

**Development Review Committee
Staff Report
August 17, 2016**



Case No:	16Cell1003
Request:	Cell Tower
Project Name:	7 th & Magnolia
Location:	901 West Magnolia Avenue
Owner:	1000 Ormsby LLC
Applicant:	Capital Telecom and Verizon Wireless
Representative:	Pike Legal Group PLLC, David Pike
Size:	130 feet total height 2,278 square foot compound area
Existing Zoning District:	EZ-1
Existing Form District:	Traditional Workplace
Jurisdiction:	Louisville Metro
Council District:	6—David James
Case Manager:	Steve Hendrix, Planning Supervisor

Request

This is an application for a proposed 125 foot monopole tower with a 5 foot lightning arrestor for a total structure height of 130 feet within a 2,278 square foot compound area. An eight, (8) foot high wooden privacy will screen the compound base.

Case Summary / Background/Site Context

The application was submitted on June 21, 2016. 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, (August 20, 2016).

The proposed site is located in a EZ-1 Zone District within a Traditional Workplace Form District.

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.

The facility will provide room for a total of four (4) carriers.

Signage will be limited to applicable law requirements.

The tower will have a galvanized steel finish.

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

Screening will consist of an 8 foot high wooden privacy fence.

Landscaping is not required.

Staff has received one inquiry.

Land Use / Zoning District / Form District Table

	Land Use	Zoning	Form District
Subject Property			
Existing	Industrial yard	EZ-1	Traditional Workplace
Proposed	Same with Cell Tower	EZ-1	TW
Surrounding			
North	Industrial/Warehouses	EZ-1	TW
South	Office/Warehouse	EZ-1	TW
East	Railroad, Warehouses	EZ-1, M-1	TW
West	Industrial/Warehouses	EZ-1	TW

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 facility will be surrounded by industrial/warehousing type buildings within an EZ-1, Enterprise Zone District, Traditional Workplace.

3.9 Visual Impacts

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

The compound area will be screened with an 8 foot high wooden privacy fence and be more than 200 feet from Magnolia Avenue. However, the monopole will still be visible from various points in the general vicinity.

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 northern portion of the Magnolia Avenue/ Seventh Street intersection is within a viaduct for the railroad, so the facility will be not be visible from that point. Other buffers include the existing buildings and vegetation. But as mentioned above, the monopole will be visible from various points.

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 proposed location is not one listed, the tower is within an EZ-1, Enterprise Zone District and a Traditional Workplace. An industrial/warehousing facility is located to the north, an office/warehouse to the south, a railroad and warehouse to the east and an industrial building to the west. Existing buildings, topography and existing vegetation will help subdue the impact of the tower's height.

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 proposed location is within a EZ-1 Enterprise Zone District and a Traditional Workplace. The existing buildings, topography and existing vegetation will buffer the proposal. The applicant has met the applicable requirements of the Comprehensive Plan and the Land Development Code.

The monopole will have an overall height of 130 feet.

The applicant has submitted the required information concerning the reasoning and need for this particular location.

If not approved today, the Planning Commission /DRC needs to enter into a written agreement with the applicant concerning a specific date for the Commission /DRC to issue a decision. If there is no written agreement between the Planning Commission/DRC and the applicant to a specific date for the Planning/DRC Commission to issue a decision, the uniform application shall be deemed approved.

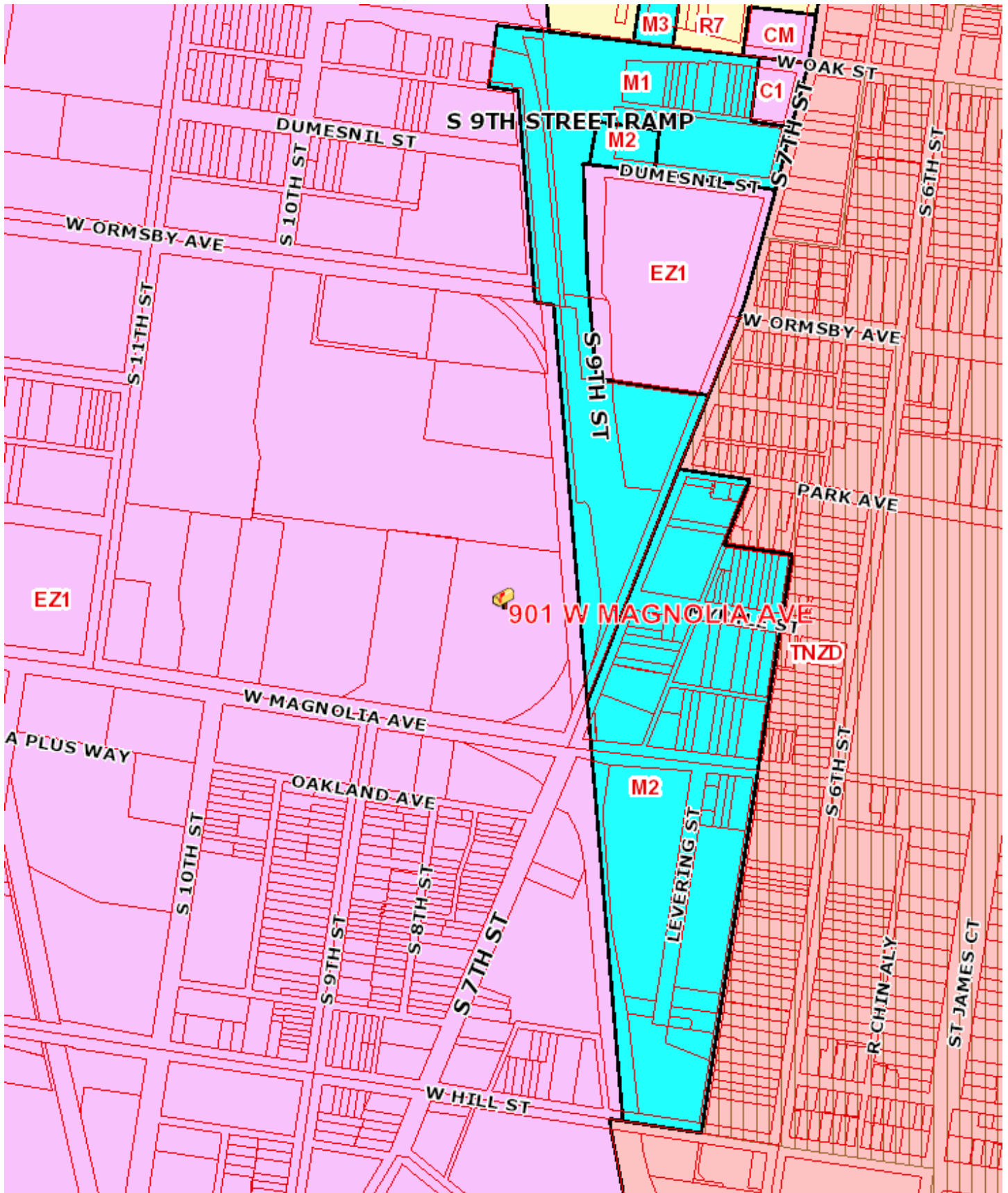
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the must determine if the proposal meets the standards for granting a cell tower along with the waivers as established in the Land Development Code

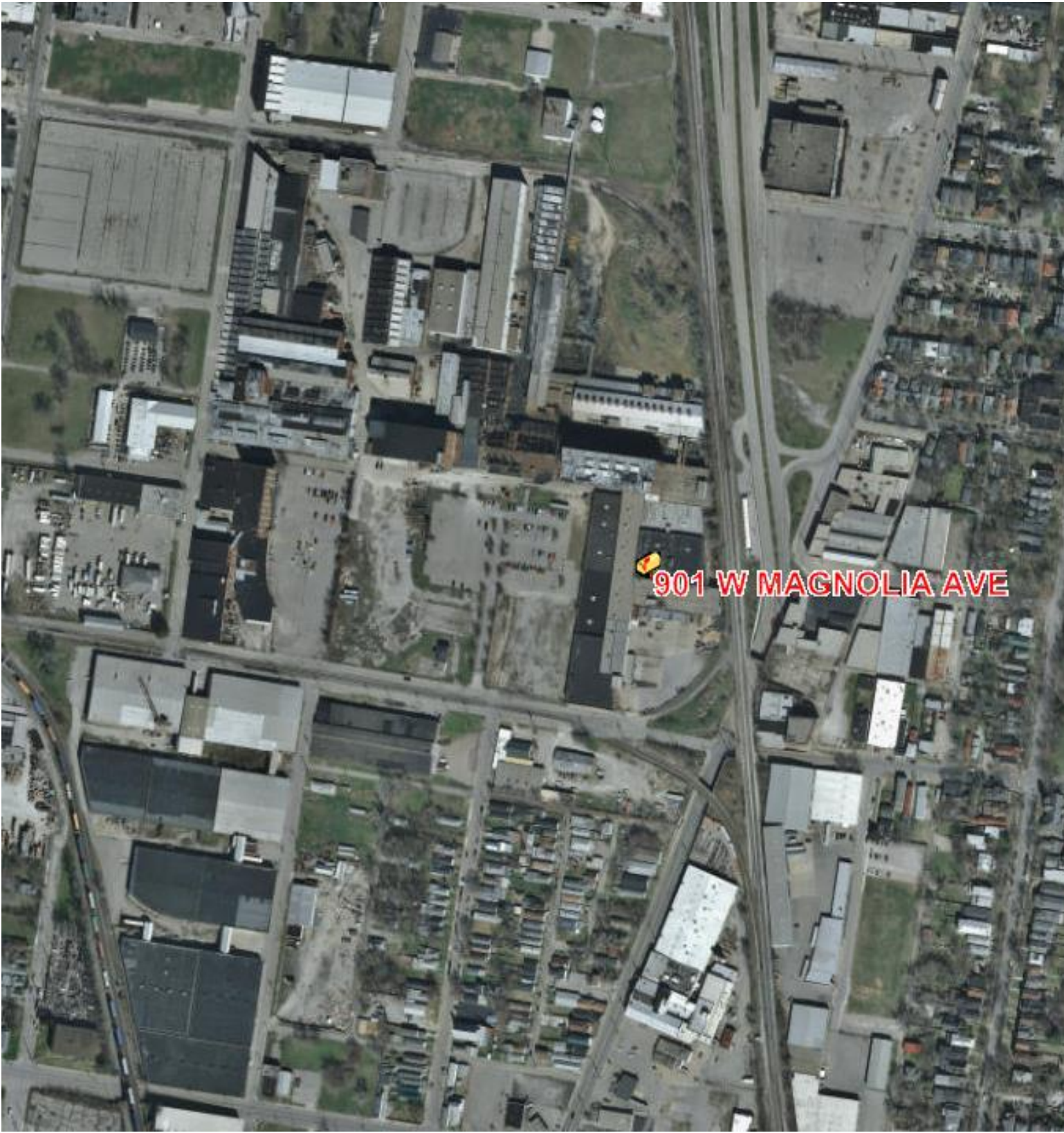
Notification

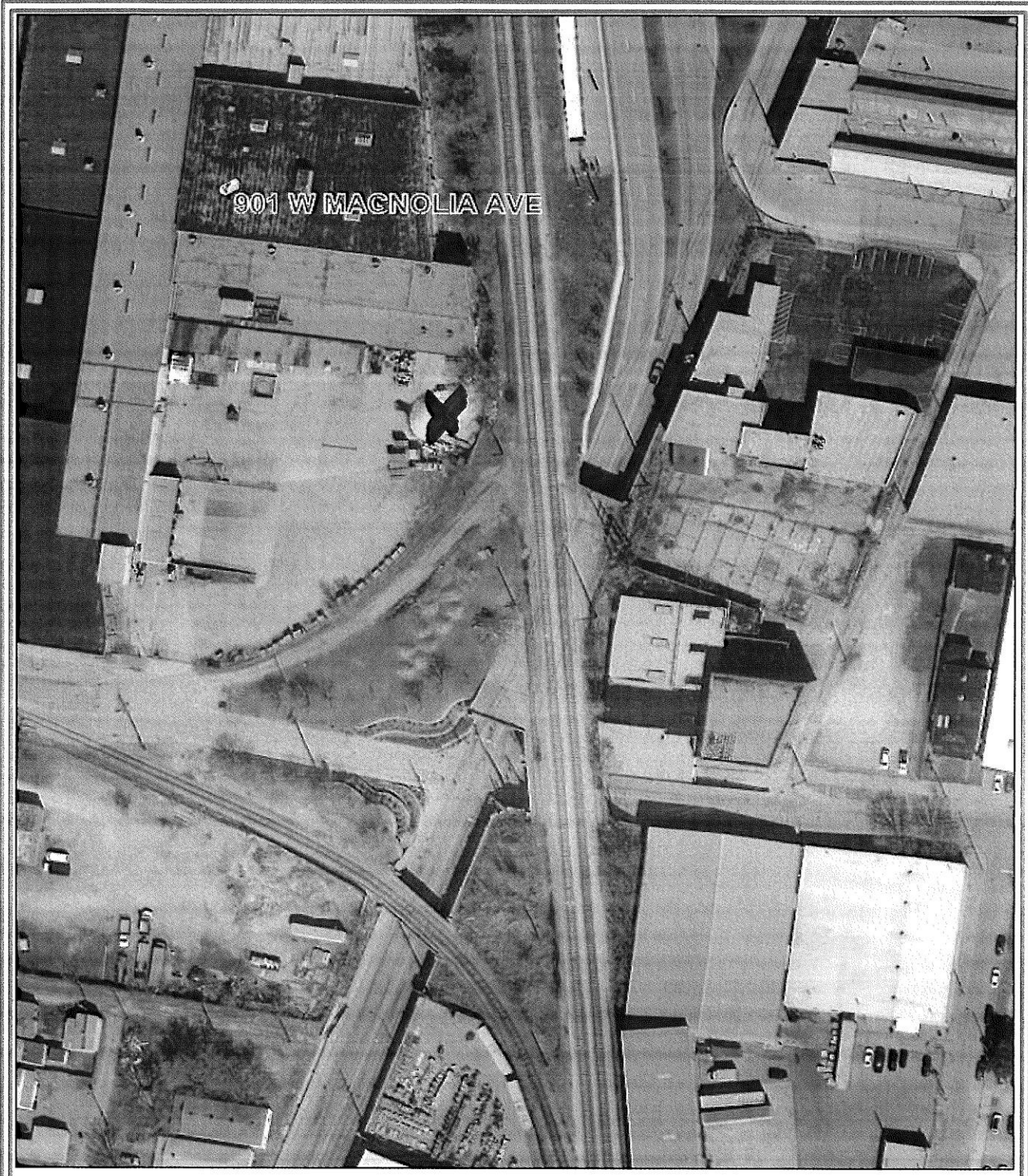
Date	Description	Recipients
August 4, 2016	Neighborhood Notification Ready	Registered Parties
August 4, 2016	APO Notices Ready	Adjacent Property Owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photographs







901 W MAGNOLIA AVE



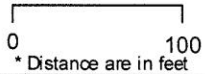
LOJIC Quickmap

16Cell 1003

Plot Date 8/11/2016



Copyright (c) 2016 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.



* Distance are in feet