

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 150' monopole commercial telecommunications tower in the R-1 (Low Density Residential) zoning district subject to 7 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Fire Prevention Bureau.
3. Meeting all applicable requirements of the Knoxville Department of Engineering.
4. Submitting for Planning Commission Staff approval a reforestation/landscape plan for the areas that have been cleared and graded outside of the tower enclosure area and the access and turnaround areas.
5. Installing the evergreen landscaping screen along the fenced enclosure and all the landscaping identified in condition 5 above within six months of the tower becoming operational. The applicant shall be responsible for maintaining all landscaping.
6. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
7. 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 R-1 zoning district.

Comments:

This is a request for a new 150' monopole commercial telecommunications tower to be located within a 10,000 square foot lease area located on a portion of a 5.75 acre tract. The subject property is zoned R-1 (Low Density Residential) and telecommunication towers are considered as a use on review in this district. Access to the site is by an easement off of Ridgecrest Dr., a local street. The proposed access driveway is required to meet the Utility Access Driveway standards of the Knoxville Fire Prevention Bureau which requires a 16' wide paved driveway.

The proposed tower is required to be located 165 feet (110% of the tower height) from the nearest residentially zoned property. The proposed tower exceeds that minimum standard since the nearest property line is 168' from the base of the tower. The nearest residence is approximately 195' from the base of the tower. The applicant is proposing an 8' high security fence around the tower and equipment area. The FAA does not require any lighting for a tower of this height.

The applicant states that there are no existing structures in the area that can be used for antenna placement to obtain the required coverage. The applicant is proposing up to 4 telecommunication carrier antenna arrays on this tower. T-Mobile will be the principal client for the tower. A letter has been submitted stating that Branch Towers LLC agrees to make all of its facilities available to other wireless providers.

Attached to the staff report are several support documents submitted by the applicant and a report from MPC's tower consultant, Mr. Larry E. Perry. Mr. Perry's report describes the proposal and highlights his findings. Mr. Perry concludes that the proposed monopole tower is technically justified by the materials submitted by the applicant (see attached report).

STAFF REPORT UPDATE

The applicant has submitted an alternative option to the monopole design tower with platform mounts for antennas. The alternative design would be a monopole that is designed to look like a pine tree (see letter from the Miller Anderson Law Group dated August 3, 2015 with photo simulations and design drawing.). While this type tower is often referred to as a stealth tower, it is Staff's position that at the proposed height of 150', the tower would actually look more out of place than a standard monopole and would therefore recommend against its use. The applicant has also submitted additional documentation (see letter from the Miller Anderson Law Group dated August 5, 2015) regarding their analysis of the use of other towers or sites in the area, and their response to questions

raised by residents from the area at two neighborhood meetings.

In the packet you will also find additional public comments including a report from Kelly Ellenburg, Neighborhood Spokesperson, dated August 5, 2015, outlining their request for denial of the application.

Staff has revised the recommended conditions by removing the condition requiring a revision to the antenna array design to use a close/flush mount design array. Staff has removed the condition since this design will reduce the number of collocations on the proposed tower and potentially increase the need for another tower in the area. This design can still be used to reduce the visual impact of the proposed tower.

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

1. The proposed development will have minimal impact on local services since utilities are available to serve this site.
2. The tower site is located on a 5.75 acre parcel that is heavily wooded. The existing vegetation in combination with the recommended landscaping should help to minimize the impact of the proposed facility on nearby residences.
3. Requiring the antenna arrays to be close/flush mounted instead of the typical basket mount design will help to reduce the visual impact of the proposed tower. However, the use of close/flush mounted antenna arrays will reduce the number of collocations on the proposed tower and potentially increase the need for another tower in the area.
4. The proposed tower with four antenna array locations for cellular providers will help meet a service need that is generated by the number of residents in the area that use their cell and smart phones for sharing data and as their home phone in lieu of land line service.

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 Commercial Telecommunications Facilities section of the Knoxville Zoning Ordinance.
2. The proposed tower is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies (See comments below regarding the Wireless Communications Facility Plan). The use is in harmony with the general purpose and intent of the Zoning Ordinance. Based on the valuation report provided by Greystone Valuation Services, Inc. (dated May 27, 2015) that was submitted by the applicant (copy enclosed in the packet), 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 City Sector Plan proposes low density residential uses on this property.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Under the guidelines for tower placement in the Wireless Communications Facility Plan this proposed tower falls within the "Sensitive Areas" and "Avoidance Areas". The proposed 150' monopole tower is at the high end of what is considered a moderate monopole. The proposed tower site is located within 500' of a residence and it is on a hill below the ridgeline which the Plan considers to be "Sensitive Areas" for the location of telecommunication towers. The Plan takes a neutral position on moderate monopole towers located in these areas. The proposed tower is also within an "Avoidance Area" since it would be located within a single-family residential neighborhood. The Plan discourages moderate monopole towers located within residential neighborhoods.

Since the Plan discourages the use of towers in a residential neighborhood, it is the responsibility of the applicant to document that they have looked at other options in providing the needed coverage in this area. Based on the documentation provided by the applicant and verified by the review conducted by the Planning Commission's consultant, it has been determined that there are no other alternate sites within a mile that are useable for providing the needed coverage.

It should be noted that the Wireless Communication Facilities Plan was developed in 2002 "as a guide in making decisions on applications for approval of new telecommunications towers." When the Plan was adopted in 2002, cell phones were used primarily for voice service with the greater demands being in business, shopping areas and along road corridors, with less demand in residential neighborhoods. With the introduction of the smart phone and the sharing of data by phone, and with an increasing number of people replacing land line service with cellular service, there is now a greater demand for service in the residential neighborhoods. This change in the use of cell phones has increased the need for finding suitable sites for telecommunication towers in the residential areas.

Action: Approved as Modified

Meeting Date: 8/13/2015

Details of Action:

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Fire Prevention Bureau.
3. Meeting all applicable requirements of the Knoxville Department of Engineering.
4. Submitting for Planning Commission Staff approval a reforestation/landscape plan for the areas that have been cleared and graded outside of the tower enclosure area and the access and turnaround areas.
5. Installing the evergreen landscaping screen along the fenced enclosure and all the landscaping identified in condition 5 above within six months of the tower becoming operational. The applicant shall be responsible for maintaining all landscaping.
6. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
7. 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.
8. Submission by the applicant of a tree preservation agreement that is subject to review and approval by MPC Staff. (Condition added by the MPC.)

With the conditions noted above, this request meets all criteria for a use-on-review in the R-1 zoning district.

Summary of Action:

APPROVE the request for a 150' monopole commercial telecommunications tower in the R-1 (Low Density Residential) zoning district subject to 8 conditions.

Date of Approval:

8/13/2015

Date of Denial:

Postponements:

5/14/2015-6/11/2015

Date of Withdrawal:

Withdrawn prior to publication?:

Action Appealed?: 8/26/2015

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Knoxville City Council

Date of Legislative Action:

9/30/2015

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Other

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Appeal approved. Use on Review Denied

Date of Legislative Appeal:

Effective Date of Ordinance: