

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW PAR, A DELAWARE)	
PARTNERSHIP, D/B/A AIRTOUCH CELLULAR,)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY TO CONSTRUCT A CELLULAR)	97-331
TELECOMMUNICATIONS FACILITY IN BOONE)	
COUNTY, KENTUCKY)	

O R D E R

The Commission has received the attached letter from Kevin T. Wall regarding the proposed cellular telecommunications facility to be located at the intersection of KY 237 and Kilgore Place, Hebron, Boone County, Kentucky.


IT IS THEREFORE ORDERED that:

1. New Par, d/b/a AirTouch Cellular ("New Par") shall respond to Mr. Wall's concerns by certified letter, within 20 days from the date of this Order.
2. New Par shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 26th day of August, 1997.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Director


For the Commission

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 40005

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COMMISSION

August 18, 1997

Mr. Don Mills, Executive Director
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Case #97-331; Proposed 185 Foot Monopole at KY 237 (North Bend Road)/Kilgore Place, Hebron, Boone County, Kentucky - AirTouch Cellular

Dear Mr. Mills:

The purpose of this letter is to inform the Public Service Commission that, on behalf of the Boone County Planning Commission and as Zoning Administrator for the Boone County Fiscal Court, I oppose the above referenced monopole proposal. This objection is based on the following facts.

- A. The site is located within a Commercial Services (C-3) zone. The C-3 zone does not permit telecommunications towers and the maximum permitted building height is fifty feet (50'). The proposed tower exceeds this limitation by over three and one half times (almost four times when considering the height of the attached antenna).
- B. The immediate area where the site is located is designated for "Commercial" land uses by the 1995 Boone County Comprehensive Plan (this designation applies to the immediate frontage areas on both sides of KY 237/North Bend Road). This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The area immediately east of the subject site is planned for "Industrial" uses (the "Southpark" Business Park and similar adjoining properties). The Industrial designation is defined by the Comprehensive Plan as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." This area to the east is within an Industrial One (I-1) zone where communication towers are permitted as a Conditional Use pursuant to KRS 100.237 (i.e., are reviewed and approved by the Board of Adjustment through a public hearing forum to ensure that the proposal is appropriate for the locale).

On the following basis, I oppose the above referenced monopole proposal. This objection is based on the Boone County Planning Commission and as Zoning Administrator for the Boone County Fiscal Court, I oppose the above referenced monopole proposal. This objection is based on the following facts.

The area to the west of the subject site, across KY 237/North Bend Road just beyond the frontage area mentioned above, is designated for "Business Park" uses (the "Park West" business park). The Comprehensive Plan describes this designation as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment" (i.e., the description is not indicative of the presence of cellular towers). This area is also zoned I-1 where telecommunication towers are permitted as a Conditional Use.

The Land Use Element of the 1995 Boone County Comprehensive Plan makes the following statements regarding the area, none of which would indicate the presence of cellular towers in the immediate area.

- * Some Business Park ("business park" as per the definition provided above) development is appropriate adjacent to the Southpark project and I-275, with access provided by the extension of Southpark Boulevard.
- * The northwest quadrant of the I-275 and KY 237 interchange is an ideal location for Business Park uses (the area referred to above as "Park West"). Supporting commercial and office uses could provide a suitable entrance to this development.

In contrast to all of the information stated above, the Comprehensive Plan does have a "Public/Institutional" land use category which is largely used for public institutions and utilities. This designation is not applied to the property in question or the adjoining area in general.


- C. The interchange area in question is highly visible and is currently unspoiled by haphazard development, or development that is inappropriate for the location in question (the area is currently developing largely with very "clean" light industrial/distribution uses). A 185 foot monopole would become the single, dominant landmark at this interchange (which is the "gateway" to a rapidly developing part of the county) and would constitute an unwelcome visual intrusion, as well as an extremely poor precedent for the future development of the undeveloped properties in the immediate area.
- D. The Planning Commission encourages co-location of facilities in order to minimize the impacts created by cellular towers. To this end, I encourage AirTouch to pursue the following facilities in the area to avoid the construction of an additional tower.
 - 1. 2648 Graves Road: A 190 foot monopole constructed by AT&T Wireless (case #97-173, I am not sure whether this tower has been constructed yet).

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2. 2093 Graves Road: This address is the nearest residence to an existing tower. I have no record of this tower in our office, thus, I do not know who owns it.
3. 3120 North Bend Road (Hebron Fire Protection District): A tower that was constructed by GTE Mobilnet (case #96-425, I believe the tower is approximately 100 feet tall).

If any of these alternate towers are not feasible for AirTouch's needs (or other towers along the I-275 corridor), I request that at the very least the proposed tower should be moved to the northeast corner of the property in question (the Burlington Realty Development Company property as shown on the survey provided) so that the visual presence of the tower will be minimized when seen from KY 237/North Bend Road.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm