

Planning Commission Staff Report

December 19, 2019



Case Nos:	19-FFO-0006, Floyds Fork Overlay Review 19-CELL-0005, Cell Tower
Project Name:	Montevista
Location:	15203 Shelbyville Road
Owner:	Highview Baptist Church Inc.
Applicant:	New Cingular Wireless PCS, LLC
Representative:	David Pike, Pike Legal Group, PLLC
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST: 19-FFO-0006

SUMMARY/BACKGROUND

The approximate 27.56 acre church site is located in eastern Jefferson County on the north side of Shelbyville Road between North Beckley Station Road and Valhalla View Drive. The property has a (RR) Rural Residential zoning classification within a Neighborhood Form District.

The submitted site plans shows the location for the cell tower being in the northeastern corner of the property. The easement area is 34,222.993 square feet, while the actual fenced compound area is 5,625 square feet.

The proposed monopole site is 105 feet from the north property line, 998 feet from the south property line (Shelbyville Road), 105 feet from the east property line and 891 feet from the west property line.

STAFF FINDINGS

Floyds Fork DRO Guidelines

The following section contains the Floyds Fork DRO Guidelines which were adopted in February 1993. Intent: The intent of the Floyds Fork Design Guidelines is to insure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor. The design guidelines are also intended to complement the natural landscape in order to obtain an aesthetically pleasing, rural atmosphere.

Applicability: The following guidelines would apply to new development, including subdivisions, new construction, clearing and grading of land. Existing homes, farms and undeveloped property are not required to meet these standards. Before a building permit or subdivision is approved, the proposed plans would be reviewed for compliance with these standards. [Note: Environmental constraints referenced within these guidelines are shown in the Core Graphics Section of the Comprehensive Plan, copies of which are available at the Planning Commission].

1. Stream Corridors

- b. Structures and impervious surfaces should be located at least 200 feet from each bank along Floyds Fork measured from the ordinary high water mark. In conjunction with the riparian vegetative buffer, this buffer protects the stream from adjacent development by filtering sediment, removing other pollution and reducing the force of runoff. In addition, hazards from floods and erosion are reduced for development adjacent to the stream. [Note: Small lots within the buffer strip will not be prevented from developing.]

Staff: The corner of the church property is approximately 1,400 feet from closest point of Floyds Fork.

2. Trees and Vegetation

- d. Where grading within wooded areas is necessary, disturbed areas should be seeded to a shade tolerant plant species and mulched with straw

Staff: Landscaping plans shows 19 white pines surrounding the compound area with a note stating that disturbed areas shall be seeded or sodded per direction of the owner.

7. Vistas and Appearance

All Development

- n. The visual impact of new structures proposed for prominent hillsides visible from public facilities, scenic corridors, and the stream itself should be minimized. Trees should be retained or planted to screen them or to create a filtered view of these structures. (one tree per 25 feet of building façade length).

Staff: The proposed monopole site is approximately 998 feet from Shelbyville Road, 1,250 feet from Treslyn Way (to the west) and approximately 500 feet from the end Valhalla View Drive at its closest point. The tower will be visible from those locations, especially during the winter months.

NOTIFICATION

Date	Purpose of Notice	Recipients
12/11/2019	Hearing before the PC	1 st tier adjoining property owners
12/11/2019		Registered Neighborhood Groups in Council District 19

REQUEST: 19-CELL-0005

This is an application for a proposed 125 foot monopole tower with a four foot lightning arrester for a total structural height of 129 feet within an approximate 5,625 square foot compound area. An eight foot wooden privacy fence with 19 White Pines will buffer the compound area.

CASE SUMMARY/BACKGROUND

The cell tower application was submitted on October 24, 2019. 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.

60 day deadline --December 23, 2019.

STAFF FINDING

The applicant has stated that there is not a more suitable location reasonably available or to co-locate. The monopole is designed to accommodate a total of four wireless providers, will not be lighted unless required by law and will have a galvanized steel finish or painted light gray or light blue.

TECHNICAL REVIEW -None

INTERESTED PARTY COMMENTS - See attached emails.

Standard of Review and Staff Analysis

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.

The Planning Commission will need to determine if the proposal meets the standards of the Land Development Code, "Uniform Application".

**Relationship to Plan 2040
Community Facilities**

Goal 3 Design community facilities to be resilient and compatible with the surrounding neighborhood.

19. Antenna Towers for Cellular Telecommunications Services or Personal Communications Services should:

19.1 Be designed to minimize impact on the character of the general area concerned.

The area is rural residential to the north and east of the site, while higher density residential to the east and commercial to the southwest.

The compound area will be screened by an 8-foot-tall wooden privacy fence and buffered with 19 white pines. However, the tower will be visible from areas in the vicinity.

Three residences are within 400 feet of the proposed monopole site with one residence being 241 feet.

- 19.2** 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. government buildings
 5. high-rise office structures
 6. high-rise residential structures

The proposed location does not meet any of the most preferred sites, but has been situated to the rear of the church property in a wooded area. However, this particular location is close to three residences.

19.3 Minimize the likely effects of the installation on nearby land uses and value.

Rural residential land uses are north and east of the proposal. The monopole will be visible, no matter where the structure is located, but the proposed placement takes advantage of some existing trees that are to remain, but again is close to three residences.

19.5 Avoid environmentally sensitive lands, historic landmarks and scenic byways, unless the applicant proves that no other reasonable site is available and the tower is designed to minimize impact.

The cell tower is more than 1,400 from Floyds Fork but will be visible from the scenic byways, especially during the dormant season.

NOTIFICATION

Date	Purpose of Notice	Recipients
12/04/2019	Hearing before PC	500 foot/ adjacent property owners
11/27/2019		Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Floyds Fork
4. Site Plan
5. Site Selection
6. Photo Simulation
7. Opposition
8. Coverage Maps

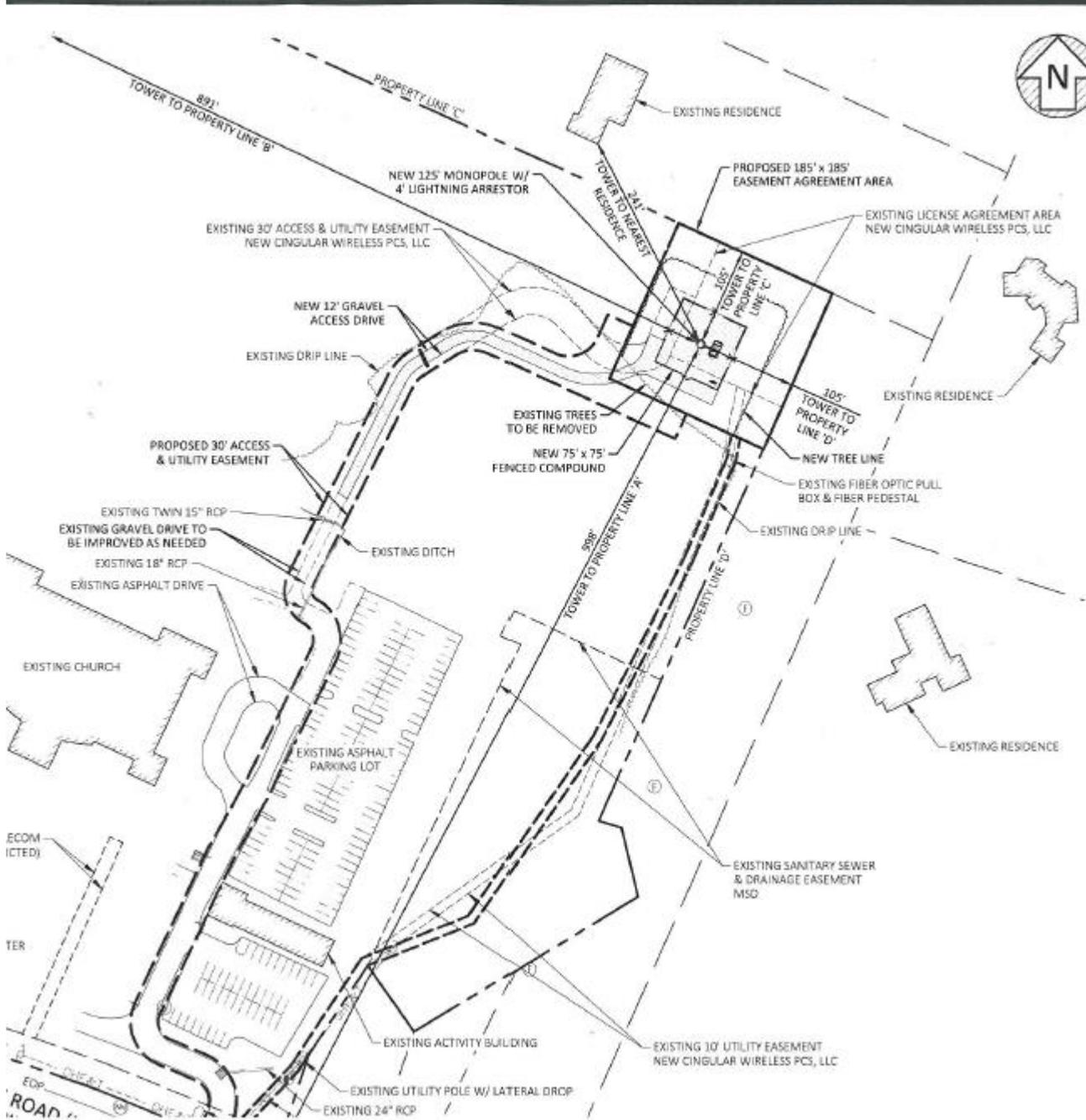
REQUIRED ACTIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must Approve or Deny the Floyds Fork Overlay Review and determine if the if the proposal meets the standards for granting a cell tower as established in the Land Development Code.

2. Aerial Photograph



Site Plan





August 23, 2019

Louisville Metro Planning Commission
444 S. 5th Street,
Louisville, KY 40202

RE: Site Selection Report
Application for New Communications Facility
Applicant: New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility
Site Location: 15203 Shelbyville Road, Louisville, KY 40245
Site Name: Montevista

Dear Commission Members:

This report is provided to explain the site development process used by the Applicant to identify the site selected for the new wireless communications facility proposed in the accompanying Application.

New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility
Site Development Process

Step 1: Problem Identification. New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility radio frequency engineers first identified a growing coverage and/or capacity gap in Jefferson County, Kentucky just east of the intersection of Beckley Station Road and Shelbyville Road.

Step 2: Search Area. To help guide the site development team's task of identifying a suitable location for a new wireless communications facility site, AT&T Mobility's radio frequency engineers identified the geographic area where the antenna site must be located in order to close the gap and issued a map (called a Search Area) that identified the general area in which a new site must be located. In this instance, the Search Area has a 0.3-mile radius centered at 38° 14' 18.20"N, 85° 28' 45.50"W (Lat. 38.238388; Lon. - 85.479306) and is generally located in eastern Jefferson County off Shelbyville Road between Gablewood Circle and Bircham Road. The area is a mix of commercial and residential uses.

Experience Performance Satisfaction

13804 Lake Point Circle, Unit 101
Louisville, KY 40223
502-253-0878 phone
502-849-0449 fax

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A map of the Search Area is below:



Lat: 38.238388
Lon: -85.479306
Radius: .3 miles

Montevista Search Area

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Step 3: Co-location Review. The site development team first reviewed the area within the Search Area for a suitable tall structure for co-location. As you can see below, a search of FCC registered towers in this area of Jefferson County reveals there are no existing towers within 1 mile (1.6 kilometer) of the Search Area center point coordinates. Since a new site must be located within 0.3 miles of the Search Area center point coordinates to meet the radio frequency needs of the project, there are no existing FCC registered towers in the area where a new facility must be located to close the service gap.

FCC Federal Communications Commission

Antenna Structure Registration

FCC > WTB > ASR > Online Systems > ASR Search

ASR Registration Search

Registration Search Results

[New Search](#) [Refine Search](#) [Printable Page](#)

Displayed Results

No matches found

To try again, you can perform a [new search](#) or [refine your existing search](#).

Specified Search

Latitude='38-14-18.2 N', Longitude='85-28-45.5 W', Radius=1.6 Kilometers

The site development team then looked at other tall structures suitable for antenna placement. The team identified an existing steel lattice tower within the Search Area owned by LG&E and located on parcel #: 0024-0195-0000. The site development team contacted LG&E to discuss antenna placement on its tower. LG&E declined to allow antenna placement. According to LG&E's Sr. Project Engineer, Rick Pollock, the tower is designed to accommodate existing high voltage transmission circuits and additional circuits on the opposite side of the structure. Per Pollock, collocating any AT&T PCS equipment would adversely impact the remaining structural capacity of the structure and put expansion plans in jeopardy. Since there are no suitable tall structures within the Search Area for Applicant to co-locate its equipment on, construction of a rawland site is necessary to resolve the existing coverage/capacity gap in this area of Jefferson County.

Step 4: Review of the Area's Zoning Classification. Once the site development team determined that there are no available existing tall structures which are technically feasible and suitable for co-location, the team next reviewed local zoning regulations and determined that Chapter 4, Part 4, Section 4.4.2 of the Jefferson County Land Development Code applies to proposed telecommunications towers within Jefferson County. The site development team then utilized this Section of the Code in conjunction

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with general siting principles to locate a suitable site within the Search Area to host a telecommunications tower on. A parcel map is show below:



Step 5: Preliminary Inspection and Assessment of Suitable Parcels. Once suitably zoned parcels are identified, the site development team visits the parcels and performs a preliminary inspection. The purpose of the preliminary inspection is: (1) to confirm the availability of sufficient land space for the proposed facility; (2) to identify a specific location for the facility on the parcel; (3) to identify any recognized environmental conditions that would disqualify the parcel from consideration; (4) to identify any construction issues that would disqualify the candidate; and, (5) to assess the potential impact of the facility on neighboring properties.

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Applicant strives to locate its towers in areas that minimize the impact to surrounding properties while still meeting the service needs of the area. Therefore, smaller parcels containing residences were removed from consideration due to a lack of sufficient ground space to provide adequate separation between the tower and nearby residences. Once these parcels were removed, the site development team then evaluated the remaining parcels to determine the most compatible and least obtrusive location available for tower construction.

The following parcel was removed from consideration because the area within the Search Area is located within a floodplain:

PARCEL ADDRESS	PARCEL NUMBER	LANDOWNER
15503 Shelbyville Road	0024-0027-0000	Valhalla, Golf Club Ltd. LP

Although the following parcels containing residences were sufficiently large enough to accommodate tower placement, they were removed from consideration because the areas where a tower could be compatible with existing land uses are located within a floodplain:

PARCEL ADDRESS	PARCEL NUMBER	LANDOWNER
121 Valhalla View Drive	0024-0189-0000	Hillerich, Ronald P & Angela C
131 Valhalla View Drive	0024-0057-0000	Deknatel, Gabriel M

Section 4.4.2(C)(1) of the Land Development Code requires communication towers to be setback at least fifty (50) feet from the property line of any residentially zoned parcel. The following properties within the Search Area were removed from consideration due their inability to meet this setback requirement:

PARCEL ADDRESS	PARCEL NUMBER	LANDOWNER
15211 Shelbyville Road	0024-0162-0000	Mouser, Michael R
15350 John Carpenter Way	0033-0094-0000	Midland, Trail Golf Club Inc.
15205 Shelbyville Road	0024-0082-0000	Haq, Abdul & Akasha

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The following parcels were investigated and removed from consideration because the landowner was not interested in leasing space for a tower:

PARCEL ADDRESS	PARCEL NUMBER	LANDOWNER
15206 Shelbyville Road	0033-0037-0000	Cedar, Development LLC
101 Valhalla View Drive	0024-0175-0000	DRG, II LLC
15413 Shelbyville Road	0024-0180-0000	DRG, II LLC
111 Valhalla View Drive	0024-0195-0000	DRG, II LLC

Chapter 3 Part 1 of the Land Development Code sets forth the requirements for new developments located within the Floyds Fork District. In pertinent part, Section 2(a) of the Floyds Fork DRO Guidelines specifies that "[e]xisting wooded areas... should be retained whenever possible." In compliance with this provision, the following heavily wooded parcels were removed from consideration because tower construction on these parcels would require extensive tree removal:

	PARCEL NUMBER	LANDOWNER
Beckley Station Road	0024-0054-0000	Valhalla, Golf Club Ltd LP
225 N Beckley Station Road	0024-0033-0000	Valhalla, Golf Club Ltd LP
409 N Beckley Station Road	0024-0087-0000	Valhalla, Golf Club Ltd LP

Further, these parcels are at a lower elevation than the proposed site location. Constructing towers at maximum ground elevation allows the applicant to maximize coverage while minimizing tower height.

Step 6: Candidate Evaluation and Selection. After the preliminary site assessments were performed, the site development team ranked the candidates based on compliance with zoning regulations, the availability of ground space, topography, applicable environmental conditions, construction feasibility and the potential impact of the facility on neighboring properties. After removing the parcels discussed above from consideration, parcel number 0024-0138-0000, located at 15203 Shelbyville Road, Louisville, KY 40245, and owned by Highview Baptist Church, Inc. was the only remaining parcel viable for tower placement. The proposed site is located in the back of the 27.18-acre parcel where

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existing mature vegetation will provide appropriate screening and buffering from surrounding land uses and roadways. Below is a picture of the site:



Step 7: Leasing and Due Diligence. Once a suitable candidate was selected, lease negotiations were commenced and site due diligence steps were performed, as described below.

Leasehold Due Diligence:

- A Title Report was obtained and reviewed to ensure that there are no limitations on the landowner's capacity to lease and to address any title issues.
- A site survey was obtained to identify the location of parcel features, boundaries, easements and other encumbrances revealed by the title search.
- Review of environmental conditions.

Engineering Due Diligence:

- Utility access identified.
- Grounding plan designed.
- Geotechnical soil analysis performed to determine foundation requirements.
- Foundations designed to meet the Kentucky Building Code lateral and subjacent support requirements.

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- Site plan developed.

Federal Regulatory Due Diligence

- Federal Aviation Administration ("FAA")
- Federal Communication Commission ("FCC")

Step 8: Application. Once a lease was obtained and all site due diligence completed, New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility prepared and filed the accompanying uniform application to construct, maintain and operate a communications facility.

Conclusion

Applicant's site identification and selection process aims to identify the least intrusive of all the available and technically feasible parcels in a service need search area. In this instance, the parcel located at 15203 Shelbyville Road, Louisville, KY 40245, is the only viable parcel from which Applicant can resolve the coverage gap, while minimizing the impact on residential properties in the area. Further, the tower is proposed to be located toward the back of the site parcel where existing mature vegetation will provide adequate screening and appropriate separation and buffering from surrounding land uses and roadways. Finally, it is located within the radio frequency Search Area and a new communication facility at this location will close the service gap in this area of Jefferson County, Kentucky.

Sincerely,



Dustin Billman
Blue Wave Deployment Services
13804 Lake Point Circle, Suite 101
Louisville, KY 40223
502-645-0262

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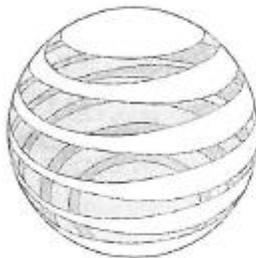
MONTEVISTA

FA NUMBER: 12568791

15203 SHELBYVILLE ROAD
LOUISVILLE, KY 40245

NEW 125' MONOPOLE WITH 4' LIGHTNING
ARRESTOR

PHOTO SIMULATION



at&t



SHEET TITLE	SITE NAME	DESCRIPTION	REV	DATE	DESCRIPTION
COVER	MONTEVISTA	15203 SHELBYVILLE RD LOUISVILLE, KY 40245 JEFFERSON COUNTY	A	8.29.13	ISSUED FOR REVIEW
			RECEIVED		
SHEET NUMBER 1	POD NUMBER	38-0526	OCT 24 2013 PLANNING & DESIGN SERVICES		
	DRAWN BY: CHECKED BY: DATE:	AKP MSP 8.29.13			
		APPLICANT: POW DYNAMIC SERVICES, LLC A SHELLHANE LIMITED LIABILITY COMPANY, 2001 WEST MICHIGAN MICHIGAN TOWER 441 S. 7TH STREET, SUITE 1000 COLUMBUS, OH 43212	 		



PHOTO #1 (BEFORE)

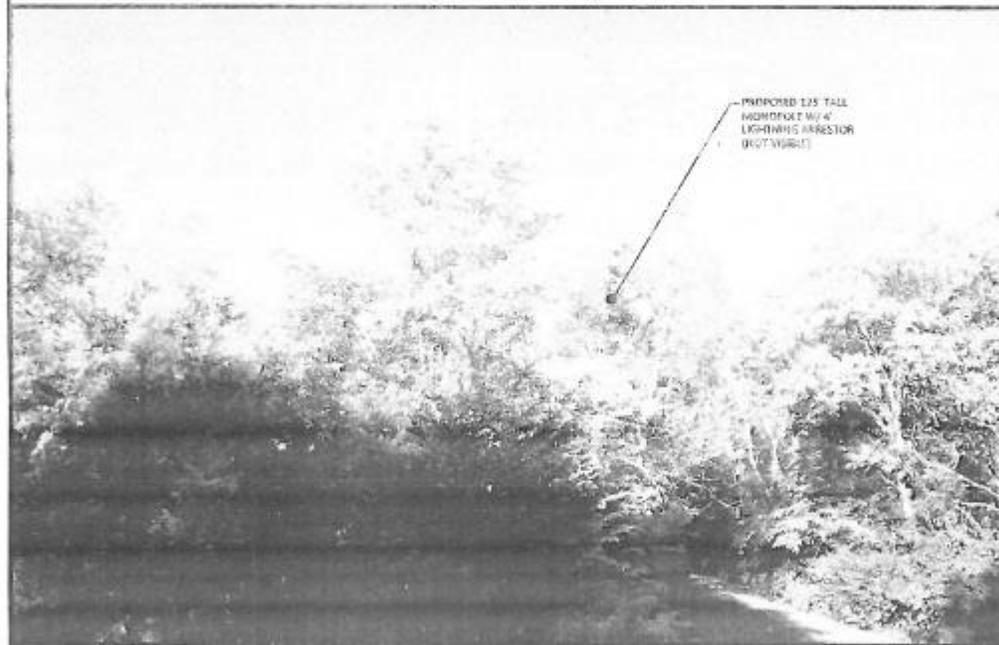


PHOTO #1 (AFTER)

SHEET TITLE: PHOTO #1		JOB NAME: MONTEVISTA	SITE INFORMATION: 15203 SHELBYVILLE RD LOUISVILLE, KY 40245 JEFFERSON COUNTY		REV.	DATE	DESCRIPTION	
SHEET NUMBER: 2		POD NUMBER: 19-48260	APPLICABLE: NEW ORLEANS WIRELESS P.C., L.C. A ORLEANS LIMITED LIABILITY CORPORATION, 1000 4TH STREET MEMPHIS TOWER 401 S. 4TH STREET, SUITE 2400 LOUISVILLE, KY 40202		A	02/26/19	ISSUED FOR REVIEW	

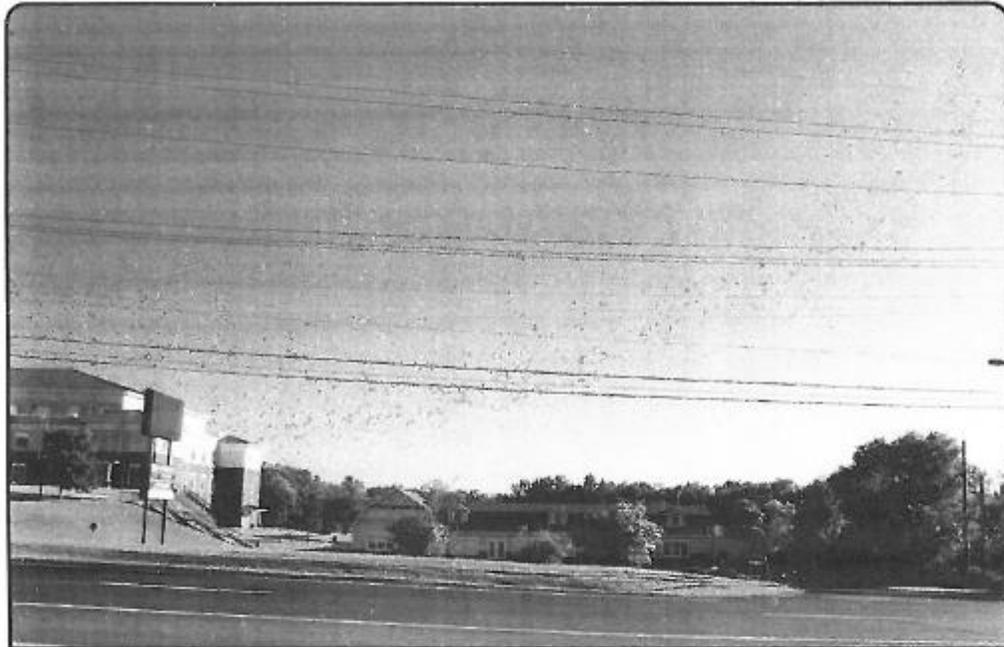
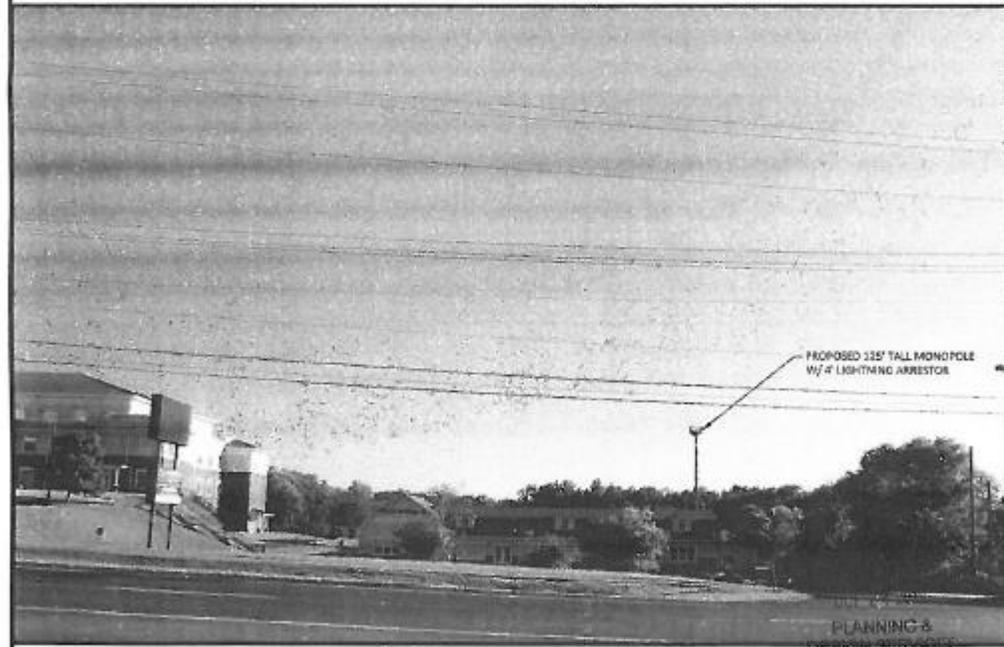


PHOTO #2: (BEFORE)



PROPOSED 135' TALL MONOPOLE
w/ 4' LIGHTNING ARRESTOR

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PHOTO #2: (AFTER)

SHEET TITLE	SITE NAME	SITE INFORMATION	REV.	DATE	DESCRIPTION
PHOTO #2	MONTEVISTA	15205 SHELBYVILLE RD LOUISVILLE, KY 40245 JEFFERSON COUNTY	1	8-29-18	ISSUED FOR REVIEW
SHEET NUMBER: 3	POD NUMBER:	2543008	APPLICANT:		
	DRAWN BY:	AK	NEW CABLELAIN SERVICES, P.C., LLC, A SHELL OIL COMPANY LIMITED LIABILITY COMPANY, 6000 4781 MOBILITY HIGHWAY TORONTO, 482 S. 4TH STREET, SUITE 2400 LOUISVILLE, KY 40202		
CHECKED BY:	WEP				
DATE:	8.29.18				



PHOTO #3: (BEFORE)



PHOTO #3: (AFTER)

DESIGN SERVICES

SHEET TITLE: PHOTO #3		SITE NAME: MONTEVISTA		SITE INFORMATION: 15203 SHELBYVILLE RD LOUISVILLE, KY 40245 JEFFERSON COUNTY		REV.	DATE	DESCRIPTION	 POPPILLI DESIGN 23400 BLUESHIRE PKWY LOUISVILLE, KY 40298 502-497-3322
SHEET NUMBER: 4		POD NUMBER: 15-0306		APPLICANT: NEW CIRCLE K LIMITED PDS, LLC, A COURTNEY, ERIN ATRC MOBILITY MEMBER TRUCK 481 S. 4TH STREET, SUITE 2400 LOUISVILLE, KY 40202		A	8.25.19	ISSUED FOR REVIEW	



PHOTO #4: (BEFORE)

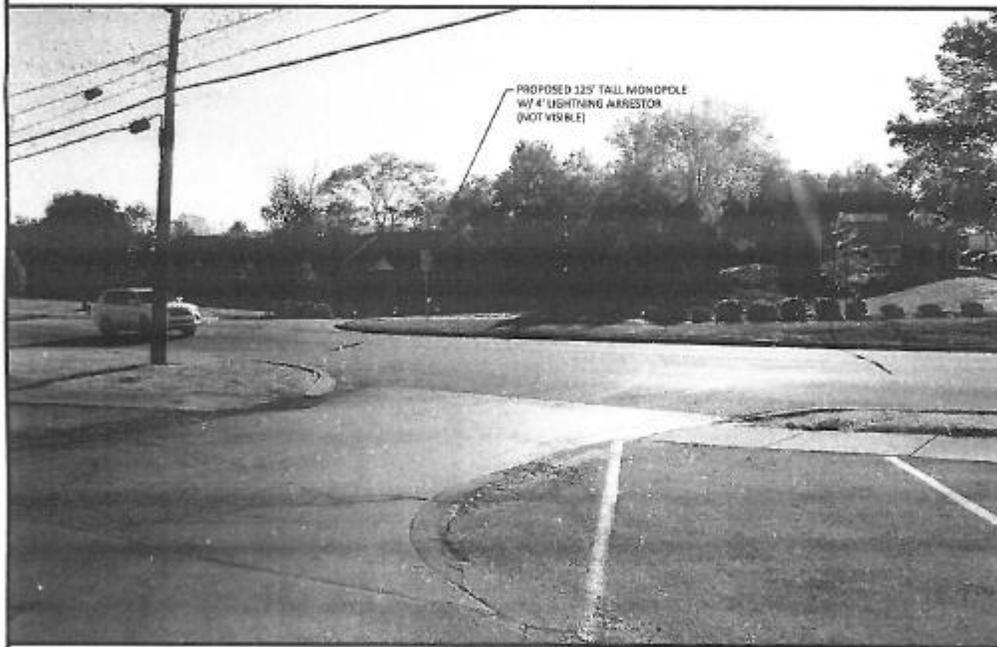


PHOTO #4: (AFTER)

SHEET TITLE	SITE NAME	SITE INFORMATION	REV	DATE	DESCRIPTION
PHOTO #4	MONTEVISTA	15323 SHARBYVILLE RD LOUISVILLE, KY 40245 JEFFERSON COUNTY	A	8.28.19	ISSUED FOR REVIEW
SHEET NUMBER: 5	POD NUMBER: 20-40362	PROJECT NAME: NEW OGDHAM WHEELS PCL USE A BEAUKANE LIMITED LIABILITY COMPANY, 4200N 435TH WIDEHURST NE, DUNSMIR TOWNSHIP			

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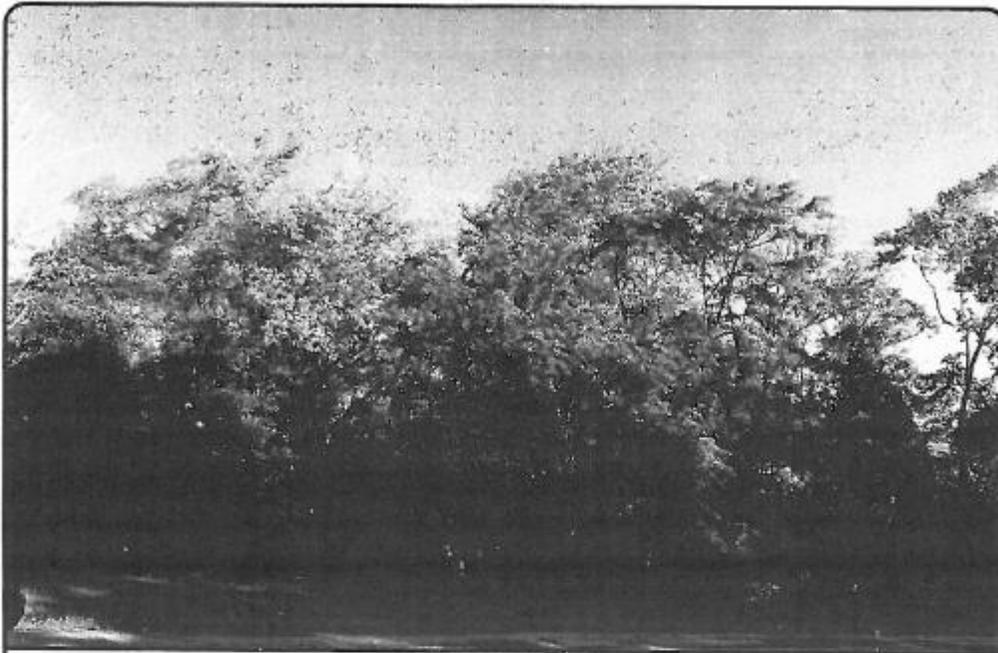



PHOTO #6: (BEFORE)

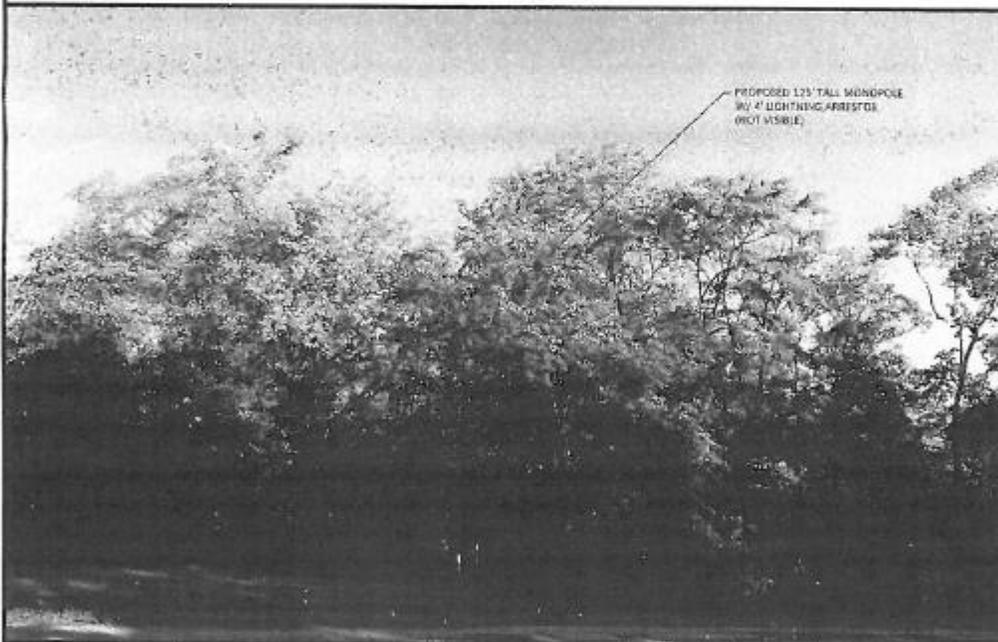


PHOTO #6: (AFTER)

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SHEET TITLE	SITE NAME	SITE INFORMATION	REV.	DATE	DESCRIPTION
PHOTO #6	MONTEVISTA	15202 SHELBYVILLE RD LOUISVILLE, KY 40245 JEFFERSON COUNTY	A	8.22.13	ISSUED FOR REVIEW
SHEET NUMBER: 7	POD NUMBER: 19-0000	APPLICANT: NEW CASUALTY WIRELESS PCS, LLC, A DELANEARD (AMERIC) LAND SERV COMPANY, 2000 KYLE WOODLEY MERRICKS TOWNS 4815 4TH STREET, 30 FL. LAND LOUISVILLE, KY 40222			



Hendrix, Steve

From: Williams, Julia
Sent: Monday, December 02, 2019 1:58 PM
To: Reverman, Joe; Dock, Joel; St. Germain, Dante; Luckett, Jay P; Gabbard, Lacey A
Cc: Lauago, Andrea T; Hendrix, Steve
Subject: RE: Website Mayor Contact Form [#9356] - on

The email is making reference to a cell tower. Steve Hendrix is copied on this email. It looks like this might be his.

Julia Williams, AICP
Planning Supervisor
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502.574.6942
<https://louisvilleky.gov/government/planning-design>



**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD

From: Reverman, Joe <Joe.Reverman@louisvilleky.gov>
Sent: Monday, December 2, 2019 1:36 PM
To: Williams, Julia <Julia.Williams@louisvilleky.gov>; Dock, Joel <Joel.Dock@louisvilleky.gov>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Luckett, Jay P <Jay.Luckett@louisvilleky.gov>; Gabbard, Lacey A <Lacey.Gabbard@louisvilleky.gov>
Cc: Lauago, Andrea T <Andrea.Lauago@louisvilleky.gov>
Subject: FW: Website Mayor Contact Form [#9356] - on

If you are the case manager, did you get this email for the record?

Joe

From: Ford, Will F <Will.Ford@louisvilleky.gov>
Sent: Friday, November 15, 2019 3:01 PM
To: jrhidgon@bellsouth.net
Cc: Reverman, Joe <Joe.Reverman@louisvilleky.gov>; Lauago, Andrea T <Andrea.Lauago@louisvilleky.gov>
Subject: RE: Website Mayor Contact Form [#9356] - on

Good afternoon Robin,

Thank you for sending us your concerns. By way of this email, I am copying Joe Reverman and Andrea Lauago with Planning & Design Services so that they may relay your comment to the appropriate case manager and that case manager can add your comment to the case file and make sure that all action being taken is begin done according to the requirements of the Land Development Code.

Will Ford
Office of the Mayor

Special Assistant
502-574-4289 (Office)
502-618-7124 (Mobile)
will.ford@louisvilleky.gov
www.louisvilleky.gov

From: Website Contact Form for Mayor's Office [<mailto:no-reply@wufoo.com>]
Sent: Thursday, November 14, 2019 4:07 PM
To: Mayor Information <Mayor.Information@louisvilleky.gov>
Subject: Website Mayor Contact Form [#9356] - on

Date * Thursday, November 14, 2019

Name * robin higdon

Address

* 110 Valhalla View Dr
Louisville, KY 40245
United States

Phone (502) 807-7396

Number

*

Email * jrhigdon@bellsouth.net

Comment, question or concern:

Dear Mayor Fischer,

I am contacting you today asking for help and advice. Two weeks ago, my family and neighbors were contacted regarding the erection of a 125ft cell phone tower. The proposed tower is being built on land owned by Highview Baptist Church and is adjacent to my residence and that of others that live on Valhalla View Drive and homeowners on South Beckley Station Road. The tower itself would be located within 150ft of my residence along with a 30KW generator that would be creating a large amount of noise. Other neighborhoods that are effected by the nearness and obtrusiveness of the tower would Copperfield, Valhalla Vista and Midland Meadows, as well as businesses such as Valhalla Golf Course and Louisville Paving.

In addition to the tower they are planning to (and already have) cut down a large amount of old growth trees. The homeowners that will be effected by the tower are located on heavily wooded lots that we have all maintained in a natural state to preserve and perpetuate the "green" of our area. Our small area is a haven for much wildlife, including the diminishing wild turkey, fox and mink. I feel like the construction of this in direct opposition to what Louisville is trying to achieve in becoming a Green City!

Of course there are multiple reasons this would cause huge detriment not only to myself and that of our surrounding neighbors. I have found data from a national corporation that does research and surveys show that 79% of homeowners would under no circumstance buy a house near a cell phone tower and 94% of homeowners would pay far less for that residence. Other data states that property values can decrease by 20%. I don't know about you, but our biggest investment is our house and to find that overnight it could be rendered worthless is devastating. Also, a 20% decrease in property values would eventually be reflected in property taxes and the outcome would be less revenue to our city.

We have filed a formal letter to the zoning board to oppose and are waiting to hear back from them. I have been doing a lot of reading and have some ideas on how to proceed, but I have absolutely no experience in this kind of situation. Honestly, in all I have read it does not sound very promising, but I don't feel stopping this is impossible.

I immediately thought of you. You very promptly acted in response to my email about adding another recycling dumpster to Middletown area! I know you care deeply about our environment and have made multiple decisions to make Louisville more green. I would be very thankful for any help, advice or leads to any other sources of help.

▪

Hendrix, Steve

From: rita tiemann <ritatiemann@att.net>
Sent: Monday, December 02, 2019 3:12 PM
To: Hendrix, Steve
Subject: Case #19CELL 0005

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I am parcel ID: 2256-0001-0000, Rita M. Tiemann, 14122 Shelbyville Road, Louisville, Ky. 40245-4109, zoned R4 and I oppose the 129ft cell tower to be built on the property owned by Highview Baptist Church located at 15201 Shelbyville Rd. This enormous cell phone tower will be visible to all surrounding neighborhoods and properties.

The installation of the tower poses health risks, devaluation of real estate, decreased ability to sell my house, intrusive negative visual impacts on the landscape, disruptive effect on wildlife AND the residents already have adequate cell phone/wireless data coverage in this area. The plan to build the tower was put into motion without the input or knowledge of the nearby residents.

Research by National Institute for Science, Law & Public Policy states that:

94% of homeowners are less interested in buying a home by a cell tower

79% of homeowners stated that under no circumstance would they buy or rent a property near a cell tower.

Homeowners pay over 20% LESS for homes near cell towers.

CURRENTLY on my property of 14122 Shelbyville Rd/Gablewood Circle, is an AT&T visible high tech metal box station as well as a large metal box buried in the ground, placed within just two (2) months ago, for the purpose of providing landline as well as cell phone wireless data, along with internet for the latest in high speed service for the entire area which services far reaching residents other than my residential area as well as surrounding commercial properties. This equipment is opened and closed weekly as well as daily, by employees of AT&T as well as companies doing business as directed by AT&T.

I have always believed progress should not be stopped, HOWEVER, IN THIS SITUATION, the idea my health, most importantly, will be affected based on the fact if 5G equipment is in my area, basically I'm living in a MICROWAVE, a dangerous place to live.

THIS TOWER SHOULD NOT BE BUILT IN THIS STRONG RESIDENTIAL LOCATION.

I hope to have your support.

Thank you,

Rita M. Tiemann
14122 Shelbyville Rd.
Louisville, Ky. 40245-4109
Tel. No. 502/253-1493

Hendrix, Steve

From: Ron Hillerich <Ron@hillerichlaw.com>
Sent: Sunday, December 01, 2019 12:43 PM
To: Hendrix, Steve
Cc: jrhighdon@bellsouth.net
Subject: case # 19CELL 0005

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Please accept this correspondence as my strong objection to the proposed cell phone tower project referred to above. If you need further information or would like to speak to me directly ,my office number is 502-736-8100.
Thanks, Ron Hillerich

Hendrix, Steve

From: Beckie Bell <bellsims@aol.com>
Sent: Monday, November 18, 2019 9:49 AM
To: Hendrix, Steve
Subject: cell phone tower

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Please don't allow a cell phone tower to be built on the Highview Baptist Church property. This will hurt property values and home cells in the area. There has to be somewhere else to locate this not around so many homes. Thank you!

Hendrix, Steve

From: Gabriel Deknatel <gdekna@gmail.com>
Sent: Sunday, December 08, 2019 6:42 PM
To: Hendrix, Steve
Subject: Case #19CELL0005

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Dear Mr. Hendrix,

I'm writing to urge you to reject the proposed application for a cellular tower in our community in regards to case #19CELL0005.

Unfortunately, my family has firsthand experience with the dangers of increased radiation such a project would force on nearby families. Exposure to high levels of electromagnetic radiation was a major trigger for my wife's life-threatening autoimmune condition, which now leaves her mostly homebound and, since the residual electrosensitivity is not expected to resolve in her lifetime, is likely to prevent her from air and extended car travel, as well as a number of other activities even should she make an otherwise full recovery.

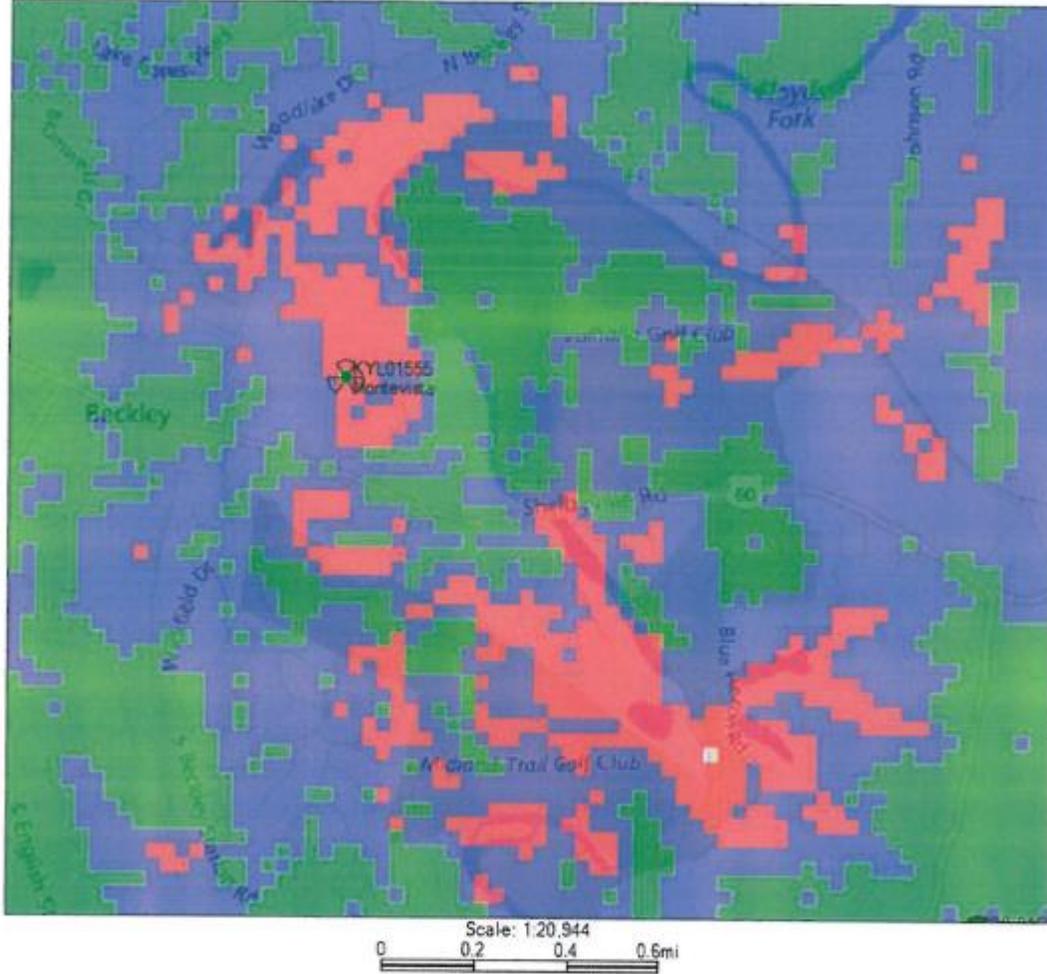
It strikes us as unconscionable the planning commission would seriously consider an application for a cell tower of this magnitude in a residential neighborhood. In addition to the obvious financial, environmental, and liability issues, we ask you to seriously consider the longer-term dangers such a project poses to our community. These effects are irreversible and would leave a legacy of problems which could have been avoided with even a fraction of the scientific understanding we have now.

Thank you for your consideration.

Gabriel Deknatel
131 Valhalla View Drive
Louisville, KY 40245
(502) 386-5970

EXHIBIT A Existing High Band Coverage Without Proposed Site

This map illustrates existing high band coverage in the subject area. Note the clear gap in coverage in the vicinity of the Proposed Site location.



- Best Signal Level (dBm) >= -75
- Best Signal Level (dBm) >= -85
- Best Signal Level (dBm) >= -95

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OCT 24 2019

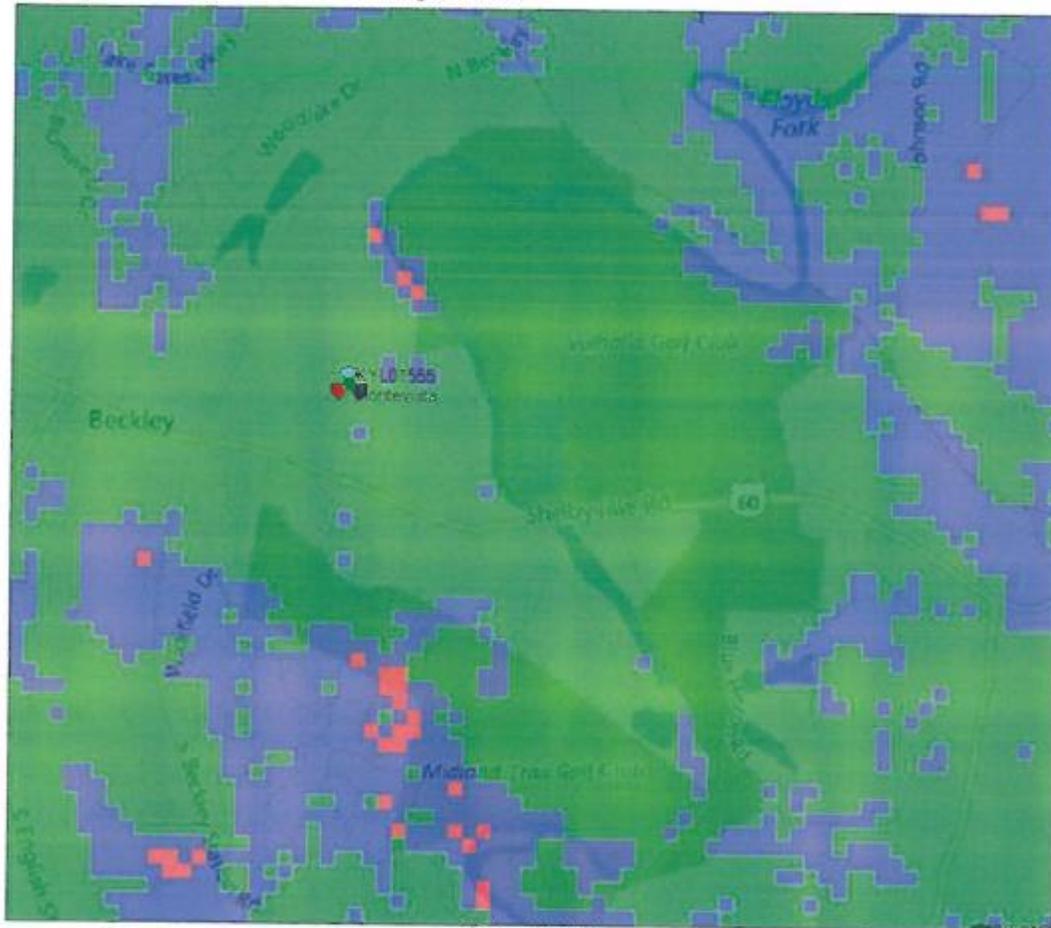
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19 CELL 0005

EXHIBIT B

High Band Coverage with the Addition of Proposed Site

This map illustrates high band coverage improvements that will be realized with the addition of the Proposed Facility to AT&T's existing network.



Scale: 1:20,944
0 0.2 0.4 0.6mi

- Best Signal Level (dBm) ≥ -75
- Best Signal Level (dBm) ≥ -85
- Best Signal Level (dBm) ≥ -95

RECEIVED

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