

**BOARD OF ZONING APPEALS
MUNICIPAL CENTER COUNCIL CHAMBERS
November 13, 2012
6:00 p.m.**

COMMISSION PRESENT:

Mr. Henry Evans; Ms. Elizabeth Boyd; Mr. Tony Salvaggio; Alderman Palazzolo; Frank Uhlhorn; Mr. Dave Klevan

DEVELOPMENT STAFF PRESENT:

Mr. Andy Pouncey, Economic & Community Development Director; Wade Morgan, Chief Planner; Ms. Carmen Richardson, Secretary

Interested Individual(s) present:

Belinda Bodie – 2749 1811 Auburn Avenue, Monroe, LA 70201

Chairman Evans called the meeting to order and established a quorum.

ROLL CALL: – Ms. Boyd – present; Alderman Palazzolo – present; Mr. Salvaggio – present; Ms. Sherman – absent; Mr. Klevan – present; Mr. Uhlhorn – present; Chairman Evans – present

Chairman Evans reminded those in attendance that the Board of Zoning Appeals is a Quasi-Judicial body and as such, the latitude for acting on applications is somewhat limited by State Statute and City Ordinance. He also reminded those appearing before the Board that the meeting is recorded and they would need to identify themselves, give their address and be sworn in for the record. He then swore in the staff.

Chairman Evans stated that he would like to make note that the motions made in all meetings are of an affirmative nature. He stated this does not necessarily mean that the motion will be approved, but that the language will be in an affirmative nature when the motion is made.

Approval of September 11, 2012 Minutes

Elizabeth Boyd made a motion to approve the minutes from the September 11, 2012 meeting that was seconded by Alderman Palazzolo.

ROLL CALL: Ms. Boyd – yes; Mr. Klevan – abstain; Mr. Uhlhorn – abstain; Mr. Salvaggio – yes; Alderman Palazzolo – absent at time roll was called; Ms. Sherman – absent; Chairman Evans – yes

MOTION PASSED

SUBJECT: Germantown Greenway, East Side of Miller Farms Rd., North of Hollow Fork Rd. – Request Approval of a Use on Appeal for a Wireless Transmission Facility in the “R” Residential zoning district

DISCUSSION:

NATURE OF USE REQUESTED: Wireless Transmission Facilities (WTF) are allowed in residential zoning districts if they meet the criteria for a use on appeal and the specific site design and procedural requirements for a WTF. The site of the proposed WTF is within the existing MLGW electrical power line tower that is located east of the northern terminus of Miller Farms Road. The plan proposes a 105 foot tall monopole tower to be placed within the MLGW tower, with the antennas mounted at the 105 foot elevation. A 20 ft. by 30 ft. lease area underneath and to the east of the tower will contain the equipment compound for the C-Spire antennas.

WTF’s within power transmission line towers are encouraged by the zoning regulations and have specific criteria for their approval in addition to the standard general criteria for a use on appeal.

Section 23-228 describes the criteria for a use on appeal within the R district; it must be:

- 1) Located on a route designated as either a major street or a collector street;
- 2) Does not impair an adequate supply of light and air to adjacent properties;
- 3) Does not unreasonably increase the congestion of public streets;
- 4) Does not increase the danger of fire and endanger public safety;
- 5) In any other way impair the public health, safety comfort or welfare.

Section 23-86 (5) describes the specific information requirements for a WTF incorporated within existing power transmission line towers. The applicant's responses to those requirements are attached as part of their application. It should also be noted that a WTF within a power transmission tower is allowed to be taller than a free-standing WTF. A WTF within a power transmission tower may be up to 20 feet above the highest point of the transmission tower, as opposed to the 100 foot maximum height of a free-standing tower.

If the BZA approves the use on appeal, the Planning Commission must review/approve a site plan, the Design Review Commission must review/approve a landscaping and fencing plan and the appearance of the tower, and the Board of Mayor and Aldermen must approve a development contract for the construction of the tower and the associated equipment compound.

APPLICANT'S JUSTIFICATION: see the attached application and letter.

COMMENTS:

1. The attached sheet (C-Spire's Responses To Shared Use Criteria Of Section 23-86) and letter from Robert Pierce provide Cellular South's responses to the criteria for shared use.
2. The attached air photos show the location of each site in relation to its surroundings and the tower elevation diagram highlights the proposed WTF and fencing.
3. Staff suggests that the WTF be designed to accommodate multiple carriers.
4. If the use on appeal is approved by the Board of Zoning Appeals, the proposed tower shall proceed to the Planning Commission for site plan approval, the Design Review Commission for landscaping, fencing and other appearance items approval, and to the Board of Mayor and Aldermen for a development contract.

Belinda Bodie
1811 Auburn Avenue
Monroe, LA 71201

Ms. Bodie explained that C-Spire's purpose is to try and improve their network coverage in the Germantown area by installing a "pole insert" on an existing MLGW power line. Ms. Bodie advised that they will be using a lower profile antenna which will be a little bit closer to the insert so that it does not stick out as far as the antennas on the existing poles. Ms. Bodie further advised that C-Spire used a population tool to determine that coverage would be approximately 1,200 pops.

Chairman Evans referred to an overhead that showed "Towers in Use." He wanted to know if these towers were owned by C-Spire. Ms. Bodie said that the towers are not owned by C-Spire, but in fact are co-located on them. Chairman Evans then asked what type of towers is located along Wolf River Boulevard. Ms. Bodie said that she believes these are existing free standing structures. Wade Morgan confirmed that the towers located in the Wolf River Greenway Park are indeed free standing.

Chairman Evans asked Ms. Bodie if coverage increases as you go higher on the cell tower. Ms. Bodie said yes, that is correct. He then asked how much more area would be covered if they were allowed to go one hundred twenty feet up versus the standard one hundred and five feet level. Ms. Bodie advised that this would probably not black out the entire balance of this area but will however cover a large amount of Neshoba and other surrounding neighborhoods.

Mr. Pouncey asked Ms. Bodie if a one hundred twenty foot tower would also take care of the coverage for the proposed cell tower that is to be located in Forgey Park (January, 2013 BZA meeting). Ms. Bodie stated that it would definitely help out in that area however, it will not eliminate the need for the proposed tower that is coming up in January.

Chairman Evans asked if a one hundred twenty feet co-location is attainable on this particular MLGW tower. Ms. Bodie said yes, it is. He then stated that since coverage increases as you go higher on the tower, why stop at a height of one hundred five feet; he advised that the Board would not have a problem with these types of towers. Chairman Evans then suggested that Ms. Bodie change her request and ask for a tower height of one hundred twenty feet. With that, Ms. Bodie requested that the proposed tower be one hundred and twenty feet in height

PROPOSED MOTION: To approve a Use on Appeal for a wireless transmission facility for C-Spire at the Germantown Greenway, East Side of Miller Farms Rd., North of Hollow Fork Rd., subject to staff comments and the site plan filed with the application.

Ms. Boyd moved to approve a Use on Appeal for a wireless transmission facility for C-Spire at the Germantown Greenway, East Side of Miller Farms Rd., North of Hollow Fork Rd., subject to staff comments and the site plan filed with the application. Mr. Klevan seconded the motion.

ROLL CALL: Ms. Sherman – absent; Mr. Uhlhorn – yes; Ms. Boyd – yes; Mr. Klevan – yes; Mr. Salvaggio – yes; Alderman Palazzolo – yes; Chairman Evans – yes

MOTION PASSED

Meeting Adjourned at 6:17 p.m.