

**Development Review Committee
Staff Report
February 28, 2018**



Case No:	18Cell1000W
Request:	Cell Tower with reduced landscape buffer
Project Name:	St. Peter
Location:	5433 Johnsontown Road
Owner:	Roman Catholic Bishop of Louisville
Applicant:	T-Mobile USA Tower LLC
Representative:	Bryan Brawner, Crown Castle
Size:	170 feet, total height 4,225 square foot compound area
Existing Zoning District:	R-4, Residential, Single Family
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Steve Hendrix, Planning Supervisor

Request

This is an application for a proposed 165 foot monopole tower with a 5 foot lightning arrestor for a total structure height of 170 feet within a 4,225 square foot compound area. The waiver request is a reduction in the landscape buffer width from 35 feet to 5 feet around the compound area.

Case Summary / Background/Site Context

The application was submitted on January 24, 2018. 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 25, 2018).

The proposed site is located in a R-4, Residential Single Family Zoning District within a Neighborhood Form District and in the Valley Station neighborhood.

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.

No lighting will be installed on the tower.

Screening will consist of an 8 foot high wooden fence with 34 trees.

Land Use / Zoning District / Form District Table

	Land Use	Zoning	Form District
Subject Property			
Existing	St. Peter the Apostle Catholic Church	R-4	Neighborhood
Proposed	Same with cell tower	R-4	N
Surrounding			
North	Single Family Residences	R-4	N
South	Single Family Residences	R-4	N
East	Single Family Residences	R-4	N
West	Single Family Residences	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.

All of the surrounding land uses are residential within a Neighborhood Form District. The applicant's proposed location is approximately 100 feet from the rear of the residence located at 9018 Chenault Road. A less intrusive location for the neighbors to the east would be the open area that is directly behind the church and within the rear parking spaces. Depending upon the location, the compound area could be completely screened from that particular side and would still be more than 300 feet from the residences to the west.

3.9 Visual Impacts

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

The monopole will be visible to the surrounding neighborhood. At the proposed location, a neighbor's garage and some existing trees will help screen/buffer the compound area and the monopole. The compound area will have an 8 foot high wooden fence and 34 arborvitae trees.

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. An 8 foot high wooden fence and 34 arborvitae trees will screen/buffer the compound area from the neighbors.

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 four, (4) 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.

The proposed site does not minimize the impact on the character of the general area and does not meet any of the six, (6) preferred locations.

The proposed location by staff provides additional buffering to the neighboring residents to the east and would still be more than roughly 300 feet from the residents to the west.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS TO ALLOW A REDUCTION IN THE LANDSCAPE BUFFER, Section 10.2.4

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The reduction in the width of the landscape buffer area around the compound will not adversely affect adjacent property owners, since the site plan shows the planting of 34 arborvitae and an 8 foot high wooden fence for buffering and screening.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, since the amount of trees will provide more than an adequate buffer.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The waiver is not the minimum necessary to afford relief to the applicant, but allows the applicant to use this location with the added amount of trees.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by planting **34** trees instead of **8**.

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 a single family residential zoning district. The monopole is approximately 100 feet to the nearest residence at 9018 Chenault Road. Staff has suggested an alternative location that is behind the church and within the rear parking area. This location would provide a screen to the neighbors to the east and be less intrusive. The suggested location would still be more than 300 feet from the residences to the west.

The compound area will have an 8 foot high wooden fence with 34 tree plantings.

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

The monopole will have an overall height of 170 feet.

The applicant is aware that if the vote is not unanimous, the request will go to the full Planning Commission on March 15, 2018.

Reminder: Deadline is March 25, 2018.

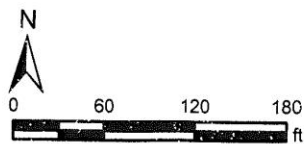
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the must determine if the proposal meets the standards for granting a cell tower along with the requested waiver as established in the Land Development Code.

Notification

Date	Description	Recipients
2/13/2018	Neighborhood Notification Ready	Registered Parties
2/14/2018	APO Notices Ready	Adjacent Property Owners

ATTACHMENTS

1. Proposed Location/Zoning Map
2. Applicant's Justification
3. Site Plan
4. Compound Area
5. Elevation
6. Coverage Areas (before and after)
7. Pictures (view from pole site looking north, south, east and west).



18Cell 1000

Tuesday, January 30, 2018 | 12:37:42 PM



LOJIC © 2018

This map is not a legal document and should only be used for general reference and identification.



1/24/2017

Louisville Metro Planning and Design Services
444S. 5th Street, Suite 300
Louisville KY 40202

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RE: Application for New Cellular Antenna Tower
Crown Site Name: Saint Peter
Location: 5431Johnsontown Road Louisville, KY 40272

Dear Sir/Madam:

Crown Castle USA INC on behalf of (T-Mobile the "Applicants") propose a monopole cellular tower and a wireless communication facility ("WCF") located at 5433 Johnsontown Road Louisville, KY 40272. There is also an address of 5431 that is an adjacent parcel but for application purposes, we are using the information from Logic interactive. As well are filling for a landscape/buffer waiver in reducing requirements.

The proposed structure would be 165' monopole (170' with appurtenances). The proposed tower is below the maximum height authorized by the Federal Aviation Administration for this location and will be unlit. FAA approves if the tower is under 200'

Reasons for the application: The new "WCF" will enable carriers to update their equipment to fulfill their customer's needs for coverage and capacity as well as open space for future collocations. The public's increased use of modern wireless voice and data services (4G, LTE, etc.) has resulted in the need for service providers, including T-Mobile to construct more advanced WCFs to meet the demand and maintain acceptable levels of service. Statement of need and propagation maps provided by T-Mobile attached as Tab 1.

Abandonment provision. -4.4.2.A.1.b.iv.(a) is covered under the lease that list how the property is to be handled in the case of abandonment sufficiently and meet the standards of the code.

4.4.2.A.1.b.iv.(c). Confidentiality is waived for this application.

Type of finish of the proposed tower shall be Galvanized Steel.

No lighting will be installed on the proposed structure and existing structure has no lighting.

This is our statement that all carriers current and future will meet the FCC regulations concerning radio frequency emissions.

No signage will be posted other than what is required by law.

All landowners were given notice of filling via mail and mailing labels are submitted for the Zoning notice for hearing date provided to the planning department. Affidavit that all landowners within 500' have been notified of the filling of the Uniform Application and buffer waiver is found in Tab 8

During a pre-application meeting with Steve Hendrix, we looked at other possible locations. The open land to the east and west of the proposed site were too far away from the other towers to fulfill the need as can be seen on the propagation maps. The one other option was the elementary school located at 5601 Johnsontown Rd, Louisville, KY 40272 in which JCPCS architect Susan Viacolli stated that they would not be interested in a cell tower on that property. So

Applicants propose construction of a monopole, which will allow T-Mobile to install equipment to provide an acceptable level of service for the community for current and future demand as technology advances at an unmeasurable level. It will allow for future collocation by other carriers. Many communities also typically consider the monopole less evasive.

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Uniform Application Elements:

Tab 10 - Grid map showing the location of existing cellular towers within ½ mile outside of the jurisdiction of the Louisville Metro Planning Commission is enclosed page C-1 of ZD's

Tab 2- Copies of the memorandum of lease.

Tab 3- The Current Certificates of Authority for Applicants.

The full name and address of the agent of the applicants are: Crown Castle USA INC agent for the applicant, with offices in Kentucky at 10300 Ormsby Park Place, Suite 500, Louisville, KY 40223; The full name and address of the Applicant is T-Mobile is C/O JULIE NELSON, 12920 SE 38TH STREET BELLEVUE, WA 98006

Tab 4- A geotechnical investigation report, prepared by Power of Design regarding this site.

Tab 5- Written findings as to the proximity of the existing site to flood hazards. Per the attached land development, report in Tab 5 states no flood plain hazards.

Tab 10 – on Zoning Drawings- Clear directions from the county seat to the existing site are found on page T-1.

Tab 6- The tower (TransAmerican) and foundation plans (Paul J Ford) for the proposed tower, and a description of the standard according to which the tower was designed and they were prepared by professional engineers licensed in the State of Kentucky. The site plans were prepared by Mark, a profession Patterson engineer licensed in the State of Kentucky. The site plan is enclosed in Tab 10 ZD's.

Tab 7- David Fries, Applicants' Construction Manager for the project, will be directly responsible for the construction of the tower replacement. David has a bachelor's degree from Murray State University in Construction Engineering Management with nine years of construction of cellular communications towers and equipment. David has managed construction for more than 90 new tower builds and 450 tower equipment installations across Kentucky and Southern Indiana. A copy of his qualifications is enclosed.

Tab 10- A site development plan showing the proposed tower and all easements and existing structures within 500' of the property on which the proposed tower will be located, and all the easements and existing structures within 200' of the access drive is included as Page B-1 of the site plan drawings.

Tab 10- A vertical profile sketch of the replacement tower, indicating the height of the tower and placement of antennae is included on page Z-2 of the site plan drawings.

Tab 10- A map drawn to scale no less than 1" = 200' that identifies every structure and every owner of real estate within 500' of the existing and replacement towers are included on page C-1 of the site plan.

Tab 8- Includes the affidavit of Notification. Every person who, according to the records of the property valuation administrator, owns property adjoining the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed has been i) notified by certified mail, return receipt requested, of the proposed construction, ii) given the telephone number and address of the local planning commission; and iii) informed of his or her right to participate in the planning commission's proceedings on the application. A list of the property owners who are within 500' of the proposed site are listed on page B-2.1 of the zoning drawings.

Tab 8- The Mayor of Louisville and Cindi Fowler, the Metro Council member for the district 14 in which the new WCF will be constructed, have been notified of the proposed construction. Copies of the notices sent to them are enclosed.

Tab 9 - A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that [Crown Castle Towers USA INC] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and

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shall remain in a visible location on the proposed site until final disposition of the application; and a written notice, at least two (2) feet by four (4) feet in size, stating that [Crown Castle USA INC] proposes to construct a telecommunications tower near this site” and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site. Photo’s as enclosed.

Tab 10 Zoning Drawings are same as provided for landscape/buffer waiver indicating the reduction.

Notice of the proposed tower was published in the Louisville Courier-Journal, a newspaper of general circulation in Jefferson County, Kentucky on 1/12/2018. Proof of publication will be delivered upon receipt by Bryan Brawner.

Tab 11- A description of the character of the general area is enclosed.

Tab 12- FAA, FCC, and KAZC documentation.

Tab 13 picture showing the proposed reduced landscape waiver and a previous reduced buffer in which we are proposing the same. As a side note the tree’s are young as this was a recent build so the tree’s will give more coverage as they grow.

Applicants have considered the likely effects of the installation of the tower on nearby land uses and values and concluded that there is no more suitable location reasonably available opportunity to locate its antennae on another structure other than replacing the current structure.

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18 CELL 1000



January 8, 2018

Re: Proposed T-Mobile Wireless Communications Facility
Site Name: 9LV1714A

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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 at 5431 Johnstontown Rd, Louisville, KY. The tower is necessary to meet coverage and capacity needs in the commercial and residential areas near the intersection of Johnstontown Rd and Terry Rd. The only viable solution within the search ring is a new tower, as there are no suitable structures for collocation. This site will provide the wireless voice and data experience that T-Mobile customers rely on. It will also provide critical safety support through enhanced 911 services.

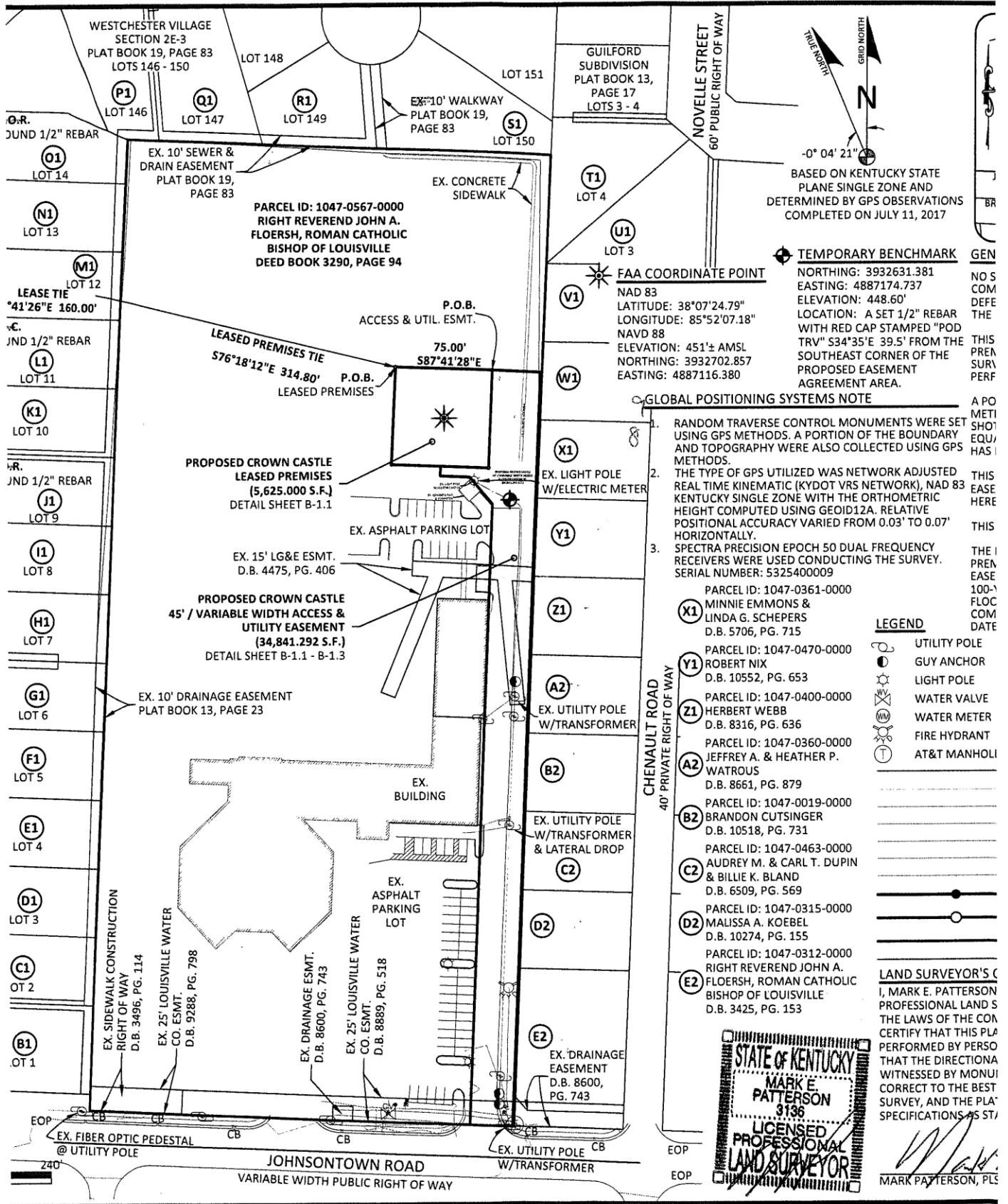
This site has been designed and will be constructed and operated in accordance with all applicable requirements and regulations set forth by the various agencies that manage them including the FAA and the FCC. This site will transmit within the licensed frequency bands owned by T-Mobile and will adhere 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 RF Engineer
T-Mobile USA

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18 CELL 1000



TRUE NORTH
 GRID NORTH
 N
 -0° 04' 21"

BASED ON KENTUCKY STATE
 PLANE SINGLE ZONE AND
 DETERMINED BY GPS OBSERVATIONS
 COMPLETED ON JULY 11, 2017

TEMPORARY BENCHMARK GEN
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 EASTING: 4887174.737 COM
 ELEVATION: 448.60' DEFE
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 TRV" S34°35'E 39.5' FROM THE PRE S
 SOUTHEAST CORNER OF THE SURV
 PROPOSED EASEMENT PERFORM
 AGREEMENT AREA.

FAA COORDINATE POINT
 NAD 83
 LATITUDE: 38°07'24.79"
 LONGITUDE: 85°52'07.18"
 NAVD 88
 ELEVATION: 451± AMSL
 NORTHING: 3932702.857
 EASTING: 4887116.380

GLOBAL POSITIONING SYSTEMS NOTE
 1. RANDOM TRAVERSE CONTROL MONUMENTS WERE SET USING GPS METHODS. A PORTION OF THE BOUNDARY AND TOPOGRAPHY WERE ALSO COLLECTED USING GPS METHODS.
 2. THE TYPE OF GPS UTILIZED WAS NETWORK ADJUSTED REAL TIME KINEMATIC (KYDOT VRS NETWORK), NAD 83 KENTUCKY SINGLE ZONE WITH THE ORTHOMETRIC HEIGHT COMPUTED USING GEOID12A. RELATIVE POSITIONAL ACCURACY VARIED FROM 0.03' TO 0.07' HORIZONTALLY.
 3. SPECTRA PRECISION EPOCH 50 DUAL FREQUENCY RECEIVERS WERE USED CONDUCTING THE SURVEY. SERIAL NUMBER: 5325400009

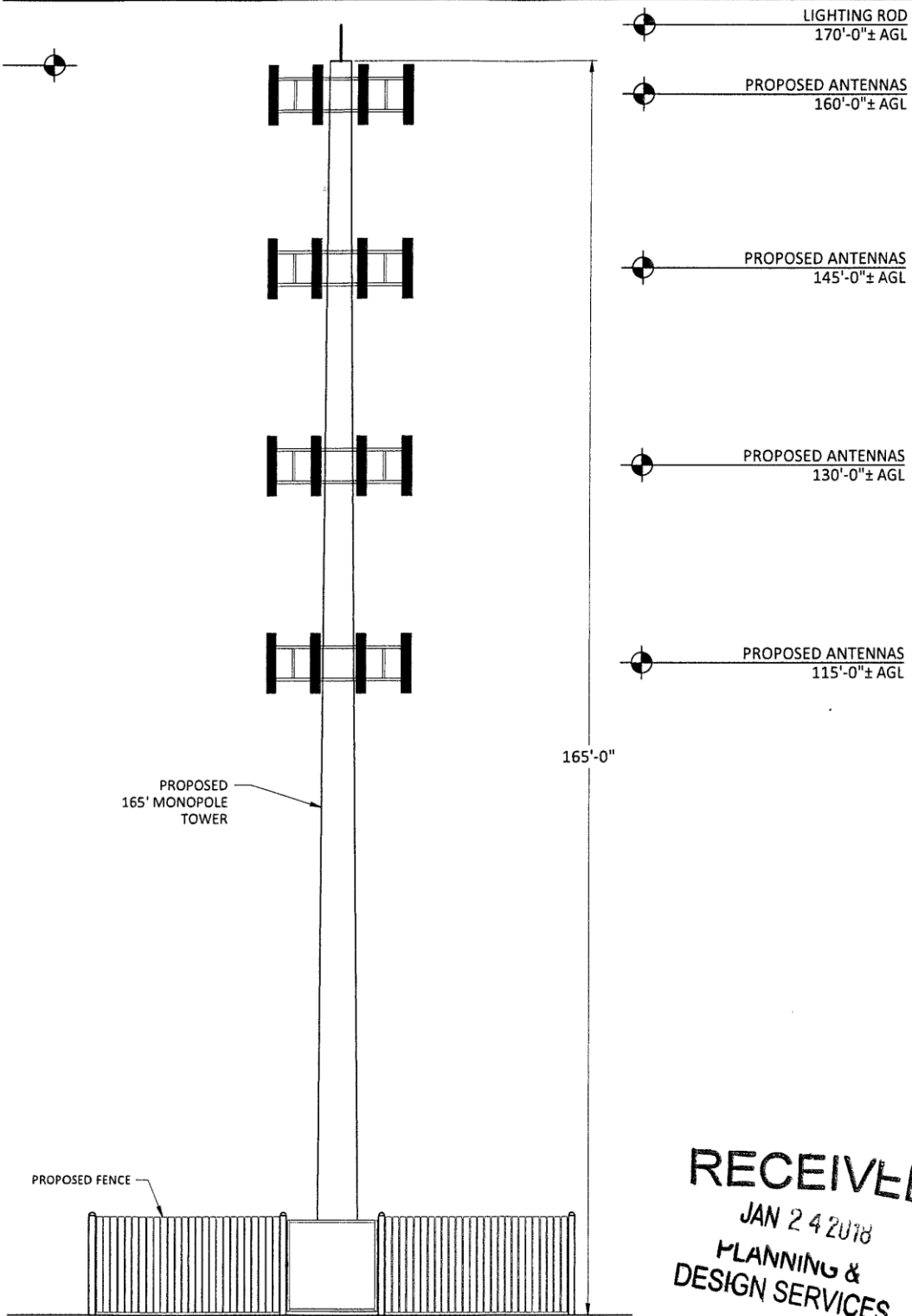
- (X1) PARCEL ID: 1047-0361-0000
 MINNIE EMMONS & LINDA G. SCHEPERS
 D.B. 5706, PG. 715
- (Y1) PARCEL ID: 1047-0470-0000
 ROBERT NIX
 D.B. 10552, PG. 653
- (Z1) PARCEL ID: 1047-0400-0000
 HERBERT WEBB
 D.B. 8316, PG. 636
- (A2) PARCEL ID: 1047-0360-0000
 JEFFREY A. & HEATHER P. WATROUS
 D.B. 8661, PG. 879
- (B2) PARCEL ID: 1047-0019-0000
 BRANDON CUTSINGER
 D.B. 10518, PG. 731
- (C2) PARCEL ID: 1047-0463-0000
 AUDREY M. & CARL T. DUPIN & BILLIE K. BLAND
 D.B. 6509, PG. 569
- (D2) PARCEL ID: 1047-0315-0000
 MALISSA A. KOEBEL
 D.B. 10274, PG. 155
- (E2) PARCEL ID: 1047-0312-0000
 RIGHT REVEREND JOHN A. FLOERSH, ROMAN CATHOLIC BISHOP OF LOUISVILLE
 D.B. 3425, PG. 153

- LEGEND**
- UTILITY POLE
 - GUY ANCHOR
 - LIGHT POLE
 - WATER VALVE
 - WATER METER
 - FIRE HYDRANT
 - AT&T MANHOLE

STATE OF KENTUCKY
 MARK E. PATTERSON
 3136
 LICENSED PROFESSIONAL LAND SURVEYOR

LAND SURVEYOR'S CERTIFICATE
 I, MARK E. PATTERSON
 PROFESSIONAL LAND SURVEYOR,
 CERTIFY THAT THIS PLAT
 WAS PERFORMED BY PERSONS
 WHOSE QUALIFICATIONS I
 KNOW TO BE IN ACCORDANCE
 WITH THE LAWS OF THE COMMONWEALTH OF KENTUCKY.
 I HAVE REVIEWED THE PLAT
 AND THE FIELD NOTES AND
 THE INSTRUMENTS AND
 THE PLAT IS CORRECT TO THE BEST
 OF MY KNOWLEDGE AND BELIEF.
 WITNESSED BY ME ON THIS
 DAY OF FEBRUARY, 2018.

MARK PATTERSON, P.L.S.



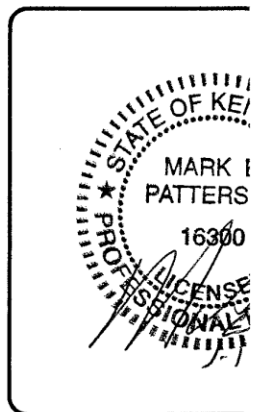
PROPOSED
165' MONOPOLE
TOWER

PROPOSED FENCE

- LIGHTING ROD
170'-0"± AGL
- PROPOSED ANTENNAS
160'-0"± AGL
- PROPOSED ANTENNAS
145'-0"± AGL
- PROPOSED ANTENNAS
130'-0"± AGL
- PROPOSED ANTENNAS
115'-0"± AGL

165'-0"

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1 SITE ELEVATION
NOT TO SCALE

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9211/11A Before Coverage 4



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T-Mobile Confidential T-Mobile

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9201 14A AREA COVERAGE



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