

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



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

Staff Conclusion

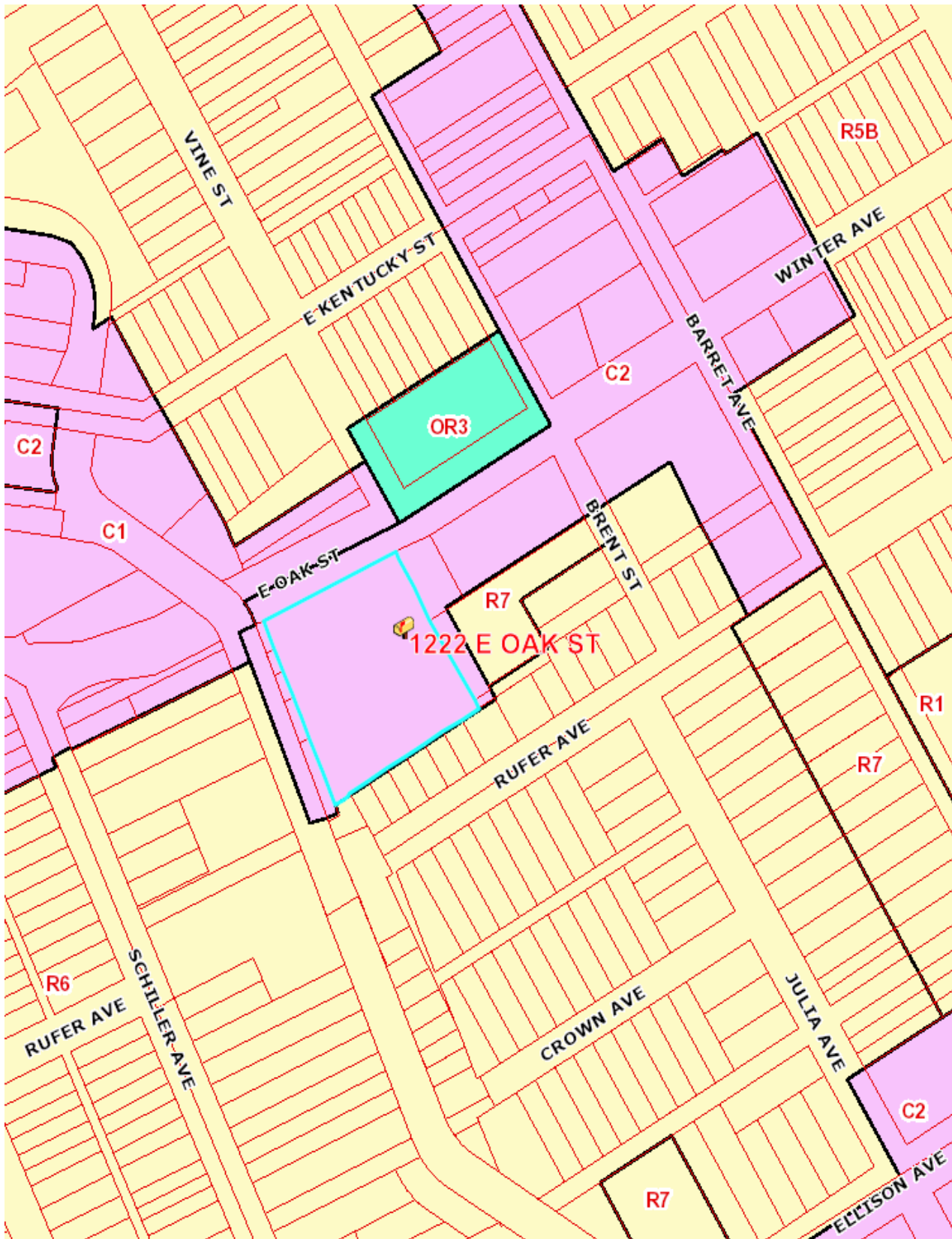
The applicant is requesting to **replace** a wireless communications facility to better serve the public and to provide co-location opportunities for a total of four, (four) carriers. The proposed location remains the same and will be within a C-2, Commercial Zoning District. The monopole will have an 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).

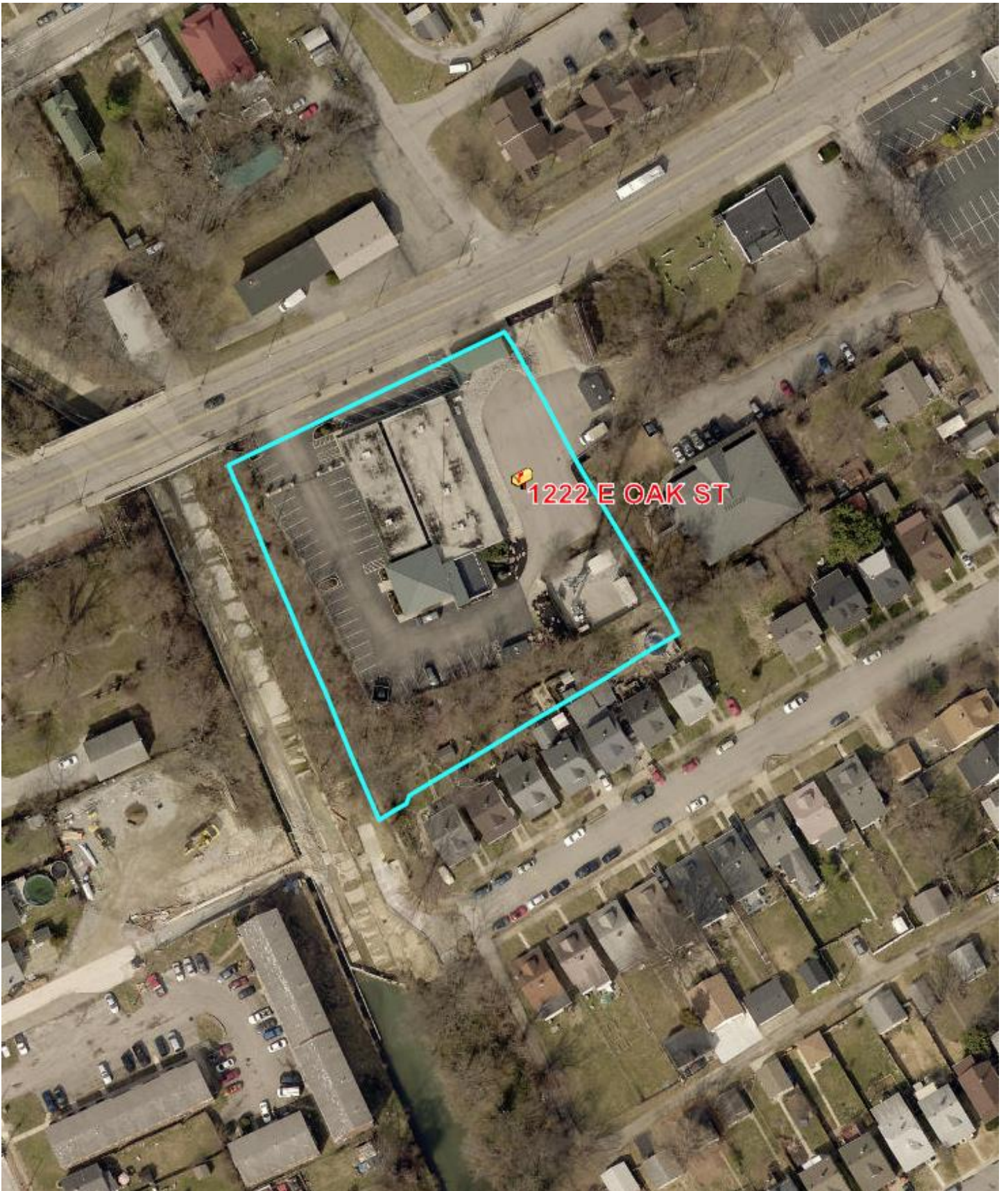
If not approved today, LD&T needs to enter into a written agreement with the applicant concerning a specific date for the committee to issue a decision. If there is no written agreement between LD& T and the applicant to a specific date for the committee to issue a decision, the uniform application shall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

Date	Purpose of Notice	Recipients
4.25.2017	Public Hearing Notices—	Property owners within 500 feet. Subscribers of Council District 8 Notification of Development Proposals





E OAK STREET

concrete sidewalk
N 64° 21' 47" E 231.45'

RP

S 31° 41' 38" E
175.51'

Brent Str
Investment
Deed Book 7543

Modern Marketing
Concepts, Inc.
Deed Book 10207 Page 531

asphalt

security gate

N 23° 33' 13" W 294.45'

BEAR GRASS CREEK

BM

POB

N 60° 47' 39" E 73.00'
N 57° 41' 39" W 52.00'
S 60° 47' 39" W 73.00'
265.35'
57.00'
bldg
exist tower
proposed tower
crushed stone
conc pad
deck
bldg

New Cingular Wireless PCS, LLC
Deed Book 9572 Page 376

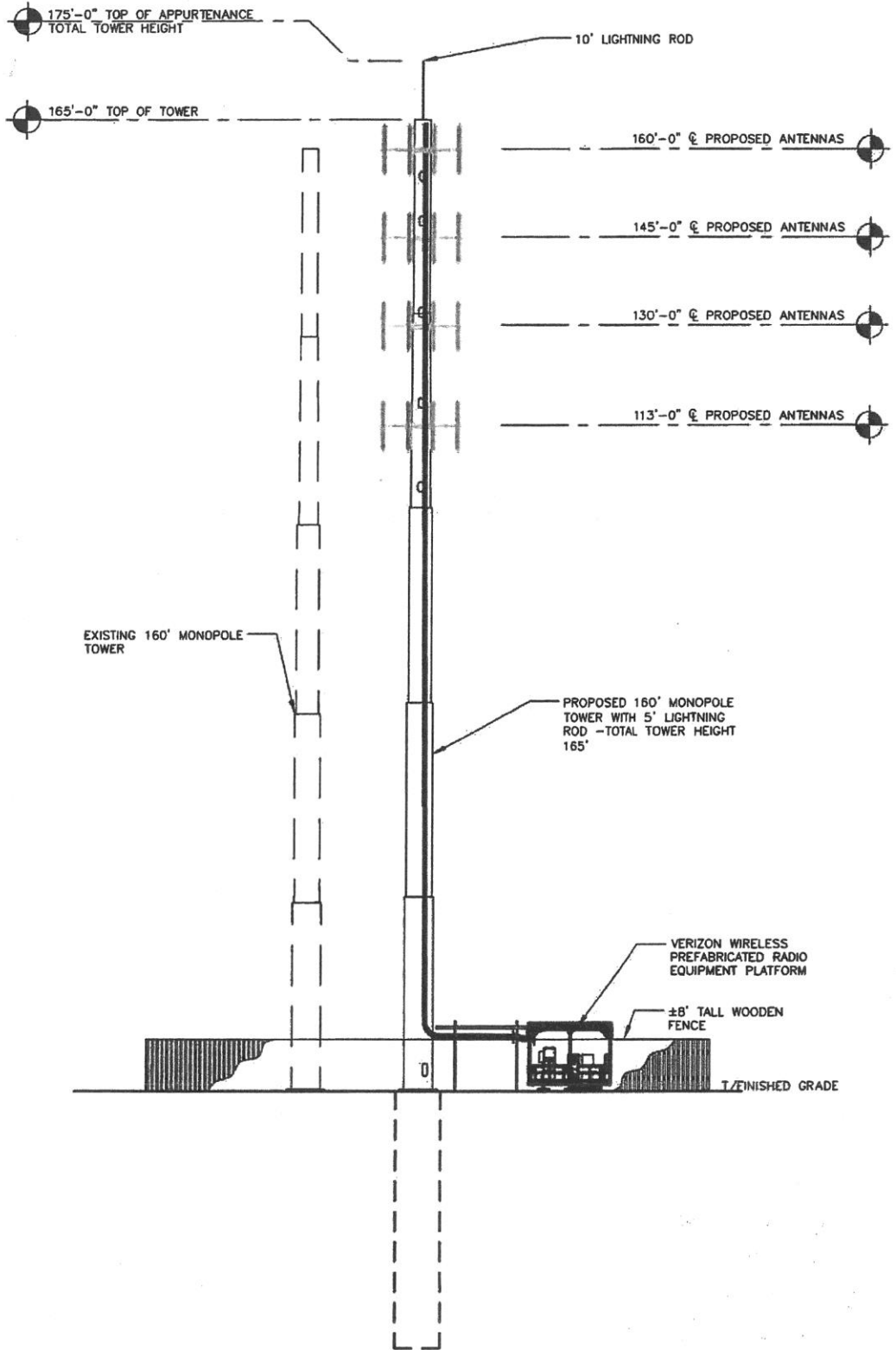
Approximate Location
Access & Utility Easement
Deed Book 9572 Page 376

grass

Zone X

Zone AE

S 57° 56' 47" W 271.85'



TOWER ELEVATION

SCALE: NTS

1
TE-1