

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

File Number: 12-J-07-UR **Related File Number:**
Application Filed: 11/7/2007 **Date of Revision:**
Applicant: CROWNE CASTLE USA C/O SCOTT B. SMITH

PROPERTY INFORMATION

General Location: Terminus of Hayeswood Rd., southwest of Pine Grove Rd.
Other Parcel Info.:
Tax ID Number: 84 011.01 **Jurisdiction:** County
Size of Tract: 0.129 acres
Accessibility: Access is via Hayeswood Rd., a local street with a 10' pavement width within a 50' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Existing 160' monopole telecommunications tower
Surrounding Land Use:
Proposed Use: 190' monopole telecommunications tower **Density:**
Sector Plan: East County **Sector Plan Designation:** LDR & SLPA
Growth Policy Plan: Urban Growth Area
Neighborhood Context: This site is located in a rural residential area developed under A (Agricultural) zoning. There is an existing water tank located directly east of the tower site.

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

Street: 1425 Hayeswood 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:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request for a 190' monopole telecommunications tower in the A zoning district, subject to the following 6 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering & Public Works.
3. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
4. Removal of the existing fence and equipment pad that encroach onto the adjoining property within 60 days of the new tower becoming operational.
5. Removal of the existing 160' tower within 60 days of the new tower becoming operational.
6. 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.

With the conditions noted above, this request meets all criteria for a use-on-review in the A zoning district.

Comments:

This is a request to replace an existing 160' telecommunications tower with a new 190' monopole telecommunications tower on a 5625 square foot lot. The tower site has access from the terminus of Hayeswood Rd. via an existing access easement. The subject property is zoned A (Agricultural).

The proposed new tower will be located approximately 250' from an existing residence to the south. The next closest residence is approximately 300' to the east. The Knox County Zoning Ordinance requires the tower to be located at least 209' (110% of the towers height) from any residence. The replacement tower exceeds that minimum standard. The survey submitted with the application shows an encroachment of the existing fenced enclosure and equipment pad onto the property that surrounds the site. The plan for the new tower shows that these encroachments will be removed with the new facility.

The tower is designed so it will collapse upon itself in case of a natural disaster or other failure. FAA does not require any lighting for the tower. The tower will support up to 4 telecommunication carrier antenna arrays. Cingular/AT&T Wireless will relocate from the existing tower to the new tower once it is completed. The existing tower will be removed when the new tower is operational.

The MPC's tower consultant, Mr. Larry E. Perry has reviewed the application and has concluded that the proposed tower does not meet the requirements of the Ordinance and spirit of the Facility Plan. Mr. Perry's report describes the proposal and highlights his findings (see attached report).

Mr. Perry's position that the need for the replacement tower has not been justified is tied to the Planning Commission's approval last month of the T-Mobile application for a 190' tower just to the west of this site. That tower is designed for up to 3 telecommunication carrier antenna arrays.

At the Planning Commission's November meeting a representative for the existing tower stated that they would not be in opposition to the T-Mobile tower as long as they would not oppose their plans to replace their existing tower. The T-Mobile representative stated that they would not object. It was also identified that the applicant and T-Mobile had been in discussions concerning the possibility of T-Mobile co-locating on this proposed replacement tower but decided that they could not wait for the owner of the existing tower to go through the process. The existing tower is structurally inadequate to allow for co-location. Following that discussion the Planning Commission approved the T-Mobile application allowing a second tower at this location.

While new telecommunication towers are considered as a use on review in the A (Agricultural) zoning district the applicant had been pursuing approval of a replacement tower with the Knox County Building Codes Department. Under Section 4.92.02 Development Standards, of the Knox County Zoning

Ordinance there is an "exceptions" provision that states " A commercial telecommunications tower legally existing as of September 28, 1995 may be rebuilt on the same site without compliance with the height and setback requirements of this Section." When the Building Codes Department made a final determination that this exception would apply, they also made the determination that the replacement tower would be subject to the use-on-review process. That decision was made after the deadline for the November Planning Commission meeting, the meeting at which the T-Mobile application was considered. With their approval for the new tower, T-Mobile has no incentive for negotiating with the owner of the existing tower on co-locating on a replacement tower.

In his report, Mr. Perry had also stated that approving this application for a second new tower was not in keeping with the Facility Plan regarding separation of towers and creating a "tower farm" ("porcupine") appearance. If this was a second new tower, Staff would agree. However, it is a replacement tower and will not increase the number of approved towers for this site.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed tower will have minimal impact on local services since all utilities are in place to serve this development.
2. Since the proposed tower will replace an existing tower there will be minimal impact to nearby residences.

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

1. With the recommended conditions, the proposed commercial telecommunications tower at this location meets the standards required in the A zoning district.
2. The proposed replace tower is consistent with the general standards for uses permitted on review (see comments above): The proposed development is consistent with the adopted plans and policies of the General Plan and Northeast County Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. Since this is a heavily wooded area and there is an existing telecommunication tower adjacent to the site, 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 East County Sector Plan proposes low density residential uses and slope protection on this property. The proposed development is consistent with this land designation.
2. The Wireless Communications Facility Plan identifies the proposed 190' monopole as a "tall" monopole. Under the guidelines in the Tower Placement section of the Facility Plan, the proposed tower falls within both the "Opportunity Area" (rural/heavily wooded areas) and "Sensitive Area" (site is located within 500' of a residence) categories. The Plan takes a neutral position on tall monopoles located in "Opportunity Areas" While tall towers are discouraged in residential areas, the required setbacks reduce the impact to nearby residences. (see attached matrix). Since this tower is a replacement tower, it is not in conflict with the Plans separation policy.

MPC Action: Approved as Modified

MPC Meeting Date: 12/13/2007

Details of MPC action:

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering & Public Works.
3. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
4. Removal of the existing fence and equipment pad that encroach onto the adjoining property within 60 days of the new tower becoming operational.
5. Removal of the existing 160' tower within 60 days of the new tower becoming operational.
6. 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.
7. (Added by the MPC) Prior to any construction activity for the new tower, clearly marking all property corners for Tax Parcel 084 01101, and submitting a revised site plan showing on-site parking and constructing the parking so that vehicles coming to the site will have an area to park on-site and not block the access drive. During construction, vehicles and equipment shall not block the access drive that serves this and other properties.

With the conditions noted above, this request meets all criteria for a use-on-review in the A zoning district.

Summary of MPC action: APPROVE the request for a 190' monopole telecommunications tower in the A zoning district, subject to the following 7 conditions:

Date of MPC Approval: 12/13/2007

Date of Denial:

Postponements:

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:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: