

**Planning Commission**  
**Staff Report**  
March 7, 2019



<b>Case No:</b>	19Cell1000
<b>Project Name:</b>	Lower Hunters Trace Cell Tower
<b>Location:</b>	2401 Cady Court
<b>Owner:</b>	George Gagel
<b>Applicant:</b>	Capital Telecom Holdings II LLC and Cellco Partnership
<b>Representative:</b>	David A. Pike, Pike Legal Group, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	#12 –Rick Blackwell
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

**REQUEST:**

This is an application for a proposed 175-foot monopole tower with a five foot lightning arrestor for a total structural height of 180 feet within an approximate 2,000 square foot compound area.

**CASE SUMMARY/BACKGROUND**

**The application was submitted on January 14, 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, (March 15, 2019).**

The property is in southwestern Jefferson County between Dixie Highway and Greenbelt Highway off Lower Hunters Trace. The site is zoned R-4, and is located within the Neighborhood Form District. The former Gagel's Greenhouse and Garden Center is located north of the subject site, single family residences are south and west and Shacklette Elementary School is east of the site. The site was part of the larger tract that contains the former garden center and has the same owner.

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

**STAFF FINDING**

The proposed site is surrounded by residentially zoned property. Several dwellings will be within 250 feet of the proposed pole with one being approximately 140 feet. It appears to staff that a better location for the cell tower would be the larger tract (garden center) just north of the greenhouses. Those buildings could provide a screen and existing trees would provide more of a buffer, although the monopole would still be visible.

## **TECHNICAL REVIEW**

The site plan will be subject to MSD approval.

## **INTERESTED PARTY COMMENTS**

Staff received calls from an interested neighbor and from the office of Council District #12.

### **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 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 compound area will be screened by an 8-foot-tall wooden privacy fence and buffered with seventeen six foot tall evergreens, but the monopole will still be visible.

**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 proposal does not meet any of the preferred sites.

**19.3** Minimize the likely effects of the installation on nearby land uses and values. The monopole will be visible, no matter where the structure is located, but the installation on the former garden center property would provide more of a screen and buffer to the surrounding residential uses and Shacklette Elementary School.

**19.4** Be designed to address compatibility issues such as co-location, mass, scale, siting, abandonment and removal of antenna tower structure. The structure has been designed to have a total of three carriers and has provisions for abandonment and removal.

**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.  
Not applicable.

**REQUIRED ACTIONS**

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

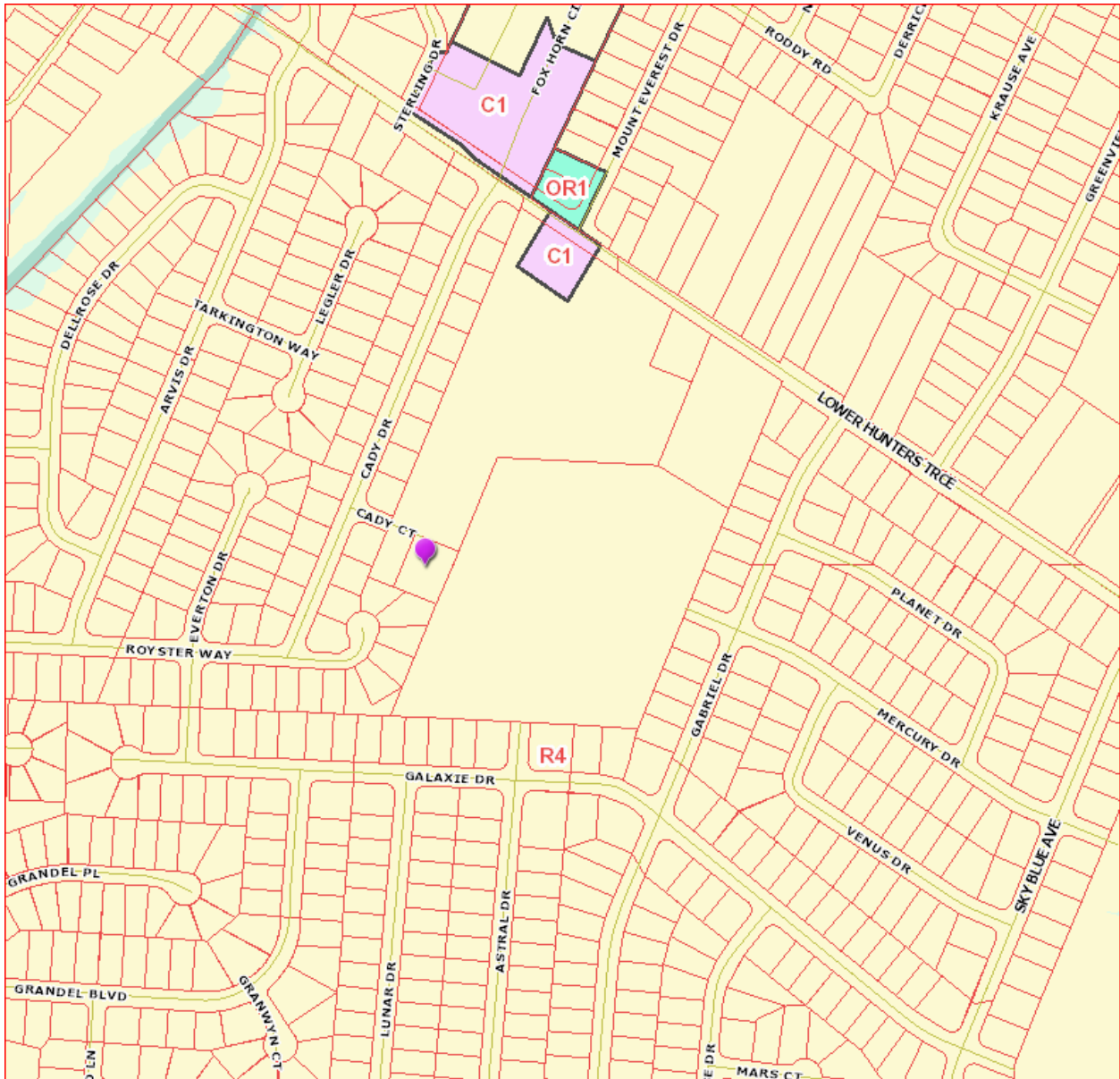
**NOTIFICATION**

Date	Purpose of Notice	Recipients
2-15-19	Hearing before Planning Commission	500 foot/ adjacent property owners Registered Neighborhood Groups in Council District 12

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Pole Elevation
5. Coverage

1. Zoning Map

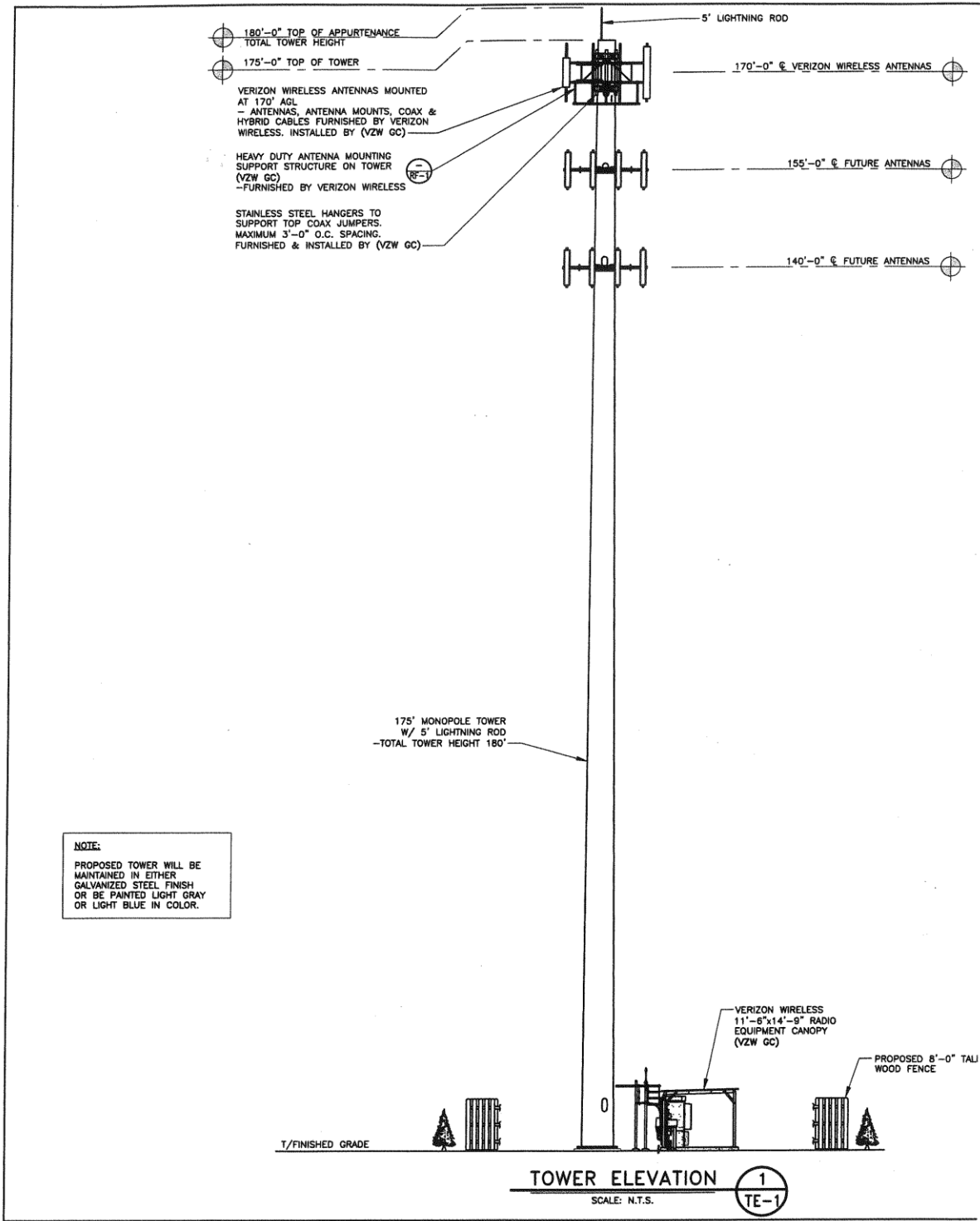


2. Aerial Photograph

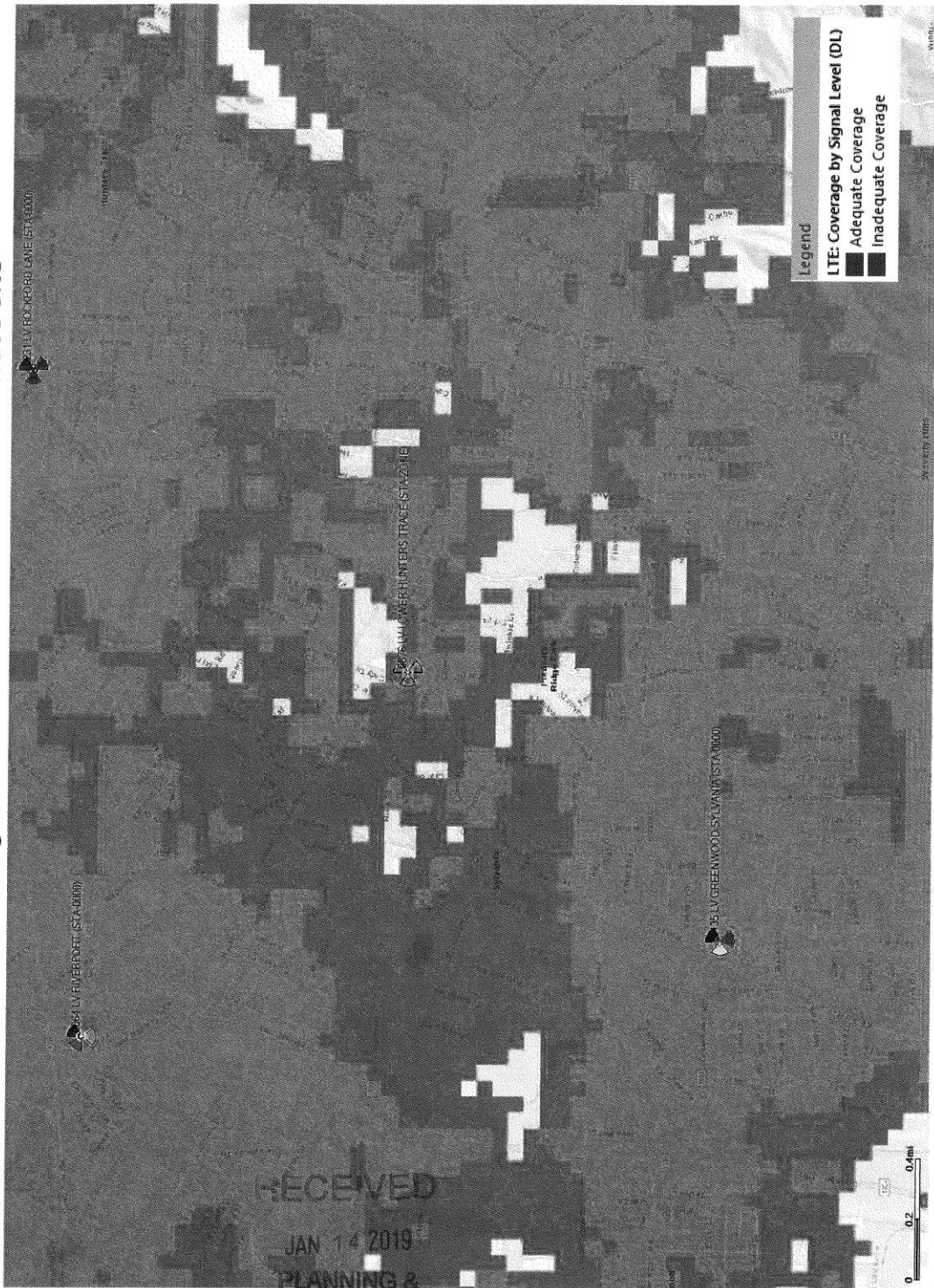








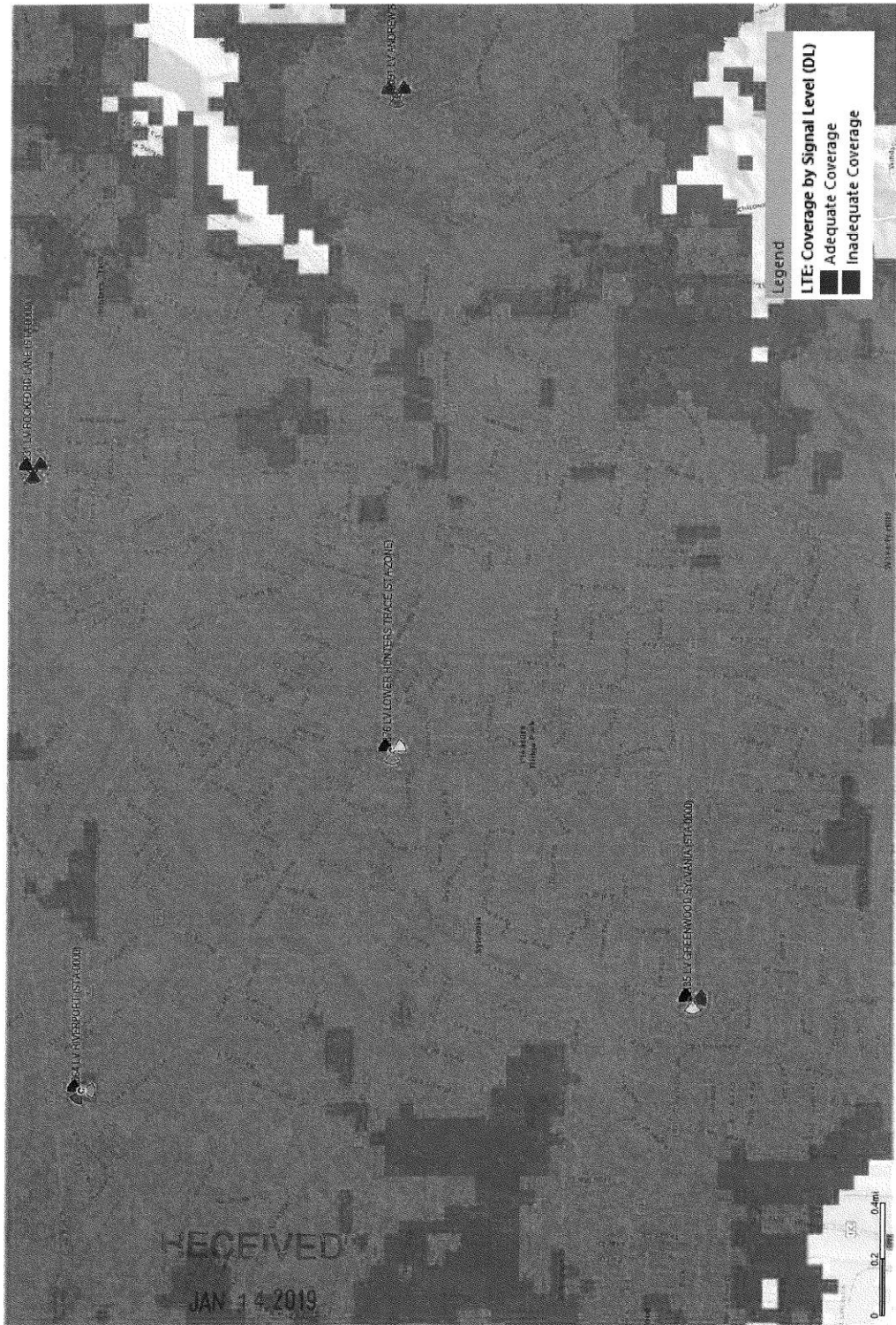
Current Coverage Without The LV Lower Hunters Trace Site



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Coverage With The Proposed LV Lower Hunters Trace Site



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