

# Development Review Committee

## Staff Report

March 19, 2025



<b>Case No:</b>	24-DDP-0069/24-CELL-0004
<b>Project Name:</b>	Lv Jeffersontown RELO
<b>Location:</b>	2421 Holloway Road
<b>Applicant:</b>	Verizon Wireless
<b>Representative:</b>	Clark, Quinn, Moses, Scott & Grahn, LLP
<b>Jurisdiction:</b>	City of Jeffersontown
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Ethan Lett, AICP, Planner I

### REQUEST(S)

- **New Cell Tower** (LDC 4.4.2)
- **Revised Detailed District Development Plan** with amendments to binding elements

### CASE SUMMARY

The proposal is for a new 285' self-supporting cell tower with a 10' lighting rod for a total of 295'. New ground equipment on the site will include a 132.25 square foot shelter, pad-mounted transformer, meter board structure, and concrete pad for an emergency generator. Tower lighting will be provided as required by the Federal Aviation Administration. The subject site is zoned PEC Planned Employment Center and is located in the Suburban Workplace form district, within the City of Jeffersontown. The site has a gated fence around the property perimeter and a 6' chain link fence will be provided around the base of the tower for additional security. There is an existing cell tower on the property to the south that will be decommissioned and removed once the new tower is constructed and operating.

### STAFF FINDING

A completed uniform application for a new cell tower has been provided. The new cell tower and proposed plan meet the requirements of the Land Development Code and the guidelines of the Comprehensive Plan.

### TECHNICAL REVIEW

- Transportation Planning and MSD have preliminarily approved the proposal.
- **Procedure:** The Planning Commission shall:
  - 1) Review the uniform application in light of its agreement with the Comprehensive Plan and the Land Development Code;
  - 2) Make its final decision to approve or disapprove the uniform application; and

- 3) Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the completed uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the Planning Commission and the applicant.

- Additional Considerations:

- 1) If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the Goals, Objectives, and Policies of the Comprehensive Plan and the Land Development Code.
  - 2) The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment.
  - 3) The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- 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 ANALYSIS FOR NEW CELL TOWER**

The new cell tower complies with the Comprehensive Plan, Plan 2040, and the Land Development Code. No waivers or variances have been requested and the requirements of Land Development Code, Section 4.4.2 have been satisfied.

Community Facilities Goal 3, Policy 19 calls for cellular towers to 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. government 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; Avoid environmentally sensitive lands, historic landmarks, and scenic byways, unless the applicant proves that no other reasonable site is available and the tower is designed to minimize impact.

The proposed new cell tower is in the PEC Planned Employment Center zoning district and in the Suburban Workplace form district. Located in the Holloway Industrial Park, it is compatible with existing land uses as the area is characterized by a variety of industrial and logistical land uses. The proposed tower will be located on a developed site and will not negatively impact any natural or historic resources, parkways or scenic byways, or adversely affect residential communities. The nearest residence is more than 1,000' from the proposed tower. The base of the tower will be screened and secured from the public.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. The proposal does not meet the threshold for new tree canopy requirements.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. The proposed cell tower is located on a developed site in an established employment center characterized by industrial and logistical land uses. There are no residences in the immediate vicinity that may be negatively impacted by it. The base of the tower will be appropriately screened.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

#### **REQUIRED ACTIONS:**

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **New Cell Tower**
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with amendments to binding elements

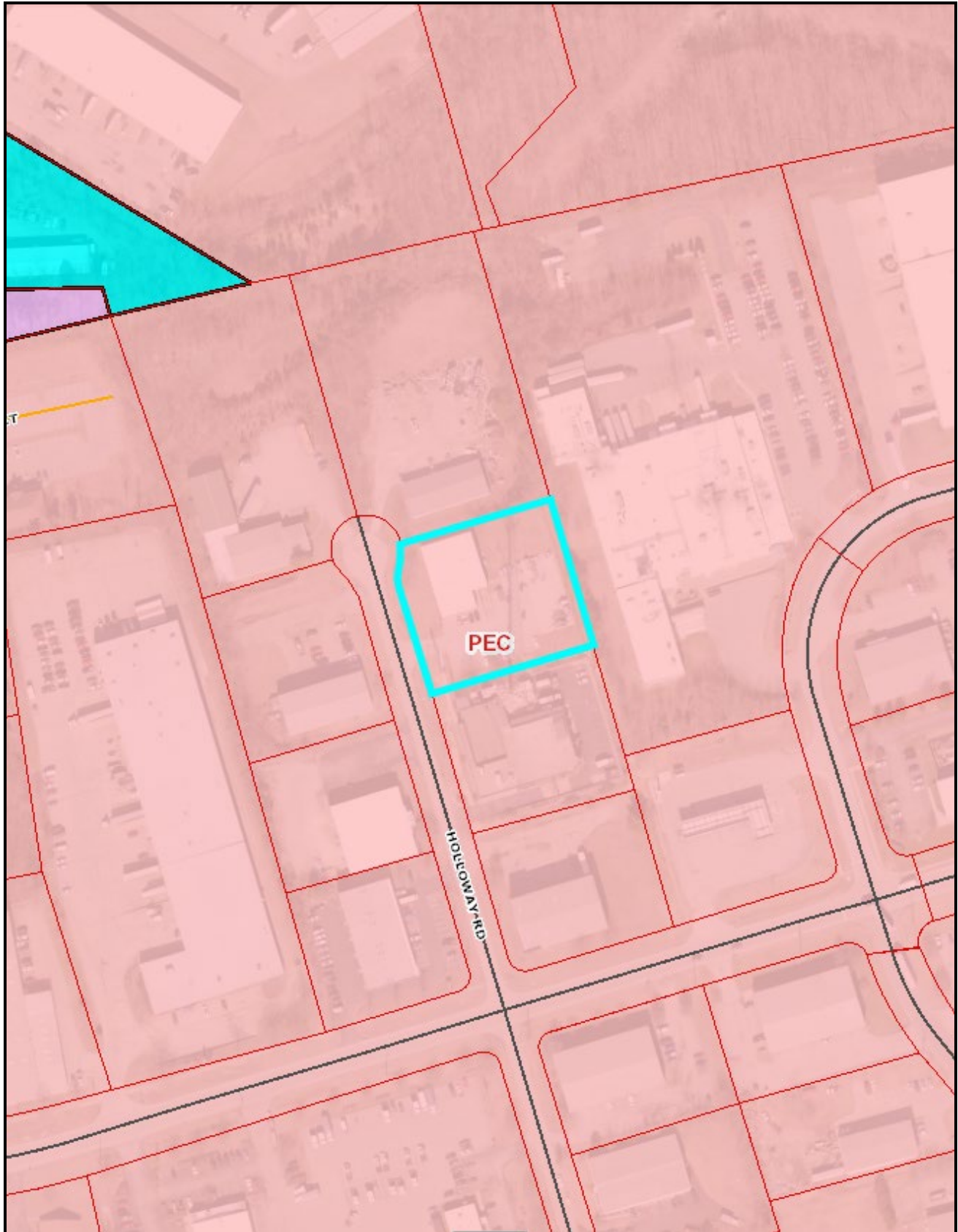
**NOTIFICATION**

Date	Purpose of Notice	Recipients
2/27/2025	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 11

**ATTACHMENTS**

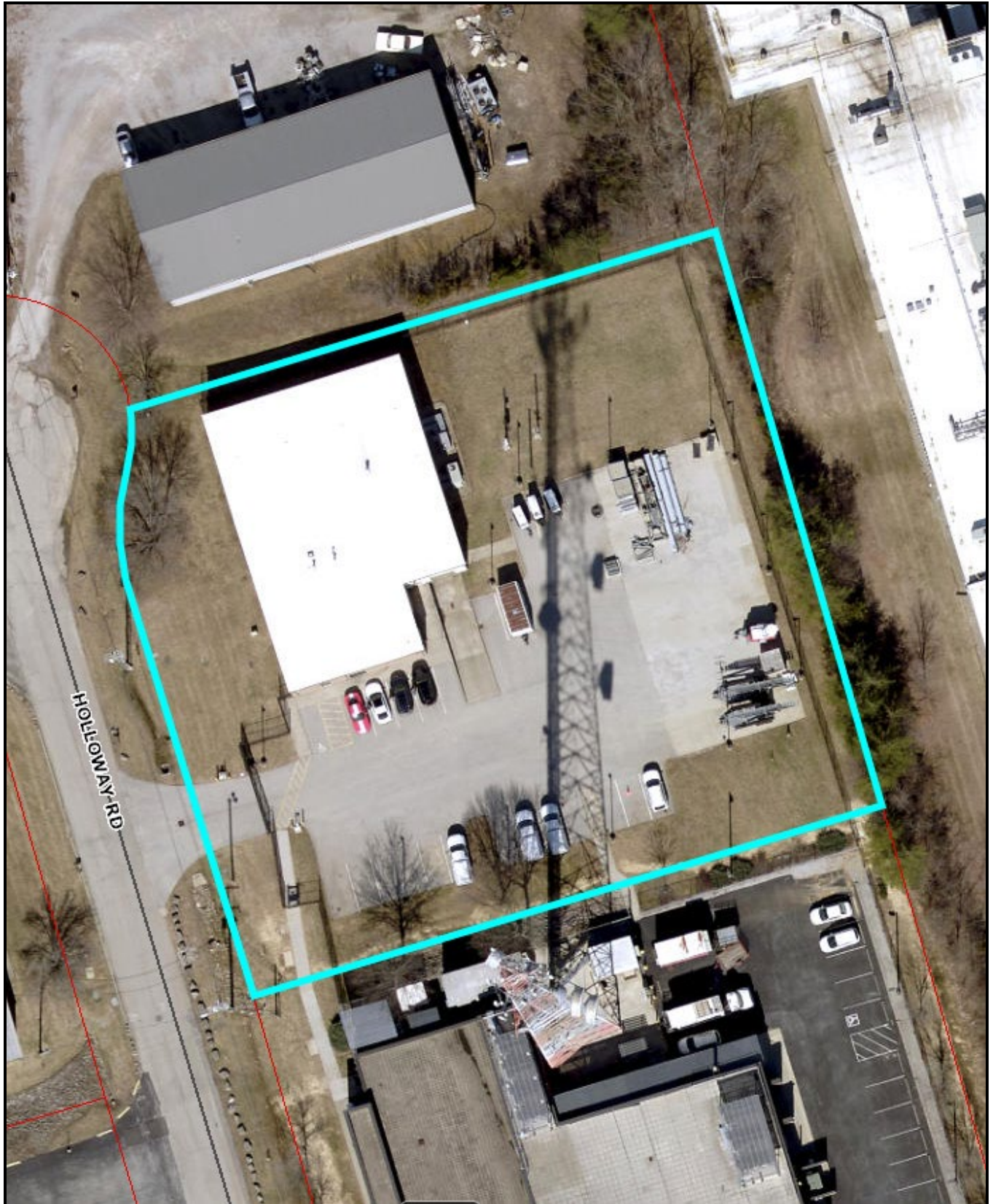
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with Proposed Changes

1. Zoning Map





2. Aerial Photograph



### 3. Existing Binding Elements with Proposed Changes

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 7,320 S.F. of gross floor area on 2421 Holloway Road.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The size and location of any proposed sign must be approved by the City of Jeffersontown. The City of Jeffersontown may require that signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10**. Such plan shall be implemented prior to requiring a certificate of occupancy and maintained thereafter.
  - c. All necessary recording fees shall be paid.
4. A Certificate of Occupancy must be received from the appropriate code enforcement officer prior to occupancy of the structure or land for the proposed use. All Binding Elements must be implemented prior to requesting issuance of the certificate.
5. The above binding elements may be amended as provided for in the Zoning District Regulations.