

**Land Development & Transportation Committee  
Staff Report  
May 11, 2017**



|                                  |  |
|----------------------------------|--|
| <b>Case No:</b>                  | 17Cell1000   |
| <b>Request:</b>                  | Cell Tower <b><u>Replacement</u></b>                                 |
| <b>Project Name:</b>             | Grinstead  |
| <b>Location:</b>                 | 1222 East Oak Street   |
| <b>Owner:</b>                    | Modern Marketing Concepts, Inc.                                      |
| <b>Applicant:</b>                | Crown Castle South LLC   |
| <b>Representative:</b>           | Bryan Brawner  |
| <b>Size:</b>                     | 175 feet total height<br>Approximate 4,161 square foot compound area |
| <b>Existing Zoning District:</b> | C-2, Commercial  |
| <b>Existing Form District:</b>   | Traditional Neighborhood   |
| <b>Jurisdiction:</b>             | Louisville Metro   |
| <b>Council District:</b>         | 8 – Brandon Coan   |
| <b>Case Manager:</b>             | Steve Hendrix, Planning Supervisor                                   |

**Request**

This is an application for a proposed 165 foot monopole tower with a 10 foot lightning arrestor for a total structural height of 175 feet within an approximate 4,161 square foot compound area to **replace** an existing 183 foot tower.

**Case Summary / Background/Site Context**

**The application was submitted on March 14, 2017. 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, (May 13, 2017).**

The site is located in a C-2, Commercial Zoning District and within a Traditional Neighborhood Form District. The location for the new monopole is within the existing compound area which is located in the southeast corner of the parcel. The existing monopole was approved in 1999. The proposed structure will be able to have four carriers.

The applicant states that the existing self-support cellular tower has been loaded and modified to its fullest extent. They also state that the replacement will enable the current carriers to update their existing equipment to fulfill their customers' needs as well as open space for future collocations.

The facility will provide room for a total of four (4) carriers, the existing tower has two (2).

Signage will be limited to applicable law requirements.

The tower will have a galvanized steel finish or painted light gray or light blue.

No lighting will be installed on the tower, unless required by applicable law.

The existing privacy fence around the compound area will remain and be repaired.

Existing landscaping will remain

## Land Use / Zoning District / Form District Table

|                  | Land Use  | Zoning    | Form District            |
|------------------|---|-----------|--------------------------|
| Subject Property |   |           |                          |
| Existing         | Offices, Parking, Cell Tower                                    | C-2       | Traditional Neighborhood |
| Proposed         | Same  | C-2       | TN                       |
|                  |   |           |                          |
| Surrounding      |   |           |                          |
| North            | Office-Warehouse/Apts.  | C-1, OR-3 | TN                       |
| South            | Single Family Dwellings   | R-7       | TN                       |
| East             | Vegetated Area, Cemetery Monument Company, Condominiums         | C-2, R-7  | TN                       |
| West             | South Fork Beargrass Creek, Hair Salon, Single Family Dwellings | C-1, R-6  | TN                       |

**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.

The new monopole will be a replacement, is slightly shorter than the existing and will be able to have four, (4) carriers, instead of two, (2).

#### **3.9 Visual Impacts**

Protect the character of residential areas, roadway corridors, and public spaces from visual intrusions and mitigate when appropriate. The tower will still be visible from areas within the neighborhood, although the compound area will continue to be screened.

#### **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. The applicant has noted that the existing fence will be repaired and that the existing landscaping will remain the same.

#### **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 existing self-support cellular tower has been loaded and modified to its fullest extent. The replacement will enable the current carriers to update their existing equipment to fulfill their customers' needs as well as open space for future collocations.

### **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.

The proposal is a replacement for an existing tower that was initially approved in 1999.

Technical Review-- None

### **Staff Conclusion**

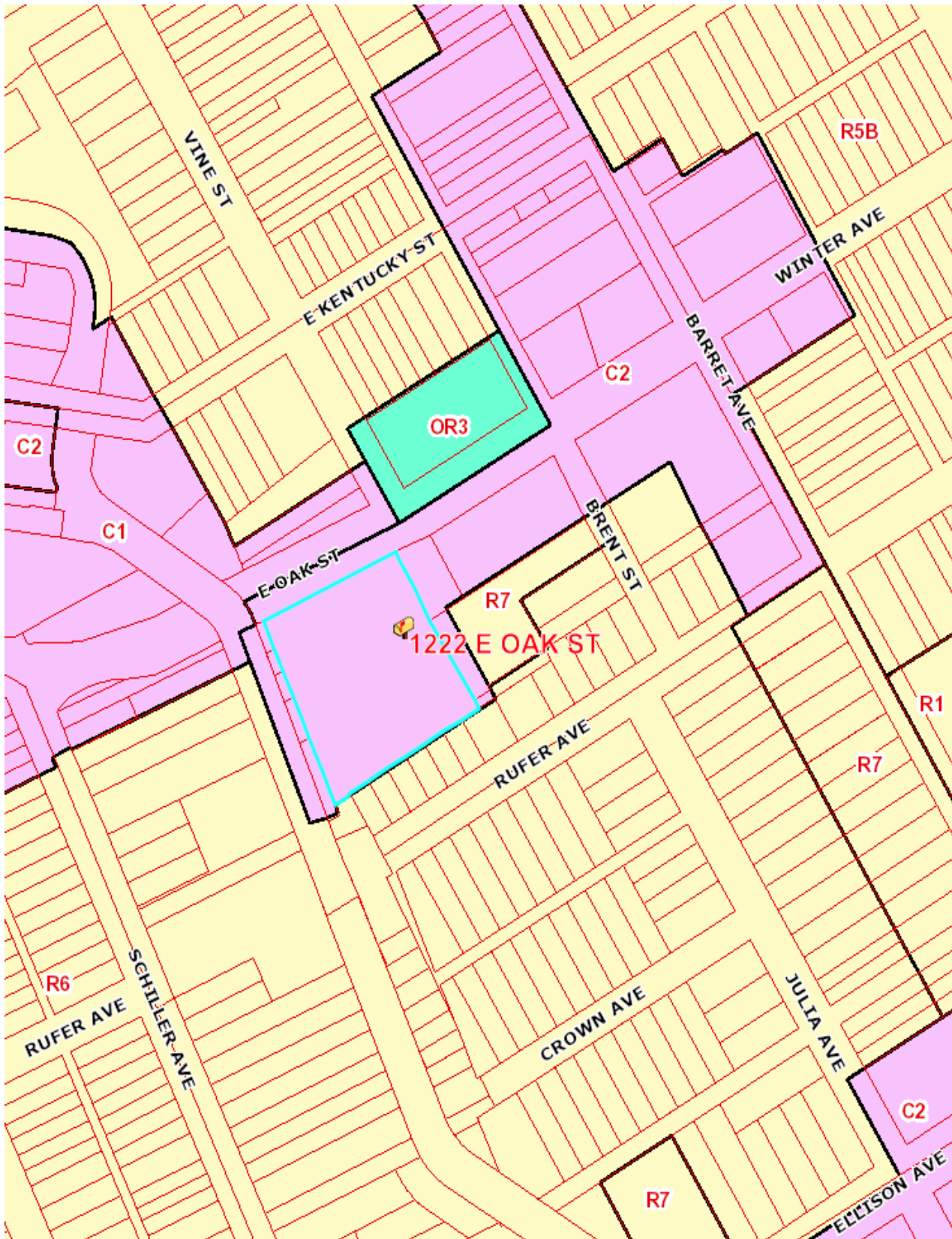
The applicant is requesting to **replace** a wireless communications facility to better serve the public and to provide co-location opportunities for a total of four, (four) carriers.  
The proposed location remains the same and will be within a C-2, Commercial Zoning District.  
The monopole will have an overall height of 175 feet and be shorter than the existing tower.  
The existing tower has been at this location for several years, (approved in 1999).

**If not approved today, LD&T needs to enter into a written agreement with the applicant concerning a specific date for the committee to issue a decision. If there is no written agreement between LD& T and the applicant to a specific date for the committee to issue a decision, the uniform application shall be deemed approved.**

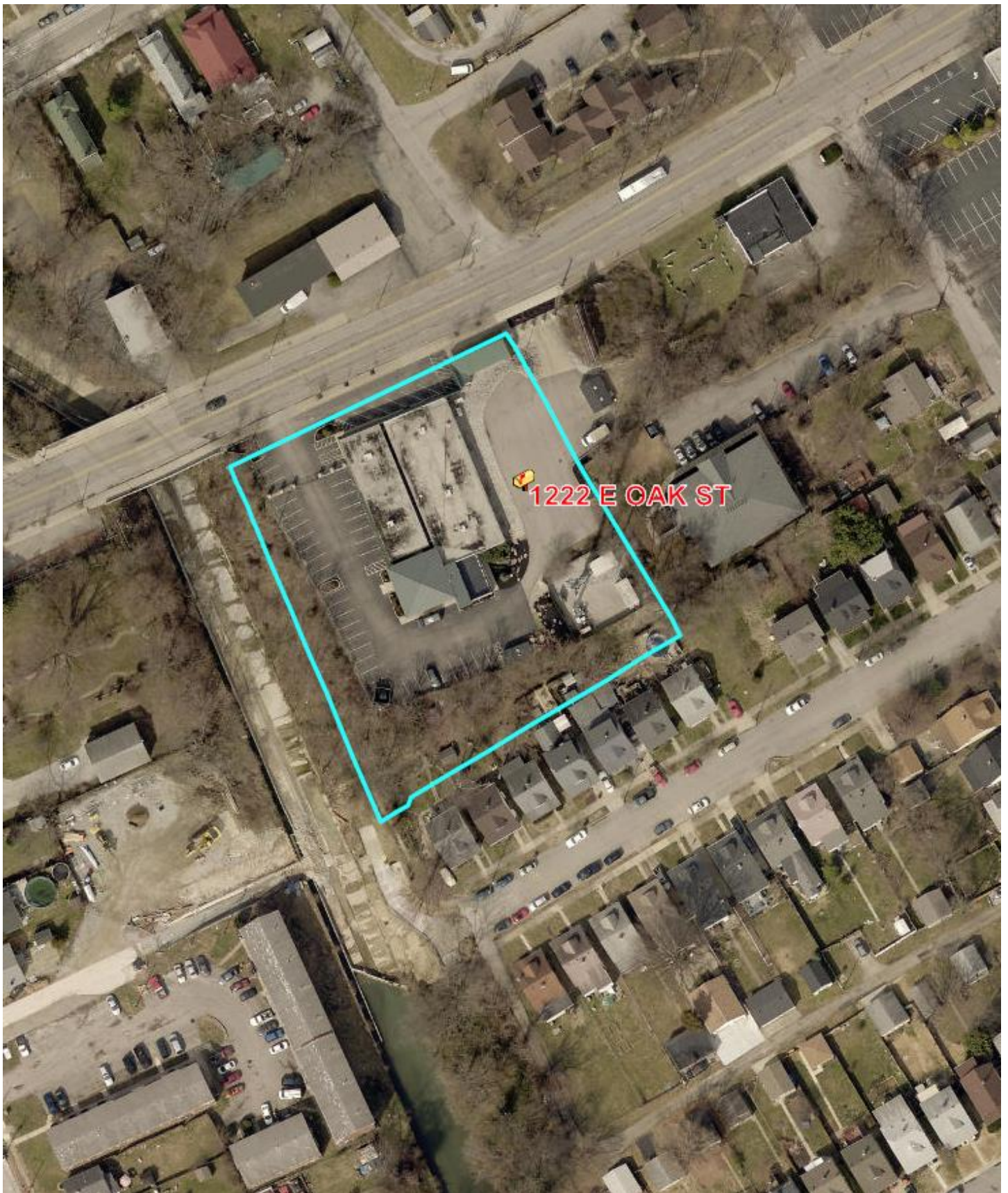
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the must determine if the proposal meets the standards for granting a cell tower as established in the Land Development Code

### **Notification**

| <b>Date</b> | <b>Purpose of Notice</b> | <b>Recipients</b>   |
|-------------|--------------------------|---|
| 4.25.2017   | Public Hearing Notices—  | Property owners within 500 feet.<br>Subscribers of Council District 8 Notification of Development Proposals |







E. OAK STREET

concrete sidewalk

N 64° 21' 47" E 231.45'

concrete sidewalk

asphalt

security gate

N 23° 33' 13" W 294.45'

BEAR GRASS CREEK

Modern Marketing Concepts, Inc.  
Deed Book 10207 Page 531

asphalt

S 31° 41' 33" E 175.51'

Brent Str  
Investment  
Deed Book 7543

BM

POB

N 60° 47' 39" E 73.00'

exist tower

proposed tower

crushed stone

conc pad

S 60° 47' 39" W 73.00'

57.00'

265.35'

New Cingular Wireless PCS, LLC  
Deed Book 9572 Page 376

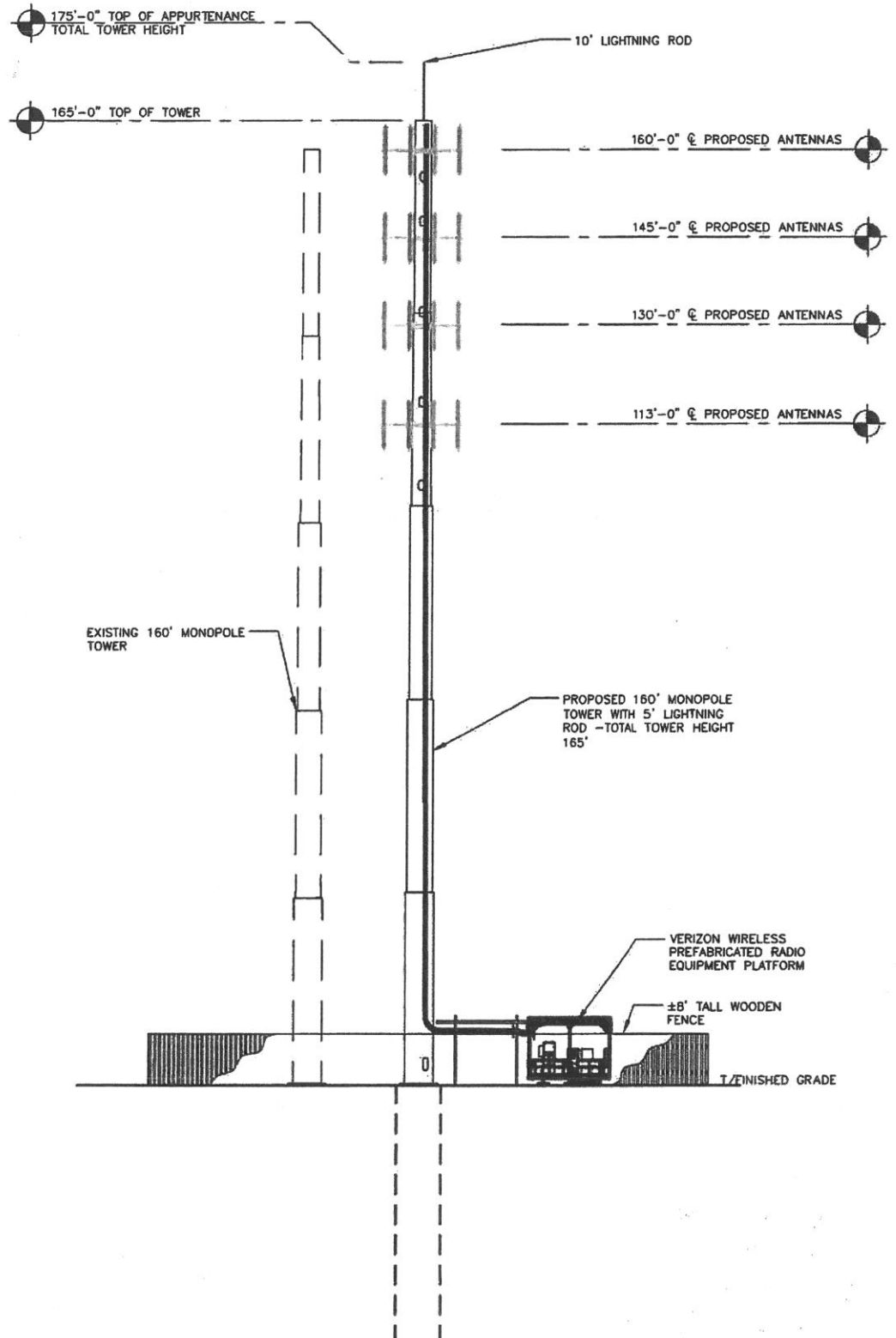
grass

Approximate Location  
Access & Utility Easement  
Deed Book 9572 Page 376

Zone X

Zone AE

S 57° 56' 47" W 271.85'



# TOWER ELEVATION

SCALE: NTS

1  
TE-1