

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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**File Number:** 10-A-04-UR                      **Related File Number:**  
**Application Filed:** 9/13/2004              **Date of Revision:**  
**Applicant:** EXCELL COMMUNICATIONS, INC  
**Owner:**

## PROPERTY INFORMATION

**General Location:** Northeast side of Brickyard Rd., north of Gregory Ln.  
**Other Parcel Info.:**  
**Tax ID Number:** 56 PART OF 80                      **Jurisdiction:** County  
**Size of Tract:** 10000 square feet  
**Accessibility:** Access is via Brickyard Rd., a major collector street with a 19' pavement width within a 50' right-of-way

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** 160' Telecommunications Tower                      **Density:**  
**Sector Plan:** North County                      **Sector Plan Designation:**  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The proposed telecommunications tower site is located in an area of predominantly rural residential development.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 8304 Brickyard Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** None noted

## PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**



telecommunications tower on the surrounding area.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed commercial telecommunications tower at this location meets the standards for development within the A (Agricultural) District and all other relevant requirements of the Zoning Ordinance.
2. The proposed commercial telecommunications tower is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan identifies this property as being within an agricultural/rural residential area. Since the proposed tower will be located adjacent to the water tower in an existing pasture there will be limited impact to the rural character of the area. The proposed development is consistent with the Sector Plan.
2. The Wireless Communication Facilities Plan identifies the proposed 160' monopole as a "tall" monopole. Under the Guidelines for Tower Placement section of the Wireless Communication Facilities Plan there are three categories for evaluating tower placement. This proposed tower falls within all three categories as identified below.
3. Under the "opportunity area" category, the Plan takes a neutral position on a tall monopole that is located in a pasture or rural area.
4. Under the "sensitive area" category, the Plan discourages tall monopoles at locations within 500' of a residence. With the proposed tower being located adjacent to the existing water tower and exceeding the 110% setback requirement the impact on the adjacent residences is reduced.
5. Under the "avoidance area" category, the Plan discourages tall monopoles located on ridge tops/ridge lines. While the tower is proposed at a ridge top, being adjacent to the existing water tower will greatly reduce the visual impact of the tower. With a higher ridge line located north of the site and with the wooded areas near the site and along the area roads the impact at this location is even further reduced.
6. The Plan identifies the locational guidelines as advisory and states that the Planning Commission may approve towers that are inconsistent with the guidelines if the Planning Commission is satisfied that the intent of the Ordinance is met and the proposal is in compliance with the spirit of the guidelines.

**MPC Action:** Approved **MPC Meeting Date:** 11/10/2004

- Details of MPC action:**
1. Revising the landscape plan by placing the Leyland Cypress on 10' centers around the fence enclosure with an installed height of 5'.
  2. Installing the proposed landscaping as shown on the revised landscape plan within six months of the tower becoming operational.
  3. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
  4. At the time of the request for a building permit, posting a bond or other approved financial surety that would ensure the removal of the tower if it is abandoned.
  5. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  6. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  7. A revised site plan, reflecting the conditions of approval, must be submitted to MPC staff for certification prior to issuance of any building permits for this project.

With the conditions noted above, this request meets all requirements for approval of a use on review.

**Summary of MPC action:** APPROVE the development plan for a 160 foot monopole commercial telecommunications tower at this location, subject to 7 conditions:

**Date of MPC Approval:** **Date of Denial:** **Postponements:** 10/14/2004

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**