

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
April 1, 2021**

A meeting of the Louisville Metro Planning Commission was held on April 1, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the special Planning Commission meeting set for today was held online.

Commission members present:

Marilyn Lewis, Chair
Lula Howard, Vice-Chair
Jeff Brown
Rich Carlson
Robert Peterson
Ruth Daniels
Jim Mims
Patricia Clare
Pat Seitz
Te'Andrea Sistrunk

Staff Members present:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Joe Haberman, Planning and Design Manager
Julia Williams, Planning Supervisor
Cynthia Elmore, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Zachery Schwager, Planner I
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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PUBLIC HEARING

CASE NO. 21-CELL-0001

Project Name: Headley Hollow
Location: 4513 Blevins Gap Road
Owner: Marvin and Laurel Wathen
Applicant: New Cingular Wireless PCS, LLC
Representative: David Pike, Pike Legal Group, PLLC
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: Zach Schwager, Planner I

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

Zach Schwager discussed the case summary, standard of review and staff analysis from the staff report.

Commissioner Mims asked if the applicant tried to co-locate. Mr. Schwager said yes and provided documentation as well.

Commissioner Peterson asked staff if the project meets the Land Development Code requirements. Mr. Schwager said yes.

The following spoke in favor of this request:

David Pike, P.O. Box 369, Shepherdsville, Ky. 40165
Sherri Lewis, 5628 Gabes Drive, Evansville, In. 47720

Summary of testimony of those in favor:

David Pike gave a power point presentation.

Mr. Pike discussed the following: site plan, access, generator, radio frequency need, current and proposed AT&T mobility coverage, radio frequency search area, site selection and co-location, site selection criteria – alternative sites investigated, county tower map, property values, structural considerations, tower and foundation design, Geotechnical Report, flood plain information, tower height comparison map, notice requirements, federal telecommunications law, environmental and health concerns, compliance with local regulations, compliance with the Comprehensive Plan, wireless communications facilities are utilities, federal communications commission report,

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National Health Interview Survey, Wireless Industry Survey, First Net – emergency system and establish record.

Commissioner Carlson asked if a person can be located without calling on the cell phone. Mr. Pike said yes, after issuing a subpoena.

Sherri Lewis said the topography plays a role in the need for a tower.

Commissioner Carlson requests a binding element regarding generator testing. Mr. Pike agreed.

Commissioner Brown said they will need to construct driveway. Mr. Pike said there's an existing road and they will be constructing more.

Mr. Pike said only a few trees will be removed.

Commissioner Mims asked if the applicant could restrict another company that wanted to co-locate on their tower. Mr. Pike said no.

The following spoke in opposition to this request:

Jim Kilgore, 4509 Blevins Gap Road, Louisville, Ky. 40272
James Dennis, 4111 Tish Road, Louisville, Ky. 40272

Summary of testimony of those in opposition:

Mr. Kilgore asked if the commissioners received his email.

Mr. Kilgore requests a binding element to keep a private road from being used. Other issues are health, scenic route, maintenance and repairs, privacy fence, flashing light on cell tower in future and can the applicant move the cell tower over more.

Mr. Kilgore said he just heard about this case in the past 3 weeks. Why not sooner since it's been in process for 3 years?

James Dennis said property value was his main concern as well as his view from his home.

Mr. Dennis also mentioned setbacks, buffering, signal coverage and green areas.

Rebuttal

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Mr. Pike met notification requirements, the proposal does not require lighting and aesthetics can't be used to oppose the cell tower. Inspections are done on a regular basis to be safe. We will maintain the fence as proposed.

Mr. Kilgore asked if he can have a meeting on the proposed site to see the exact location of the cell tower. Mr. Pike said no.

Cindi Fowler asked if there's an end date on this tower. Mr. Pike said there are periodic renewals, sometimes 30 years.

Zach Schwager read the proposed conditions of approval.

Deliberation

Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Cell tower consisting of a 195-foot tall monopole with a 4-foot lightning arrestor (total height of 199 feet) within a 10,000 square foot compound area

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a cell tower consisting of a 195-foot tall monopole with a 4-foot lightning arrestor (total height of 199 feet) within a 10,000 square foot compound area, **SUBJECT** to the following conditions of approval.

1. All routine and scheduled testing of any standby generator installed at the wireless communications facility site shall be performed only between the hours of 8:00 AM and 6:00 PM local time.
2. The fence around the perimeter of the compound area shall remain in perpetuity. Any maintenance issues shall be repaired within 30 days of the maintenance request.

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The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

Policy and Procedures Committee
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

DocuSigned by:

Marilyn Lewis

Chair

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[Signature]

Planning Director