

meets all FCC requirements. The failure to meet the FCC requirements will result in the revocation of their license, which AT&T purchased for billions of dollars.

Ms. Mundy said that her family has a cellular tower on their West Virginia property. She explained that they get a monthly payment, but their lease is for 99 years, which has never been renegotiated, but the monthly payment has increased over time. She asked who will maintain the road to the proposed cellular tower. Mr. Pike replied that the applicant was obligated to maintain the road. Ms. Mundy confirmed that the applicants would maintain the road. Mr. Pike replied affirmatively. Ms. Mundy commented that her family has not been so lucky. Mr. Pike said that the lease agreements have changed over the years.

Mr. Wilson asked how many cellular towers are within the Urban Service Area boundary. Mr. Martin indicated that the staff does not have an exact number.

Mr. Wilson said that it was indicted that the Planning Commission cannot say anything about the design of the cellular tower, but there are stealth towers in the community. Mr. Martin replied that there are stealth towers, as well as antennas on top of existing structures and buildings. Mr. Wilson asked if the existing stealth towers were done by the applicant's choice, not at the request of the Planning Commission. Mr. Pike responded that the difficulty with stealth towers, is that the tower has to be short enough to be viable.

Mr. Wilson indicated that some of the designs, such as pineapple trees with nothing on it does not make sense, whereas the bell tower at the church on Tates Creek Road makes perfect sense.

Mr. de Movellan asked if the proposed cellular tower is shorter than a normal cellular tower and what is the minimum height for a tower. Mr. Pike said that their proposed cellular tower is as short as they can go to meet the coverage requirement. Mr. de Movellan asked how far from the ground can the cellular antenna be. Mr. Lewis, applicant's engineer, gave a briefly explanation. Mr. de Movellan asked if there were any restrictions as to how low the antenna can be placed above the ground. Mr. Pike said that there are no limitations, but the closer the antenna are to the ground, the less power that they are allowed to generate.

Mr. Owens asked if the Law Department was in agreement with Mr. Pike's testimony as to what the Planning Commission can or cannot do. Ms. Jones replied affirmatively.

Mr. Wilson indicated that the general public does not understand the Planning Commission's role when it comes to a cellular tower. He asked if there was a way to inform the people who are submitting their opposition that cellular tower applications are ministerial. Ms. Jones replied that cellular towers are similar to a Public Facilities Review, and the Planning Commission is charged with reviewing the application to ensure the application complies with the Comprehensive Plan. However, the Planning Commission does not have any say so on the final decision because cellular towers are controlled by the Federal Communication Commission (FCC). She explained that it would be difficult to explain to the public, but the easiest way to explain cellular towers is that towers are not strictly governed by Kentucky Revised Statutes (KRS) like the other zoning decisions, cellular towers also have to meet the aspect of the Federal Communications Act, which trumps everything.

Mr. Wilson said that the Planning Commission is in the business of public relations, and when a cellular tower application is approved, the people look at the Commission as if they have done something wrong. He asked if some type of response can be given to the people or schools who send letters to the Commission. Mr. Duncan replied that this is only cellular tower application this year, but every month there are zone change request submitted. The public has a hard time understanding the process and there is an ongoing challenge to make sure the process that the Planning Commission is overseeing are communicated to the public. The staff will continue to look for ways to inform the public so there is an understanding.

Mr. Penn said that the Planning Commission was the conduit for the public to know about these types of applications and the hearings give them the opportunity to come down to speak about their concerns.

Mr. Owens said that he will not say these type of applications are ministerial, and the Planning Commission does have the authority to decline an application. However, should the Commission choose to decline an application they must have very good reasons in doing so.

Action - A motion was made by Mr. Wilson, seconded by Mr. de Movellan, carried 9-0 (Bell and Pohl absent) to approve PLN-CELL-19-00001: AT&T JACOBSON PARK (WIRELESS COMMUNICATIONS FACILITY), as recommended by the staff.

VI. STAFF ITEMS – The Chair will announce that any item a Staff member would like to present would be heard at this time.

a. ARTICLE 4-5(B) IMPROVEMENT PLAN PROGRESS REPORT - There were none.

b. SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS – to update Article 1 and Article 6 of the LFUCG Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs.

The Subdivision Committee recommended approval.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

Staff Presentation - Mr. Stuart Kearns directed the Commission's attention to a PowerPoint presentation and briefly explained the proposed text amendment to Articles 1 and 6 of the Land Subdivision Regulations. (A copy of the staff report is attached as an appendix to these minutes).

Mr. Kearns indicated that with the adoption of the 2018 Comprehensive Plan, the LFUCG Planning Commission initiated an amendment to Articles 1 and 6 of the Land Subdivision Regulations regarding the definition of a "stub street sign" and the location and responsibility for such signs. The intent of the text amendment was to inform the general public that stub streets are planned for future connections. This would be communicated through a sign that the developer would be required to install at the end of each stub street and should the general public have any questions, they would be able to contact LexCall 311 to get in touch with the planning staff.

Mr. Kems said that the staff was then contacted by the Division of Traffic Engineering requesting a revision to the same text in Article 6. He then said that Traffic Engineering requested the developer be responsible for the installation and maintenance of street name, traffic control signage and all of the other signs that would be needed for that development.

Mr. Kearns explained that the text amendment would include the following new definition in Article 1:

1-14 DEFINITION OF WORDS

STUB STREET SIGN - a sign at the terminus of each stub street, which shall identify the street as a planned future connection. The size and format for the sign shall be as specified by the Division of Traffic Engineering

Mr. Kearns then explained that the text amendment would update the current text for street name signs and revised it to the following:

STREET NAME /STUB STREET SIGNAGE - Street name signs, stub street signs, and all other required traffic control signage shall be provided, installed and maintained by the developer as required the Division of Traffic Engineering prior to plat recordings. Signage shall be in compliance with all requirements of the Manual On Uniform Traffic Control Devices (MUTCD) and LFUCG Traffic Engineering guidelines. All signage shall be maintained in a proper fashion by the developer until the final asphalt surface has been applied and written notification of pavement installation is given to the Urban County Traffic Engineer.

Mr. Kearns said that the staff was recommending Approval of the Staff Alternative Text, for the following reasons:

1. The proposed amendment to Article 1 of the Land Subdivision Regulations will provide a specific definition of a stub street sign.
2. The proposed amendment to Article 6 will clearly define the requirements for signage design and installation, and specify the timing for the transfer of maintenance responsibility from the developer to the Urban County Government.
3. The proposed text amendment will work to maximize the efficiency of the street network by ensuring proper access for services (Theme A, Design Policy #2) and by supporting planned street connections (Theme A, Design Policy #13). These goals and policies can be shared with the general public by the placement of appropriate signage within the community.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Forester, carried 9-0 (Bell and Pohl absent) to approve SRA 2019-2: AMENDMENT TO ARTICLES 1 & 6: STUB STREETS, as recommended by the staff.

- c. THANKSGIVING HOLIDAY – Mr. Duncan reminded the Commission members that due to the Thanksgiving Holiday the next scheduled meeting would be for the Planning Commission's Zoning Items and it would be held in the Council Chambers.

VII. AUDIENCE ITEMS – There was none.

VIII. NEXT MEETING DATES

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 21, 2019
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building).....	November 27, 2019
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building).....	December 5, 2019
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	December 5, 2019
Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 12, 2019

* - Denotes date by which Commission must either approve or disapprove request.