

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: 5-C-14-UR **Related File Number:**
Application Filed: 3/31/2014 **Date of Revision:**
Applicant: NEW CINGULAR WIRELESS, LLC

PROPERTY INFORMATION

General Location: Southside of Asheville Hwy, west of Whittaker Rd.
Other Parcel Info.:
Tax ID Number: 63 20301 **Jurisdiction:** County
Size of Tract: 14.87 acres
Accessibility: Access is via Asheville Hwy, a major arterial street with a 36' pavement width within a 50' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Residence
Surrounding Land Use:
Proposed Use: 141' Monopole Commercial Telecommunications Tower **Density:**
Sector Plan: East County **Sector Plan Designation:** Agricultural / Hillside Protection
Growth Policy Plan: Rural Area
Neighborhood Context: The site is located in an area along Asheville Hwy. that is primarily a mix of agricultural and rural residential uses.

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

Street: 9720 Asheville Hwy
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 141' monopole commercial telecommunications tower in the A (Agricultural) zoning district subject to 7 conditions.

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
 2. Providing a surveyor's certification that a minimum of 550' of sight distance is available in both directions along Asheville Hwy. at the proposed driveway entrance.
 3. Meeting the Utility Access Driveway standards and all other applicable requirements of the Knox County Fire Prevention Bureau.
 4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
 5. Installing the evergreen landscaping screen along the fenced enclosure, as identified on the tree planting plan, within six months of the tower becoming operational.
 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 A (Agricultural) zoning district.

Comments: This is a request for a new 141' monopole commercial telecommunications tower (which includes a 4' lightning rod for a total height of 145') to be located within a 10,000 square foot lease area located on a portion of a 14.87 acre tract. The subject property is zoned A (Agricultural) and telecommunication towers are considered as a use on review in this district. Access to the site is by an easement off of Asheville Hwy., a major arterial street. The driveway is required to meet the Utility Access Driveway standards of the Knox County Fire Prevention Bureau which requires a 16' wide paved access driveway.

The proposed tower is required to be located 155.1 feet (110% of the tower height) from the nearest residence. The proposed tower exceeds that minimum standard since the nearest residence (residence on the property) is approximately 380.5' from the base of the tower. The closest residence off the property is located approximately 405' south of the proposed 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. AT&T will be the principal client for the tower. A letter has been submitted stating that American Towers LLC agrees to make all of its facilities available to other wireless providers.

Attached to the staff report are several support documents, including 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 141' monopole tower is technically justified by the materials submitted by the applicant (see attached report).

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, being located on the south side of a major arterial street in an area made up of a mix of agricultural and rural residential uses, should have minimal impact on 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 (Agricultural) zoning district.
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 of the General Plan, Northeast County Sector Plan and Wireless Communications Facility Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. Since this site is in an area of agricultural and rural residential uses, 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 agricultural uses on this property.
2. Under the guidelines for tower placement in the Wireless Communications Facility Plan this proposed tower falls within the "Opportunity Area" and "Sensitive Area". The proposed tower site is located in a pasture area which the Plan considers to be an "Opportunity Area" for the location of telecommunication towers. The Plan takes a neutral position on moderate monopole towers located in a pasture area. The proposed tower site is also located within 500' of a residence which the Plan considers to be a "Sensitive Area" for the location of telecommunication towers. The Plan takes a neutral position on moderate monopole towers located in this area.
3. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 5/8/2014

- Details of Action:**
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Summary of Action: APPROVE the request for a 141' monopole commercial telecommunications tower in the A (Agricultural) zoning district subject to 7 conditions.

Date of Approval: 5/8/2014 **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:**