

**Development Review Committee
Staff Report
September 2, 2015**



Case No:	15Cell1003
Request:	Cell Tower
Project Name:	Thixton Lane
Location:	9212 Thixton Lane
Owner:	The Revocable Trust Agreement for Rena V. Crenshaw, Gilbert Crenshaw, Trustee
Applicant:	Crown Castle
Representative:	Christopher King, Lorch Naville Ward
Size:	199' Total tower height
Existing Zoning District:	R-4
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	#22 – Robin Engel
Case Manager:	Steve Hendrix, Planning Supervisor

Request

This is an application for a proposed 195 foot monopole tower with a 4 foot lightning arrestor for a total structure height of 199 feet. The compound area is 5,625 square feet. The applicant is requesting a waiver of the required 50 foot wide landscape buffer to a width of 12 feet and 6 inches with 33 white pines.

Case Summary / Background/Site Context

The application was submitted on July 13, 2015. 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. (September 11, 2015 deadline).

The proposed site is located in a rural section of southeastern Jefferson County in an existing soybean field behind the dwelling and garage. There are several existing single family dwellings in the area, with the closest being approximately 300 feet from the compound area. The applicant is proposing an eight foot high wooden shadowbox fence and 33 white pines to screen the compound base from view.

The applicant has stated that the galvanized steel monopole will not have lighting and only have required emergency signage

The applicant has stated the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure.

Land Use / Zoning District / Form District Table

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family residence,	R-4	Neighborhood
Proposed	Single family residence, Cell Tower Facility	R-4	N
Surrounding			
North	Single Family Residence, Farmland	R-4	N
South	Farmland, Single Family Residence	R-4	N
East	Single Family Residence, Fields	R-4	N
West	Farmland, Wooded Area, Single Family Residences, Church	R-4	N

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The Planning Commission is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Standard of Review

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.

Staff Findings

Relationship to Comprehensive Plan - Cornerstone 2020 Plan Elements:

3.1 Compatibility

Ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development .

3.9 Visual Impacts

Protect the character of residential areas, roadway corridors, and public spaces from visual intrusions and mitigate when appropriate.

3.22 Buffers

Protect the character of residential areas, roadway corridors, and public spaces from visual intrusions and mitigate when appropriate. Mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, junk, outdoor storage, and visual nuisances.

As stated earlier, the proposed location is within a rural section of southeastern Jefferson County. The compound area will be screened with an eight foot wooden shadowbox fence and landscaped with 33 white pines. The monopole will be visible from various points in the area.

3.30 Cellular Towers

Establish and enforce standards for the placement, height, design, and buffering of antenna towers for cellular telecommunications services and personal communications services. Antenna tower location and design must consider the effect of the tower on the character of the general area in the vicinity of the tower and the likely effects of the installation on nearby land uses and values. Issues that must be addressed include the necessity for the tower, co-location possibilities, design, mass, scale, siting, and abandonment and removal of antenna tower structures.

The applicant states that there are no other suitable or willing co-locatable structures or structure owners identified within the vicinity to meet the coverage objectives. The applicant states they have considered the likely effects of the installation on nearby land uses and values and have concluded that there is no more suitable location reasonably available from which adequate service can be provided. The applicant further states that the proposed facility has been designed to accommodate additional wireless telecommunication carriers, thus reducing the need for additional towers in the area in the future.

Community Facilities

15.21 Antenna Towers for Cellular Telecommunications

Cellular towers should be designed to:

--- minimize impact on the character of the general area concerned,

---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. governmental buildings
5. high-rise office structures
6. high rise residential structures

---minimize the likely effects of the installation on nearby land uses and values;

---be designed to address compatibility issues such as co-location, mass, scale, siting, abandonment and removal of antenna tower structure.

Although the tower does not meet one of the above siting criteria, its placement has been taken into account to minimize the impact on the character of the general area, by its distance from the road, the proposed screening and landscaping. The siting criteria did not anticipate the demand and coverage area needed for cell phone use.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to reduce the required width of the buffer area from 35 feet to 10 feet.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The reduction in the width of the landscape buffer waiver will not adversely affect adjacent property owners, since 33 white pines will be planted.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, so as not to negatively impact nearby residents and pedestrians, since the compound area will have an eight foot high wooden shadowbox fence and the trees.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, since 12 feet, 6 inches is an appropriate width for white pines.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF:.. The reduction allows the applicant to continue with the remainder of the land being continued as farmland and at the same time screening the base of the compound.

Technical Review—None

Staff Conclusion

The applicant is requesting a wireless communications facility to better serve the public and to provide co-location opportunities for other carriers. The applicant has submitted the required information concerning the reasoning and need for this particular location.

The proposed location is within a rural area of southeastern Jefferson County where the compound area will be screened by the dwelling and garage, the wooded area to the west, to some extent by the soybean pasture to the south and the proposed shadowbox fence and tree plantings.

The galvanized steel monopole will not have lighting and only have the necessary signage.

The applicant has met the applicable requirements of the Comprehensive Plan and the Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the must determine if the proposal meets the standards for granting a cell tower established in the Uniform Application of the Land Development Code and the Comprehensive Plan.

Notification

Date	Description	Recipients
August 25, 2015	Neighborhood Notification	Registered Parties
August 19, 2015	APO Notices Sent	Adjacent Property Owners

ATTACHMENTS

1. Proposed Location/Zoning Map
2. Aerial Photograph Map
3. Applicant's Justification
4. Site Plan; 500' Radius, Overall Site Plan
5. Coverage Rings





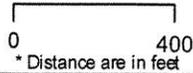
9212 THIXTON LN



LOJIC Quickmap

9212 Thixton Lane

Plot Date 8/26/2015



* Distance are in feet



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LORCH NAVILLE WARD LLC

July 13, 2015

VIA HAND DELIVERY

Chester V. Lorch
(1900-1972)
Frank E. Lorch, Jr.
(1905-1951)
Basil H. Lorch, Jr.
(1925-1997)
Herbert F. Naville
(1919-2010)

Louisville Metro Planning and Design Services
444 S. 5th Street, Suite 300
Louisville, KY 40202

RE: Application for Construction of Cellular Antenna Tower
Crown Site Name: Thixton Lane
Location: 9212 Thixton Ln. Louisville, KY 40291

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Dear Sir/Madam:

Michael F. Ward
George W. Gesenhues, Jr.
Linda B. Lorch
Robert P. Hamilton
Timothy J. Naville*
Lisa Garcia Reger
Gregory M. Reger*
Cary J. Hurst
J. David Agnew*
Christopher L. King*
Stephen T. Naville
Claire Lorch Hagedorn

Crown Castle Towers 06-2, LLC and Verizon Wireless (collectively, the "Applicants") propose to construct a wireless communication facility ("WCF") to allow for the installation and operation of wireless communications antenna at a facility located at 9212 Thixton Lane, Louisville, KY 40291 on property owned by the Revocable Trust Agreement for Rena V. Crenshaw.

The proposed WCF will consist of 195' monopole (with 4' lightning arrestor for a total structure height of 199') within a 75' X 75' fenced compound and installation of Verizon Wireless antennae at a height of 150'. The proposed tower will be below the maximum height authorized by the Federal Aviation Administration for this location and will be unlit.

Reasons for the Application: Wireless communications technology has rapidly advanced and the public's adoption of the new technologies has increased along with it. The public's increased use of modern wireless voice and data services (4G, LTE, etc.) has resulted in the need for service providers, including Verizon Wireless, to construct more, and more advanced, WCFs to meet this demand and maintain acceptable levels of service. Currently, Verizon has identified a need for improved coverage in the area of Thixton Ln., west of US 31E and south of I-265 in Jefferson County, Kentucky. The Applicants investigated the area to determine if co-location on an existing structure was feasible and determined there is no existing structure on which Verizon Wireless' antennae could be installed and still meet the radio frequency ("RF") engineering requirements to provide acceptable coverage to the area described above. Construction

Of Counsel

William C. Moyer*
Michael G. Naville

*Also admitted in KY

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of the WCF at this location will allow Verizon Wireless to meet its coverage needs in the in the area.

Applicants propose construction of a tower with a design that will allow Verizon Wireless' antennae at the height required as determined by radio frequency analysis, with opportunity for co-location of antennae and equipment for at least three additional service providers in the future as those needs arise.

