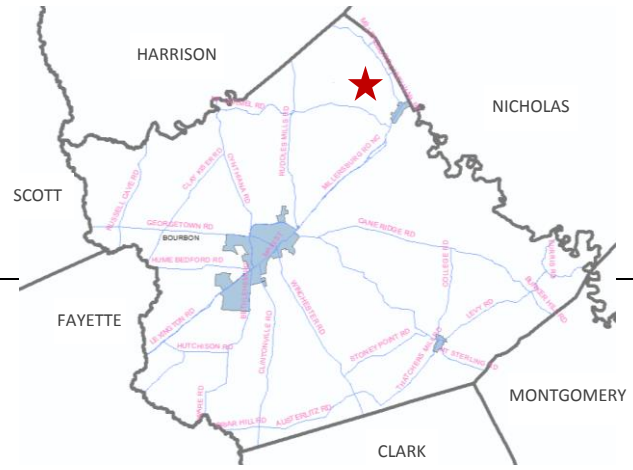


# Staff Report CT 19-01

Bourbon County Joint Planning Commission  
November 21, 2019



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Case Number:	CT 19-01
Applicant:	New Cingular Wireless PSC
Location:	Steele Ford Rd.
Request:	New Wireless Communication Tower
Zoning:	A-1 (Agricultural)
Parcel Size:	127 acres
Application Date:	September 18, 2017
TRC Meeting Date:	September 25, 2017
Request to Postpone:	November 3, 2017
TRC Meeting Date:	January 3, 2017
Legal Advertisement:	January 11, 2017

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## Proposal:

New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility requests approval to construct a wireless communications facility on a 15.56 acre A-1 zoned property on Steele Ford Rd. The proposed tower is a 195' monopole with a 4' lightning arrestor (199' total height).

FIGURE 1: Proposed Property



## APPLICATION REQUIREMENTS

Category	Requirements	Findings
1. <b>Applicability</b>	“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.	✓ Uniform application submitted.
2. <b>Zoning</b>	A-1 Agricultural “A cellular antenna tower for cellular communications services ... may be allowed in any (A-1) Agricultural District except those within the districts containing the central business district, historic properties, or scenic byways.”	✓ A-1 Agricultural District ✓ Property does not contain a historic structure on it. This property is adjacent to (near) the West Millersburg Rural Historic District, which is recognized on the National Register.
3. <b>Comprehensive Plan</b>	“Goal 1: To provide adequate public facilities which will meet the needs of Bourbon County residents.” “Goal 2: To provide adequate infrastructure needs for all of Bourbon County residents.”	✓ The application proposal provides for necessary infrastructure needs and will contribute to the goals of the 2017 Comprehensive Plan.
4. <b>Co-location</b>	“Co-location of service facilities is preferred.”	✓ Proposed monopole tower would contain three (3) reserved spots for co-location.
5. <b>Geotechnical Report</b>	“A geotechnical investigation report signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.”	✓ A geotechnical engineering firm performed soil boring(s) and geotechnical study at the proposed site. The report contains findings and recommendation for design and construction of the tower and equipment support foundations.
6. <b>Flood Hazards</b>	“A written report with findings as to the proximity of the proposed site to flood hazard areas.”	✓ Description provided on site plan. “The proposed lease area ... are not located in a 100-year floodplain.”
7. <b>Directions to Site</b>	“Clear direction from the City of Paris to the proposed site ...”	✓ See Exhibit E of Uniform Application

## APPLICATION REQUIREMENTS

Category	Requirements	Findings
<b>8. Lease or Sale Agreement</b>	<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>✓ Option and Lease Agreement (Exhibit F): “Tenant will repair any damage to the Property resulting from Tenant’s removal activities. ... Tenant will remove the above ground portions of the Communications Facility within such one hundred twenty (120) day period.”</p>
<b>9. Responsible Persons for Design and Construction</b>	<p>Identity and qualifications for each person responsible for design and construction.</p>	<p>✓ Surveyor, geotechnical engineering firm, structural engineer and construction manager all listed and described in application.</p>
<b>10. Site Development Plan</b>	<p>Showing proposed location and all easements and existing structures within 500 ft. of the proposed site.</p>	<p>✓ Sheet number B-2 (Site Survey) of the proposed site plan shows the following:</p> <ul style="list-style-type: none"> <li>○ Distance of proposed tower to nearest residence (550 ft.)</li> <li>○ 30 ft. access and utility easement through existing entrance off Steele Ford Rd.</li> </ul>
<b>11. Vertical Profile Sketch</b>	<p>“A vertical profile sketch of the tower ... indicating the height of the tower and placement of antennas.”</p>	<p>✓ Sheet number C-4 (Tower Elevation) of the proposed site plan shows the following:</p> <ul style="list-style-type: none"> <li>○ Antenna spaces for AT&amp;T Antenna (193 ft.) and three (3) co-location spots at 175 ft., 160 ft, and 145 ft.</li> <li>○ Total tower height of 199 ft.</li> </ul>
<b>12. Design Plans</b>	<p>Tower and Foundation Design Plans</p>	<p>✓ Structural Design Report conducted by Sabre Industries.</p>
<b>13. Surrounding Properties</b>	<p>“A map drawn to scale ... which identifies every structure and property owner ... within 500 ft. of the proposed tower.”</p>	<p>✓ Sheet number C-1 (Overall Site Plan) shows the nearest home at 550 ft.</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:”	<ul style="list-style-type: none"> <li>✓ Notified by certified mail of the proposal.</li> <li>✓ Given the telephone number of the local Planning Commission.</li> <li>✓ Informed of his or her right to participate in the Planning Commission’s hearings.</li> <li>✓ A list of property owners who received this notice.</li> </ul>
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...	<ul style="list-style-type: none"> <li>✓ Signage posted on site and a photo of signage is included in the application.</li> </ul>
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.”	<ul style="list-style-type: none"> <li>✓ A letter and copy of this letter to the County Judge Executive, Mike Williams was provided to the Planning Commission along with certified mail receipt.</li> </ul>
17. Statement of Notice	A statement that the proposed construction has been published in a newspaper of general circulation.	<ul style="list-style-type: none"> <li>✓ See Exhibit J of application.</li> </ul>
18. Brief Description of Site Character	A brief description which includes the existing land use and zoning for the specific property.	<ul style="list-style-type: none"> <li>✓ In #19 of the uniform application, “The general area where the proposed facility is to be located is rural and wooded.”</li> </ul>
19. Statement about Effects	A statement that the applicant has considered the likely effects of installation on nearby land uses and values	<ul style="list-style-type: none"> <li>✓ In #20 of the uniform application, applicant states consideration of surrounding impacts on surrounding property. In Exhibit L, applicant describes site selection process.</li> </ul>
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 ...	<ul style="list-style-type: none"> <li>✓ Exhibit L and M of the uniform application provide a map and description of the site selection process.</li> </ul>
21. Grid Map	A grid map that shows the location of all existing cell towers ...	<ul style="list-style-type: none"> <li>✓ Grid map was included with application. There are no existing towers within 1 mile of the search area</li> </ul>

## DESIGN STANDARDS

Category	Requirements	Findings
22. Height	Maximum height of two hundred (200) feet in Agricultural zone.	<b>Conforming</b> ✓ Proposed: 199 ft (195 ft tower and 4 ft lightning arrestor)
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	<b>Conforming</b> ✓ Certification provided by Sabre Industries.
24. Illumination	Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.	<b>Conforming</b> ✓ Illumination is not proposed for this tower.
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.	<b>Conforming</b> ✓ Proposed 7 ft. tall chain link fence with 1 ft. barbed wire.
26. Viewshed	In any district, whenever possible, all antenna towers shall be designed and constructed so as to minimize any potential negative aesthetic, environmental, or visual impacts.	<b>Staff Comment:</b> Please inquire of applicant as to efforts to minimize negative visual effects.
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.	<b>Conforming.</b> ✓ Proposed 100 ft x 100 ft leased area (10,000 sf)
28. Driveway and Off-Street Parking	Surfacing and all driveways and off-street parking areas shall comply with the requirements of the applicable Zoning Ordinance.	<b>Conforming.</b> Comment: In the A-1 Agricultural District in Bourbon County, parking requirements do not apply. Proposed is a gravel compound on the 10,000 sf site and a 12 ft. gravel access drive with 18" culvert under proposed access drive entrance to match existing ditchline.

## DESIGN STANDARDS

Category	Requirements	Findings
<p><b>29. Signage</b></p>	<p>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.</p>	<p><b>Staff Comments:</b> No signage is proposed for this site other than which are required by federal or state agencies.</p>
<p><b>30. Minimum Service</b></p>	<p>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.</p>	<p><b>Conforming.</b> ✓ Tower is proposed to accommodate four (4) antennas and contains three spaces onsite to accommodate the ground equipment for three (3) additional providers.</p>
<p><b>31. Lease Agreement</b></p>	<p>All option and site lease agreements shall not prohibit the possibility of co-location.</p>	<p><b>Conforming.</b> ✓ Per the Lease Agreement, "Tenant has the right to modify, supplement, replace, upgrade, expand the equipment, increase the number of antennas ..."</p>
<p><b>32. Materials</b></p>	<p>Any monopole ... shall be maintained in either galvanized steel finish or be painted light gray or light blue in color.</p>	<p><b>Staff Comments:</b> Confirm finish of tower with applicant.</p>
<p><b>33. Setback</b></p>	<p>In agricultural districts ...all antenna towers and related structures shall have a front yard setback of two hundred (200) feet, and adhere to all other yard setbacks for that district. Where adjacent to a historic district, the required setback is a distance equal to the height of the antenna tower, plus the yard setbacks for that district. Visual screening shall be required along the property line where the proposed site abuts a historic district. Options for screening include, but are not limited to: fencing, plant material, or berms.</p>	<p><b>Conforming.</b> ✓ Front yard setback ✓ Side yard setback ✓ Rear yard setback</p>

## **STAFF RECOMMENDATION**

**Approve CT 19-01** as the application is in compliance with the Telecommunications Tower requirements of the Bourbon County Zoning Ordinance.

- ✓ If any additional changes are made, an amended development plan must be submitted to the Planning Office.
- ✓ Contact Planning Office for any additional sign permits.