

**OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING AND SIGN APPEALS**

Date: October 1, 2019

Time: 5:00 P.M.

Place: Massie Chambers- Goodlettsville City Hall

Members Present: Chairman Mike Broadwell, Cisco Gilmore, Brian Rager, Vice Chairman Mark Writesman

Absent:

Also Present: Addam McCormick-Planning Director, Tim Ellis- City Manager, Russell Freeman-City Attorney, Larry Diorio, Codes Director, and Rhonda Carson, Planning/Codes Department

Chairman Broadwell called the meeting to order at 5:00 pm and declared a quorum. Staff stated no changes to the agenda. Brian Rager made a motion to approve the minutes of the September 9, 2019 Board of Zoning and Sign Appeals meeting as written. Vice Chairman Mark Writesman seconded the motion. The motion was approved unanimously.

ITEM#1

Vertical Bridge request reduced setback and separation requirements from Zoning Ordinance Section 11-906 Wireless Telecommunication Towers and Antennas (F) Administratively Approved Uses (C) New Towers in Non-Residential Zoning Districts for a one hundred and thirty (130') feet cell tower at the south west corner of Church Street and Depot Street. Property is referenced as Davidson County Tax Map/Parcel# 0191301900 and is zoned IR, Industrial Restricted. Property Owner- William C. Brumett, Jr

Representatives:

Mr. Joey Hargis, Vertical Bridge Attorney and Richard Williams, Contractor representing Vertical Bridge

Discussion Items:

Staff explained the request:

- City adopted telecommunications ordinance in 1998
- Property zoned IR, Industrial Restricted
- Since industrial zoning administrative site plan approval only and comments have been sent on design plans but the Appeals Board has to review reduced setback and separation requirements
- Proposal is for a one hundred and thirty (130') feet tower
- Ordinance requires seventy-five (75%) percent of tower setback to property lines
- Ordinance requires separation to one and two family residential dwelling units at three hundred (300%) percent of tower height.

- Adjacent one family residential dwelling units are non-conforming uses in the commercial zoning classifications
- Staff explained and presented slide presentation including requested reduced setback and separation dimensions per ordinance and review if tower could be relocated on adjacent property owned by same owner where setbacks to residential properties could be met.
- Proposed one hundred thirty (130') feet tower requires seventy-five (75%) percent of tower height setbacks to property line- ninety-seven and a half (97.5') feet setback

North Property Boundary (Depot Street) 96' – 1.5 feet variance

South Property Boundary: 40'- 57.5' feet variance

West Property Boundary: 40'- 57.5' feet variance

East Property Boundary: (Church Street) 94' – 3.5' feet variance

- Proposed one hundred thirty (130') feet tower requires two hundred (200') feet or three hundred (300%) percent height of tower to single-family or duplex residential units and no separation other than setback to non-residential zoned or non-residential uses- 390' feet separation

- Thirteen (13) single family house structures are within the 390' separation

North (Across Depot Street) CSL, Commercial Services Limited Zoning- 158' feet to closest single family residential unit

South -IR, Industrial Restricted

East (Church Street) IR, Industrial Restricted Zoning 255' to single family residential unit on Church Street

West (along Depot Street) CSL, Commercial Services Limited Zoning- 68' to closest single family residential unit

- Staff discussed request is for reduced setbacks similar to variance review procedures but ordinance does define reduced setbacks and intention is for new towers to be located in industrial zoning districts

- Staff discussed and presented slide presentation on existing tower separation and discussed separations met requirement of ordinance for the proposed tower

- Staff discussed federal law limits cities for making decision about health impacts of frequencies and towers which is regulated by FCC through their owner permit process

Location- Tower Type- Property Zoning- Separation from Proposed Monopole

South Cartwright-280' Lattice type- IG- Industrial General- 5,400 feet

Moss Trail/Rivergate Parkway – 150' Lattice type- CSL, Commercial Services Limited -5,800 feet- Approved June 1984

Drycreek Road/Dickerson Pike/SR 11/Hwy 41- Cellular antennas on electric tower – CPUD, Commercial Planned Unit Development -10,500 feet

Springfield Highway adjacent to I-65- 200’ Lattice type- CPUD, Commercial Planned Unit Development-8,700 feet- Approved June 1998

1030 Williamson Road adjacent to I-65- 285’ Lattice type- A, Agricultural -11,300 feet

Alta Loma Road adjacent to I-65- 140’ Monopole type- HDRPUD, High Density Residential Planned Unit Development- 9,100 feet- Approved April 1996

Alta Loma Road/Behind Rivergate Church of Christ – 120’ Monopole type- CSL, Commercial Services Limited -11,200 feet -Approved May 1998

Mr. Hargis, Representative discussed and presented a slide presentation (included in meeting packet information)

- Property location

- Alternative properties contacted without success due to variety of reason by property owners

- Site location based on cellular coverage needs

- Data needs have grown in addition to phone service

- Large percentage of people use cell phones and data

- Proposed tower will provide additional data availability coverage

- Based on a strict application of City’s Ordinance the separation requirement would never be met and zones out towers

- The goals and objectives of City’s Ordinance is for the towers to be located in industrial zoning districts instead of residential neighborhoods

- Request the board to grant a waiver due to the objectives of the City’s ordinance being met

- State law regulating towers was from 2005 and City’s ordinance is from 1998

- Discussion of basis for variance

- No argument on financial basis since ordinance in place prior to the request

- Other industrial properties in same districts ordinance allows the use but as seen with map information actually discourages towers

- Non-conformities of other existing towers separation and setbacks

- Request not detrimental to public welfare have studies and reports on impact on property values shows neutral impacts no appreciable effect on property values

- Engineering design data provided shows that if tower fell it would fall within a forty (40’) feet zone based on tower design damage highly unlikely and event that would create damage that would also include damage of adjacent properties that are not designed to handle the engineering design of the tower

- Six (6) to eight (8) feet width monopole pole design in the leased area

- Mr. Williams discussed site will be fenced, well maintained and landscaped

- Cisco Gilmore asked if tower needs could not be serviced by co-locating on adjacent towers
- Representatives answered TMobile is co-located already in Goodlettsville- the proposal is for service issues and to assist with service issues for the area
- Mr. Williams discussed he is involved in site acquisition and they have reviewed numerous other sites in the area and owners are not interested
- Staff and Board members discussed if the proposed tower could be located on the larger adjacent tract owned by the same owner were at least they could meet setbacks to property line but separation would still be an issue
- Mr. Williams explained owner is only interested in the property section in question
- Russell Freeman asked about the proposal ownership set up and if it was unusual for an owner/occupied site.
- Mr. Hargis explained that the TMobile proposal is for a coverage site since they have a data traffic capacity issue and locating tower to off load the data other towers use
- Mr. Hargis stated traffic would not be an issue since no employees on site other than occasional service work
- Mr. Hargis discussed based on engineering design tower failure unlikely- design not to fail but bend over and the primary concern would be hurricanes and heavy winds. The weather event that would damage tower would also lead to excessive property damage in the area
- Mr. Hargis presented that towers are not detrimental to property values and referenced studies have shown that towers neither reduce or increase property values
- Mr. Hargis presented need for additional tower is 40% increase in use since 2010 and over 80% people have a cell phone including both phone and data increased demands
- Mr. Hargis stated city's ordinance dated most current ordinances are based on structural design of towers for setbacks
- Mr. Hargis stated per state law local governments cannot effectively prohibit service in area when reviewing spacing of existing towers north and south of proposal location can see the gap in service the tower will be servicing
- Mr. Hargis discussed tower would include areas for co-location. No other structures available for co-location in immediate area and center of city
- Chairman Mike Broadwell discussed insurance for the site in the case of tower damage

-Mr. Hargis discussed industry standard, FCC requires insurance for carriers and that owner of tower would be insured

-Mr. Hargis discussed due to height of tower under 200 feet no lights on the tower – outside of flight path no special lighting required

-Mr. Hargis stated size of tower is based on their network design and that a 200 feet tower would provide better coverage depending on geography of area but proposal is 130 feet tower

-Mr. Hargis discussed last 5-10 years towers with structural damage extremely rare- hurricane and tornado events winds and initial damage but no instance of secondary collapse with tower design of monopole

-Brian Rager discussed the area has experienced a tornado in the past

PUBLIC HEARING:

Matt Jordan- 116 Depot

- 100 ft. within a house if fell over
- Separation and setback requirements are in case something goes wrong falling major concern
- Aesthetics- city's downtown area concerned that you can't hide tower maybe camouflage would think city would not want in downtown area
- Resale value of home concern

Sue Webb- Only House on Jackson Street /204 Jackson Street

- Residents on Depot do not need the tower in front of their house
- Kids playing in area
- No one doctor can say waves from tower not harmful
- Tower wrong place should be back off the road
- Owner not keeping up property not even mowing or cleaning up fence row
- Don't agree with tower in this area
- Tornado everything destroyed – including tower location
- Debris from old boat factory blew to her house on Jackson Street
- Stated- Would Board want a tower in their front yard?
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Jeff Stone- Ruffus Stone family 110 Depot Street

- 9 single family home neighborhood
- Residents don't need tower in front yard- kids playing
- Tower height of 130 feet is not like a light pole

- 2010 tornado the tower would have fell over on houses next door
- Other towers in area not close to any homes
- Area a neighborhood- understand industrial and commercial zoning
- History of corner property house tore down old cabinet shop
- Tower would be bad for neighborhood
- Mother has lived there 50 years concerned with view from house of tower not trees
- Better options for tower placement

Mr. Haston- 115 Depot Street

- Work at Goodlettsville Barber shop so in the area all the time
- Concern if tower fell – close to so many homes even if company has insurance
- 40 feet break point designed what about other 90 feet falling?
- Property values may not be able to sell property probably going to look up and see tower
- Surprised with the property owner
- The property owner could review locating tower on other portions of his property ample room for property to develop
- Concerns with going against city ordinance

Ms. Westmoreland signed to speak but left the meeting prior to Public Hearing

-Cisco Gilmore- asked if the tower height could be lowered

-Mr. Williams responded that TMobile would have to reduce service and co-location availability with design and antenna spacing would go away which is the city's intention with towers

-Mr. Williams discussed that lowering height would diminish coverage and capacity and growth potential

-Mr. Williams might be able to move to south 10 feet owner concerned with other intended uses and development of property

-Brian Rager discussed this is a difficult issue and understand the 30 years of technology and need for phones but has compassion for residents. The request is a double edged sword- understand cell tower and information presented but would not want too close of own property

- Mr. Williams discussed unique request since property industrial zoning and close proximity to residential areas zoned commercial

Sue Webb-spoke from the audience- put tower on hill not in valley

Chairman Mike Broadwell discussed this is a unique request and has mixed feelings with review of ordinance and information submitted at meeting

-Vice- Chairman Mark Writesman discussed proposal and motion

-Staff stated defined basis for motion needs to be included

Motion:

Vice Chairman Mark Writesman made a motion to deny the request based on request not meeting setbacks, seconded by Cisco Gilmore. Motion to deny the request passed unanimously 4-0.

Motion to adjourn by Cisco Gilmore and Second by Briar Rager. Motion passed unanimously

The meeting adjourned at 6:00 P.M.

Mike Broadwell, Chairman

Rhonda Carson, ECD Assistant