these type of situations everywhere. Mr. Cargill said that it just comes down to whether the City wants that tower at that location. Mr. Cargill said that right now the City is fine, but as that intersection gets developed, there will not be enough circuits for service to be able to handle holiday and weekend traffic, and there will just be busy circuits. Mr. Cargill said that when they go to use their phone for an emergency such as a heart attack or accident, they won't be able to get through. Mr. Cargill said that they are not wanting that tower to make money, because it is costing them money with rent, materials and maintenance to have the tower. Verizon is doing this because it is a need for the public. Mr. Cargill said that more people are going away from landlines and just using cell phones.

Mr. Cargill stated that an alternate location had been suggested, but it was too far away and would not work.

Carol Langley asked about the height of the tower from the ground to the top. Mr. Cargill advised that from the ground to the top of the steel would be 171 feet, and then there will be a thin lighting rod that is an additional 5 to 10 feet. Mr. Cargill said that he thought that this tower would have a 10 foot tall lighting rod, which would be a total of 181 feet from ground elevation. Carol Langley asked if she would see the lighting rod if she was coming into the City of Montgomery, she would see the 171 foot tower. Mr. Cargill said that was correct. Carol Langley asked how far away from the new Kroger store would the tower be located. Mr. Cargill said that he was sorry but he did not know how far it would be, because when he first went out there the Kroger store was not being constructed. Carol Langley said that she wanted

to know if she was going to see the Kroger store or would she see the 171 foot tower. Mr. Fleming advised that the tower will be the tallest structure at that location. Mr. Yates said the tower would be located approximately 500 feet from the corner of the Kroger property. Carol Langley asked if the tower would be visible at night. Mr. Cargill said that it would not be visible at night and would not have a light.

Mr. Cargill said that if you were to drive into Houston, you would probably never see a cell tower, because you are not looking for them. Carol Langley said that she is trying to determine if when she is coming into Montgomery whether she will see the cell tower or Kroger. Carol Langley said that she is trying to say yes to the tower, because she really and truly thinks that with the Kroger being in front and with all the lights she might not see the tower, but she had not come to that conclusion yet. Mr. Cargill said that the tower would be far enough behind the businesses that the City is going to have on either side of Lone Star Parkway and SH 105 that you will not even recognize the tower once everything is built out. Mr. Cargill advised that he was an independent consultant and did not work for Verizon.

Carol Langley asked if Verizon wants to come to Montgomery, who else is going to want to come to Montgomery. Mr. Cargill said that there could be others, such as AT&T, Sprint, etc. and they could attach to the tower. Mr. Cargill said that before any other things are attached to the tower they are required to have a profession analysis done by a State engineer. William Simpson asked what else could be put on the tower. Mr. Cargill said that other companies could put something on the tower, up to three different companies, which is pretty common.

Carol Langley asked about the ordinance and whether other companies that would want to go on this tower, would they have to go through this same process, since this ordinance was for Verizon. Mr. Cargill said that typically they did not because they are not adding another tower. Mr. Yates said that there was an Exhibit "D" to the ordinance that has the technical specifications, which could give permission regarding adding two more companies. Mr. Yates said that there is probably a technical standard that they could place in that Exhibit about the quality of the construction. Mr. Yates said that he would advise City Council that if they are prone to approve the tower, he would say that it could be contingent upon Exhibit "D" because

it would include the technical specifications for the tower itself, which he would work with Mr. Cargill and the technical personnel.

After discussion, William Simpson moved to recommend to City Council to deny the Special Use Permit for the Verizon tower to be located on a 0.05474 acre tract of land situated in the John Corner survey, abstract number eight, Montgomery County, Texas, and being out of a called 108.89 acre tract (tract one) conveyed to LaFevre Development Inc. Nelson Cox seconded the motion.

Discussion: Mr. Cargill asked about the grounds for denial of the permit. William Simpson said that what he had stated at the last meeting was the visibility of the tower and the time that they have spent on the tree, lighting and sign ordinances. William Simpson said that SH 105 was a very visible location and at this point, in his opinion, he does not want to see the tower. William Simpson said that there were people that spoke at the last meeting that have development proposed directly across the street from the tower location, and they are trying to keep Montgomery as quaint as possible. William Simpson said that you might not see the tower coming from Conroe, but you will see it going towards Conroe as soon as you get past the fire station, the tower is what you are going to see, which is why he is against the tower. William Simpson said that he was speaking for the people that spoke at the last meeting and for people in the community. Chairman Cox advised that their action would be a recommendation to City Council. Mr. Cargill said that it comes down to aesthetics rather than safety, which is all he wanted to know.

The motion carried unanimously. (3-0)

ADJOURNMENT

Carol Langley moved to adjourn the meeting at 6:55 p.m. William Simpson seconded the motion, the motion carried unanimously. (3-0)

Submitted by:

Susan Hensley

Susan Hensley, City Secretary

Date Approved:

06/27/16

Nelson Cox

Chairman Nelson Cox

