

**MINUTES OF THE
TUPELO PLANNING COMMITTEE
JUNE REGULAR MEETING
Monday, June 5, 2023
6:00 PM Council Chambers**

CALL TO ORDER

Chair Lindsey Leake called the meeting to order. Other committee members present included Mark Williams, Bentley Nolan, Pam Hadley, Leslie Mart, Patti Thompson, Gus Hildenbrand and Scott Davis. Staff members present included City Planner Jenny Savely and Zoning Administrator Russ Wilson. Committee member Victor Fleitas and Interim Director of Development Services Dennis Bonds were not present. Chair Leake asked Mark Williams to open with a prayer and Scott Davis to lead the pledge. Chair Leake then presented an opening statement of the committee purpose and reviewed how the committee would conduct its business. The Staff and Committee were then asked to introduce themselves and did so.

REVIEW OF MINUTES

Chair Leake asked if there were any corrections to the minutes. City Planner Savely offered an addition to the minutes which stated that Leslie Mart had been reappointed to the Committee. Scott Davis moved to approve with that addition, Seconded by Bentley Nolan and passed unanimously. Leake then opened the regular session of the meeting asking for a report on Council Actions.

REPORT ON COUNCIL ACTIONS

City Planner Jenny Savely said that the minutes of the May meeting would be considered at the June 6th City Council meeting which will include the Committee's approval of the Rezoning from last month. there was nothing to report at this time.

OLD BUSINESS

Planner Savely mentioned old business TA-22-02 remains in legal review.

NEW BUSINESS

Leake announced the first item on the agenda, FLEX23-04, Verizon Wireless Tower at Belden, Flexible Use Review for a 170' Telecommunications Tower. Leake asked for the staff analysis.

City Planner Savely stated that this was for a tower to be located off the eastbound 1-22 exit at McCullough Boulevard. Verizon Communications is requesting to place a 170 foot tall cell tower to serve that area to address numerous dropped calls. This is in a Mixed Use Employment Zone. A cell tower is a Use by Right in this zone. All towers above 75 feet in height require Flexible Use approval by the Planning Committee. The applicant has met all the special use requirements including landscape buffer requirements in this primarily commercially developed location except for 9 residential properties that are uphill from this location near Belden Baptist Church and up the road is the Lee County District 3 storage and supply facility. No negative impact is anticipated from this. Based on the Committee's request for information on other towers located in the area, Savely said she planned to do a deeper analysis on this. The applicant provided information on nearby towers but Savely said that 11 towers have been approved by the Planning Committee since 2003 that she estimated are over 150 feet tall. The applicant has received approval from the FAA at the proposed

location which is included in the packet along with the layout of what the tower will look like. As much of the existing vegetation will be kept as possible.

Hadley asked for confirmation on the number of towers since 2003. Savely confirmed the number at 11 but stated that the records were sporadic but she would clean that up and report back. Chair Leake asked the applicant to come forward to present their case to the committee.

Patton Caan from Birmingham, Al, representing the law firm Baker Donelson, who represents Verizon Communications who wishes to site the tower at Belden. Caan said he did not have much to add, but that the main purpose of the project is to improve coverage at this location near I-22, but would be happy to answer any questions.

Leslie Mart asked how they plan to apply the landscaping to the site once the tower is up. Savely mentioned that L-1 in the packet shows the landscape plan as well as C-2. Caan mentioned that on C-3 there is a zoomed in view. Wilson stated that the files were available on screen if Savely wishes to bring them up for closer viewing. Hildenbrand asked if they were using what was there and Caan said yes, they wanted to preserve as much as possible. Mart asked what type fencing would be used, chain link? Caan said yes, chain link with slats. Wilson added that the landscaping buffer was located outside the fence so you really don't see the fence. Savely brought up the details on screen but mentioned that an opaque buffer was not required. Wilson asked if the fence was primarily for security. Caan stated yes, to keep people out of the compound. Caan verified that there would be a 6ft solid board fence with 2 ft of wire on top. With no further questions from the committee, Chair Leake opened the meeting for input from the public and requested any who wanted to speak to come to the podium.

Keith Kennedy, 3820 Belden Pike came forward. As the closest resident to this tower, he asked if others would want a tower close to their house. He spends a lot of time in his back yard in his garden, loves being outside, but doesn't want to look at a cell phone tower. He's sorry there's not good service there, he has AT&T, but doesn't have good service at work at Guntown, but he wouldn't want someone to live by a cell tower. His 85 year old mother in law lives at 3837 Belden Pike for 45 years right across the road and she doesn't want it. If she was healthy enough to attend he said the committee would get an earful. They don't want it, there's enough of an eyesore at the end of the street (District 3 storage), come out and see for yourself.

Sammy Green, 149 Patterson Circle, Saltillo came to the podium. He also owns property at 3820 Belden Pike, and 3570 Belden Pike, and is also a member of Belden Baptist Church and is on the property and grounds committee there. The back side of the church property goes all the way to Belden Pike. Green said he strongly opposes this cell tower for several reasons. The notice and concern that went out with regard to the proximity of the cell tower went out to surrounding residents was 500 feet. Research from the American Cancer Society says cell phone towers are considered dangerous and emit cancerous rays for up to a quarter of a mile. The majority of these residents fall within that quarter of a mile including Belden Baptist Church. It also emits noises that come off that. There's been several ranges that goes from noise levels off cell phone towers. It just depends on the strength of the tower itself. So we really don't know what strength they are going to be putting out db levels for this tower here.

That is well within the 500 feet. The other issue is what is the degradation of the value of our property for a cell tower within 500 feet? These are things that we have to consider. These are properties we have made investments in here in Tupelo. Green said he appreciated the committee's time and strongly recommends that the committee ask Verizon to relocate this tower as most towers are located in excess of a quarter of a mile from residential dwellings. He said most towers you see are located out in fields away from residents, away from children and grandchildren. He thanked the committee again for their consideration.

Seeing no one else that wanted to speak to this issue, Chair Leake closed the public input portion of the application and opened it up for committee discussion. Mark Williams stated that he'd like to hear from the Mr. Caan with Baker Donelson respond to what he had just heard. Caan came back to the podium. He said he certainly respects Mr. Kennedy and Mr. Green's opinions. Caan said that they build cell towers today closer and closer to people because that's who they serve. There has been a massive expansion in wireless demand over the last two decades and exponentially over the last five years and they have to build the infrastructure to meet that demand. On the cancer issues, this facility will comply with all FCC requirements. The FCC (Federal Communications Commission) sets those requirements for public health and safety. This facility will not emit any noise, and it won't degrade property values. Caan stated that Verizon selected this site based on ordinances, and we met the terms of your ordinance - I'll be happy to answer any questions.

Mart asked for clarification on the 500 feet from the tower to the nearest residence. City Planner Savely clarified that the 500 feet is the distance to send notifications for Flexible Use Applications. We do not have a distance requirement from residents for cell towers. Scott Davis asked if this was any closer than any of the other towers we have approved. This has come up before where nearby residents complain, but is this unusually close. Savely said this has come up often, we have cell towers among us with so many easily disguised where you are not even aware they are there, but there is nothing unusual about this one's proximity. Mart asked about some black 30 foot towers she has seen. There's a big difference in those 30 feet tall and those 170 feet tall. Savely said that this is why the under 75 feet tall towers can be reviewed by compatibility but does require planning committee review at this height (170').

Mart asked if there is an increased output. Caan stated that how far the signal travels is partly a function of height. There are some in more rural areas that are even taller than 170 feet. He said that if they installed a 30 foot tower at this location, then they would have to install many more 30 foot towers even closer to people's homes in order to cover the same area. Mart asked about the frequency of the waves, is the intensity increased because it's a bigger tower? Caan clarified that the frequency is not a function of the height of the tower. The frequency is what the FCC licenses Verizon to use. That's affected by lots of things, but not topography. Mart asked about radiation and the studies cited by one of the residents. Caan stated that they comply with FCC requirements established to determine what is safe and what is not. Verizon has to follow these requirements as a condition of its license, operate within those guidelines. The Telecommunications Act states that local governments don't decide siting applications based on radio frequency emissions.

Gus Hildenbrand asked if the cell phone in your pocket was more dangerous than the cell phone tower. Caan said he thought both were safe. Mart asked about looking at the report and whether it referred to residential areas. Savely mentioned that this was the FAA report that said it was safe for

air traffic relevant to the location and height of the tower. There is no FCC report included and was not required. Mart stated she would like more FCC information. Patti Thompson said she has an E911 tower in her back yard which has been there for years. Hildenbrand asked how tall that tower was. Thompson guessed 60-70 feet tall. Chair Leake asked if the committee was ready to vote, or asking for more information?

Savely recapped the voting options for the committee. Mart asked again if anyone had any concerns like hers. Hadley stated she also had concerns. Patti Thompson said she thought the committee should table it until they have more information. Davis asked how many similar towers like these have been issued. Bentley Nolan stated that if all the requirements have been met, he had no issue with making a motion to approve. Davis said we have done this numerous times. Mart said she hadn't had the health concerns come up before. Nolan said that the health concerns are not really within our purview. Savely stated that the FCC sets the health and safety guidelines and FAA sets the height of the tower guidelines by location. Davis said that all that federal stuff has been approved and if they've met all those requirements, who are we to say they are wrong? An FCC report was not submitted to us because it was not required by our code. Caan said he could provide that to us. Wilson stated that when we request that, when we get that, it will probably be hundreds of pages of information that won't make sense to any of us except the engineer. He said that the FCC protects us from those things that we don't know about, the FCC goes over that on the front end. The height of the tower is a product of the intended coverage area.

Bentley Nolan made a motion to approve the application as presented. Seconded by Gus Hildenbrand. All present voted in favor, except Patti Thompson who voted against the motion. The motion passed 7-1. Savely explained the appeal process and next steps for the applicant.

The next application on the agenda was FLEX23-04, PECAN ROW DUPLEX ADDITON, FLEXIBLE USE REVIEW AND PRELIMINARY MAJOR SITE PLAN REVIEW ADDING 9 DUPLEXES TO THE PECAN ROW DUPLEX COMMUNITY. Chair Leake requested the staff analysis from City Planner Savely.

Savely explained that this unique development takes up an entire block between Green Street, Mitchell Road and Lawndale Drive. There are currently 12 duplexes, largely vacant in the center, with a proposal to add 9 duplexes for a total of 42 dwelling units on the 6 acre parcel. There is a Flexible Use Review for building duplexes in a Medium Density Residential zoning district and as a multifamily development, there is a major site plan review required by this committee and by City Council. You have in the packet, an updated site plan that has a dumpster enclosure, plus there are a few other items that need to go through Plan Review such as storm water and drainage. This is a preliminary major site plan so we anticipate minor amendments to the overall plan, but in general what you have is the site plan that is being proposed. Parking and landscaping will be reviewed in detail later in the construction phase. Savely mentioned that this is a lollipop loop through the center with access off of South Green.

Chair Leake asked the applicant to come forward to state their case. Jeremy Butler from Falkner came forward to explain that they own the other duplexes and would like to fill out the land that is vacant in the same use and design as the ones that are there already. Mark Williams asked Savely to pull up the map from the packet on screen. Williams asked about access to the dumpster as well as

landscaping to buffer the view of the dumpster. Butler said they were working on that with Waste Management. Savely explained that the street would have to be built to City Standards for WM to service the newly added individual homes. After much discussion among the committee members about the pros and cons of a central dumpster versus roll out carts, the committee agreed to placement of a dumpster inside an enclosure with landscaping around it. This will be approved by staff during final review.

Bentley Nolan asked about the separation of the proposed new structures. Savely mentioned that there would be a minimum of 10 feet separating each building from the adjacent building. Mart asked for clarification on the 10-foot distance which Savely said met our code. Davis added that these are at their narrowest point and that at some points they are further than the minimum. Chair Leake asked about maintenance of the green space. Butler said that they would hire a maintenance company and that landscaping would meet city code for open space and trees. Bentley Nolan asked if the streets would meet code. Savely said it would after final review in house. Patti Thompson asked if there would be any fences between any of the properties. Butler said no, there are no fences now, and that they did not plan any. Savely added that there would be a requirement for commercial landscape buffer requirement. That will be included during the commercial development phase. Savely said that multifamily is treated as commercial for the landscaping but the 25% maximum paved front yard limit would still be used. Savely added that there is more parking shown than is required by code.

Chair Leake asked if anyone wanted to speak to the issue, hearing none Leake closed the public input portion and opened the meeting for discussion between the members of the committee. Patti Thompson asked if site plan approval was just the first step to get things started. Savely said yes Preliminary site plan approval simply says you accept the general layout not the detail which will be worked out prior to construction. Mart summarized that this is just about the major site plan and allowing more duplexes. Savely said yes. Mark Williams made a motion to approve. Pam Hadley seconded the motion with a unanimous vote to approve.

Chair Leake then brought up FLEX23-06, Dynasty Event Center, Flexible Use Review for the Event Center use and a variance to allow beer and light wine sales closer than 100 ft to protected buildings in an MUR Zoning District. Leake asked for the staff analysis.

Savely mentioned that Mr. Kenneth Mayfield had purchased the old Elks Lodge on Tolbert Street and wants to use it as an Event Center, which requires a Flexible Use Review and Approval at this location in the Park Hill Overlay District. A variance is required to allow the sale and consumption of beer and light wine within 100 feet of a protected building or residence. Gum Tree Park shares a property line. As a public park it is also a protected place. The city has agreed to waive that distance requirement. A very similar approval was granted in 2018 at this same location. Only one residence with located over 100 feet away. Since the commercial area of Tolbert has been put in place, the city is using the 100-foot commercial distance. Savely showed a list of area protected places all of which except the one residence are located more than 300 feet away, and two churches are more than 400 feet away. Thus, the City Park is the only structure playing into the variance, which has been waived.

Mr. Kenneth Mayfield came to the podium to explain the project, the Event Center and the basement, where he plans to place a pizza business. The project is 80-90 percent complete. Park Hill

Pizza is to be located on the bottom floor. A pavilion has been added at the rear of the facility outdoors. There would also be a meeting room with adequate bathrooms on the basement level with an almost one-million-dollar investment fully sprinkled. Weddings and events can be planned to occur here with over 10,000 square feet, dressing rooms. This not a night club but a place to have community event to be rented out for events also. A person who owns a house across the street is working together on some ideas to possibly have a business on the lower level and some residential areas on the second level. He hopes that the Park Hill overlay can be extended to further grow the area. Mayfield provided more details about the facility. Savely mentioned that the department has not reviewed the facility for use as a restaurant, so the action here tonight is just for considering the use as an event center and for the variance to allow beer and light wine sales.

Pam Hadley asked what the hours of the facility would be. Mayfield responded maybe from 12 Noon to 11-12 at night, but nothing beyond midnight. Hildenbrand asked if there was a second floor. Mayfield said yes, about 800 square feet, but it was not usable for anything but storage. Mart asked about if they planned to add a sidewalk off of Tolbert. Mayfield said he had spoken to the mayor about that and that the mayor supported it and could maybe get a grant to help make that happen. With no other questions of Mr. Mayfield, Leake opened the floor for public input. With no one there to speak, he closed the public input portion and opened it up for discussion between committee members.

Nolan asked if this required two separate motions. Mart made a motion to allow consumption of beer and light wine on premises under city guidelines. Mark Williams seconded the motion and it passed unanimously. Bentley Nolan then made a motion to approve the use of the facility as an event center, seconded by Pam Hadley, with the vote unanimous to approve. Leake asked Savely to explain next steps. Mr. Mayfield thanked the committee. Nettie Davis asked to speak. Davis gave a little history about that location and thanked the committee for their support.

Leake asked if there were any items on the agenda for next month. Savely said none so far. She suggested due to staff going to the MML convention in Biloxi the week of June 25th and the July 4th Holiday, that we move the work session to Wednesday, July 5th and the regular July meeting to Monday, July 10th. June 19th is the deadline for the July agenda. Pattie Thompson made a motion to approve the proposed meeting schedule. Pam Hadley seconded and the motion passed unanimously.

There being no further business, Lindsey Leake made a motion to adjourn which passed unanimously.