

**Development Review Committee  
Staff Report  
June 17, 2015**



<b>Case No:</b>	14Cell1005
<b>Request:</b>	Cell Tower
<b>Project Name:</b>	Blankenbaker Road
<b>Location:</b>	1219 Blankenbaker Road
<b>Owner:</b>	Southeast Christian Church
<b>Applicant:</b>	SBA Communications, Inc.
<b>Representative:</b>	Neel-Shaffer, Inc,
<b>Size:</b>	199' Total tower height
<b>Existing Zoning District:</b>	R-4
<b>Existing Form District:</b>	Campus
<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 195 foot monopole tower with a 4 foot lightning arrestor for a total structure height of 199 feet with a 5,625 square foot compound area with a waiver reduction in the landscape buffer to a width of 10 feet.

**Case Summary / Background/Site Context**

The proposed site is located on a vacant parcel that is south of Southeast Christian Church, north of Interstate 64 and just west of the Harley-Davidson dealership. There are existing towers in the general area that are south of the interstate.

The application was submitted on October 20, 2014. 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, (have written agreement).

The applicant has stated that no lighting will be installed on the tower.

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	Vacant Parcel	R-4	Campus
Proposed	Cell Tower/ Compound Area	R-4	Campus
Surrounding			
North	Vacant Lots, Single Family Dwelling	R-4	Campus
South	Interstate 64		R.O.W.
East	Vacant Lot, Harley-Davidson dealership	R-4, C-2	Campus
West	Baseball fields	R-4	Campus

**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 proposed location is surrounded on three sides by property owned by Southeast Christian Church and by the Interstate 64 right of way on the south.

#### **3.9 Visual Impacts**

Protect the character of residential areas, roadway corridors, and public spaces from visual intrusions and mitigate when appropriate. The top of the tower will be visible, although the compound area will be buffered by existing vegetation and the proposed landscaping. As mentioned earlier, there are existing towers south of the interstate.

#### **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. Existing trees and the proposed screening will buffer the compound area.

#### **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.

The tower is approximately 20 feet from the I-64 Interstate right of way.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to reduce the required width of the buffer area from 35 feet to 10 feet.**

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

STAFF: The waiver will not adversely affect adjacent property owners since the subject property owner and the adjacent property owners are the same on north, east and west sides and have the I-64 right of way to the south

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

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, so as not to negatively impact nearby residents and pedestrians, since the compound area will be buffered with the 18 trees and the existing vegetation.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the request is a reduction in the width of the buffer area from 35 feet to 10 feet with the materials still being planted along with the existing conditions.

- (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 existing trees/vegetation, will still be installing the landscaping materials and reducing the required 35 width of the landscape buffer area to a 10 foot width.

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 applicant is also requesting a waiver to reduce the landscape buffer width to 10 feet. The proposed location is within an R-4 zoning district.

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

The monopole will not be lighted.

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

The compound area will still have a landscape buffer of 18 American Arborvitae and the existing vegetation.

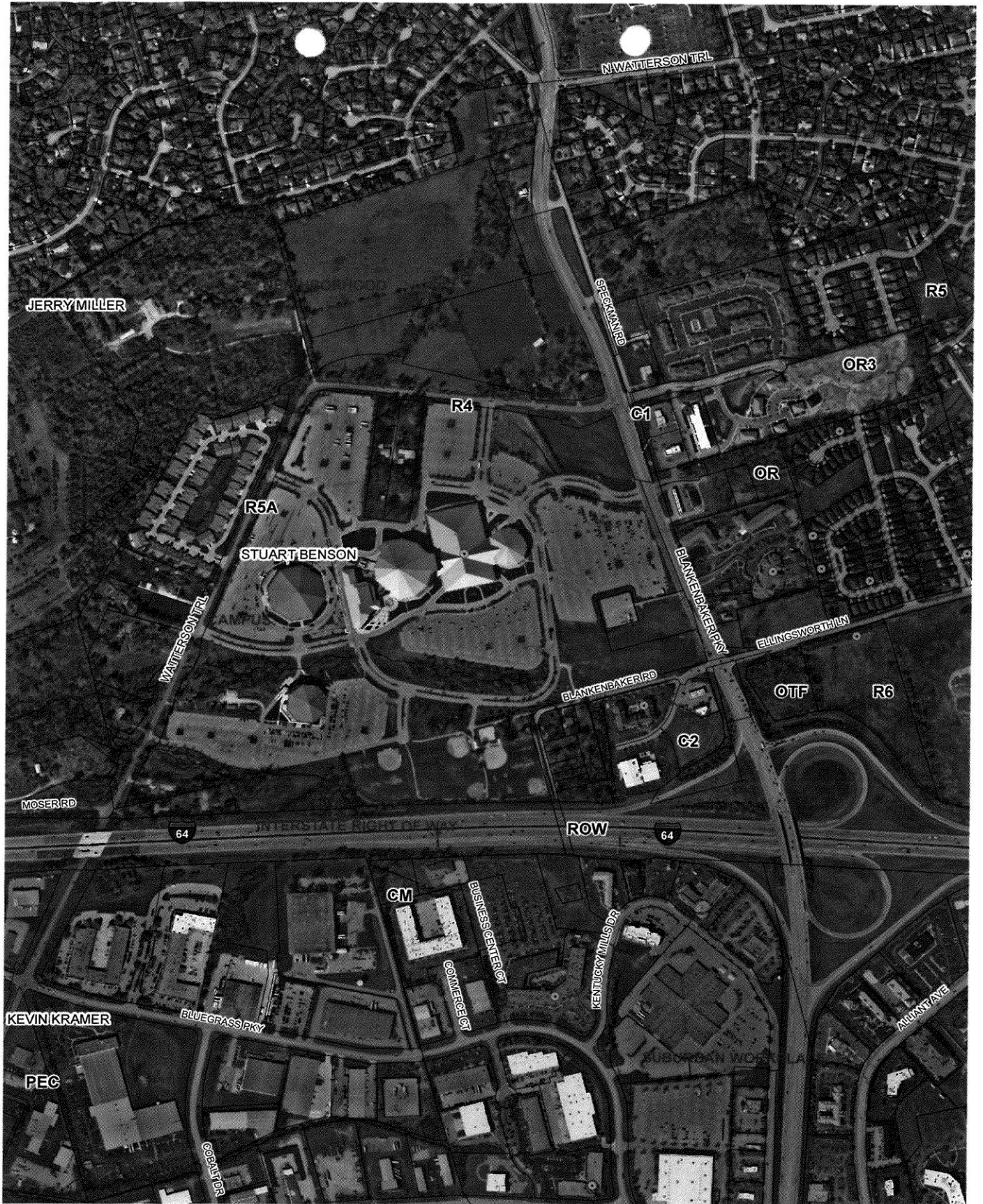
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the must determine if the proposal meets the standards for granting a cell tower established in the Land Development Code, the Comprehensive Plan and the Uniform Application and the waiver request.

### Notification

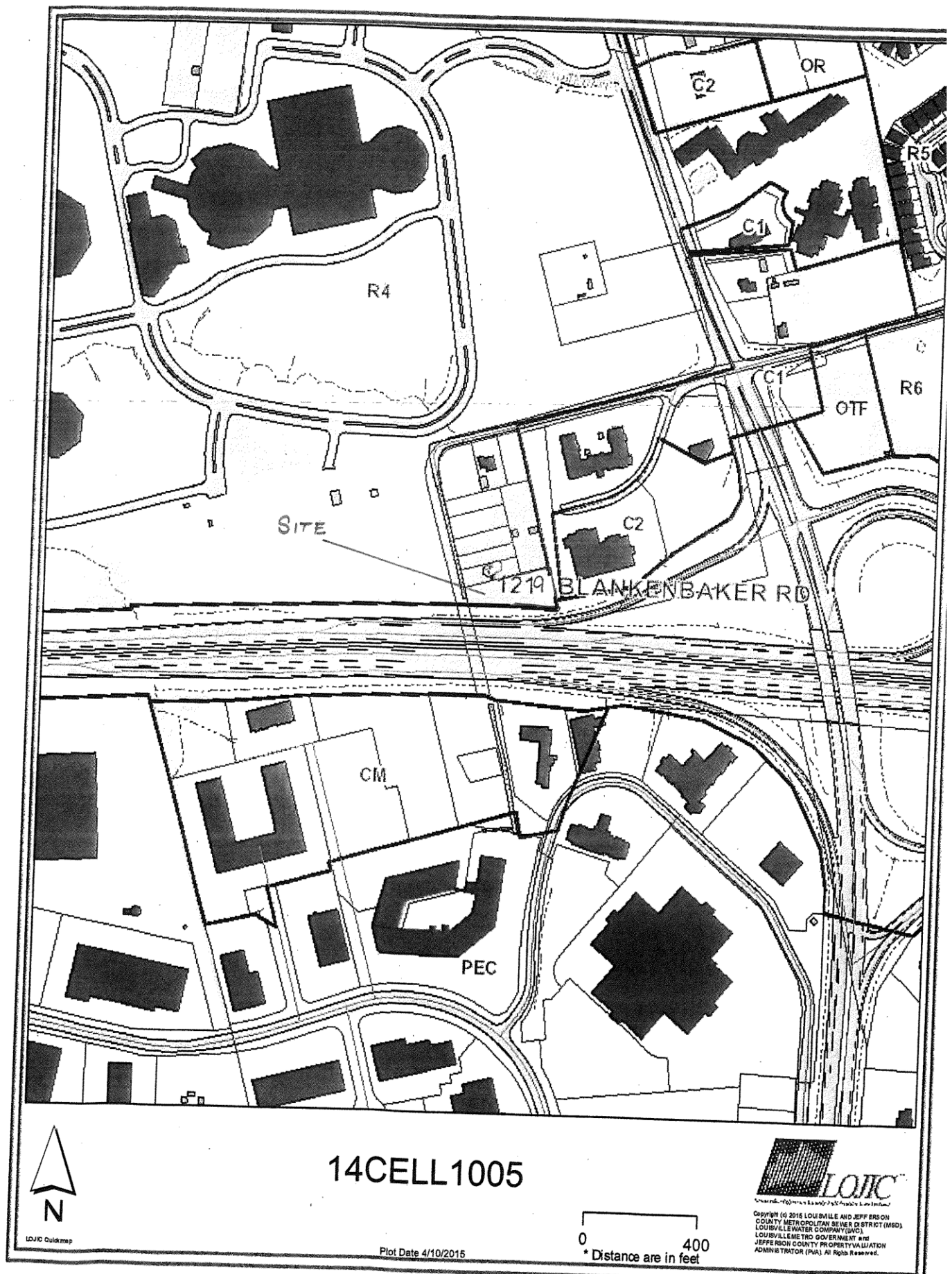
Date	Description	Recipients
June 12, 2015	Neighborhood Notification	Registered Parties
June 2, 2015	APO Notices Sent	Adjacent Property Owners

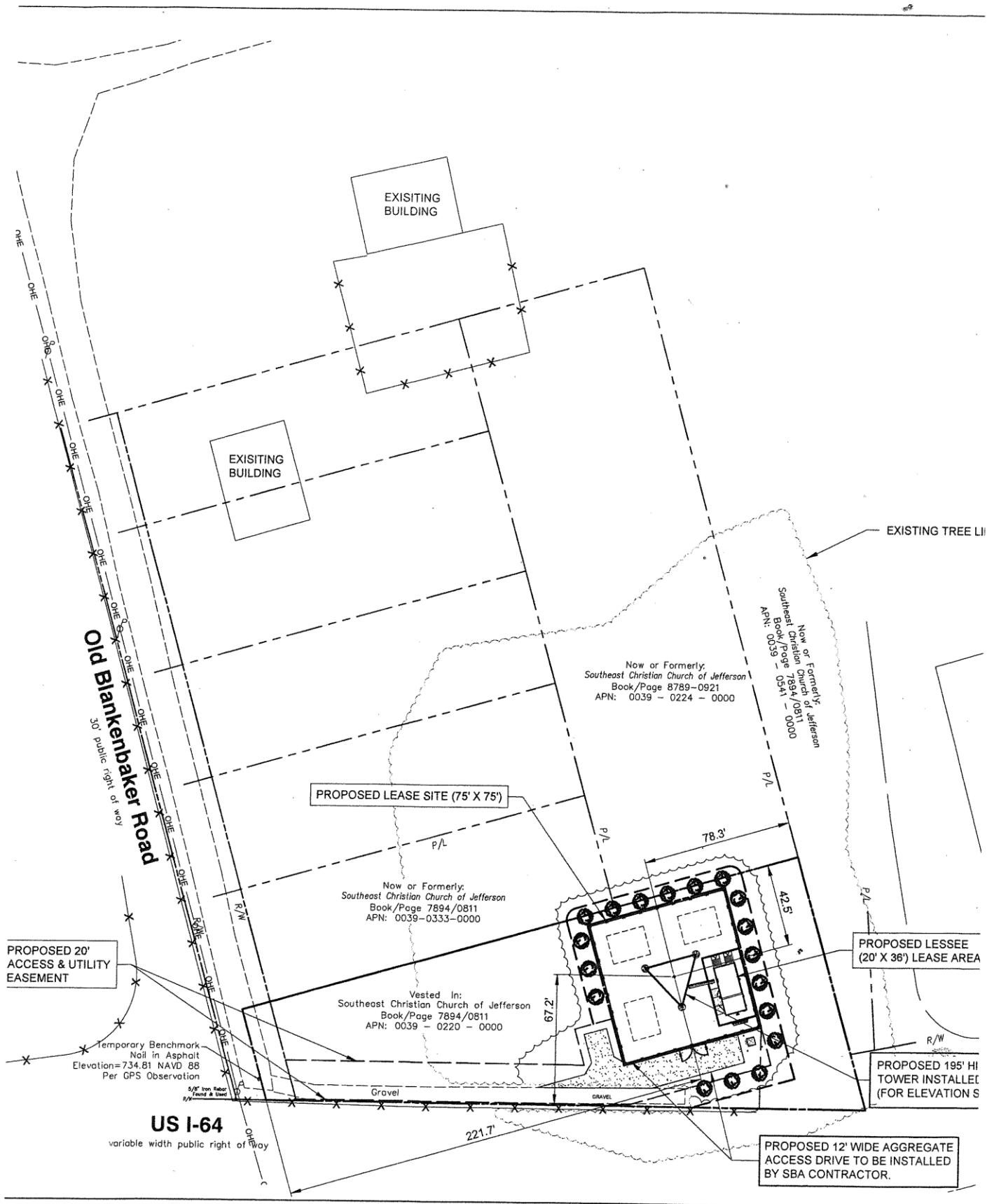
### ATTACHMENTS

1. Zoning Map/ Aerial Photograph Map
2. Site Location
3. Site Plan
4. Justification
- 5.. Coverage Rings
6. Pictures

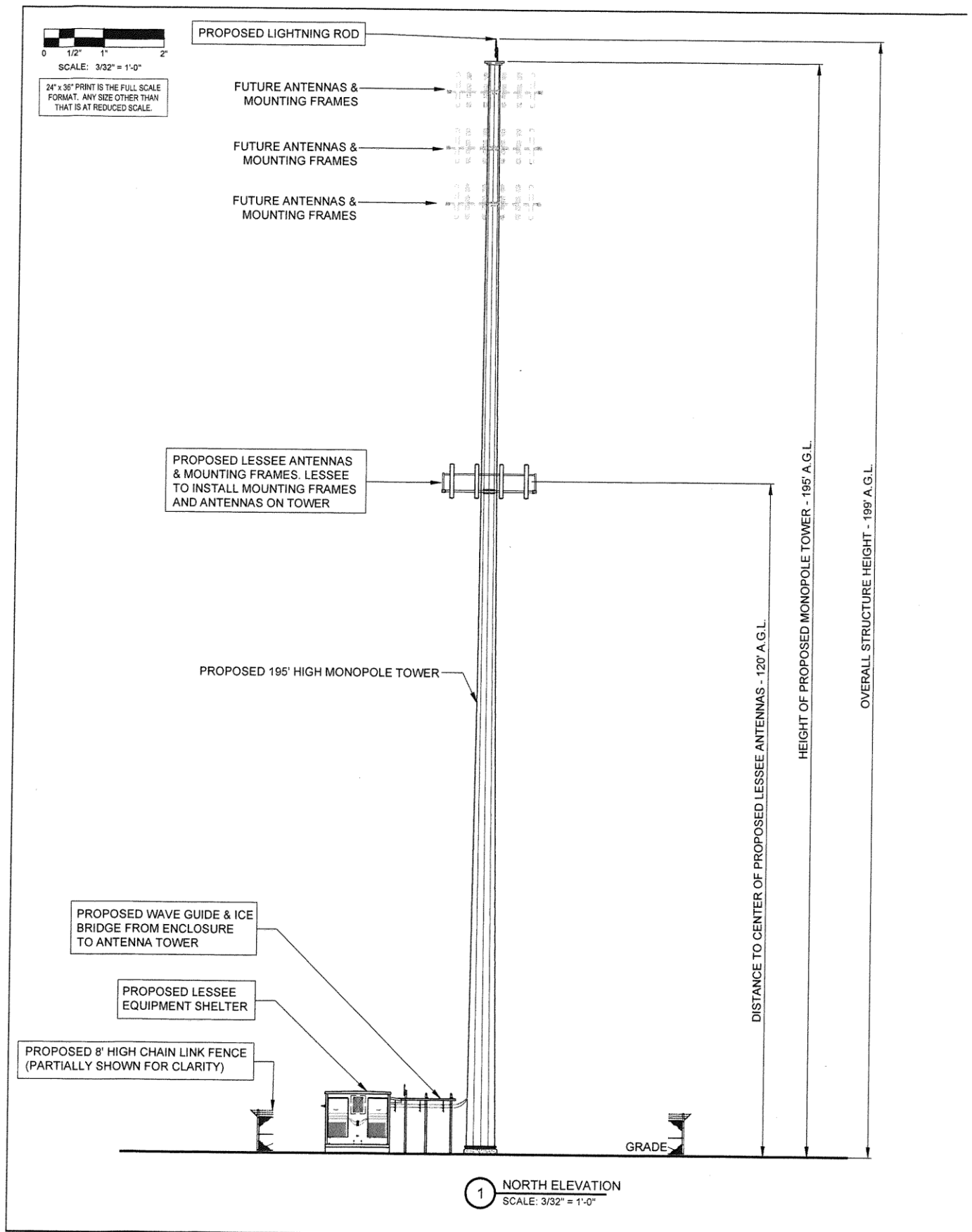












# Craig|and|Associates

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RECEIVED  
APR 08 2015  
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**Date: March 23, 2015**

**Re: LV I64 & Blankenbaker (New Build) – Colocation Report**

I, Mat Brooks, conducted a physical search of the above-mentioned Search Area as issued by Verizon Wireless. The coverage objective for the I-64 and Blankenbaker SARF is to provide capacity offload for the Jeffersontown site. The search area is comprised of residential and commercial parcels.

The 35 vacant acres at the southeast section of the search ring is currently slated to be developed into the Ellingsworth Apartments, a 398-unit luxury complex with 15 main buildings, four garages, three lakes and a jogging trail with workout stations. Therefore this area was not considered viable for a new tower facility.

Crown Castle currently operates a 160' monopole tower at 11761 Commonwealth Drive, approximately 3200' south of the designated search area. As of the date of this package a mounting height of 115' is available to Verizon. The available height of 115' will not meet Verizon Wireless' desired coverage objective for this search area.

Ms. May Reichenbach owns approximately 36 acres north of Watterson Trail and west of Blankenbaker Parkway in the northern corner of the search area. The KYDOT has acquired a 6-acre strip of the land along Watterson Trail on the southern edge of this parcel for the purpose of widening Watterson Trail in the future. Due to the proposed widening of Watterson Trail, this location does not provide a viable raw land candidate for consideration.

Southeast Christian Church owns the majority of the search ring, with a total of approximately 118 acres. Director of Facilities Jeff Long has offered one (1) raw land location for consideration by Verizon Wireless. The proposed access and lease area are currently heavily wooded and would require extensive clearing. This site is within the targeted area necessary to achieve Verizon Wireless' desired coverage objective for this tower. Due to Southeast Christian Church owning 118 acres, and the proposed location selected by the church being in a heavily wooded area near the interstate, this site was deemed the most unobtrusive for the proposed facility while also meeting the desired coverage objectives of Verizon Wireless.

No colocation opportunities were available within the designated search area. Craig and Associates noted the following towers within a 2-mile radius of the SARF target coordinates.

RECEIVED  
APR 08 2015  
PLANNING &  
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April 3, 2015

VIA US MAIL

Louisville Metro Planning & Design  
Mr. Steven Hendrix  
444 South 5<sup>th</sup> Street, Suite 300  
Louisville, KY 40202

Re: Application for Tower Use Permit  
SBA Communications, Inc.  
KY 1641 : I-64 & Blakenbaker  
NS Reference No: 11681.013

Dear Mr. Hendrix:

Please find the five copies of the updated letter from the site acquisition company information for Tower Use Permit, filed on behalf of my client, SBA Communications, Inc. back in October of 2014.

SBA Communications, Inc. would like to request a waiver to the landscape requirement of a 35 ft. wide buffer with a 1.5 multiplier and a 50 ft. wide buffer. Enclosed is the General Waiver form completed.

As indicated on the site plans, my client is proposing to construct a 199 foot wireless telecommunications facility with associated ground equipment. SBA Communications, Inc. will be leasing the property from Southeast Christian Church of Jefferson. The site is located at 1217 Blakenbaker Parkway, Louisville, KY 40243.

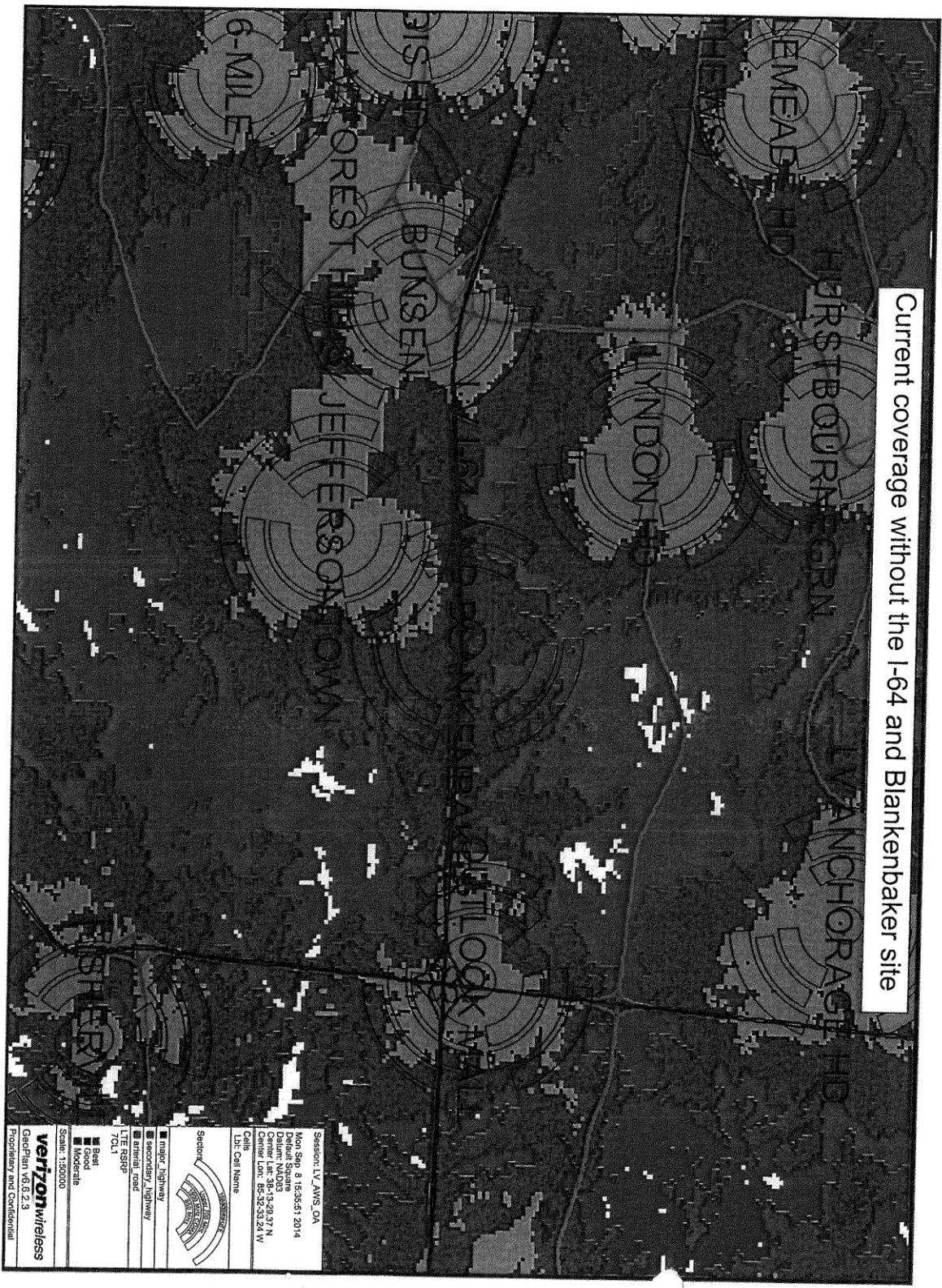
I would appreciate it if you place the application on the next Planning Commission agenda. If I can provide any additional information, please do not hesitate to call me at 601-898-3358.

Thank you for your assistance with this matter.

Sincerely,  
NEEL-SCHAFER INC.,

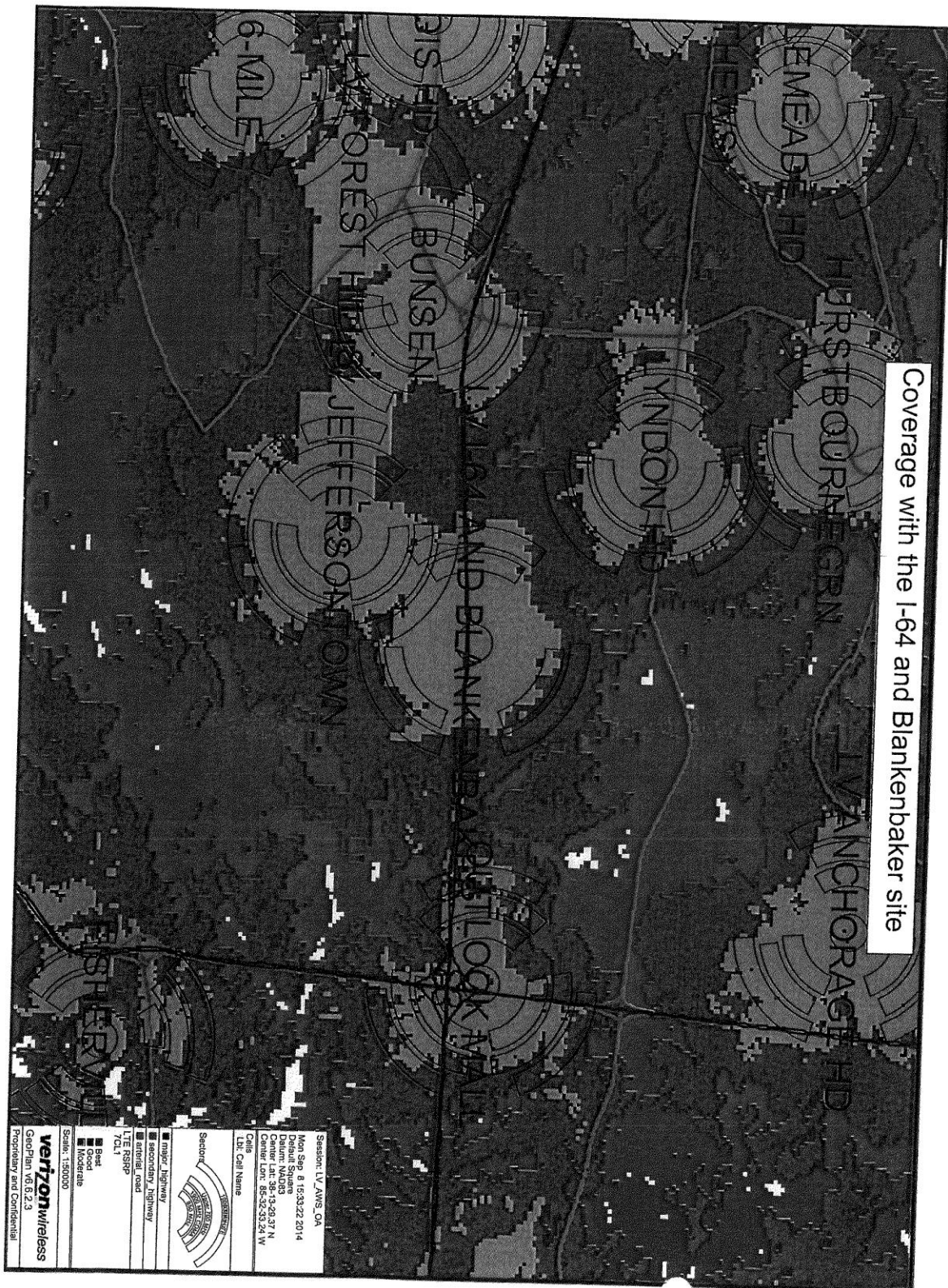


Belinda Bodie  
Zoning Specialist



Current coverage without the I-64 and Blankenbaker site







View From Blankenbaker Parkway.  
Tower will be behind the building on the right.



View from the parking lot of Southeast Christian Church looking south toward site behind the trees.





View of Blankenbaker Road looking south, tower will be to the left.





Approximate location of the compound area.