

**Development Review Committee  
Staff Report  
November 30, 2016**



<b>Case No:</b>	16Cell1008
<b>Request:</b>	Cell Tower
<b>Project Name:</b>	Dione Avenue
<b>Location:</b>	5225 Murray Lane
<b>Owner:</b>	Charles M. & Bonny Conner
<b>Applicant:</b>	Eco-Site and T-Mobile
<b>Representative:</b>	David Pike, Pike Legal Group PLLC
<b>Size:</b>	130 feet total height Approximate 2,500 square foot compound area
<b>Existing Zoning District:</b>	C-2
<b>Existing Form District:</b>	Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Rick Blackwell
<b>Case Manager:</b>	Steve Hendrix, Planning Supervisor

**Request**

This is an application for a proposed 120 foot monopole tower with a 10 foot lightning arrestor for a total structure height of 130 feet within an approximate 2,500 square foot compound area.

**Case Summary / Background/Site Context**

**The application was submitted on November 1, 2016. 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, (December 30, 2016).**

The proposed site is located in a C-2, Commercial Zoning District and within a Neighborhood Form District. The pole location is approximately 230 feet from Murray Lane, 335 feet from Lower Hunters Trace and will be partially screened by existing trees to the north, east and to some degree to the south. An existing automotive repair shop and related buildings are on the same parcel to the south between the proposal and Lower Hunters Trace. The proposed monopole will be about 400 feet from the nearest residential structure which is west across Murray Lane.

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 three (3) 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, unless required by applicable law.

Screening will include an eight (8) foot wooden fence and landscaping.

The site will not be manned.

### Land Use / Zoning District / Form District Table

	Land Use	Zoning	Form District
Subject Property			
Existing	Automotive repair	C-2	Neighborhood
Proposed	Automotive Repair, Cell tower & fields	C-2	N
Surrounding			
North	Single Family Residences Vacant Lots	R-4	
South	Residential Subdivision, Field	R-5, C-2	N
East	Wooded Area	R-4	N
West	Day Care, Convenience Store	C-2	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 property has a C-2 zoning classification and will contain the existing automotive repair shop and the cell tower. Across Murray Lane is a day care center and a convenience store, both with a C-2 zoning classification. Other commercial areas are located along Lower Hunters Trace to the east and west and an EZ-1 zoning classification across Greenbelt Highway. Therefore, the proposed monopole location, the existing tree buffer and other land uses make the proposal somewhat compatible.

#### **3.9 Visual Impacts**

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

The pole location is approximately 230 feet from Murray Lane, 335 feet from Lower Hunters Trace and will be partially screened by existing trees to the north, east and to some degree to the south. An existing automotive repair shop and related buildings are on the same parcel to the south between the proposal and Lower Hunters Trace. Although the compound area will be screened and have landscaping, the monopole will still be visible.

#### **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. The compound area will be screened with an eight (8) foot high wooden privacy fence and landscaping.

#### **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 the three, (3) 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 not meeting the siting order, the proposed monopole/compound area will be placed in a C-2 zoning district that contains an automotive repair shop and a day care center that are located at the intersection of Lower Hunters Trace and Murray Lane.

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 a total of three (3) carriers.

The total height of the tower is 130 feet and will have existing trees to the north, east some to the south, will be placed approximately 230 feet from Murray Lane, 335 feet from Lower Hunters Trace and more than 400 feet from the nearest residential structure.

The property has a C-2 zoning classification.

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

**If not approved today, the Planning Commission /DRC needs to enter into a written agreement with the applicant concerning a specific date for the Commission /DRC to issue a decision. If there is no written agreement between the Planning Commission/DRC and the applicant to a specific date for the Planning/DRC Commission to issue a decision, the uniform application shall be deemed approved.**

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 as established in the Land Development Code

## Notification

Date	Purpose of Notice	Recipients
November 17, 2016	Public Hearing Notices— ready	1 <sup>st</sup> tier adjacent property owners Subscribers of Council District 13 Notification of Development Proposals











