

**Development Review Committee
Staff Report
May 6, 2015**



Case No:	15cell1000
Request:	Cell Tower
Project Name:	Brownsboro Road
Location:	6060 Brownsboro Park Blvd.
Owner:	Brownsboro Office Park Inc.
Applicant:	Crown Castle GT Company, LLC (T-Mobile)
Representative:	Christopher King, Narch Naville Ward LLC
Size:	2,480 square foot compound area
Existing Zoning District:	OR-3, OTF
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard
Case Manager:	Steve Hendrix, Planning Supervisor

Request

This is an application for a proposed 136 foot monopole tower with a 3 foot lightning arrestor for a total structure height of 139 feet **to replace** the existing 136 foot structure (122 foot tower and 14 foot lightning arrestor).

Case Summary / Background/Site Context

The application was submitted on March 9, 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.

The proposed site adds approximately 800 square feet to the compound area and will have a new monopole placed in the southeastern corner. A proposed 11 foot tall masonry wall will be extended along the southern and western sides to match the existing brick wall.

The applicant has stated that no lighting will be installed on the tower.

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	Cell Tower Compound	OR-3	Neighborhood
Proposed	Expanded Compound with new Tower	OR-3	N
Surrounding			
North	Office Condominium	OR-3	N
South	Office Condominium	OR-3	N
East	Wooded Area/ I-264, ramp		
West	Office Condominium	OR-3	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.

The proposed 139 foot high cell tower replaces the existing 136 foot structure.

3.9 Visual Impacts

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

The existing brick wall will be extended around the new area for the cell tower to match the existing masonry wall, so the view of the base will be buffered. The visual impact of the additional 3 feet will remain the same.

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. There will be no signage on the site other than emergency information. As mentioned earlier, this is a replacement and the existing brick wall will be extended to screen the new portion.

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.

This is a replacement tower that will have the existing brick wall extended along the southern and western sides to screen the compound area addition. The Watterson Expressway right of way is approximately 9 feet at its closest point from the compound area and has existing vegetation and trees to screen the base from the eastern view.

Staff Conclusion

The applicant is requesting to **replace** a wireless communications facility to better serve the public and to provide co-location opportunities for other carriers. The proposed location is within an OR-3 zoning district. The existing masonry wall will be extended along the southern and western sides to block the base of the compound expansion.

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

The monopole will not be lighted.

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

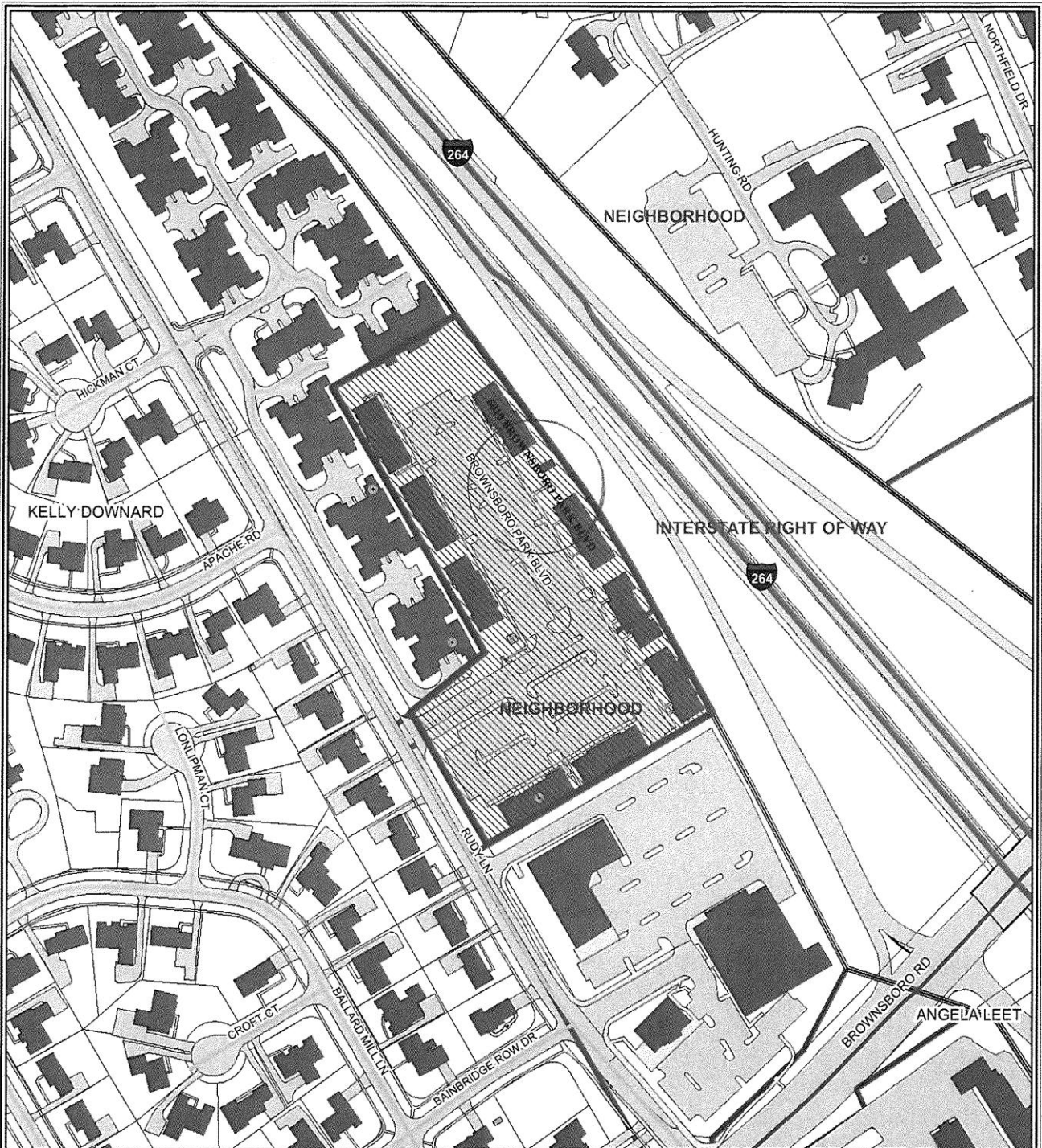
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the must determine if the proposal meets the standards for granting a cell tower established in the Land Development Code, the Comprehensive Plan and the Uniform Application.

Notification

Date	Description	Recipients
4. 24.15	Neighborhood Notification	Registered Parties
4.21.15	APO Notices Sent	Adjacent Property Owners

ATTACHMENTS

1. Proposed Location/Zoning Map
2. Aerial Photograph Map
3. Applicant's Justification
4. Site Plan
5. Pictures



R-R RURAL RES.	R-5 RES. S.FAM.	R-8A RES. M-FAM.	C-R COMM./RES.	M-1 IND.	DRO DEV. REVIEW OV.
R-E RES. EST.	RRD RES. REDEV.	OR-1 OFF./RES.	C-1 COMM.	M-2 IND.	W-1 WATERFRONT
R-1 RES. S.FAM.	R-5A RES. M-FAM.	OR-2 OFF./RES.	C-2 COMM.	M-3 IND.	W-2 WATERFRONT
R-2 RES. S.FAM.	R-5B TWO-FAM.	OR-3 OFF./RES.	C-3 CBD	CRO CRO. REVIEW OV	W-3 WATERFRONT
R-3 RES. S.FAM.	R-6 RES. M-FAM.	OTF OFF./TOUR	C-M COMM. MAN.	PRO PLAN. RESEARCH	WRO WATER. REVIEW OV.
R-4 RES. S.FAM.	R-7 RES. M-FAM.	C-N NEIGH. COMM.	EZ-1 ENTERPRISE	PEC PLAN. EMP. CEN.	



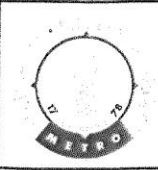
Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

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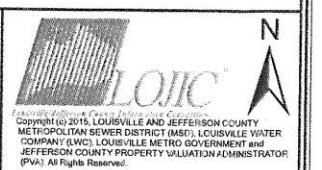


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Zoning District Map
 Louisville/Jefferson Metro Government
 Planning and Design
 Services

15CELL1000
 Scale: 1:784 Date: 04/23/2015





LORCH NAVILLE WARD LLC

April 3, 2015

RECEIVED
APR 03 2015
PLANNING &
DESIGN SERVICES

VIA HAND DELIVERY

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

Chester V. Lorch
(1900-1972)
Frank E. Lorch, Jr.
(1905-1961)
Basil H. Lorch, Jr.
(1925-1997)
Herbert F. Naville
(1919-2010)

RE: Supplement to Application for Replacement of Existing
Cellular Antenna Tower
Crown Site Name: Brownsboro Road

Dear Sir:

Please accept this correspondence as a supplement to the original transmittal and justification letter submitted with Applicant's Uniform Application on March 9, 2015.

Crown Castle GT Company, LLC ("Applicant") proposes to replace the existing tower and expand the ground equipment enclosure of an existing wireless communication facility to allow for the collocation of additional wireless communications antenna at a facility located at 6060 Brownsboro Park Blvd., Louisville, KY 40207. The existing facility is located entirely within a permanent easement owned by Applicant and consists of a 122' tall monopole tower (plus 14' lightning arrestor for a total structure height of 136') with four different telecommunication providers antennas located at various heights on the existing tower.

Applicant proposes to replace the existing tower with a 136' monopole (with 3' lightning arrestor for a total structure height of 139') to allow collocation of T-Mobile antennae at a height of 134'. The proposed tower will be well below the maximum height authorized by the Federal Aviation Administration for this location and will therefore be unlit. In order to accommodate the required T-Mobile ground equipment, it will be necessary for Applicant to expand the fenced compound approximately 20' to the southeast within the existing ground lease, increasing the enclosed area of the compound approximately 800 sq. ft. Applicant will extend the existing masonry wall along the west and south sides of the expansion area to screen the base of the tower.

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 Hegedorn

Of Counsel

William C. Moyer*
Michael G. Naville

*Also admitted in KY

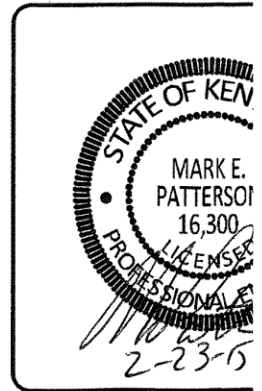
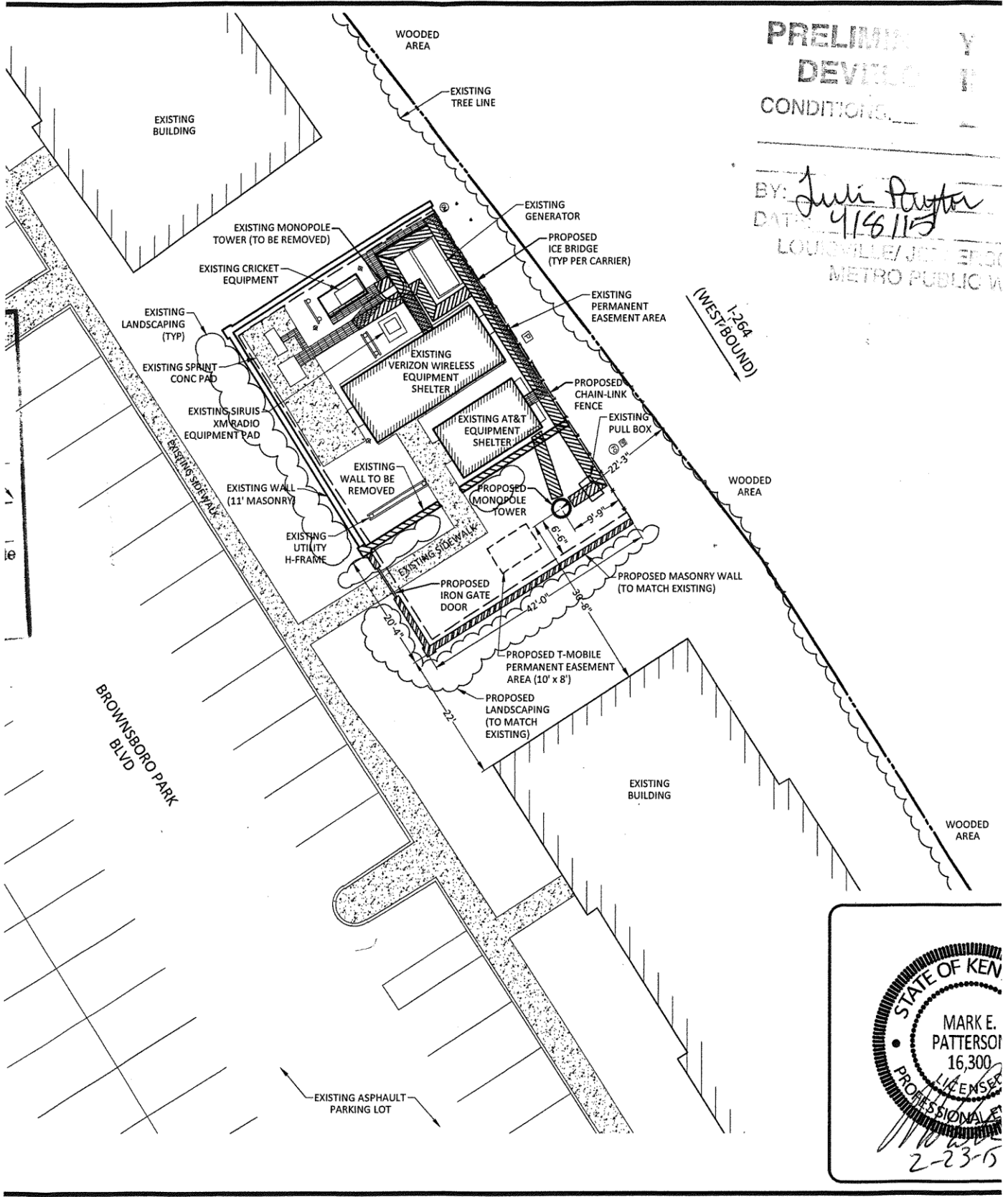
506 State Street P.O. Box 1343 | New Albany, IN 47151-1343 | Phone: (812) 949-1000 Fax: (812) 949 - 3773 | www.lnwlegal.com

Reasons for the Application: Wireless communications technology has rapidly advanced and the public's adoption of the new technologies has increased along with it. Modern wireless data services (4G, LTE, etc.) require antennae and ground equipment different than that of voice or prior-generation data services. Currently, T-Mobile has no antenna at this location. Placing antennae at this location will allow T-mobile to meet increased coverage and capacity needs in the commercial and residential areas near the intersection of US 42 and I-264, as well as provide coverage along I-71 through the intersection with I-264.

Unfortunately, the design and construction of the existing tower and ground compound will not allow collocation of additional antennae. Applicant proposes replacement of the existing tower with a design that will allow T-Mobile's antennae at the height required based on radio frequency analysis and expansion of the ground compound to allow installation of T-Mobile's ground equipment; thereby providing the needed coverage and capacity without construction of an additional site and tower.

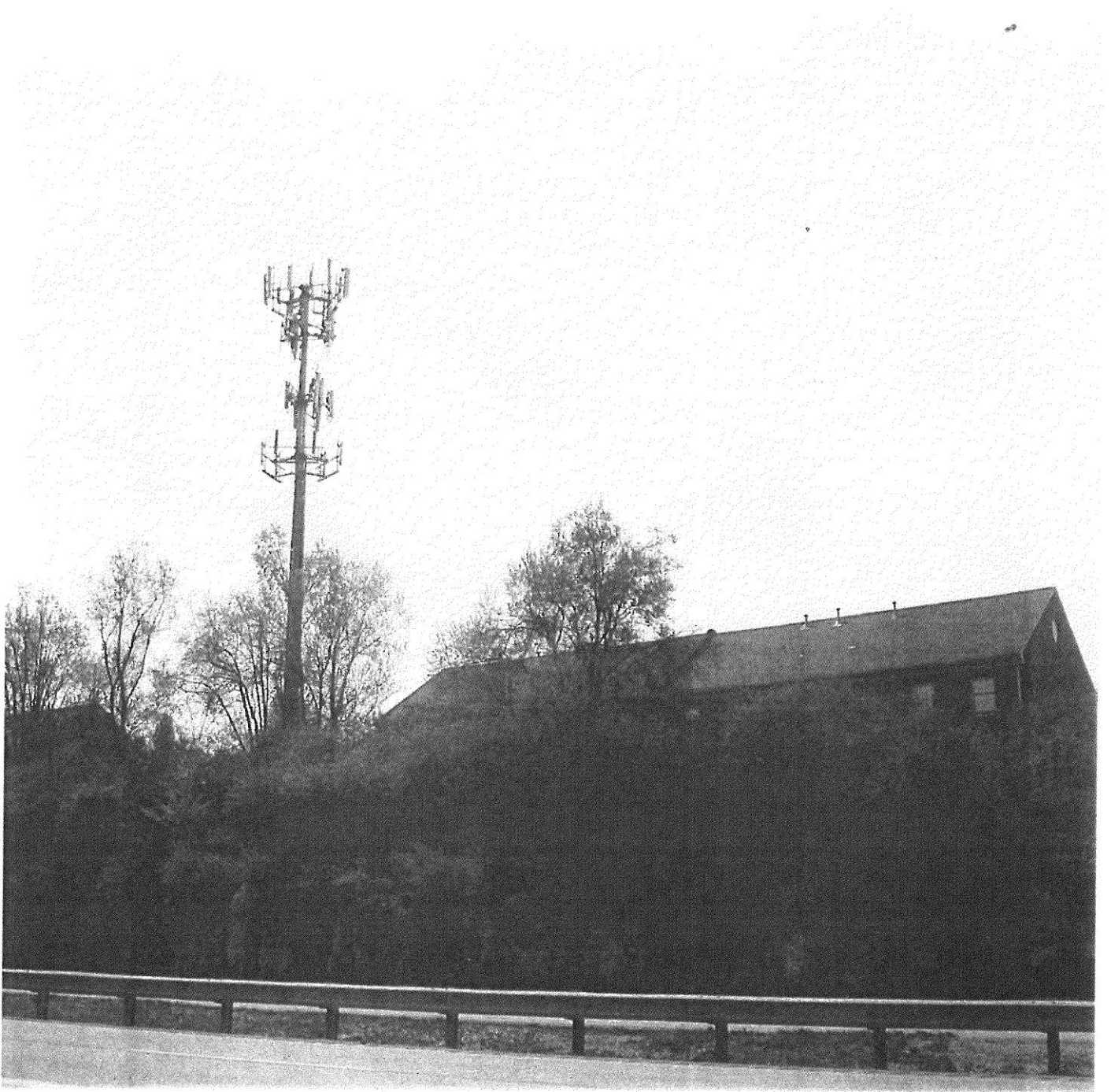
PRELIMINARY
DEVELOPMENT
CONDITIONS

BY: *Julie Payton*
DATE: *4/16/15*
LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS





BASE



FROM THE WATTERSON



FROM BROWNSBORO ROAD