

**Louisville Metro Planning Commission
Staff Report
September 17, 2015**



Case No:	14Cell1003
Request:	Cell Tower
Project Name:	Wildwood Golf Club
Location:	7200 Woodhaven Road (PVA address) Across from 7202-7206 Quail Ridge Road Adjacent to 7215 Quail Ridge Road
Owner:	Ray's Development Corporation c/o Chance Maguire
Applicant:	Cellco Partnership, d/b/a Verizon Wireless
Representative:	David Pike, Pike Legal Group, PLLC
Existing Size:	106 acres, total site 26,994 square foot lease area 5,625 square foot compound area
Existing Zoning Districts:	R-5A & R-4
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council Districts:	2 -- Barbara Shanklin 24 -- Madonna Flood
Case Manager:	Steve Hendrix, Planning Supervisor

September 17, 2015, presentation of the second cell tower location.
The applicant is requesting that one of the sites be approved.

On January 15, 2015, the Planning Commission voted to continue the item to a date uncertain. The applicant requested that this item be further continued indefinitely pending completion of additional studies and possible revisions to the application if a new location on the site is found.

On December 4, 2014, the Planning Commission voted to continue the item until January 15, 2015, so the applicants could have studies completed.

On November 19, 2014, the Development Review Committee, consisting of Chip White, Robert Kirchdorfer and Jeff Brown determined that this item should be heard by the Planning Commission. Concerns included the determination of this exact site and buffering.

Request

The second location is a proposal for a 165 foot monopole with a 5 foot lightning arrestor for a total structure height of 170 feet. The original proposal was a 135 foot monopole tower with a 5 foot lightning arrestor for a total structure height of 140 feet. The new location is approximately 100 feet due north of the first site.

Case Summary / Background/Site Context

The second location application was submitted on August 10, 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 applicant has agreed to extend the timeframe.

The proposed cell tower site is on the Woodhaven Country Club property, but is referenced as Wildwood Golf Club by the applicants. Wildwood Country Club is a separate entity and located to the east with access off of Bardstown Road. On the subject site, Fern Creek divides the 106 acre property which contains the golf course to the north and a wooded section to the south where both cell towers sites have been proposed.

The second tower location is again situated near single family residential homes along Quail Ridge Road and Woodhaven Ridge Court. The cell tower will be approximately 600 feet from the creek and golf course, but only 165 feet from the closest residence located at 7215 Quail Ridge Road (Mowery residence), it was 107 feet with the first location.

The tower will vary in distance from the nearest houses located along Woodhaven Ridge Court from approximately 310 feet to 320 feet.

The new leased easement agreement area is 26,994 square feet; the original was 26,368 square feet. The compound area will be approximately 75x75 feet (5,625 square feet), same as the original.

Access will remain to be from Quail Ridge Road.

The monopole will have space for three (3) additional carriers.

The applicant has stated that no lighting will be installed on the tower unless required subsequently by applicable law.

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	Vacant Wooded Area	R-4	Neighborhood
Proposed	Cell Tower Facility	R-4	N
Surrounding			
North	Wooded Area, Woodhaven Country Club	R-4	N
South	Single Family Residences	R-4	N
East	Single Family Residences	R-4	N
West	Wooded Area	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. (Additional material submitted).

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 tower will be located in an area that is predominantly wooded, but adjacent to single family residences to the east and south within an R-4 Zoning District and a Neighborhood Form District.

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 have an overall height of 170 feet and will be visible from the nearby residences. Access is from Quail Ridge Road and directly across from the 7202 Quail Ridge Road residence. The site plan shows some of the existing wooded/vegetated area being preserved in the 26,994 square foot easement area.

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. The site plan shows the preservation of some of the existing wooded/vegetated area, construction of an 8 foot high wooden privacy fence, the planting of 35 white pines and planting arrowhead viburnum at the front to shield the parking/turnaround area, but the tower will still be visible from the residences.

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 site plan shows 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.

However, the proposed second location is still close to a residential area.

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 impact of the facility on the character of the general area has been taken, such as the structure being a monopole, not lighted, the landscaping (using some of the existing vegetated/wooded area, the planting of 35 pines and the privacy fence), however the proposed location is adjacent to single family residences to the south and east contrary to the recommended site order.

The monopole's location has the least amount of impact to the property owner and puts the visual burden on the residents of the Stone Bluff subdivision.

Technical Review-- None

Staff Conclusion

The applicant is requesting to construct a wireless communications facility to better serve the public with wireless telecommunications services and to provide co-location opportunities for other carriers. The proposed location is within an R-4 zoning district with the predominant land uses being vegetated/wooded areas and single family residential. The nearest residential structure is only approximately 165 feet from the tower. The applicant has met the applicable requirements of the Comprehensive Plan and the Land Development Code with regards to the compound base, but the cell tower will be visible from the surrounding area. The monopole will not be lighted and signage will be minimal. The buffering will include a combination of existing vegetation, plantings and an 8 foot tall wooden privacy fence.

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

As stated before, the total site contains 106 acres, the applicant needs to show why other locations that would be less intrusive to the neighborhood were not chosen.

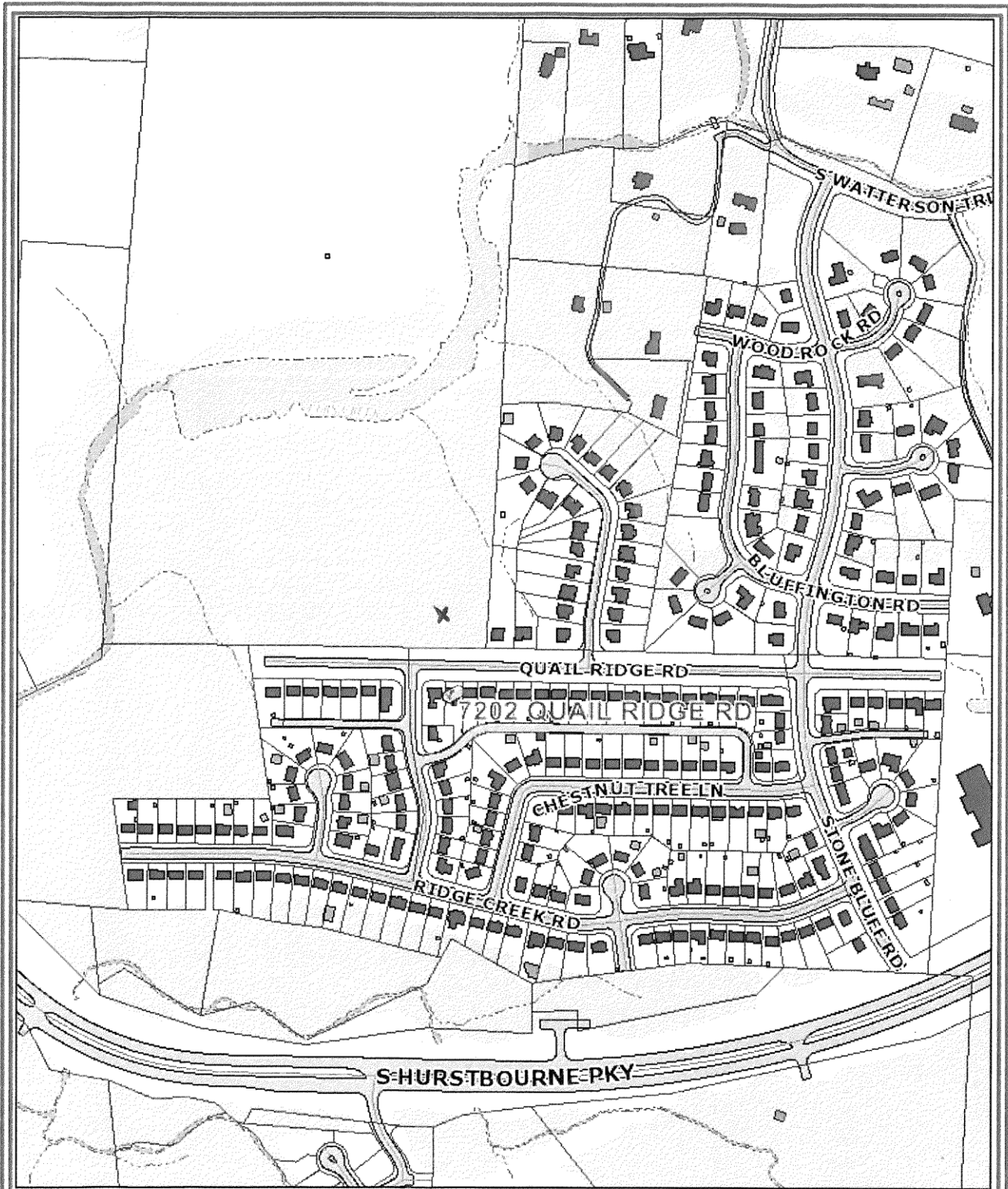
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if either the first location or the second proposal meets the standards for granting a cell tower established in the Comprehensive Plan and the Land Development Code.

Notification

Date	Description	Recipients
9.10.15	Neighborhood Notification	Registered Parties
9.02.15	APO Notices Ready	Adjoining Property Owners

ATTACHMENTS

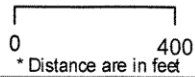
1. Site Location Map
2. Aerial Photographs
3. Site Plan Showing Both Locations
4. Applicant's Justification
5. 2nd Location Site Plan
6. T-Mobile Letter
7. Coverage Area for 2nd Location
8. Original Site Plan
9. Coverage Area for Original Location
10. Planning Commission Minutes from January 15, 2015
11. Planning Commission Minutes from December 4, 2014
12. Development Review Committee Minutes from November 19, 2014
13. Opposition handouts submitted at DRC meeting
14. Picture



LOJIC QuickMap

14Cell1003

Plot Date 11/13/2014



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LOJIC Quick map

14Cell1003

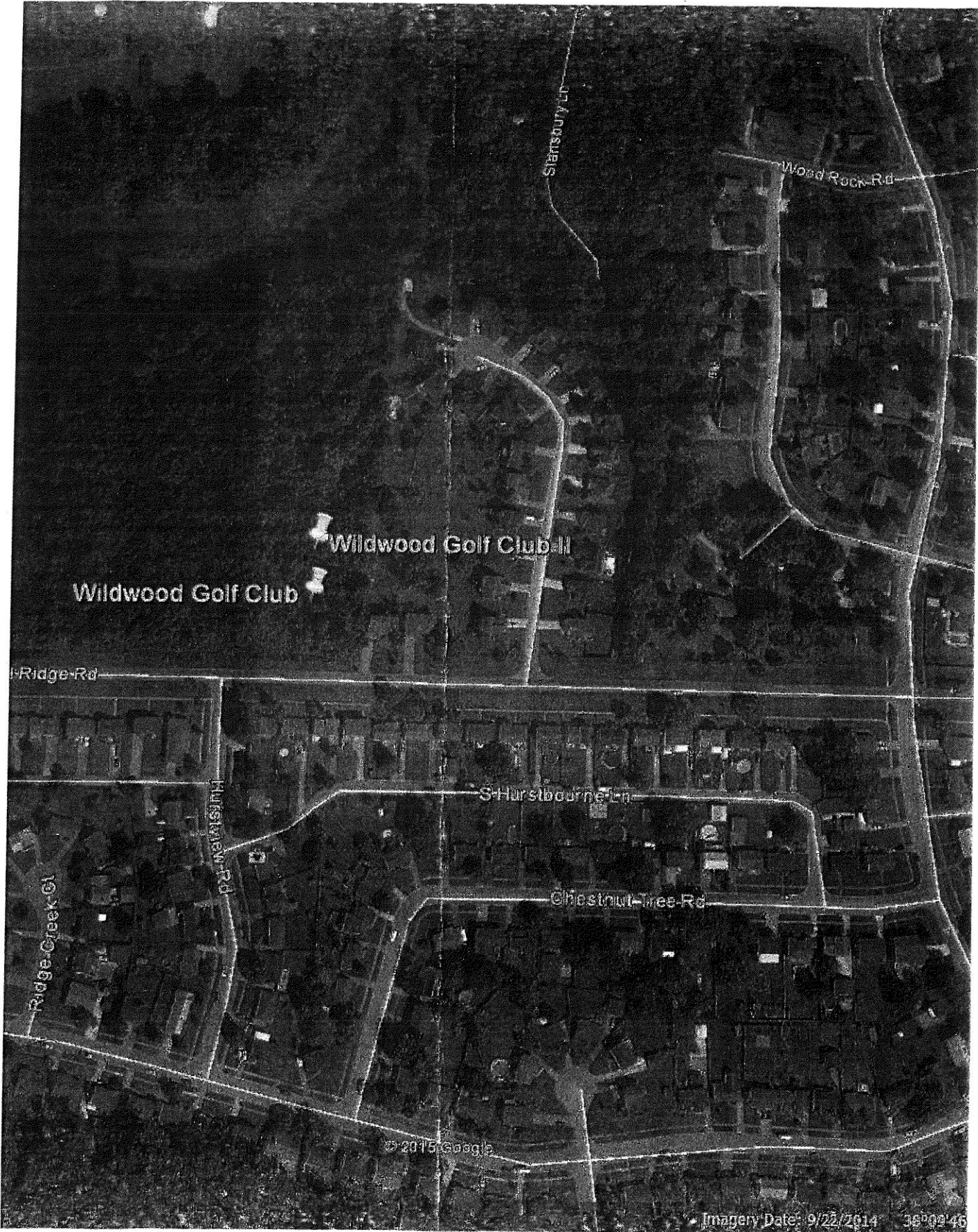
Plot Date 11/13/2014

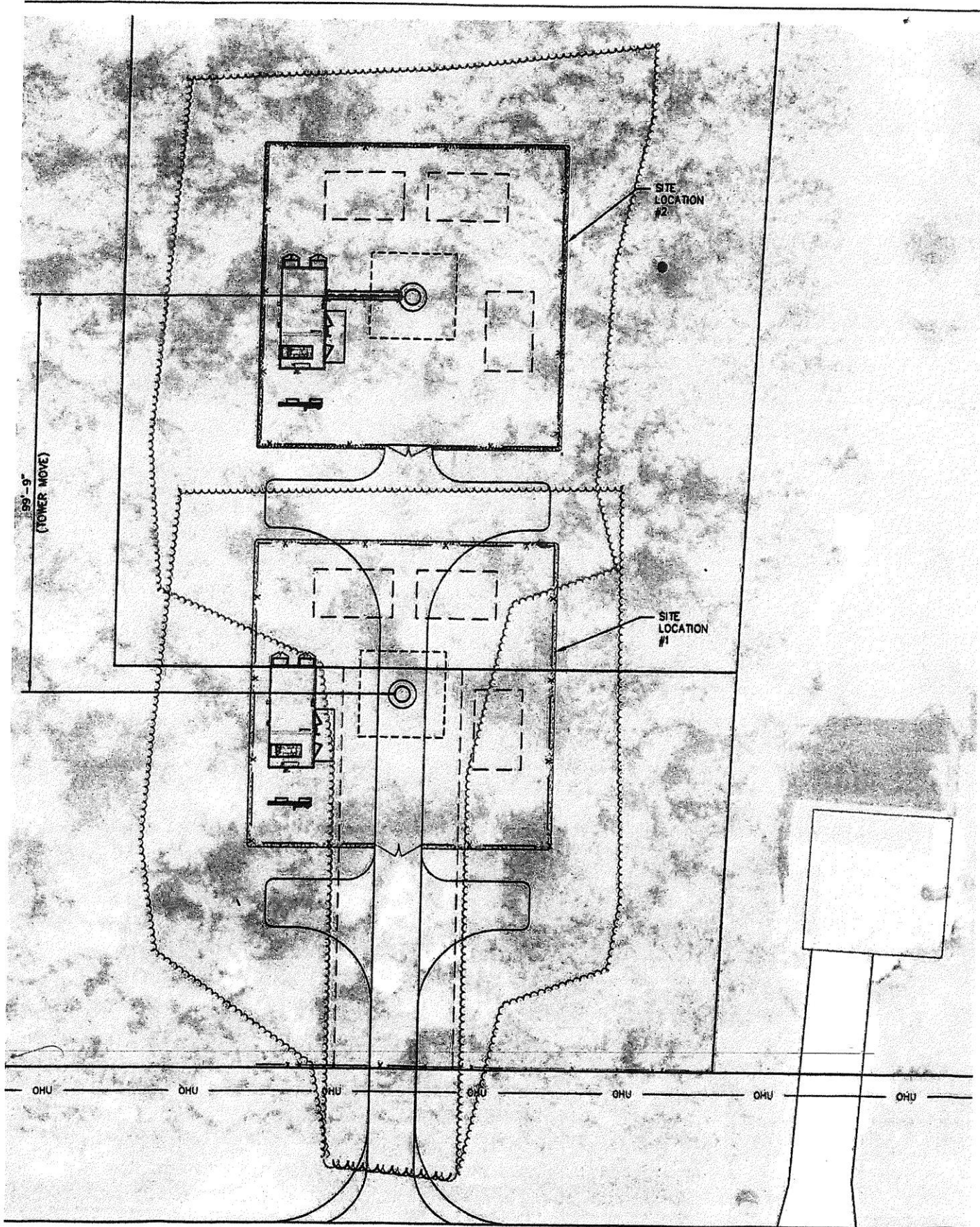
0 800
* Distance are in feet



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1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165-0369
Phone (502) 955-4400 or (800) 516-4293
Fax (502) 543-4410 or (800) 541-4410

August 7, 2015

Louisville Metro Planning Commission
c/o Steve Hendrix
Metro Development Center
444 S. 5th Street, Suite 300
Louisville, KY 40202

RECEIVED
AUG 10 2015
PLANNING &
DESIGN SERVICES

RE: Uniform Application for Alternative Site Location
Case Number: 14CELL1003
Applicant: Cellco Partnership d/b/a Verizon Wireless
Site Name: Wildwood Golf Club

Dear Steve:

The enclosed Uniform Application and accompanying materials are submitted as a supplement to the above-referenced application presently pending before the Planning Commission. Applicant Cellco Partnership d/b/a Verizon Wireless is submitting this new Uniform Application in response to the express request by members of the Planning Commission's Development Reviewed Committee at its November 19, 2014 meeting for Applicant to explore possibilities for an alternative site location on the subject property. Accordingly, the present Uniform Application and the Uniform Application previously filed on September 12, 2014 are presented as alternative proposals, and Applicant stipulates that it will construct only one (1) facility on the subject property upon receiving the Commission's approval.

Applicant needs to construct the proposed wireless communications facility to provide wireless communications services to wireless service users in the subject area. In addition, the site has been designed to accommodate co-location of additional wireless service carriers, and T-Mobile USA has confirmed that it intends to co-locate its antennas on the proposed tower following construction to address a need in its wireless communications network.

Co-location of T-Mobile USA's antennas on the site will eliminate the need for T-Mobile USA to construct its own tower in the area. As further justification for the subject

www.pikelegal.com

HCELL1003

Uniform Application, Applicant submits the following documentation regarding T-Mobile USA's intent to co-locate and the need that the T-Mobile USA co-location will serve:

1. Letters from T-Mobile USA's Senior Engineer, RF Deployment confirming T-Mobile USA's interest in co-location on Applicant's proposed tower (one for each location alternative).
2. Letter from T-Mobile USA's Senior Engineer, RF Deployment describing the need that co-location on the Applicant's wireless communications tower will address.
3. Search Area Map showing the area where T-Mobile USA must locate its new site to address its service need in the area.

Lastly, please note that the notice listing for the case has been expanded to include all proper notice recipients for each alternative location.

Please include this letter and the enclosures in the case record for this matter.

Sincerely,



Stephen C. Lentz



David A. Pike
Attorneys for Celco Partnership
d/b/a Verizon Wireless

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Enclosures

14CELL/003

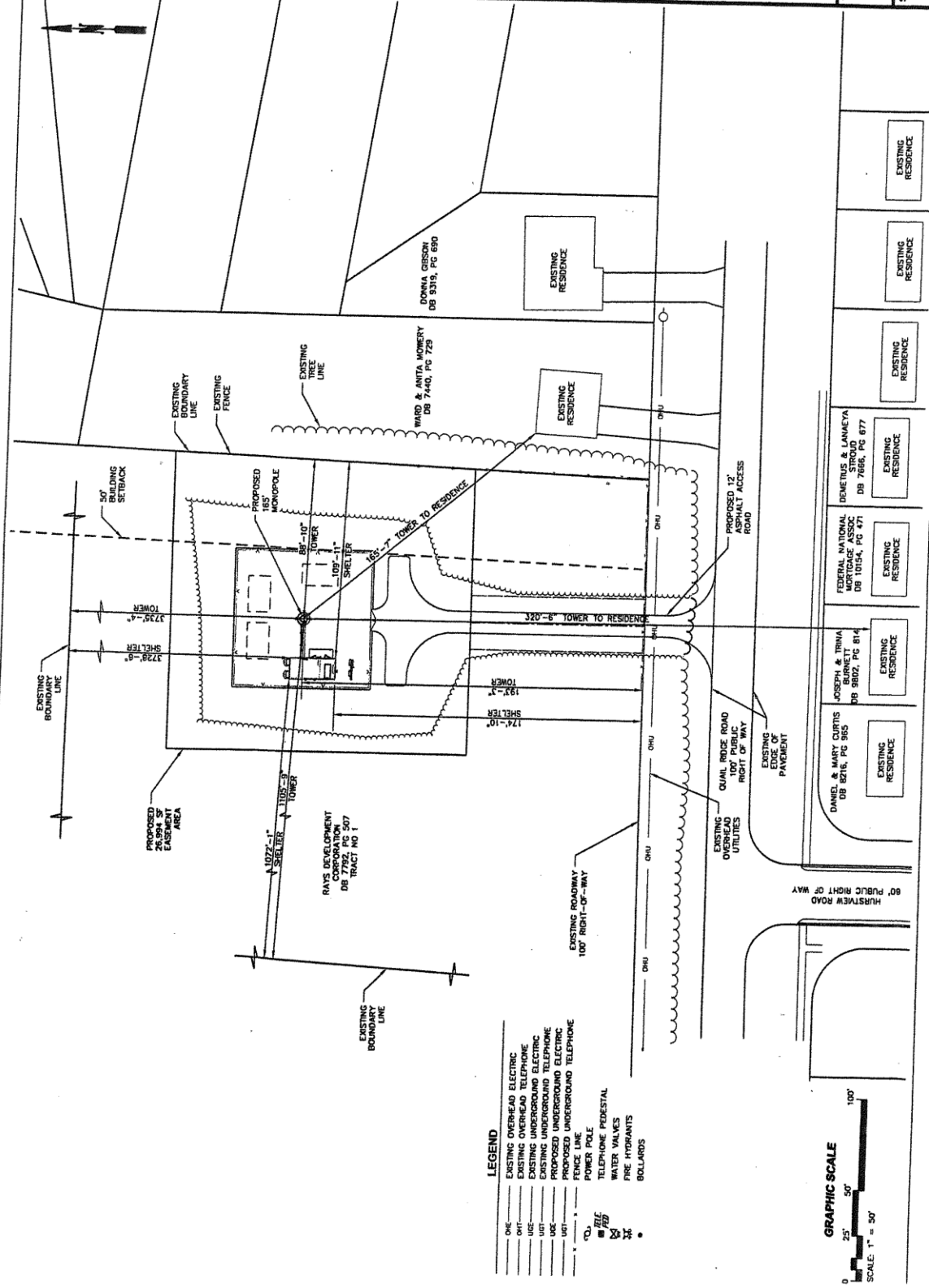
CELCO Verizon Wireless
 PARTNERSHIP
 D/B/A
 BTM Engineering, Inc.
 CONSULTING ENGINEERS LANDSCAPE ARCHITECTS
 2401 HOLLOWAY RD
 LOUISVILLE, KY 40203
 PHONE (502) 266-1548
 FAX (502) 266-1548

STATE OF KENTUCKY
 PROFESSIONAL ENGINEER
 PHILIP S. PHILLIPS
 HEID
 29820

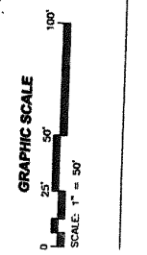
SITE NAME:	LY WILLOWOOD GOLF CLUB
SITE NUMBER:	L0152
SITE ADDRESS:	7200 WOODMANSON RD LOUISVILLE, KY 40201
AREA:	EASEMENT AREA = 26,094 SQ FT
PROPERTY OWNER:	RAVENS DEVELOPMENT CORP 7200 WOODMANSON RD LOUISVILLE, KY 40201
TAX MAP NUMBER:	06271-001C-0000
SOURCE OF TITLE:	DEED BOOK 792 PAGE 507
LATITUDE:	N 38°19'42.54" W 85°37'34.13"
LONGITUDE:	

REVISIONS	
1	ISSUE FOR ZONING 08/19/14 PH
2	ISSUE FOR ZONING 08/23/14 PH
3	ISSUE FOR ZONING 11/03/14 PH
4	SITE RELOCATION 02/08/15 PH
5	ISSUE FOR COMMENT 02/17/15 PH
6	UPDATE COORDINATES 02/20/15 PH
7	ADD REVISION SUBJECT 02/20/15 PH
8	ATTORNEY REVISIONS 02/20/15 PH
9	ISSUE FOR ZONING 04/29/15 PH

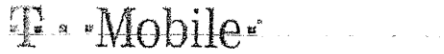
DIMENSIONS	
TITLE:	
SHEET:	Z-2A



- LEGEND**
- EXISTING OVERHEAD ELECTRIC
 - EXISTING UNDERGROUND ELECTRIC
 - EXISTING UNDERGROUND ELECTRIC
 - EXISTING UNDERGROUND ELECTRIC
 - EXISTING UNDERGROUND ELECTRIC
 - EXISTING UNDERGROUND TELEPHONE
 - EXISTING POWER POLE
 - EXISTING TELEPHONE PEDestal
 - EXISTING WATER WALKS
 - EXISTING FIRE HYDRANTS
 - EXISTING BOLLARDS



EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE
DANIEL & MARY CURTIS DB 827A, PG 363	JOSEPH & TRINA DB 3902, PG 814	FEDERAL NATIONAL MORTGAGE ASSOC DB 10154, PG 471	DONMETRUS & LANIYEA STROUD DB 7686, PG 677	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE	EXISTING RESIDENCE



July 7, 2015

Re: Proposed T-Mobile Wireless Communications Facility
Site Name: 9LV1019G

To Whom It May Concern:

The purpose of this letter is to state the need for a new T-Mobile Wireless Communications Facility to be built on the Fegenbush site located at 7200 Woodhaven Rd, near Quail Ridge Rd. The tower is necessary to meet coverage and capacity needs in the commercial and residential along Hurstbourne Parkway and the intersection with Fegenbush Ln. The only viable solution is a new tower, as there are no other suitable structures for collocation. This site will provide the wireless voice and data experience that the T-Mobile customers rely on. It will also provide critical safety support through enhanced 911 services.

This site has been designed and will be constructed and operated in accordance with all applicable requirements and regulations set forth by the various agencies that manage them including the FAA and the FCC. This site will transmit within the licensed frequency bands owned by T-Mobile and will adhere to FCC regulated power limitations. RF emission readings in the accessible areas will be below the FCC limits for exposure. Appropriate RF emission signage will be placed at the entrance to the site.

Sincerely,

Lorne Belden
Senior Engineer, RF Deployment
T-Mobile USA

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AUG 10 2015
PLANNING &
DESIGN SERVICES

14CELL1003

T-Mobile

July 7, 2015

Re: Proposed T-Mobile Wireless Communications Facility
Site Name: 9LV1019G

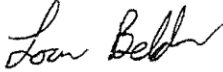
To Verizon Wireless:

We are aware that you are planning to build a new 135' monopole tower at the location listed below:

N 38 09' 46.561"
W 85 37' 34.175"

Please accept this letter as confirmation that T-Mobile is interested in co-locating on this new tower. If you need any additional info from us for your zoning submittal please let us know and we will do our best to provide it.

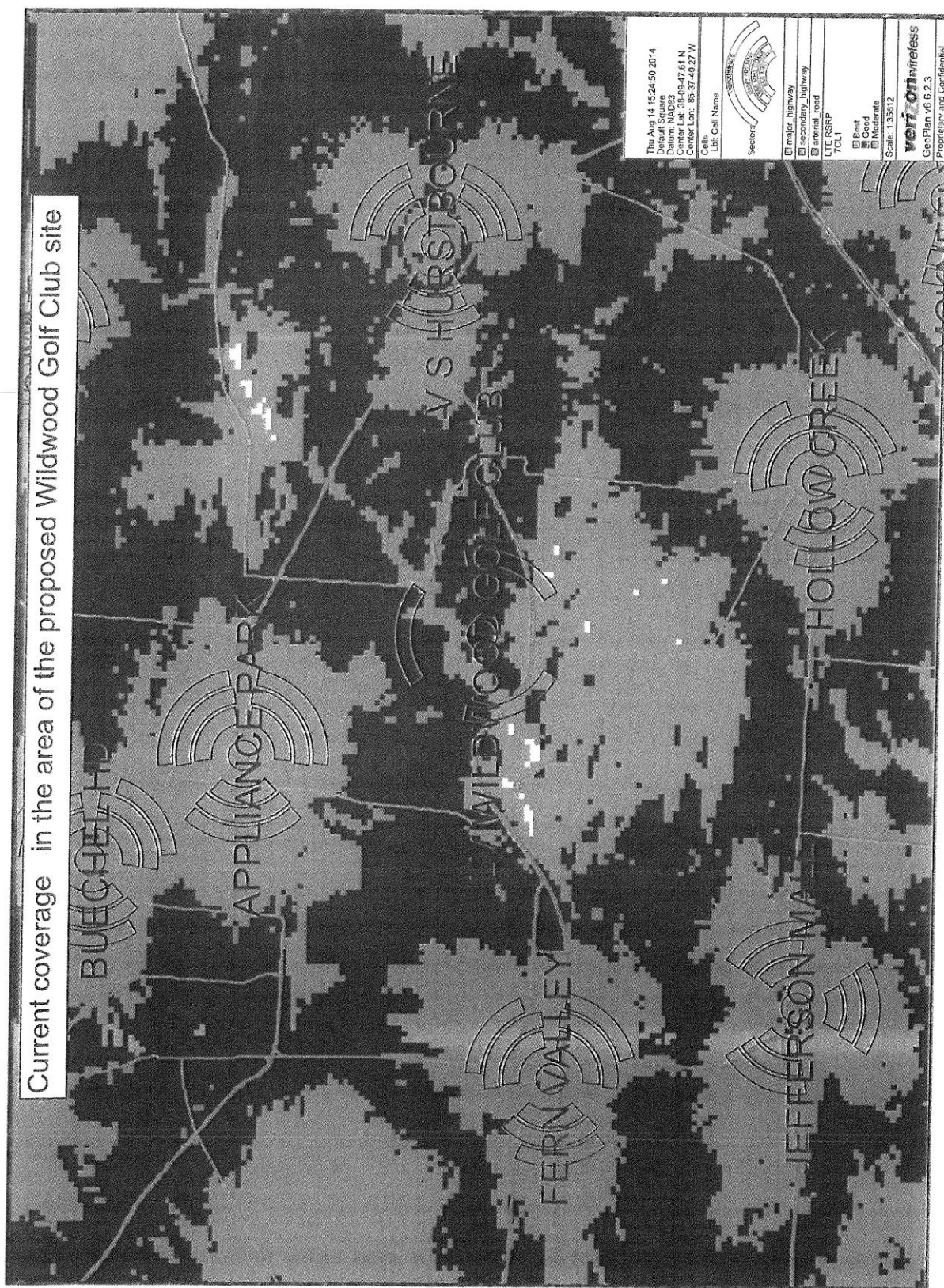
Sincerely,



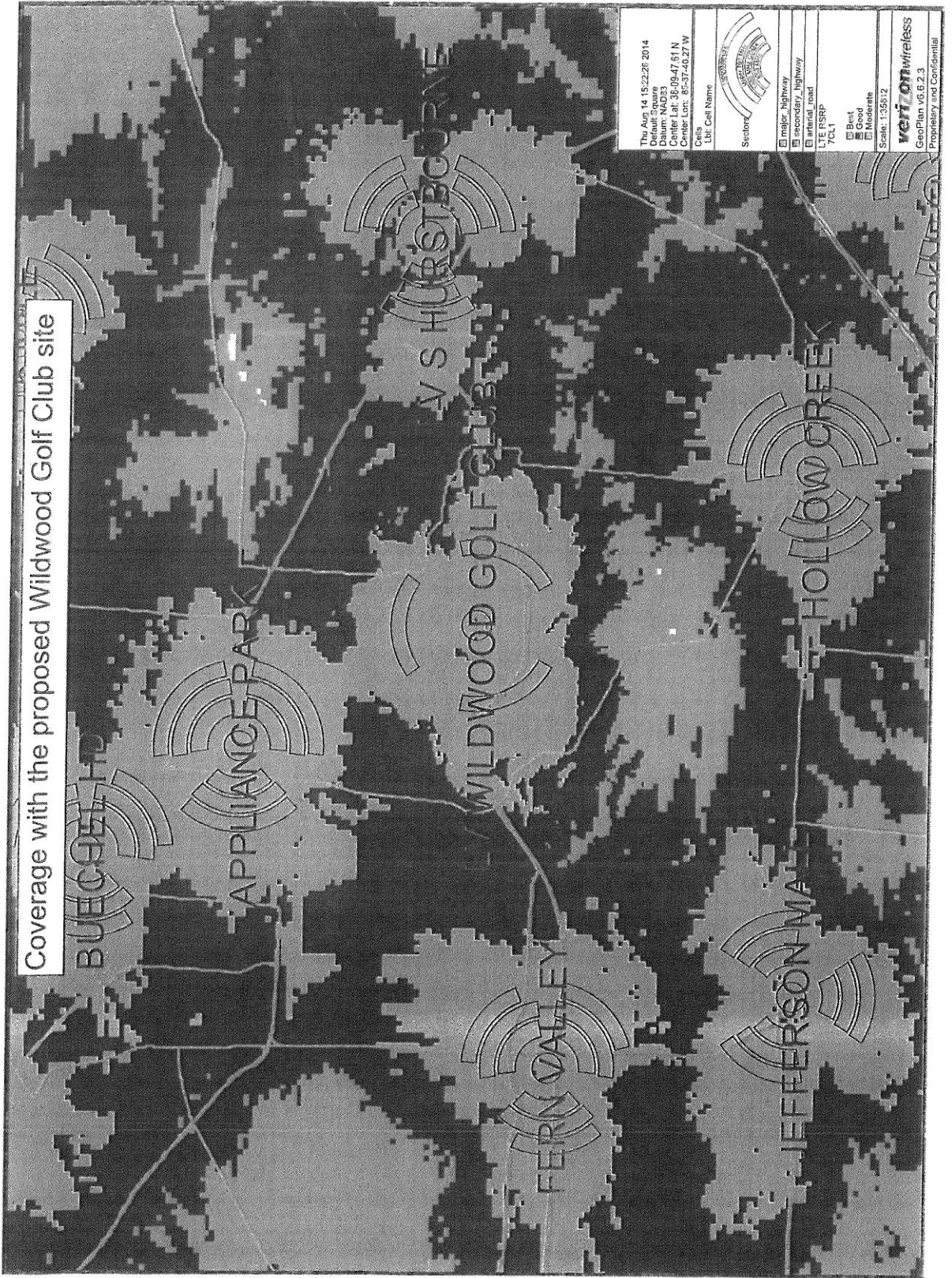
Lorne Belden
Senior Engineer, RF Deployment
T-Mobile USA

14CELL1003

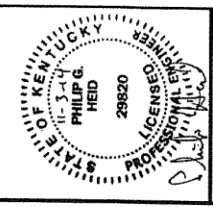
Current coverage in the area of the proposed Wildwood Golf Club site



Coverage with the proposed Wildwood Golf Club site



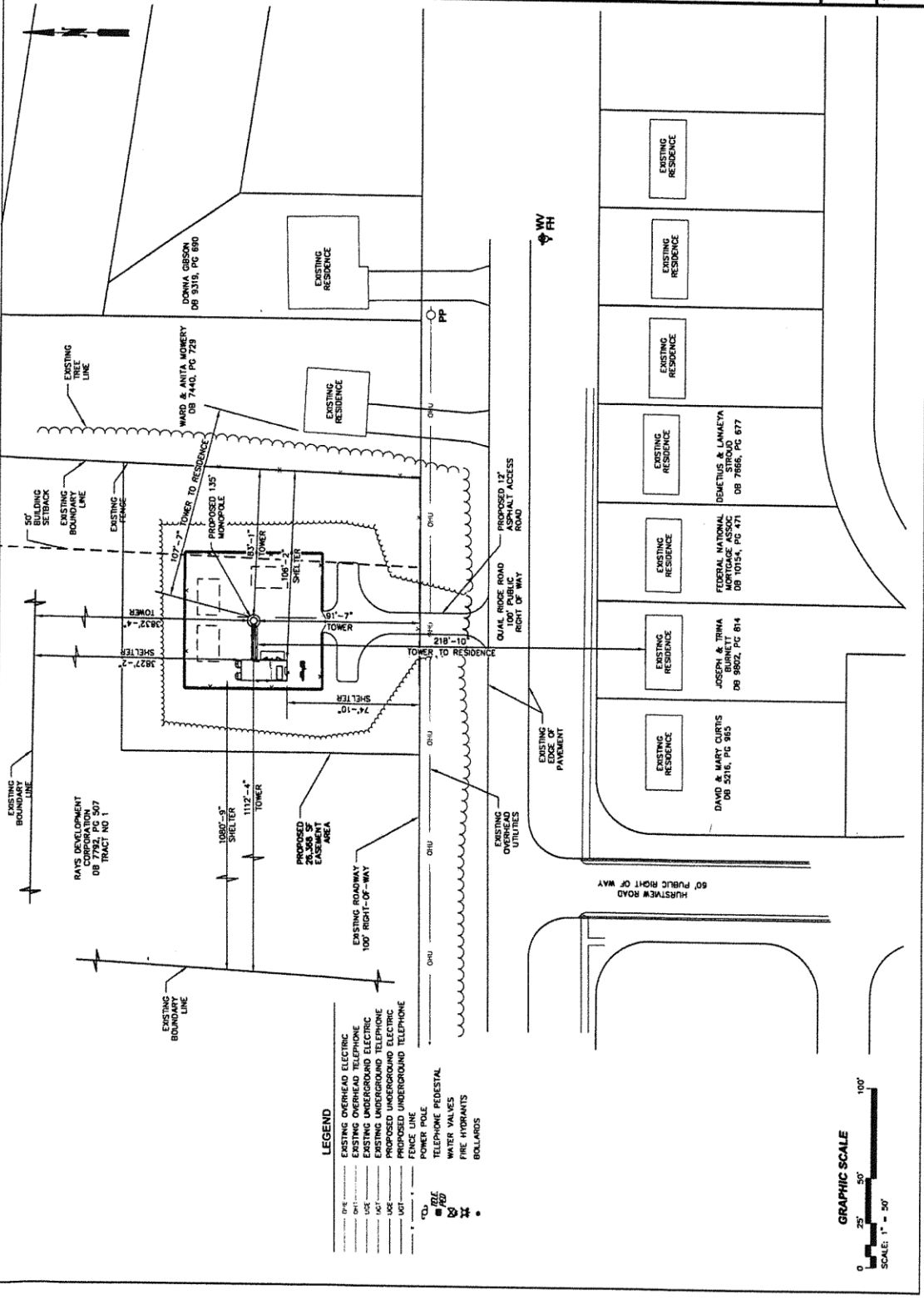
CELCO
VERTIZON PARTNERSHIP
 D/B/A
BTM Engineering, Inc.
 CONSULTING ENGINEERS, LANDSCAPE ARCHITECTS
 2300 FARM ROAD
 LOUISVILLE, KY 40220
 PHONE (502) 438-8403
 FAX (502) 438-8437



SITE NAME: LY WOODCOCK CLUB
 SITE NUMBER:
 SITE ADDRESS: 7258 WOODCOCK RD
 COVINGTON, KY 40020
 AREA: EASEMENT AREA = 26,368 SQ FT
 PROPERTY OWNER: RAYS DEVELOPMENT CORP
 2300 FARM ROAD
 LOUISVILLE, KY 40220
 TAX MAP NUMBER: PARCEL NUMBER: 0827-0016-0000
 SOURCE OF THE DEED BOOK 7782 PAGE 307
 LATITUDE: N 89°W 45.561' W 85°17'34.175"

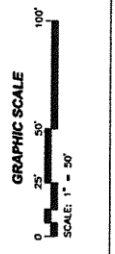
NO.	REVISIONS
1	ISSUE FOR COMMENT
2	SITE RELOCATION
3	SITE RELOCATION
4	SITE RELOCATION
5	ISSUE FOR COMMENT
6	ISSUE FOR COMMENT
7	ISSUE FOR COMMENT
8	ISSUE FOR COMMENT
9	ISSUE FOR COMMENT
10	ISSUE FOR COMMENT
11	ISSUE FOR COMMENT

TITLE: SITE DIMENSIONS
 SHEET: Z-2A

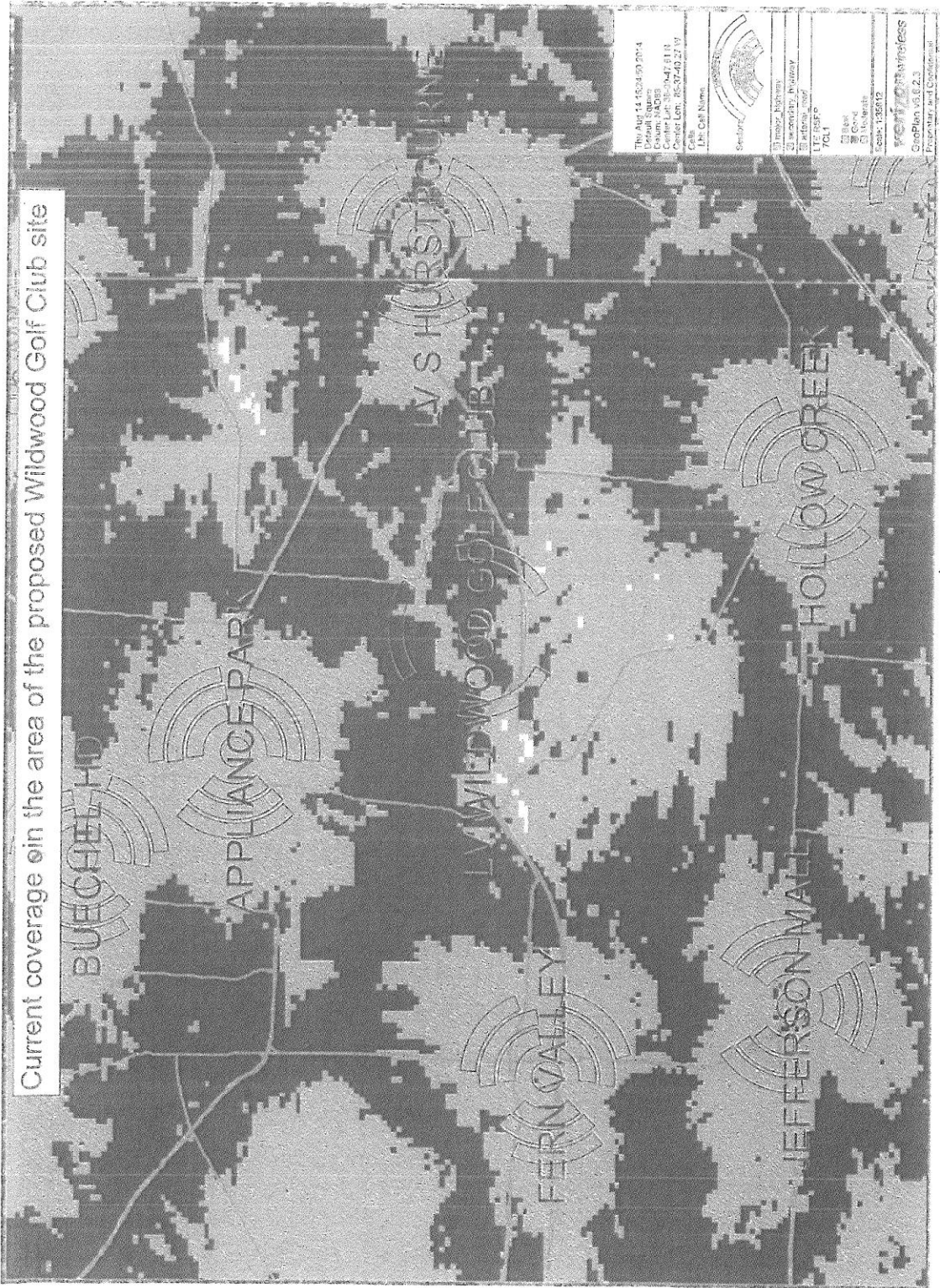


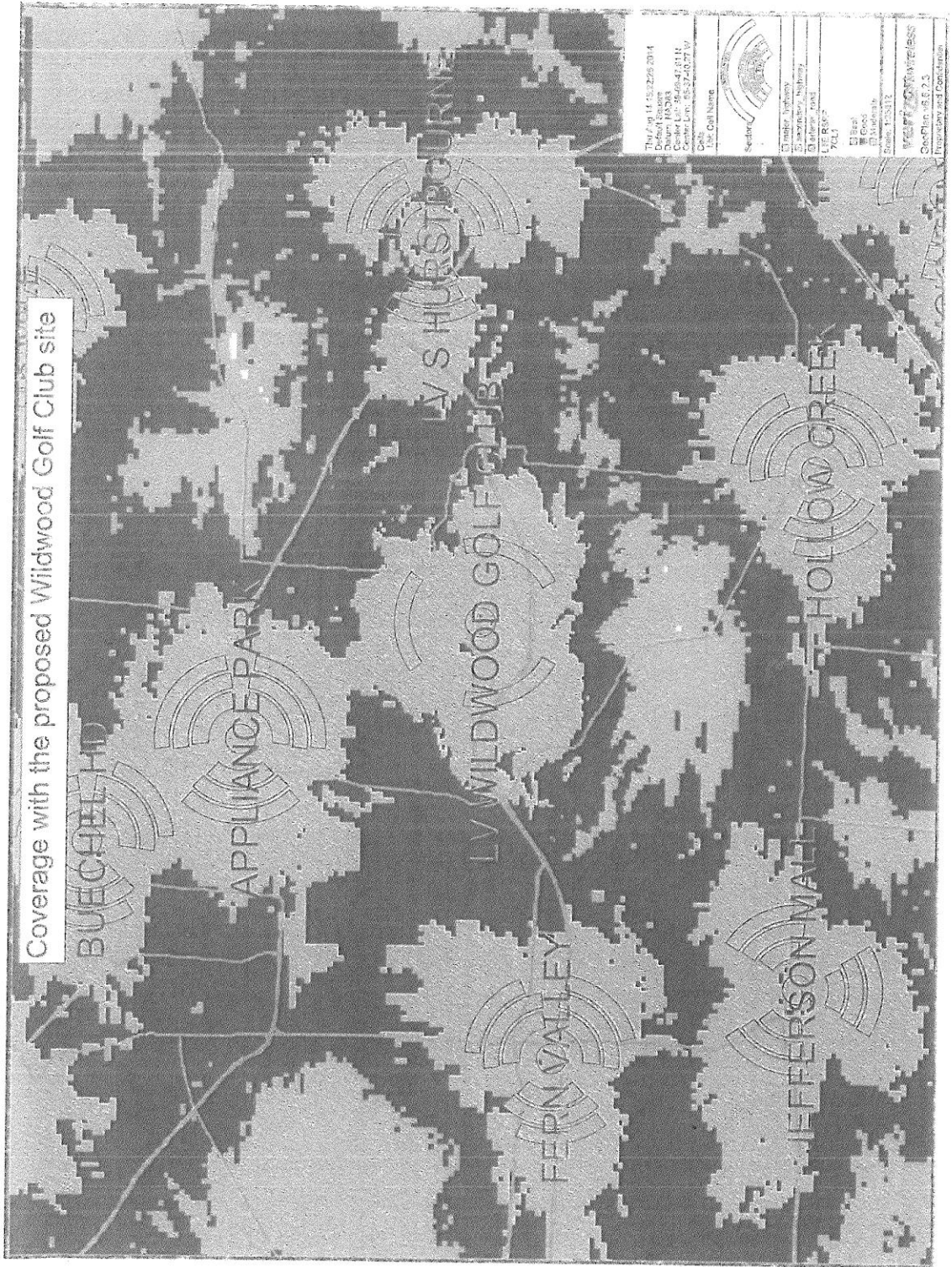
LEGEND

- EXISTING OVERHEAD ELECTRIC
- EXISTING OVERHEAD TELEPHONE
- EXISTING UNDERGROUND ELECTRIC
- △—△— EXISTING UNDERGROUND TELEPHONE
- ◇—◇— PROPOSED UNDERGROUND ELECTRIC
- ◇—◇— PROPOSED UNDERGROUND TELEPHONE
- ◇—◇— FENCE LINE
- ◇—◇— POWER POLE
- ◇—◇— TELEPHONE PEDestal
- ◇—◇— WATER VALVES
- ◇—◇— FIRE HYDRANTS
- ◇—◇— BOLLARDS



Current coverage in the area of the proposed Wildwood Golf Club site





**Planning Commission Minutes ,
January 15, 2015**

Public Hearing

Case No. 14CELL1003

Request: Applicant has requested that this item be continued indefinitely pending the completion of additional studies of possible alternate locations for the proposed facility on the subject property. ORIGINAL REQUEST: to construct a 135-foot tall tower with a 5-foot tall lightning arrestor for a total height of 140 feet with a 5,625 square foot compound area.

Project Name: Verizon Cell Tower

Location: 7200 Woodhaven Road, PVA address, cell tower location is across from 7202-7206 Quail Ridge Road.

Owner: Rays Development Corporation

Applicant: Cellco Partnership d/b/a Verizon Wireless
Amy Harper – Contact
2421 Holloway Road
Louisville, KY 40299

Representative: Stephen Lentz and Robert Grant
Pike Legal Group PLLC
1578 Kentucky 44 #6, Shepherdsville, KY
40165

Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin and 24-Madonna Flood

Case Manager: **Steve Hendrix, Planning Supervisor**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Planning Commission Minutes
January 15, 2015**

Public Hearing

Case No. 14CELL1003

Agency Testimony:

00:26:24 Steve Hendrix presented the request for an indefinite continuance.

00:27:27 Commissioner Proffitt read the applicant's justification for their request into the record.

The following spoke in favor of the proposal:

Stephen Lentz (attorney for applicant), P.O. Box 369, Shepherdsville, KY 40165

Robert Grant (attorney for applicant), P.O. Box 369, Shepherdsville, KY 40165

Summary of testimony of those in favor:

00:27:58 Stephen Lentz explained the continuance request (see recording for detailed presentation.) He explained that investigations into other sites are already underway.

The following spoke in opposition to the proposal:

Dr. Ward Mowery, 7215 Quail Ridge Road, Louisville, KY 40291

Summary of testimony of those in opposition:

00:30:58 Dr. Ward Mowery, an adjacent property owner, spoke in opposition. He said that he had a petition, signed by 110 residents, opposing the proposal and stating that there was no justification for this request. He read an opposition letter from another property owner into the record.

The following spoke neither for nor against the proposal:

No one spoke.

Rebuttal:

00:46:59 Mr. Lentz delivered his rebuttal.

Deliberation:

00:48:02 In response to a question from Commissioner Tomes, Jonathan Baker, Legal Counsel for the Planning Commission, explained re-notification requirements and procedures.

00:49:18 Commissioners' deliberation.

**Planning Commission Minutes
January 15, 2015**

Public Hearing

Case No. 14CELL1003

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

00:50:10 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the applicant's request to continue this case to a date uncertain.

The vote was as follows:

YES: Commissioners Proffitt, Brown, Jarboe, Kirchdorfer, Turner, and Tomes

NO: No one.

NOT PRESENT: Commissioners Blake, Peterson, White, and Butler

ABSTAINING: No one.

**Planning Commission Minutes
December 4, 2014**

Public Hearing

Case No. 14CELL1003

NOTE: This case has been CONTINUED to the January 15, 2015 Planning Commission public hearing.

Request: Request to construct a 135-foot tall tower with a 5-foot tall lightning arrester for a total height of 140 feet with a 5,625 square foot compound area.

Project Name: Verizon Cell Tower
Location: 7200 Woodhaven Road (PVA address); cell tower location is across from 7202-7206 Quail Ridge Road

Owner: Rays Development Corporation

Applicant: Cellco Partnership d/b/a Verizon Wireless

Representative: David Pike - Pike Legal Group PLLC

Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin and 24 – Madonna Flood

Case Manager: **Steve Hendrix, Planning Supervisor**

Agency Testimony:

00:08:49 Steve Hendrix stated that the applicant has requested a continuance and the applicant's representative is present to address that.

The following spoke in favor of the proposal:

Stephen Lentz (applicant's representative), P.O. Box 369, Shepherdsville, KY 40165

Robert W. Grant, 1578 Highway 44 East Suite 6, Shepherdsville, KY 40165

Summary of testimony of those in favor:

00:09:08 Steve Lentz, the applicant's representative, said the applicant is requesting this case to be continued to gather more information and see if there are other possible locations.

**Planning Commission Minutes
December 4, 2014**

Public Hearing

Case No. 14CELL1003

The following spoke in opposition to the proposal:

Dr. Ward Mowery, 7215 Quail Ridge Road, Louisville, KY 40291

Thomas Lynn, 5901 Woodhaven Ridge Court, Louisville, KY 40291

Summary of testimony of those in opposition:

00:10:00 Dr. Ward Mowery, an adjacent property owner, said that over 100 residents were informed about today's meeting but did not find out until yesterday that the case was going to be postponed.

00:11:49 Thomas Lynn, a nearby property owner, discussed the scenic nature of the area.

The following spoke neither for nor against the proposal:

No one spoke.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Turner, seconded by Commissioner Proffitt, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **January 15, 2015** regular meeting of the Louisville Metro Planning Commission.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, Butler, Jarboe, Kirchdorfer, and Turner.

NO: No one.

NOT PRESENT: Commissioners White and Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
November 19, 2014

NEW BUSINESS
CASE NO. 14CELL1003

Request: Request to construct a 135 foot tall tower with a 5 foot tall lightning arrestor for a total height of 140 feet with a 5,625 square foot compound area

Project Name: Verizon Cell Tower

Location: 7200 Woodhaven Road, PVA address, cell tower location is across from 7202 -7206 Quail Ridge Road

Owner: Rays Development Corporation

Applicant: Cellco Partnership d/b/a Verizon Wireless

Representative: Pike Legal Group, PLLC, David Pike

Jurisdiction: Louisville Metro

Council District: 2—Barbara Shanklin & 24 – Madonna Flood

Case Manager: Steve Hendrix, Planning Supervisor

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:03:34 Mr. Hendrix discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

David Pike, P.O. Box 369, Shepherdsville, Ky, 40165

Summary of testimony of those in favor:

00:12:10 Mr. Pike quoted the last page of the staff report, "The applicant has met the applicable requirements of the Comprehensive Plan and the Land Development Code." "That's not by accident. We worked very hard to find a site which would meet all the requirements of your local regulations." There's a great need for service in the proposed area.

The following spoke in opposition to this request:

Dr. Ward Mowery, 7215 Quail Ridge Road, Louisville, Ky.
Anita Mowery, 7215 Quail Ridge Road, Louisville, Ky.
Councilwoman Madonna Flood
Joy Lynn, 5901 Woodhaven Ridge Court, Louisville, Ky.

Summary of testimony of those in opposition:

DEVELOPMENT REVIEW COMMITTEE

November 19, 2014

NEW BUSINESS CASE NO. 14CELL1003

00:19:03 Mr. Mowery said the proposal is 40 feet from his property. He's concerned about the aesthetics of it and how it will negatively affect his property value. The site has 106 acres, why does it have to be so close to the residents? Other countries have banned putting cell towers close to residential areas.

42:30 Mrs. Mowery said her back yard is a very serene place and wonders what will happen to the wildlife in the area, particularly the deer that used to come around quite often.

43:51 Councilwoman Flood voiced her concerns in the forms of questions. How do we know there are no other poles in the area that can be used? Why is it imperative that the cell tower be right on top of a subdivision (106 acres)? Can the antennae/poles be disguised to blend in with the trees? Ms. Flood requests, "If the tower is abandoned for any reason, the applicant must notify the PVA within 30 days and within a length of time if it's abandoned by all carriers, the antennae be removed." Mr. Pike answered the questions.

59:55 Ms. Lynn said she opposes such a tall structure being next to her home. It's a major concern for her entire family.

Deliberation

01:09:01 Mr. Pike remarked, "We will agree to extend the time for this until the next Planning Commission meeting at close of business that day.

01:10:20 Development Review Committee deliberation. The Commissioners discussed sending this case before the full Planning Commission. The applicant will need to bring the owner to the next meeting, bring information pertaining to why the cell tower has to be in the location next to residents and provide renderings of the tower.

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the Planning Commission meeting to be held on December 4, 2014.

The vote was as follows:

DEVELOPMENT REVIEW COMMITTEE
November 19, 2014

NEW BUSINESS
CASE NO. 14CELL1003

YES: Commissioners Brown, Kirchdorfer and White

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Peterson and White

ABSTAINING: No one

**Development Review Committee Public Meeting
November 19, 2014
Case #14Cell1006**

**Outline of Comments Opposing the Construction of a Cell Phone Tower
at the Proposed Site**

Introduction

- A. We are Dr. Ward & Anita Mowery
7215 Quail Ridge Rd
Louisville, KY 40291
- B. Our property line is located within 40 ft. of the proposed site
- C. Although we just learned about this transaction recently, we, as well as our neighbors across the street will probably be the most effected by this proposal
- D. (Provide committee Members with copy of this outline)
- E. I respect the Committee's time; I will attempt to keep comments concise and to the point
- F. My comments will consist of two parts:
1. Comments concerning the proposal being considered today
 2. Comments concerning how a cell phone tower erected within 40 ft. of our property line would effect my wife and me, and other residents within the Stone Bluff community

Comments Concerning the Proposal

- A. Compare the proposal to a proposal for a Doctoral Dissertation.
1. Much of the homework required to justify the proposal simply appears not to have been done:
 - a. The law requires documentation to justify the statements contained in the proposal. Without the documentation, these statements, for the most part, are simply opinions
 - b. I find some of the statements in this proposal questionable; and some, I simply do not believe at all!

Example #1

In Exhibit M—Radio Frequency Design Search Area, (copy: pg. 5 of my outline) pg 5
Mr. Snyder states that both sites servicing this area are . . . operating at or near capacity.

1. Today's lunch compared to Thanksgiving dinner
2. Which way is it? Where is the documentation to prove that statement?
3. Verizon brags in TV commercials about their superior coverage—perhaps that's not true in this area. Documentation is not here to prove that.
4. Nothing other than opinions are offered to justify the need for a tower

Example #2

In the same letter we read that the tower is required because . . . there is no other means of providing this service in this area.

1. Again, where is the documentation to prove this?

Whichever way it is, this proposal, as it stands, lacks the necessary documentation required by law to prove it's case, and it should not be accepted by this Committee.

Comments Concerning How the Tower Would Effect the Stone Bluff Residents and My Family in Particular

A. Concerning my wife and me:

- 1. Our property line is located just 40 ft. from the proposed site for the tower. Purchased 15 years ago, while the house was still being built. Perfect setting for us. – Anita immediately fell in love with the layout of the house, the beautiful staircase and the patio off the kitchen/dinning room area, Which allows for a perfect view of the backyard and beautiful wooded area.*
- 2. We saw this as a good financial investment for us, and a way to provide an inheritance for our children.*
- 3. Beyond the initial purchase price, we have invested thousands of dollars over the past 15 years – developing, renovating and upgrading aspects of the property. Including over \$30,000 in professionally renovating the basement area, granite countertops, cabinets inside.*
- 4. I can safely say that it has become over the years my wife's dream home.*
- 5. The outside area has been my hobby over the years. We've planted over 20 trees, rose bushes, hedge, built two patios—the patio off the basement area took months to complete—We did it all by hand. – I'm pretty proud of it!*
- 6. I'm saying all this to point out that it is much more than just a financial investment to me.*
- 7. The point is, the presence of a cell phone tower 40 ft. from our property line would radically lower the property values for the Stone Bluff residents. And the closer to the tower, the more drastically will the residents be affected. That is not just an opinion. Realtors have told me the tower will lower the property value.*
- 8. If a thief slipped into the neighborhood and stole thousands of dollars from the residents, he would be arrested and sent to prison. What gives a company the right to slip into the community and accomplish the same thing. That is what is being proposed here. And it is unethical for a company to do it.*
- 9. Realtors have also told me that a cell phone tower 40 ft. from our property line will make it much more difficult to sell the property in the future. It will be much harder to sell our property at a price far below what we think it is worth.*
- 10. The flashing light on top the tower would be a considerable annoyance for the Stone Bluff residents at night outside bedroom windows.*
- 11. A cell phone tower would be detrimental to the aesthetics of the community. A cell phone company would not consider placing a tower in an upscale neighborhood such as Lake Forrest or the Oxmoor/Hurstbourne area for this reason. Stone Bluff is not Lake Forrest, but residents are very conscious about the beauty and appearance of their properties. The sight of a monstrous cell phone tower looming directly above our property would break my wife's heart.*
- 12. Reluctant to discuss health issues—cell phone technology is relatively new & long range scientific studies have yet to be done.*

Mary Beth Curtis

Subject: FW: Case#14Cell1003

From: "Mary Beth Curtis" <marybeth@curtis-mail.com>
Date: November 16, 2014 at 6:11:45 PM EST
To: <steve.hendrix@louisvilleky.gov>
Subject: Case#14Cell1003

*Received from:
Mary Beth Curtis
6001 Hurstview Rd
Louisville, KY 40291
502-338-7013*

Dear Mr. Hendrix,

I'm writing to you regarding Case#14Cell1003, the proposed 135 foot cell tower for 7200 Woodhaven Rd. I understand that you are the Case Manager for this and that there is a public meeting scheduled for Wednesday, Nov.19th. Unfortunately I am unable to attend this meeting because I have to work, but I wanted to write to share my concerns regarding the proposed installation of this cell tower. I live directly across the street from where this may be built.

My concerns are the following:

1. **Safety and health concerns:**

- Although inconclusive, there are strong indications that cell tower emissions can be harmful. See the following Wall Street Journal article, dated 10/2/14: <http://online.wsj.com/articles/cellphone-boom-spurs-antenna-safety-worries-1412293055> Here are brief excerpts: "An FCC guideline...notes studies showing 'relatively low levels' of RF radiation can cause 'certain changes in the immune system, neurological effects, behavioral effects,' and other health issues, including cancer. 'Results to date have been inconclusive,' however, the agency said in a guide to radio-frequency radiation, and need to be studied further." And: "Insurers are becoming concerned. 'The risk is often transferred to 'unsuspecting' property owners,' Roger Egan, executive chairman of Risk Strategies Co., told the FCC."
- I have a family that includes two young daughters, so I'm concerned not only for my husband and me, but primarily for them. In addition, this neighborhood is full of young families with children. What long-term effects will this have on all of us? Why should our health be risked for Verizon's profit?

2. **Property Valuation:**

- All research indicates that cell towers lower the valuation of real estate and reduce the ability for homeowners to sell real estate. Who would want to purchase a home with a cell tower across the street?

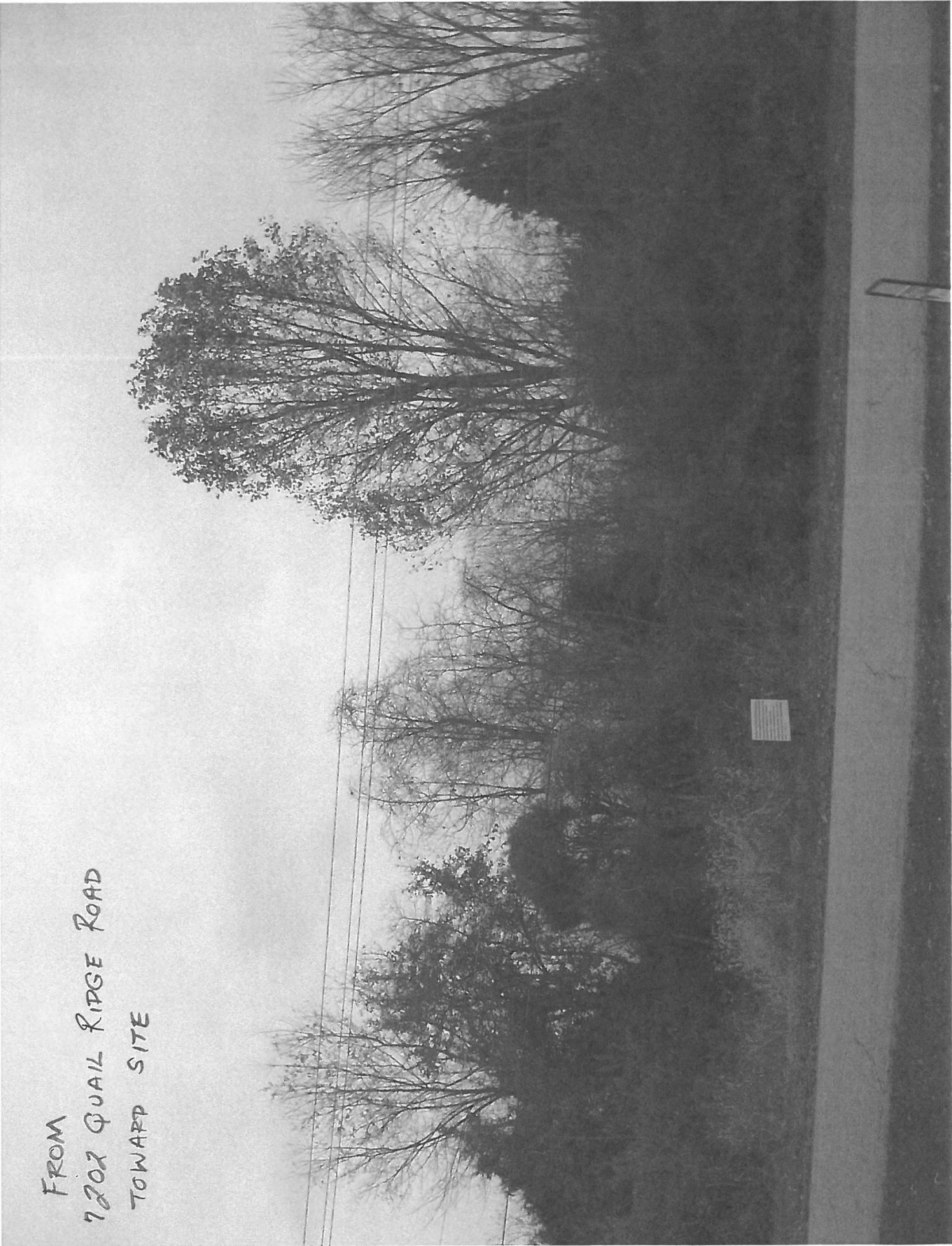
3. **Aesthetics:**

- Related to property valuation, the installation of this tower will affect the beauty of the woodland area and possibly the habitat of wildlife.

I hope that you can share my concerns with the Development Review Committee. If I should write to someone else or start a petition from the neighborhood, please let me know. I feel very strongly about this matter, and I know many of my neighbors do also. I appreciate your assistance.

Regards,

11. 1



FROM
7207 QUAIL RIDGE ROAD
TOWARD SITE