

**Development Review Committee  
Staff Report  
November 18, 2015**



<b>Case No:</b>	15Cell1007
<b>Request:</b>	Cell Tower
<b>Project Name:</b>	Bradbe & Routt
<b>Location:</b>	6312 Routt Road
<b>Owner:</b>	Stephen E. & Sharon Ernst Living Trust
<b>Applicant:</b>	PI Telecom Infrastructure V, LLC and Cellico Partnership d/b/a Verizon Wireless
<b>Representative:</b>	David Pike, Pike Legal Group, PLLC
<b>Total Height</b>	230 feet
<b>Existing Zoning District:</b>	R-4
<b>Existing Form District:</b>	Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	#20 – Stuart Benson
<b>Case Manager:</b>	Steve Hendrix, Planning Supervisor

**Request**

This is an application for a proposed 225 foot lattice tower with a 5 foot lightning arrestor for a total structure height of 230 feet. The compound area is 9,604 square feet and will be screened by an 8 foot high privacy fence and a 35 foot wide buffer that will have 24 eastern pine trees. Waiver request to allow the tower to be over 200 feet.

**Case Summary / Background/Site Context**

The application was submitted on October 1, 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. Deadline is November 30, 2015.

The proposed site is located in rural southeastern Jefferson County in a heavily wooded area. The compound area will be more than 1,000 feet from Routt Road. The tower will be lighted in accordance with applicable Federal Aviation Administration requirements. Unless otherwise specified by the FAA requirements, the tower shall be lighted with steady-burning red obstruction lights (FAA Type L-810) or flashing red obstruction lights (FAA Type L-864) flashing no faster than 20 flashes per minute.

The structure will be galvanized steel and painted light gray or light blue, will be unmanned, and will only have the required signage.

The nearest residential structure is approximately 700 feet from the compound area, and is the subject property owner.

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	Single Family Residences/ Wooded Area	R-4	Neighborhood
Proposed	Single Family Residences, Wooded Area, Cell Tower	R-4	N
Surrounding			
North	Wooded Area	R-4	N
South	Wooded Area	R-4	N
East	Wooded Area with Single Family Residence	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.**

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 compound area will be more than 1,000 feet from Routt Road and the nearest residential structure is approximately 680 feet which is the subject property owner. The compound area will be screened with a privacy fence, a 35 foot wide buffer area with 24 eastern pine and the existing vegetation. The compound area will not be visible from the road, but the tower will still be visible at some angles.

#### **3.9 Visual Impacts**

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

Same as above.

#### **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 compound area will be screened by an eight foot high privacy fence, 24 eastern pine trees and not visible from the road.

#### **3.30 Cellular Towers**

Establish and enforce standards for the placement, height, design, and buffering of antenna towers for cellular telecommunications services and personal communications services. Antenna tower location and design must consider the effect of the tower on the character of the general area in the vicinity of the tower and the likely effects of the installation on nearby land uses and values. Issues that must be addressed include the necessity for the tower, co-location possibilities, design, mass, scale, siting, and abandonment and removal of antenna tower structures.

The applicant states that there are no other suitable or willing co-locatable structures or structure owners identified within the vicinity to meet the coverage objectives. The applicant states they have considered the likely effects of the installation on nearby land uses and values and have concluded that there is no more suitable location reasonably available from which adequate service can be provided. The applicant further states that the proposed facility has been designed to accommodate additional wireless telecommunication carriers, thus reducing the need for additional towers in the area in the future.

### **Community Facilities**

#### **15.21 Antenna Towers for Cellular Telecommunications**

Cellular towers should be designed to:

--- minimize impact on the character of the general area concerned,

---be sited in order from most preferred to least preferred :

1. highway rights-of-way except designated parkways;
2. existing utility towers

3. commercial centers
4. governmental buildings
5. high-rise office structures
6. high rise residential structures

---minimize the likely effects of the installation on nearby land uses and values;

---be designed to address compatibility issues such as co-location, mass, scale, siting, abandonment and removal of antenna tower structure.

Although the tower does not meet one of the above siting criteria, its placement has taken measures to minimize the impact on the character of the general area, by its distance from the road, the distance from a residence, the proposed landscaping and the existing vegetation.

The existing siting criteria did not anticipate the demand and coverage area needed for cell phone use.

Technical Review—None

### **Staff Conclusion**

The applicant is requesting a wireless communications facility to better serve the public and to provide co-location opportunities for other carriers. The proposed location is within an R-4 zoning district in rural southeastern Jefferson County in a wooded area.

The lattice pole will be lighted, will be galvanized steel and painted light gray or light blue, will be unmanned, and will only have the required signage.

The compound area is approximately 700 feet from the nearest residence (subject property owner) and more than 1,000 feet from Routt Road.

The compound area will have an eight foot high privacy fence with 24 eastern pine trees.

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

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

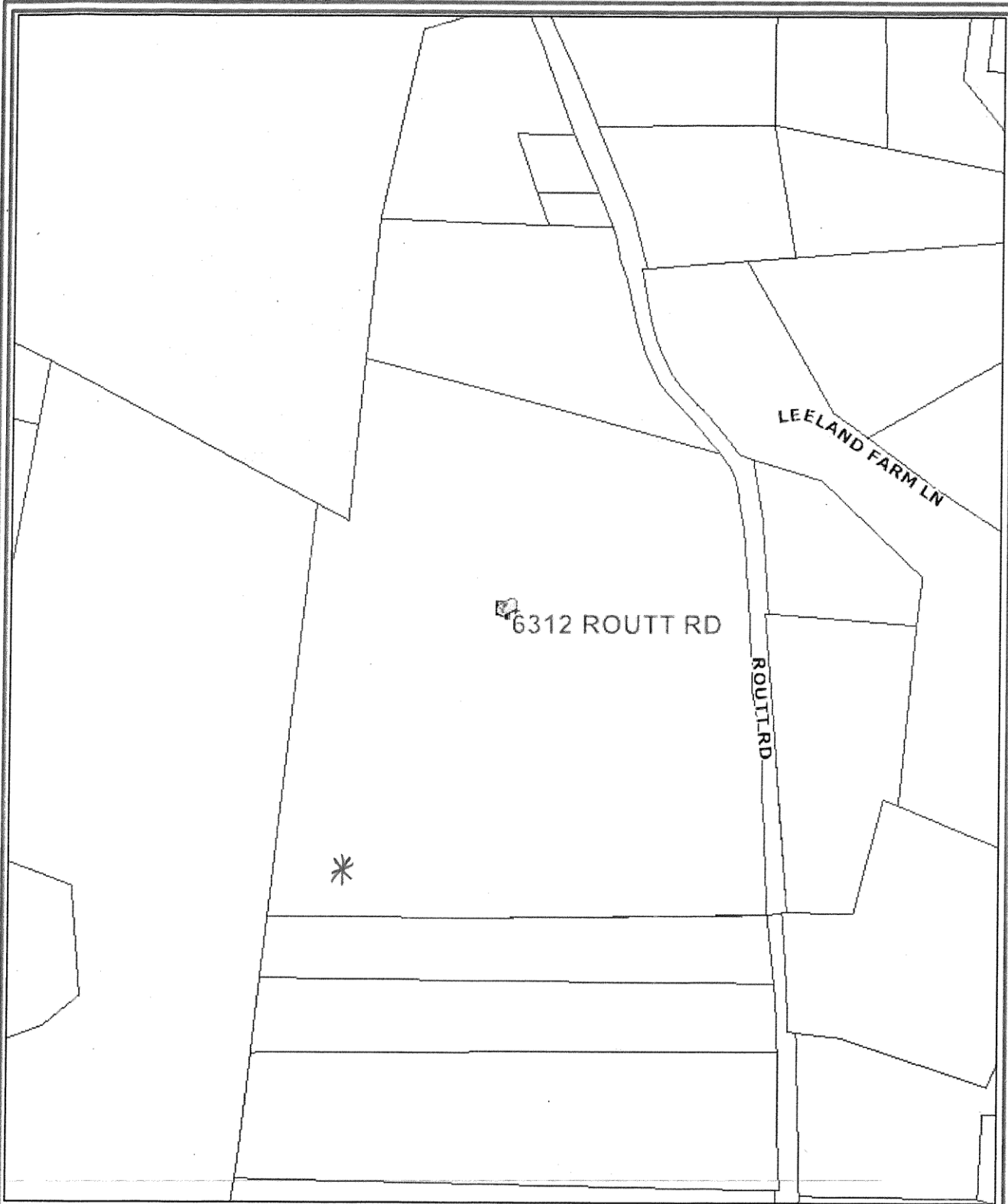
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the must determine if the proposal meets the standards for granting a cell tower with height wavier established in the Land Development Code and the Comprehensive Plan

### **Notification**

<b>Date</b>	<b>Description</b>	<b>Recipients</b>
November 5, 2015	Neighborhood Notification	Registered Parties
November 5, 2015	APO Notices Ready	Adjacent Property Owners

### **ATTACHMENTS**

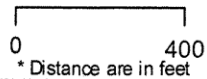
1. Proposed Location/Zoning Map
2. Aerial Photograph Map
3. Applicant's Justification
4. Site Plan
5. Pictures



LOJIC Quick map

# 6312 Routt Road

Plot Date 11/5/2015



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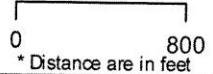
6312 ROUTT RD



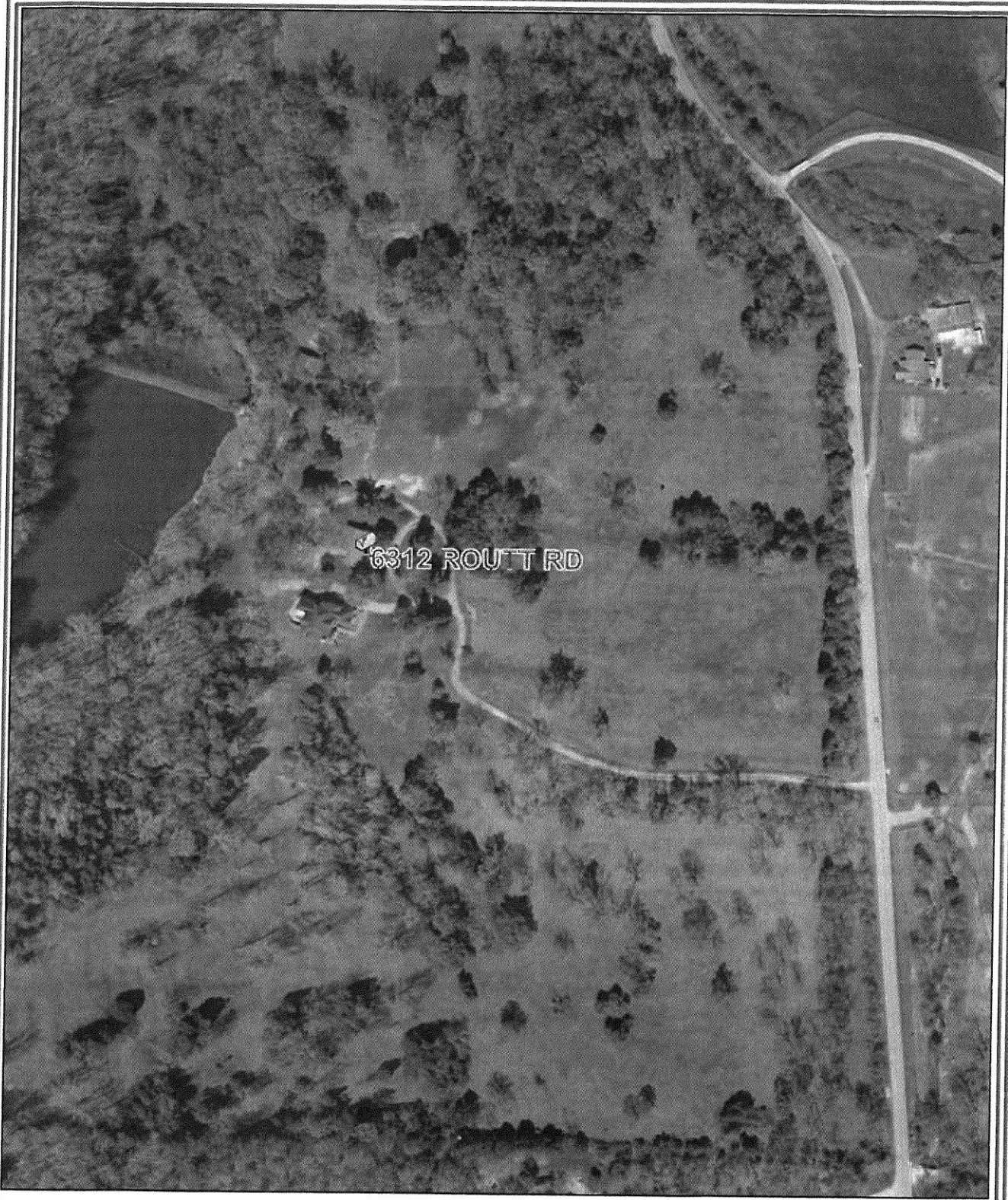
LOJIC QuickMap

6312 Routt Road

Plot Date 11/5/2015



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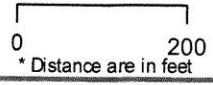
6312 ROUTT RD



LOJIC Quickmap

6312 Routt Road

Plot Date 11/5/2015



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September 24, 2015

Louisville Metro Planning Commission  
444 S. 5<sup>th</sup> Street, Suite 300  
Louisville, KY 40202

RE: Alternate Site Analysis Report  
Uniform Application for a Communications Facility  
Applicant: Verizon Wireless  
Site Location: 6312 Route Road, Louisville, KY 40299  
Site Name: LV Bradbe & Routt

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 Uniform Application.

### **Verizon Wireless Site Development Process**

**Step 1: Problem Identification.** Verizon Wireless radio frequency engineers first identified a growing coverage and/or capacity gap in Jefferson County along Hwy 1531(Routt Rd).

**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, Verizon Wireless 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 radius of approximately .20 miles and is centered just south west of Hwy 1531(Routt Rd) and Bradbe Rd.. The search area map is shown below:





**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. In this instance, there are no towers or other tall structures within one mile of the search area. Crown Castle Site 871444 is located 1.10 miles from search area perimeter and is too far outside the search area to be suitable for co-location.

**Step 4: Review of the Area's Zoning Classification.** Once the site development team determined that no other existing tall structures were available and technically feasible and suitable for co-location, the team next reviewed local zoning requirements to identify parcels located within the search area that might be suitable from a land use perspective to host an antenna site. In this instance, the search area is comprised of parcels zoned R-4.

**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. In this instance, the site acquisition agent first visited the PVA of Jefferson County to view a parcel map of the area and identify the properties within the search area that would meet the requirements of the construction of a tower.

**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. In this case, four (4) parcels were identified.

The site acquisition agent identified four (4) large parcels within the search area. Mr. Branch (parcel # 005301330000) was not interested in providing ground space for the facility, and the owners of parcel # 005400160000 (John & Frances Moran) did not respond to a letter of inquiry regarding their potential interest in having the site located on their property. The four (4) remaining parcels were submitted to Verizon Wireless as candidates for review. Candidate (4) is located on the Horsell property; parcel # 005301460000 located at 6501 Old Heady Rd, and had sufficient elevation. However, the location offered by Mr. Horsell on his property would not meet the applicable set-back and landscape buffer requirements. Candidate (3) is on the Stephenson property, parcel # 005900870000 located at 6715 Old Heady Rd. However, an evaluation concluded that significantly greater utility and access improvements would be necessary to construct the site on this parcel. Candidate (1 & 2) is located on the Polston property, parcel # 005400470000 located at 6312 Routt Rd. Joe and Angela Polston were contacted and were interested in lease agreement for the proposed facility. They offered two locations on their property, with Candidate 2 location meeting all zoning requirements.

**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. Parcel map (Appendix A) and road map (Appendix B) are attached with chosen candidate identified thereon.

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.
- Site plan developed.

Federal Regulatory Due Diligence

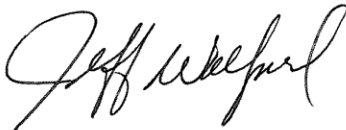
- Federal Aviation Administration (“FAA”) compliance.
- Federal Communication Commission (“FCC”) compliance.

**Step 8: Application.** Once a lease is obtained and all site due diligence is completed, Verizon Wireless 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 technically feasible parcels in a service need area. In this case, Verizon Wireless’ Radio Frequency engineer determined that the proposed site would provide optimum coverage for their wireless service. Based on the elevation, natural tree buffer on the proposed site, a 225’ self-support tower at this location would be the least intrusive to neighboring homes and provide the needed coverage objective.

Sincerely,



Jeff Wolford  
Site Acquisition Specialist  
Jacobs  
6924 Peppermill Lane  
Louisville, KY 40228  
502-639-8967

# DIMENSION SHEET

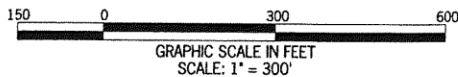
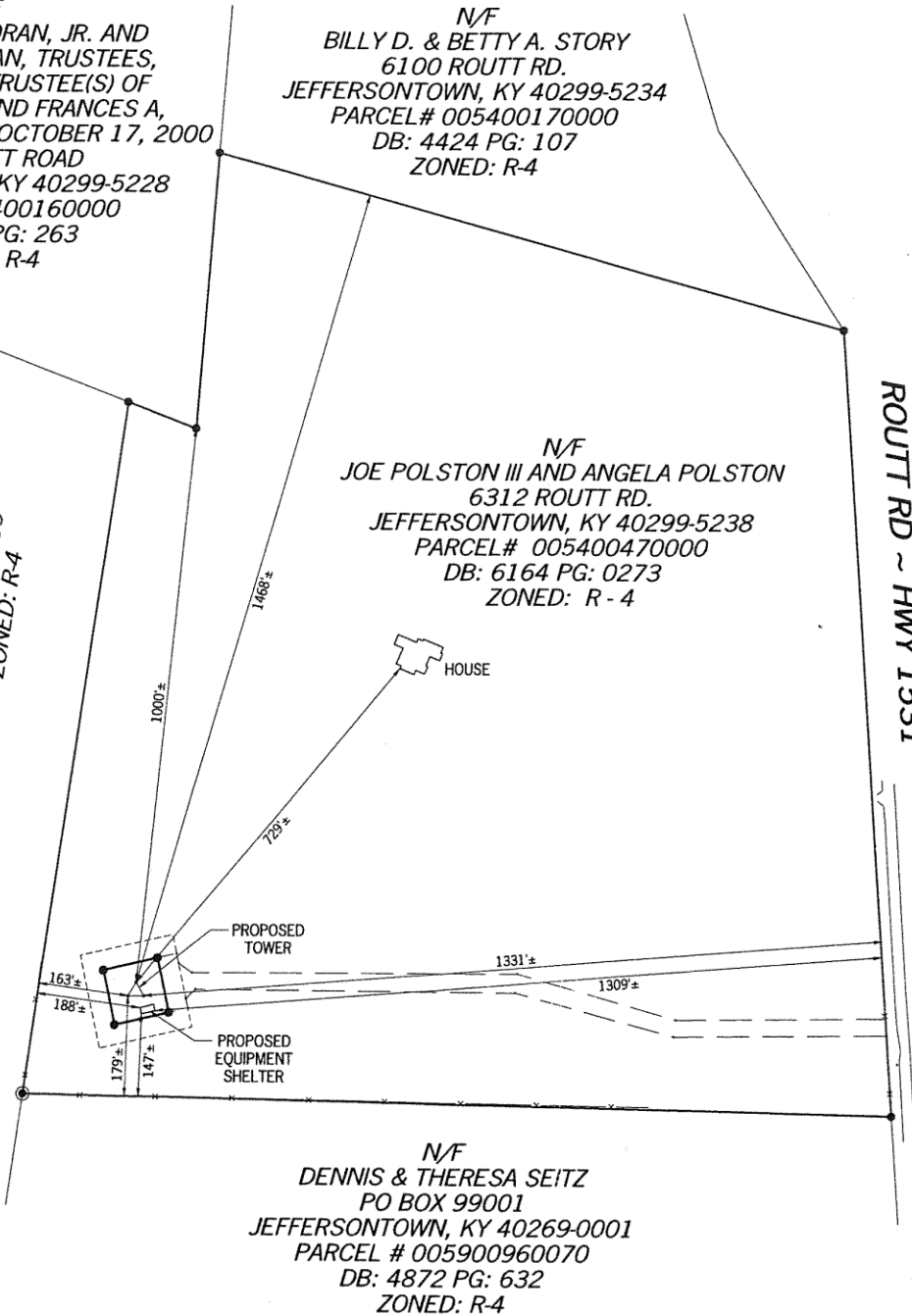
N/F  
 I JOSEPH MORAN, JR. AND  
 CES A. MORAN, TRUSTEES,  
 ACCESSOR TRUSTEE(S) OF  
 JOHN J., JR. AND FRANCES A,  
 TRUST DATED OCTOBER 17, 2000  
 5804 ROUTT ROAD  
 JEFFERSONTOWN, KY 40299-5228  
 PARCEL# 005400160000  
 DB: 7536 PG: 263  
 ZONED: R-4

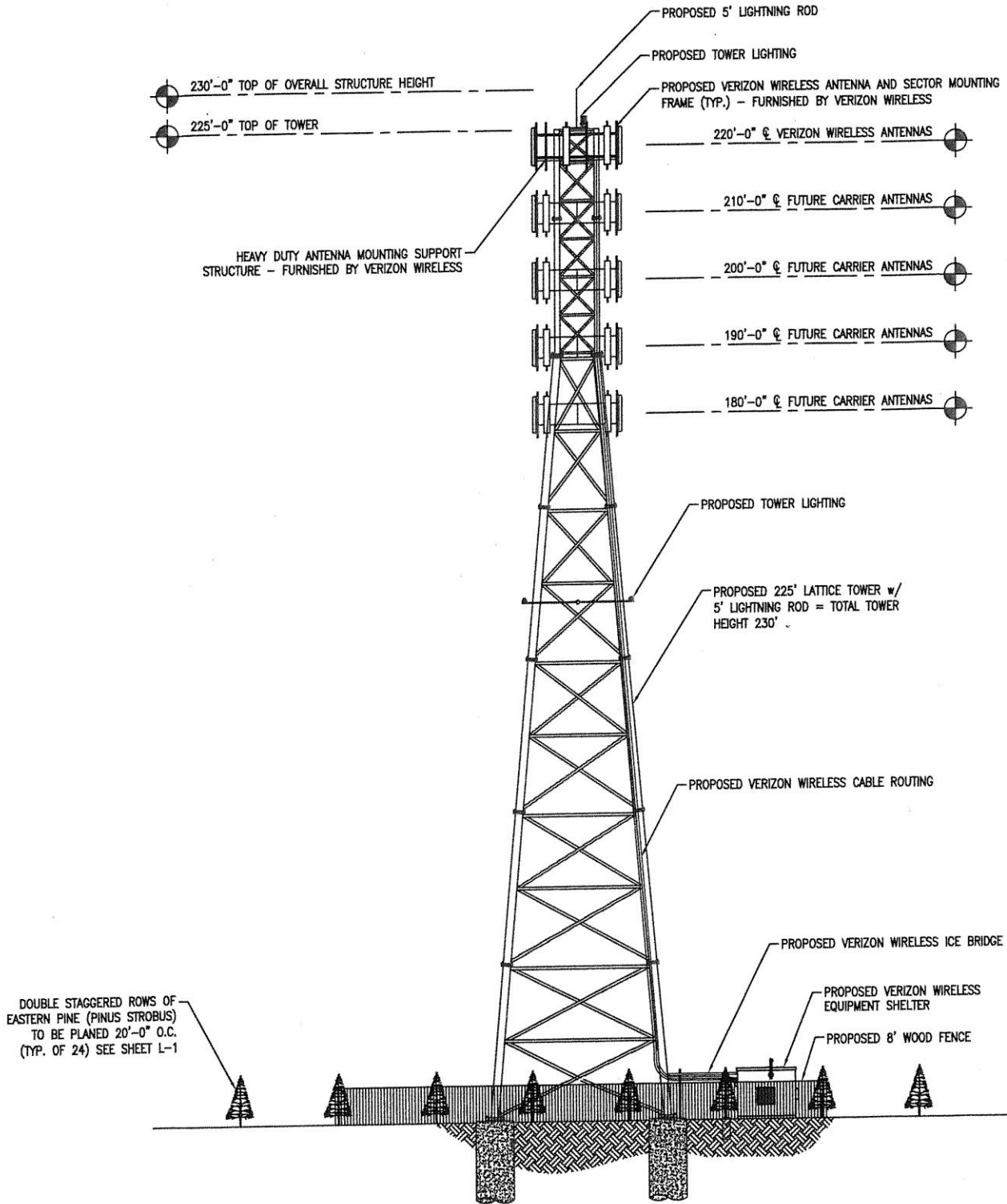
N/F  
 BILLY D. & BETTY A. STORY  
 6100 ROUTT RD.  
 JEFFERSONTOWN, KY 40299-5234  
 PARCEL# 005400170000  
 DB: 4424 PG: 107  
 ZONED: R-4

N/F  
 HENRY L. & MARY R. STEPHENSON  
 6813 OLD HEADY RD.  
 JEFFERSONTOWN, KY 40299-5207  
 PARCEL # 005900870000  
 DB: 5962 PG: 199  
 ZONED: R-4

N/F  
 JOE POLSTON III AND ANGELA POLSTON  
 6312 ROUTT RD.  
 JEFFERSONTOWN, KY 40299-5238  
 PARCEL# 005400470000  
 DB: 6164 PG: 0273  
 ZONED: R - 4

ROUTT RD ~ HWY 1531





1 TOWER ELEVATION (WEST)  
NOT TO SCALE



From the site looking north.



From the site looking south.



From the site looking east.





From the site looking west.