

**Development Review Committee
Staff Report
September 14, 2016**



Case No:	16Cell1006
Request:	Cell Tower Replacement
Project Name:	Dixie
Location:	4499 Paralee Drive
Owner:	Crown Castle GT Company, LLC
Applicant:	Crown Castle GT Company, LLC
Representative:	Bryan Brawner
Size:	160 feet total height Approximate 3,055 square foot compound area
Existing Zoning District:	CM, Commercial Manufacturing
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	25—David Yates
Case Manager:	Steve Hendrix, Planning Supervisor

Request

This is an application for a proposed 150 foot monopole tower with a 10 foot lightning arrestor for a total structure height of 160 feet within an approximate 3,055 square foot compound area to replace an existing 168.5 foot self-supporting tower.

Case Summary / Background/Site Context

The application was submitted on July 27, 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, (September 25, 2016).

The proposed site is located in a CM Commercial Manufacturing Zoning District and within a Neighborhood 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 or painted light gray or light blue.

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

The existing chain link fence around the compound area will remain.

There will be no landscaping as is now.

Land Use / Zoning District / Form District Table

	Land Use	Zoning	Form District
Subject Property			
Existing	Cell Tower	Commercial Manufacturing	Neighborhood
Proposed	Same	CM	N
Surrounding			
North	Wooded Area	CM	N
South	Accessory Building, Wooded Area	CM	N
East	Wooded Area	CM	N
West	Wooded Area	CM	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 new tower will be a replacement, is slightly shorter and will be a monopole as opposed to self-supporting.

3.9 Visual Impacts

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

The replacement will be shorter and is surrounded by wooded areas.

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. No buffers or landscaping is proposed for the new monopole, as is the case for the existing tower.

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 the two, (2) existing carriers and two, (2) 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 tower does not meet the siting criteria, the replacement is surrounded by wooded areas and is approximately 0.36 miles from Dixie Highway.

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 two (2) existing carriers and two (2) future carriers.

The proposed location remains the same and will be within a CM, Commercial Manufacturing zoning district.

The monopole will have an overall height of 160 feet and be shorter than the existing tower.

The tower will be approximately 0.36 miles from Dixie Highway and be surrounded by existing wooded areas.

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	Purpose of Notice	Recipients
August 26, 2016	Public Hearing Notices— ready	1 st tier adjacent property owners Subscribers of Council District 13 Notification of Development Proposals





