

Planning Commission

Staff Report

April 1, 2021



Case No:	21-CELL-0001
Project Name:	Headley Hollow
Location:	4513 Blevins Gap Road
Owner:	Marvin & Laurel Wathen
Applicant:	New Cingular Wireless PCS, LLC
Representative:	David Pike, Pike Legal Group, PLLC
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Zach Schwager, Planner I

REQUEST:

Cell tower consisting of a 195-foot tall monopole with a 4-foot lightning arrestor (total height of 199 feet) within a 10,000 square foot compound area.

SUMMARY/BACKGROUND

The approximate 25.9 acre site is located in southern Jefferson County on the north side of Blevins Gap Road between Scotts Gap Road and Saw Mill Road. The property is zoned R-4 Single-Family Residential within a Neighborhood Form District. The applicant submitted all the required documentation, including the reasoning for why they could not co-locate.

The submitted site plans show the location for the cell tower being in the northern portion of the property. The easement area is 10,000 square feet as is the fenced compound area.

The proposed monopole site is 124.21 feet from the eastern property line and 315.63 feet from the western property line.

STAFF FINDINGS

The applicant has stated that there is not a more suitable location reasonably available or to co-locate. The monopole is designed to accommodate a total of four wireless providers, will not be lighted unless required by law and will have a galvanized steel finish or painted light gray or light blue.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/15/2021	Hearing before the PC	1 st tier adjoining property owners
3/16/2021		Registered Neighborhood Groups in Council District 14

REQUEST: 21-CELL-0001

This is an application for a proposed 195 foot monopole tower with a 4-foot lightning arrester for a total structural height of 199 feet within a 10,000 square foot compound area. An eight-foot wooden privacy fence and the required landscaping will buffer the area.

CASE SUMMARY/BACKGROUND

The cell tower application was submitted on February 19, 2021. The Commission has sixty (60) days to act upon the uniform application, if not, and there is no written agreement between the Commission and the applicant to a specific date, the uniform application shall be deemed approved.

60-day deadline – April 20, 2021.

STAFF FINDING

The applicant has stated that there is not a more suitable location reasonably available or to co-locate. The monopole is designed to accommodate a total of four wireless providers, will not be lighted unless required by law and will have a galvanized steel finish or painted light gray or light blue.

TECHNICAL REVIEW

Transportation Planning and MSD have given preliminary approval for the plan.

INTERESTED PARTY COMMENTS

Staff received an email in opposition to the cell tower.

Standard of Review and Staff Analysis

Criteria for cellular towers:

- 1) The Planning Commission shall review the application in light of its agreement with the Comprehensive Plan and the Land Development Code;
- 2) The Planning Commission shall make its final decision to approve or disapprove the application;
- 3) The Planning Commission shall advise the applicant in writing of its final decision within 60 days of submittal of the application.

State law precludes the Planning Commission from denying a cellular tower application based upon concerns about electromagnetic field issues so long as the provider adheres to the standards adopted by the FCC.

In addition, the Federal Telecommunications Act of 1996 prohibits a citing decision for a cellular tower based upon the existence of other cellular service in the area.

The Planning Commission will need to determine if the proposal meets the standards of the Land Development Code, "Uniform Application".

**Relationship to Plan 2040
Community Facilities**

Goal 3 Design community facilities to be resilient and compatible with the surrounding neighborhood.

19. Antenna Towers for Cellular Telecommunications Services or Personal Communications Services should:

19.1 Be designed to minimize impact on the character of the general area concerned.

The area around the subject site is single-family residentially zoned and used. The compound area will be screened by an 8-foot-tall wooden privacy fence and buffered by the required landscaping. However, the tower will be visible from areas in the vicinity. The tower will be 472 ft. 2 in. from the nearest residence.

- 19.2** Be sited (in order from most preferred to least preferred):
1. highway rights-of-way except designated parkways
 2. existing utility towers
 3. commercial centers
 4. government buildings
 5. high-rise office structures
 6. high-rise residential structures

The proposed location does not meet any of the most preferred sites but has been situated to the rear of the property in a wooded area. However, this particular location is close to eight residences.

19.3 Minimize the likely effects of the installation on nearby land uses and value.

Single-family residential land uses surround the entire subject property. The monopole will be visible, no matter where the structure is located, but the proposed placement takes advantage of some existing trees that are to remain. However, it is close to eight residences as stated earlier.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/15/2021	Hearing before PC	500 foot/ adjacent property owners
3/16/2021		Registered Neighborhood Groups in Council District 14

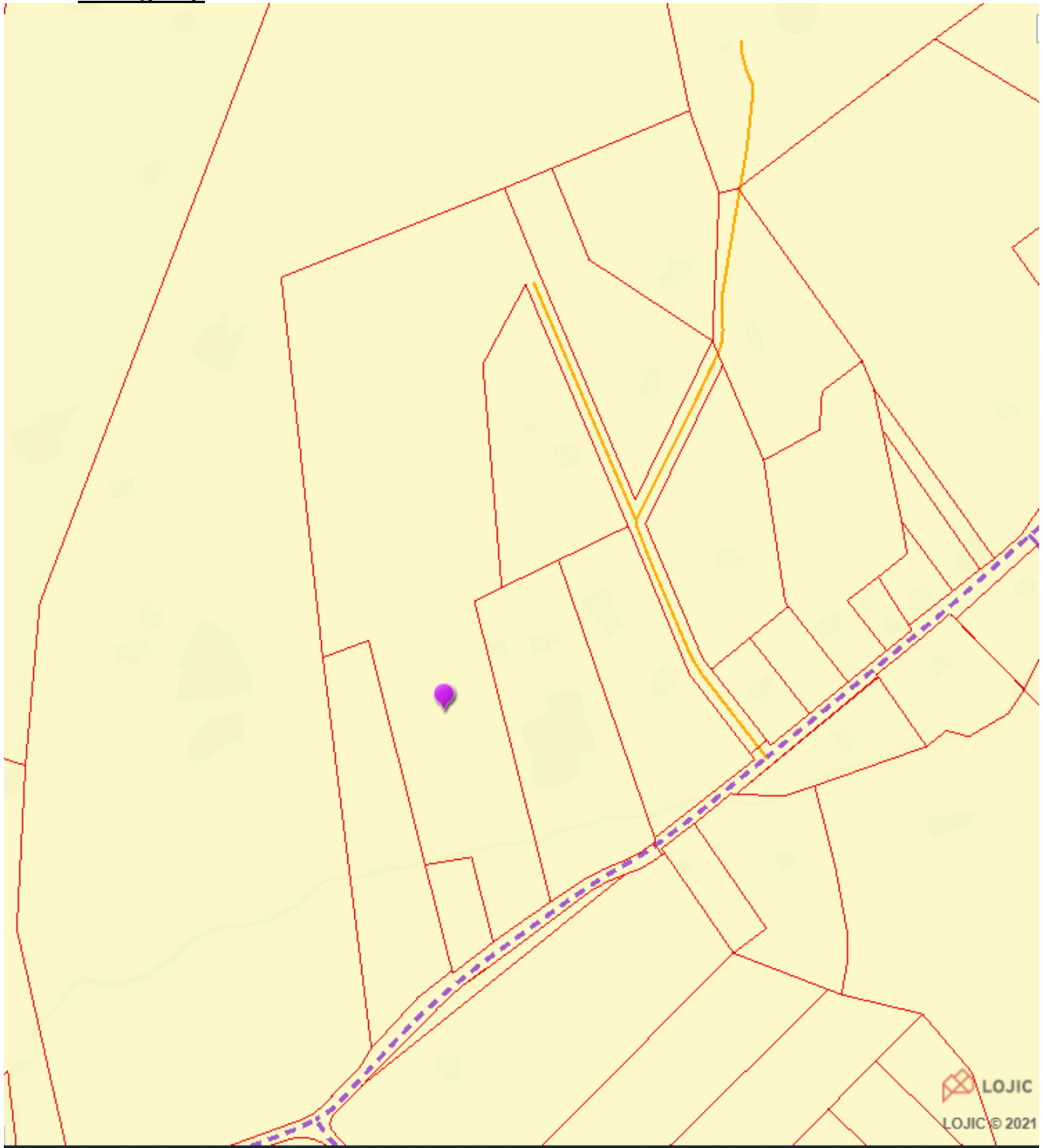
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

REQUIRED ACTIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the standards for granting a cell tower as established in the Land Development Code.

1. **Zoning Map**



2. **Aerial Photograph**

