

**Minutes of the  
CITY OF WHITE HOUSE  
Meeting of the  
Municipal/Regional Planning Commission  
Monday, November 8, 2010**

**Call to order** 7:00 p. m.

**Roll call:** Mike Arnold, Clif Hutson, Bob Dorris, Michael Baxter, Scott Wiggins, Paula Eller, Chairperson. **Staff:** Addam McCormick, Ron Bailey, Angie Carrier, City Administrator, and David Amonette, City Attorney.

**Absent:** Amanda Brinkley

**Approval of prior minutes dated:** Tuesday, October 12, 2010. Motion was made to approve by Bob Dorris, seconded by Scott Wiggins. Motion passed unanimously.

**Approval of Agendas:** Motion was made to approve by Scott Wiggins, seconded by Bob Dorris. Motion passed unanimously.

**Individual Review of Agenda Items:**

Chairperson Eller stated she would like to add a discussion item to the end of the meeting to discuss recent training.

**CONSENT AGENDA**

- Item # 1** **Briarwood Subdivision-Phase 2:** One Year Subdivision Improvement Bond Extension.
- Item # 2** **Holly Tree Subdivision-Phase 3:** One Year Subdivision Improvement Bond Reduction and Extension.
- Item # 3** **Holly Tree Subdivision-Phase 3:** One Year Subdivision Maintenance Bond Extension to June 2011 for West Winterberry and Glory Court Improvements.
- Item # 4** **Brookside Village-Phase 1:** One Year Subdivision Improvement Bond Extension.
- Item # 5** **CPB Properties:** Six Month Subdivision Improvement Bond Extension.

Michael Baxter asked about Brookside Village-Phase 1 bond that was on the Consent Agenda. Staff discussed that this phase is for a one-year bond extension. Staff discussed that Phase 1 has just begun. Staff discussed that Phase 2 for this development was built prior to Phase 1 and there are issues with getting the developer to complete final finish items.

Staff discussed CPB Properties bond on the Consent Agenda. Staff stated that development includes six commercial lots on Highway 31-W and two larger lots on Business Park Drive. Staff stated the City's Fire Hall # 2 is built on one of the two larger lots. Staff stated the site development improvements are completed except for the Highway 31-W turning lanes at the Business Park Drive and Hwy 31-W intersection. Staff stated the City recently submitted revised and updated plans to TDOT for approval. Staff stated the original plans included new lane construction; staff stated the revised plan is an asphalt overlay and restriping project per staff discussion with TDOT. Staff stated that there has been discussion with the developer about the City requesting TDOT to construction or fund the turn lane restriping project. Staff stated if TDOT agrees, then the subdivision improvements could be accepted by the City with a one-year maintenance bond. Staff stated the bond is to ensure that if TDOT does not complete the project, then the developer would complete it.

**REGULAR AGENDA**

**PUBLIC HEARING:**

- Item # 6** **Gerald Rinehart/119 Oakdale Drive:** Requests a 50 ft variance for construction of a radio Tower. Property is referenced on Sumner County Tax Map 97-E, Group A, Parcel 10.00. Property is zoned R-20, Low-Density Residential. **(Deferred from October 12, 2010 Meeting.)** Chairperson Eller stated there would be discussion between Mr. Rinehart and the Commission first before opening up the public hearing portion of the meeting.

Scott Wiggins asked Mr. Rinehart if he would be able to access the frequency he is requesting by reducing the height of the tower. Mr. Rinehart stated that he had researched this and the lowest height would be 40 ft. to see have effective communication capabilities.

Chairperson Eller discussed Mr. Rinehart's intention based on his letter's request. Mr. Rinehart discussed that he would only use the frequency for 15 to 30 minutes a month. Mr. Rinehart stated that may not always be communicating with signals but he may pull up the net. Mr. Rinehart stated that he is a licensed ham radio operator and that he would use in a ham radio for personal use, but not for hours at a time. Mr. Rinehart stated that his primary use would be for his service to the Tennessee State Guard.

Chairperson Eller opened the public hearing.

**Sherry Wallace-304 Laura Dr.**-She stated that she lives across the street. Ms. Wallace stated that she felt like a tower of this type should not be in a residential area. Ms. Wallace stated that she would like to know where there are other towers similar to this request in the City that she could look at. Ms. Wallace stated concerns with interference with television and radio.

Staff stated there is a tower at the City Police Station on North Palmers Road and a radio tower on a residential lot on Strassle Drive. Staff stated these were the only two radio towers that he is aware of in the city limits and he has not received any complaints regarding interference.

**Bobbie Barrett-114 Oakdale Dr.** – Ms. Barrett stated that she was told by her satellite provider that the proposed radio tower would cause interference on her television, phone, and cell phone. Ms. Barrett stated that she has lived at this address for 21 years and is against the tower.

**Lynn Hale-113 Oakdale Dr.** - Ms. Hale stated that she has been told by neighbors that the radio tower would cause interference on her television and phones. Ms. Hale stated that she has lived at her current address for 40 years. Ms. Hale stated that another neighbor across the street from Mr. Rinehart had a similar radio tower; years ago and it caused interference on her television.

Gerald Rhinehart answered questions from Commission regarding how he came to the decision for a 50 ft radio tower. Mr. Rhinehart stated that he had researched it on line and to have an effective HF antenna it would need to be at least 50 ft in height. Mr. Rhinehart stated that these types of towers are commercially manufactured. Mr. Rhinehart stated that the tower is self sustained and you do not need guide wires. Mr. Rhinehart stated that the tower would have to be constructed into a concrete base. The Commission had discussion on the setback requirements for the tower. Staff discussed recommendations for a 50 ft fall zone from neighboring homes, streets, and over head utilities. Staff discussed the Zoning Ordinance Section 7.040, Exceptions on Height Limitations which requires the Planning Commission review and approval for radio towers exceeding maximum heights of the residential zoning district. Staff stated in the R-20, Low-Density Residential zoning, the maximum building height is 35 ft. Staff stated the Zoning Ordinance includes a special use section for communication towers. Staff stated that the FCC investigates complaints when received regarding interference. Staff and Commission had lengthy discussion on FCC regulations and also the stipulations that the City could require for public safety, height, and structural integrity issues regarding radio towers. Chairmen Eller discussed her phone conversation with FCC representative regarding frequency design criteria and lowering the tower height to 40 ft would cause more interference onto adjacent properties. Chairmen Eller discussed that per FCC interference should be limited and the tower owner could install filters to limit interference on adjacent properties. Staff stated the stipulations that would be required are based on cell towers provisions since the City does not have an ordinance directly related to ham radio towers. Staff discussed the stipulations would be: a 50 ft fall zone from neighboring homes, streets, and over head utilities, 25 setback from property lines, engineered foundation structural plans, state electrical inspection and permit for grounding and State of TN State Electrical Code Compliance, fence and screening around the base to prevent access and to screen the base of the tower, and approvals for Federal Aviation and Federal Communications Commission.

**Motion was made to approve by Michael Baxter with staff's stipulations and to increase the tower setback from property lines from 25 ft setback to a 50 ft, seconded by Scott Wiggins. Motion passed unanimously.**

Bobbie Barrett-114 Oakdale Dr.-asked if the tower would damage her TV. Ms. Barrett requested multiple times for a guarantee that the tower would not damage her TV. Commission and Staff stated that a guarantee could not be given but damage would not be expected with this type of use but any issue would need to be taken up with the tower owner.

Staff and Commission had discussion on creating a new ordinance to address ham radio towers.

**Discussion Items:**

**Fencing regulations for residential properties:**

Staff stated that a resident requested that staff discuss this issue with the Commission. Staff stated the request is regarding a wooden privacy fence that was constructed with the structure of the fence visible from the exterior of the property. Staff stated the City does not require permits for fences six feet and under in height. Staff stated fences over six feet require a permit to ensure a proper foundation. Staff stated that homeowners associations have regulations for fencing. Staff stated this resident lives in Hampton Village which has a homeowners association that does not include regulations on fencing supports. Staff stated the Commercial Design Standards include fence construction standards, but the standards do not apply to one/two family residential properties. Staff stated that the City requires fences to be moved if the fences are on city right-of-way and block drainage ditches or major utilities facilities. Commission discussed that regulating fences would be objectionable based on specific styles of fencing and would be difficult to regulate.

**Digital Format Zoning and Major Thoroughfare Plan:**

Staff stated an updated City Zoning Map has not been complete since the 1990's. Staff stated this would be a good opportunity to have an updated map approved by the Commission and Board of Mayor and Aldermen. Staff stated the new format zoning map would allow staff to quickly maintain an updated zoning map and create better maps for planning studies. Staff stated the map would be placed on the City's web site. Staff stated the Planning Commission in 2008 approved for the commercial zoning extension at the rear of the American Legion Building and David's Auto property. Staff stated that the rezoning ordinance was never reviewed by the Board of Mayor and Aldermen. Staff stated that these changes would be reflected on the updated zoning map. Staff stated that the flood plains listed on the zoning map would be staff's rendition of the FEMA flood maps and for reference only. Staff will include a disclosure that detailed measurements of FEMA flood plains and different design zones are referenced on the adopted FEMA Flood Insurance Flood Maps. Staff stated he is proposing to have the zoning map submitted for approval at the December Planning Commission Meeting and the December/January Board of Mayor and Aldermen Meetings. Staff stated the Thoroughfare Plan map amendment would be later to allow staff the ability to research and submit draft subdivision regulation amendments to the Commission for review.

**Design Review Board:**

Staff stated the State of TN in 2008 adopted a provision to allow Design Review Boards to adopt regulations and review building design proposals. Staff stated the City adopted Commercial Design Standards in 2003. Staff stated the state law was to clear up any confusion that the state law did or did not permit commercial design standards. Staff stated this provision allows the designated design board to develop design standards for all development types except one and two family dwelling buildings. Staff stated that a design board can be created or the Planning Commission can serve as the design board. Staff stated that the Planning Commission has been serving as the design board since 2003. Staff stated when the Planning Commission is designated by the Board of Mayor and Aldermen to review the standards, all appeals would be reviewed by the Board of Mayor and Aldermen. Staff stated due to the limited levels of design standards that were adopted in 2003, staff would recommend the Planning Commission be the designated design review board. Staff discussed that at a later date, when the Town Center is being redeveloped, a separate design review board should be considered due to the increased level of design regulations.

**Subdivision Bond Process:**

Staff stated he would submit to the Planning Commission next month a detailed description of State and local subdivision bond regulations, examples of staff bond calculations, and letters from local banks describing their processes.

**Staff Minor Subdivision Plat Review Report:**

Staff completed subdivision plat review for a two lot subdivision on Pleasant Grove Road.

**Planning Commission Training:**

Staff stated the training in Gallatin discussed how to handle public hearings regarding new State laws and the speakers gave specific examples. Staff stated the speakers also discussed the Religious Land Use Protection Act that the State adopted. Chairperson Eller discussed the training she attended for the American Institute of Architecture. Ms. Eller stated that she toured several historic homes, the Nashville Library, and commercial buildings. Ms. Eller stated the training showed how old buildings are made very useful. Chairperson Eller stated that if any of the Commissioners missed the training in Gallatin that she had materials such as video tapes and online seminar info to attain the required 4-hours of training by the end of this year.

*Motion was made to adjourn by Bob Dorris, seconded by Michael Baxter. Meeting adjourned at 8:08 p.m.*

**ATTEST:**

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**Chairperson, Paula Eller**

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**Secretary, Addam McCormick**

**The following Planning Commissioners attended the Training on Thursday, November 4, 2010  
At City of Gallatin:**

1. Mike Arnold
2. Clif Hutson
3. Scott Wiggins
4. Addam McCormick-Planning/Codes Director
5. Rita Hobbs-Planning/Codes Office

**Institute of Classical Architecture & Classical America TN Chapter, Thursday, November 4, 2010-Nashville**

6. Paula Eller