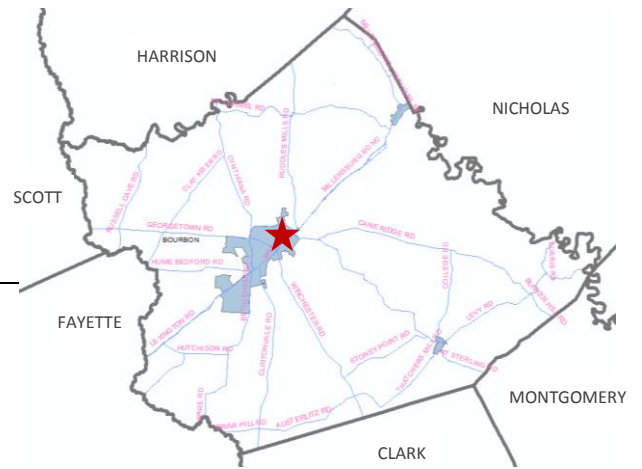


Staff Report CT 18-01 (amended)

Bourbon County Joint Planning Commission
 March 21, 2019



Case Number: CT 18-01
 Applicant: TowerCo 2013 LLC
 Location: 135 East Main St., Paris, KY
 Request: New Wireless Communication Tower
 Zoning: C (Conservation)/B-1 Commercial
 Parcel Size: 1.27 acres
 Pre-application conference: August 10, 2018
 Application Date: November 19, 2018
 TRC Meeting Date: November 26, 2018
 Staff Site Visit: February 12, 2019
 Legal Advertisement: March 14, 2019

Application Materials:
 Original Application (November 19, 2018)
 Supplement 1 (January 31, 2019)
 Supplement 2 (March 1, 2019)
 GRW Technical Memo (March 12, 2019)

Proposal:

TowerCo 2013 LLC, requests approval to construct a wireless communications facility to serve Verizon Wireless on a 1.27 acre property zoned B-1 (Commercial) and C (Conservation) at 135 East Main St, Paris, KY. The proposed tower is a 196' monopole with a 3' lightning arrestor (199' total height). By definition (City of Paris Chapter 80.207), a monopole is a slender self-supporting tower on which wireless antennas can be placed.

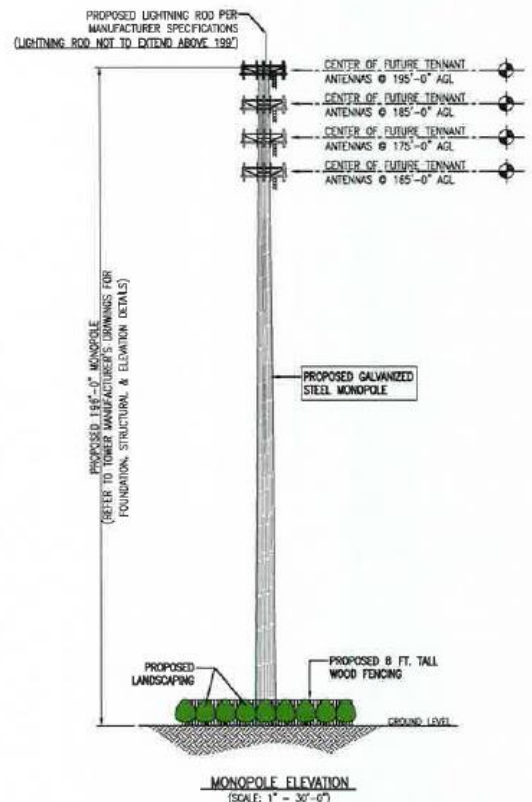
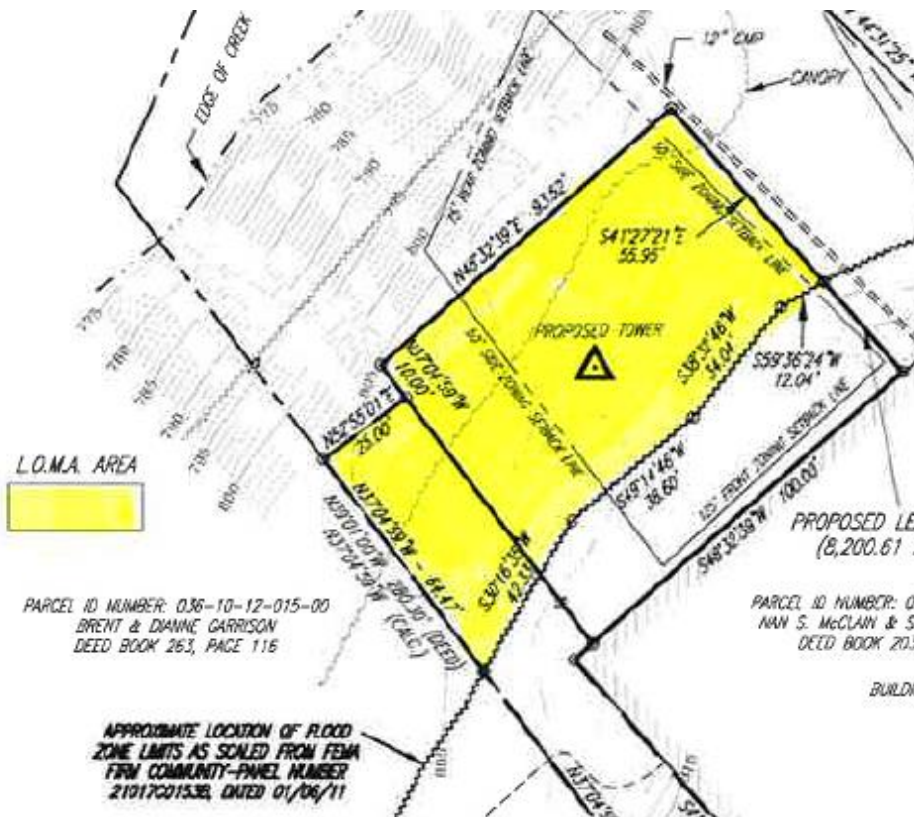


FIGURE 3: Contour Elevation Map



Site maps and street-level renderings are approximate and are for the purpose of generally visualizing the location and placement of the proposed tower. For the most accurate renderings and plats conducted by a certified engineer, please refer to the full application.

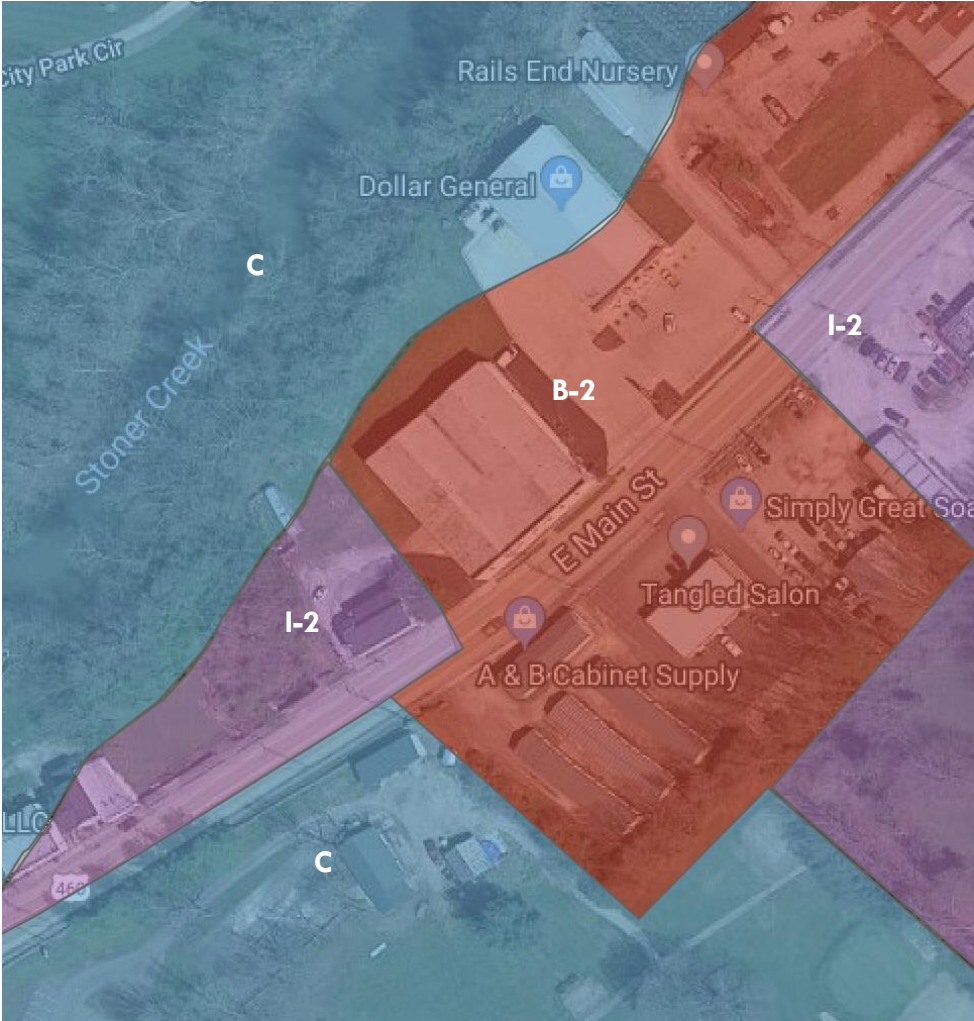
Source: City of Paris, Mapping System and 2011 National Flood Insurance Rate Map Floodplain Boundaries.



Area to the left highlights the area of proposed tower as originally shown within the floodplain. Applicant submitted a Letter of Map Amendment application through the Federal Emergency Management Agency (FEMA) that was approved. This location is now considered outside the high flood risk designation and therefore outside of the floodplain.

Source: Exhibit S-C of "Supplement to Application for Construction of a Wireless Communications Facility"

ZONING DESIGNATIONS OF SURROUNDING PROPERTIES



APPLICATION REQUIREMENTS

Category	Requirements	Findings
<p>1. Applicability</p>	<p>“Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular ... services shall submit a completed uniform application to the Planning Commission.</p>	<p>Uniform application submitted to Planning Office on November 19, 2018 and fee paid in the amount of \$2,500.</p>
<p>2. Zoning</p>	<p>A cellular antenna tower ... may be allowed: In any ... (B) Business district except those with the districts containing the Central Business District, historic properties, or scenic highways.</p> <p>ZONING DESIGNATION OF PROPERTY: B-2 General Commercial</p>	<p>According to the American Planning Association a central business district is an area in which the largest stores as well as banks, offices, and commercial services are concentrated.</p> <p>In the City of Paris Zoning Ordinance, Commercial Districts are defined in 3 difference classifications: B-1 Central Business, B-2 General Business, and B-3 Neighborhood Business.</p> <p>B-1 Central Business is defined as the following: ... is the heart of the city’s social, political, financial, cultural, and economic activities. The purpose of establishing the district shall be to preserve this area as the focal point of the city. To prohibit uses which would detract from the primary functions of the CBD, to lessen congestion, provide adequate parking, and make the area attractive to the general public.</p> <p>B-2 General Commercial. ... is established to provide locations for retail activity which, if located in the CBD would be a rather low economic level of land use as well as creating unnecessary traffic congestion of major streets or highways.</p> <p>Based on the above delineation, it can be concluded that the proposed site is not located in the City of Paris CBD, is not located in a historic district, or scenic highway.</p>

APPLICATION REQUIREMENTS

<p>3. Comprehensive Plan</p>	<p>A cellular antenna tower ... may be allowed: After a review of the Planning Commission, in accordance with the adopted goals and objectives of the Comprehensive Plan, the regulations contained in the City of Paris Zoning Ordinance, and the Cellular Antenna Tower Regulations. “Goal 2: To provide adequate infrastructure needs for all of Bourbon County residents.”</p>	<p>The second infrastructure goal of the 2017 Comprehensive Plan is to provide adequate infrastructure needs for all Bourbon County residents.</p> <p>Chapter 80.207 regulates cell tower placement within the grant of authority in KRS 100.985.</p>
<p>4. Co-location</p>	<p>“Co-location of service facilities is preferred.”</p>	<p>Co-location in the search area was investigated in depth by applicant. The locations that were examined are considered outside of the search ring for the proposed tower.</p>
<p>5. Geotechnical Report</p>	<p>“A geotechnical investigation report signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.”</p>	<p>Geotechnical report was submitted and reviewed by the Planning Commission contract engineer. Stated in this report is that removed material will not be suitable for backfill so any extra material needs to be hauled off. Outstanding is further description on how removed material will be handled.</p>
<p>6. Flood Hazards</p>	<p>“A written report with findings as to the proximity of the proposed site to flood hazard areas.”</p>	<p>The proposed site was originally shown as being located within the 100 year floodplain. However, the applicant submitted a Letter of Map Amendment (LOMA) Removal application to the Federal Emergency Management Agency accompanied by an elevation certificate. This application was approved by FEMA and thus removes the proposed cell tower site from the special flood hazard area (SFHA).</p>
<p>7. Directions to Site</p>	<p>“Clear direction from the City of Paris to the proposed site ...”</p>	<p>In #6 and Exhibit G of application, direction to proposed site is provided along with latitudinal and longitudinal coordinates.</p>
<p>8. Lease or Sale Agreement</p>	<p>“Lease or sale agreement for the property on which the tower is being proposed to be located ... and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed tower ...”</p>	<p>✓ Complete</p>

APPLICATION REQUIREMENTS

Category	Requirements	Findings
9. Responsible Persons for Design and Construction	Identity and qualifications for each person responsible for design and construction.	<p>In #16 of the application, "Personnel responsible for the design and construction of the proposed Facility are qualified and experienced. The tower design and drawings bear the stamp of a professional engineer registered in the Commonwealth of Kentucky."</p> <p>Construction management listed in uniform application however qualifications are not provided.</p>
10. Site Development Plan	Showing proposed location and all easements and existing structures within 500 ft. of the proposed site.	<p>✓ Complete.</p> <p>Staff Comments: See Exhibit I of application.</p>
11. Vertical Profile Sketch	"A vertical profile sketch of the tower ... indicating the height of the tower and placement of antennas."	<p>✓ Complete</p>
12. Design Plans	Tower and Foundation Design Plans	<p>✓ Complete</p>
13. Surrounding Properties	"A map drawn to scale ... which identifies every structure and property owner ... within 500 ft. of the proposed tower."	<p>See Exhibit I of application.</p> <p>✓ Complete</p>

APPLICATION REQUIREMENTS		
Category	Requirements	Findings
14. Notification	"A statement that every person who ... owns property within five hundred feet of the proposed tower ... has been:"	Legal notice was published in the Bourbon County Citizen on February 14; 7 days prior to the public hearing.
15. Site Signage	A written notice at least 2 ft. x 4 ft. in size stating that [Name of Applicant] proposes to construct a telecommunications tower on this site...	Two signs were placed by applicant on property at least fourteen (14) days in advance of the hearing.
16. Statement to chief executive officer	"A statement that the chief executive officer of the appropriate and affected local government and legislative body have been notified."	✓ Complete
17. Statement of Notice	A statement that the proposed construction has been published in a newspaper of general circulation.	✓ Complete
18. Brief Description of Site Character	A brief description which includes the existing land use and zoning for the specific property.	In #23 of application, "The general area where the facility is to be located is behind a two-story warehouse in a mixed industrial-commercial area near Stoner Creek." ✓ Complete
19. Statement about Effects	A statement that the applicant has considered the likely effects of installation on nearby land uses and values	In #10 of uniform application, statement is provided. ✓ Complete
20. Radio Frequency Report	A map of the area in which the tower is proposed to be located, which clearly depicts the necessary search area ...	The applicant provided an SARF/Search Ring in Exhibit M. This shows existing Verizon coverage in the vicinity as "Good" within the City of Paris on a scale of "Good", "Better", and "Best". Coverage with the proposed tower would bring service coverage in the City of Paris to "Best".
21. Grid Map	A grid map that shows the location of all existing cell towers ...	✓ Complete

DESIGN STANDARDS		
Category	Requirements	Findings
22. Height	Maximum height of 200 ft	✓ Proposed total height at 199 ft
23. Building Certifications	Applicant shall furnish the Planning Commission with a certification from a registered engineer that the tower will meet the current ANSI/EIA/TIA 222-F standards	✓ Complete
24. Illumination	Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.	✓ Tower is not proposed to be illuminated.
25. Security Fencing	The site shall be enclosed by a security fence, no less than eight (8) feet in height and shall be made of material appropriate to the adjacent land use. The use of barbed wire or sharp point fences shall be prohibited from the ground to a height of six (6) feet.	✓ Proposed is an 8 foot tall wooden privacy fence.
26. Viewshed	In any district, <u>whenever possible</u> , all antenna towers shall be designed and constructed so as to minimize any potential negative aesthetic, environmental, or visual impacts.	No additional screening or stealth technology is proposed to minimize negative aesthetic effects. Staff Comments: Staff recommends the Commission discuss potential mitigation strategies to minimize visual impacts given the sites close vicinity to downtown.
27. Lease Area	Any site to be purchased or leased for the installation of the tower, and ancillary facilities, shall be at least five thousand (5,000) square feet in area.	✓ Proposed lease area is approx. 8,201 sf.

DESIGN STANDARDS

<p>28. Driveway and Off-Street Parking</p>	<p>Surfacing and all driveways and off-street parking areas shall comply with the requirements of the applicable Zoning Ordinance.</p> <p>City of Paris Zoning Ordinance 80.203:</p> <p>D. 5. All parking spaces, drives, and aisles in commercial and industrial districts shall be surfaced with a bituminous or other dust-free surface.</p> <p>H. 1. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.</p>	<p>Revised site plans show chip seal treatment with fabric liner. This proposal would need to receive a waiver from the Planning Commission.</p> <p>Staff Comments: So long as this type of treatment is maintained properly, staff recommends acceptance of waiver request as this surface treatment would have a slower stormwater runoff rate than asphalt treatment.</p> <p>While drainage calculations were provided for the site, there are no stormwater plans that address surface drainage.</p>
<p>29. Stormwater Requirements</p>	<p>H. 1. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.</p>	<p>Staff Comments: Applicant submitted stormwater plans with revised plans to install a detention basin from the additional impervious area. With the proposed design, post-development runoff does not exceed pre-development runoff. However, based on the existing design, the outfall swale is located in the floodplain and partially on the adjacent property.</p> <p>If the Planning Commission chooses to approve this application, a condition should be set on that approval that the applicant apply for and receive a stream construction permit from the Kentucky Division of Water (KDOW) and an easement from the adjacent property owner for proposed stormwater infrastructure. Another option, would be to utilize low impact design principles, such as a bio infiltration swale which would allow the swale to be placed only on the applicant's property and out of the floodplain.</p>

DESIGN STANDARDS

Category	Requirements	Findings
30. Signage	There shall be no signs permitted, except those displaying emergency information, owner contact information, warning, or safety instructions, or signs, which are required by a federal, state, or local agency. Such signs shall not exceed five (5) sf in area.	No signage is proposed at this point in time.
31. Minimum Service	All new cellular towers shall be designed ... to reasonably accommodate a minimum of three (3) service providers. This includes space onsite to accommodate the ground equipment for the providers.	✓ Complete
32. Lease Agreement	All option and site lease agreements shall not prohibit the possibility of co-location.	✓ Complete
33. Materials	Any monopole ... shall be maintained in either galvanized steel finish or be painted light gray or light blue in color.	✓ Complete Tower is proposed to be galvanized steel.
34. Setback	In all (B) Business and (I) Industrial ... all antenna towers and related structures shall have a front yard setback of one hundred twenty-five (125) feet, plus adhere to the yard setbacks of that district.	✓ Complete ✓ Application meets setback requirements

STAFF RECOMMENDATION

Staff recommends approval of application CT 18-01 as the application meets the requirements of the City of Paris Zoning Ordinance Chapter 80.207. However, this recommendation is made only with the following conditions:

1. Revisement/supplement to stormwater plan (as agreed upon by applicant and Planning Commission):
 - a. OPTION 1 Condition (using existing stormwater plan): Obtain stream construction permit from the Kentucky Division of Water (KDOW) for stormwater outfall area which is located in the floodplain. Obtain agreement with adjacent property owner for easement. Before obtaining building permit, applicant shall provide documentation of approved Stream Construction Permit from KDOW and revised legal description/record plat for easement on adjacent property.
 - b. OPTION 2 Condition: Revise stormwater plans to reflect low impact design, such as bio infiltration swale to allow stormwater infrastructure to be contained only on the subject property and out of the floodplain.
2. Applicant provide all construction plans with detailed construction phasing to include provisions for access of large equipment, details of all site work for construction and post-construction, handling of removed material, and mitigation plan if karst is encountered. This information is a prerequisite prior to issuance of a building permit.
3. Applicant provide all Federal and State approvals to Bourbon County Joint Planning Office prior to issuance of building permit.
4. Any changes to the approved development plan are subject to the plan amendment procedures and to full Planning Commission review.