

**MINUTES OF THE MEETING OF THE PLANNING COMMISSION HELD VIA TELECONFERENCE ON THE 21ST DAY OF MAY 2020 AT 5:30 PM.**

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Members present: Woods; Hooten; Thompson; Carpenter; Jenkins

Members absent: Whitehead; Nichols

City staff present: Ridley; Larkins; Kulhavy

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**Meeting was held via telephone conference as allowed by the Executive Order issued by the Governor of Texas for the suspension of certain portions of the Texas Open Meetings Act to avoid social gatherings of more than 10 people during the COVID-19 virus pandemic.**

**1. CALL TO ORDER**

*The meeting was called to order by Chairman Woods. [5:35 PM]*

**2. ROLL CALL**

**Staff Planner & meeting moderator, Leigha Larkins**, read the opening statement for the telephonic conferencing and called the roll.

*Chairman Woods and Commissioners Hooten, Thompson, Carpenter and Jenkins present. Commissioners Whitehead & Nichols were absent.*

**3. PUBLIC HEARING** to take testimony concerning the application for a Conditional Use Permit for relocation of the AT&T Service Center to the Downtown Development District (D).

*Chairman Woods opened the Public Hearing. [5:40 PM]*

**Staff Planner, Leigha Larkins**, gave an overview of the application per the Staff Discussion Form and per a PowerPoint presentation. It was noted that the relocation of the AT&T Service Center to the AT&T Central Office located in the Downtown Development District is an intensification of the use of the property as a storage facility which requires a Conditional Use Permit (CUP) per *Table 4-1: Use Table of the Development Code*. Larkins also noted that staff recommends that the property be screened at eyelevel by means of landscaping; that not outdoor storage of materials be allowed; and that the security lighting be shielded so as not to project on to adjacent property and buildings. Provided that effective visual screening for the property for this use, using materials stated in the draft approval letter, is a requirement for the Conditional Use Permit, staff recommends approval of the Conditional Use Permit.

**Commissioner Thompson** questioned photos that do not appear to be related to the Downtown location. Staff noted that the photos were of the previous, Windsor Street, location of the AT&T Service Center which have been submitted by a citizen who is going to speak in opposition to the CUP application.

**Jonathon McClellan**, Director of External and Legislative Affairs for AT&T, gave the applicant presentation for the CUP. By means of a PowerPoint presentation the applicant noted that AT&T agrees to provide perimeter fence screening along 13<sup>th</sup> Street and Avenue J; ensure that there is no visible barbed wire from the streets; screen the existing shipping/storage containers located on the property; and push back fence line at corner of 13<sup>th</sup> Street and Avenue J. It was noted that no additional impervious area will be added to the property and that all required conditions will be completed within 180 days of approval of the CUP.

**Commissioners** questioned the applicant regarding screening for the west/University Avenue side of the property; intent to use any landscaping for screening; existing tree spacing along 13<sup>th</sup> Street and Avenue J; length of time that AT&T has occupied the property; use of landscaping vs. fence for screening of property; modification of security lighting; etc. The applicant responded

that only a small segment of the property (driveway) has frontage along University Avenue however screening can be provided if Commission requires screening; the preference of AT&T is to screen by means of fencing rather than by landscaping; property has been owned/occupied by SWBT/AT&T since 1931; and lighting can be modified.

**Speakers in Support of the Conditional Use Application.**

There were none.

**Speakers in Opposition to the Conditional Use Application.**

**Chairman Woods** noted five (5) letters/emails received from citizens in opposition to the CUP. The letters were from **Jason Bay**, Pastor of First Baptist Church; **Brian Gedelain**; **Suzanne Hare**; **Allen Branch**; and **Thomas Leeper**. The letters all expressed concern regarding the negative effect that the relocation of the AT&T Service Center will have on the historic character of Downtown Huntsville.

**Chairman Woods** called upon **Thomas Leeper** to speak in opposition. Leeper stated that he was representing himself as a concerned citizen of Huntsville and not as a representative of First Baptist Church. Leeper referenced the Goals for the Downtown area per the City's current adopted Comprehensive Plan and noted negative impacts the relocation of the AT&T Service Center will have on the Historic Downtown area. He stated that there are not any conditions which can be placed for the property to effectively mitigate the negative impact on the area. The proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity and that it will be injurious to property values/improvements in the vicinity.

**Chairman Woods** asked Leeper if he had any alternative solutions for the use to which Leeper replied that he did not.

**Rebuttal** was given the Applicant representatives, **Jonathan McClellan** and **James Dey**. They stated that slating for the chain link access gate the property is the only type of screening material which can be used. The security lighting can be adjusted. Unlike the Windsor Street location, this location will not be used as a laydown yard for construction materials. No external storage of materials will be allowed. Installation of additional storage container will require a CUP. Only employee and AT&T vehicles will be visible in the parking area. Neither AT&T nor First Baptist Church has any record of an agreement for the use of the property for church parking. Executive Pastor, Brett Mosser, has indicated that the church is pursuing additional parking at another location. AT&T has been and will continue to be a good neighbor to First Baptist Church. The applicants asked that the Commission give City Staff the authority to negotiate the fencing/screening material for the site.

**Chairman Woods** questioned the applicant regarding the difference in the storage of construction material at the old Windsor Street location and the new Downtown location. The applicant stated that AT&T Contractors also used the old location for storage of materials. Going forward, the contractors will operate out of and use a different location for storage of construction materials and vehicles.

**Commissioner Thompson** stated that as the use of the property has changed/intensified, shielding/screening of the property is needed. The placement of slats within the perimeter chain link will not be acceptable. Staff and AT&T need to come up with/agree on a better solution.

**Commissioner Hooten** agreed with Commissioner Thompson and added that the AT&T Downtown facility is critical utility use infrastructure and security awareness needs to be maintained.

*Chairman closed the Public Hearing. [6:30 PM]*

- 4. CONSIDER** the application for a Conditional Use Permit for the relocation of the AT&T Service Center to the Downtown Development District (D).

**Commissioner Thompson** stated that more discussion is needed between AT&T and City Staff to eliminate vagueness in the requirements for the Conditional Use Permit.

**Chairman Woods** expressed concern in delay of Commission recommendation for the CUP to City Council because the AT&T Service Center is already operational at the site.

**City Manager, Aron Kulhavy**, stated that there is no rush from City Council to consider the CUP application as long as the applicant does not have an objection.

The **Applicant** stated that AT&T has no objection to a delay in consideration of the CUP application by the Planning Commission.

*Commissioner Hooten moved to table Commission consideration of the Conditional Use Permit application pending specific conditions for the site being drafted by Staff and Applicant. Second was by Commissioner Carpenter. The vote was unanimous.*

- 5. CONSIDER** the minutes of the May 7, 2020 meeting.

*Commissioner Hooten moved to approve the minutes of the May 7, 2020 meeting. Second was by Commissioner Thompson. The vote was unanimous.*

- 6. PUBLIC COMMENTS**

*There were none.*

- 7. ITEMS OF COMMUNITY INTEREST**

*The Commission agreed to hold the scheduled June 4, 2020, 5:30 PM Planning Commission in person, following the lead of City Council who will meet in person on June 2<sup>nd</sup>.*

- 8. ADJOURNMENT**

*Chairman Woods adjourned the meeting. [6:38 PM]*