

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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w w w • k n o x m p c • o r g

File Number: 7-G-10-UR **Related File Number:**
Application Filed: 5/24/2010 **Date of Revision:**
Applicant: EXCELL COMMUNICATIONS, INC.

PROPERTY INFORMATION

General Location: Southeast side of Tolson Ln., southwest of Summerfield Dr. and Oak Ridge Hwy.
Other Parcel Info.:
Tax ID Number: 79 86.04 **Jurisdiction:** County
Size of Tract: 3.4 acres
Accessibility: Access is via Tolson Ln., a local street with a 13' pavement width within a 50' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Residence
Surrounding Land Use:
Proposed Use: 150' monopole telecommunications tower **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** LDR & SLPA
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context: The site is located on a dead-end street with a few residences on large lots.

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

Street: 4326 Tolson Ln
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 development plan for a 150 foot monopole telecommunications tower in an A (Agricultural) zoning district subject to 7 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. This approval includes a setback reduction from the required 110% of the tower height to the existing residence on the property that the tower is located on.
3. Since the closest residence off site is close to the 110% setback requirement, there shall be no extension permitted in the height of the tower without consideration through a new use on review application. Antennas on the tower shall not extend more than four feet above the 150 foot height of the tower structure.
4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
6. Installing an evergreen landscaping screen around the fenced enclosure, as required by the Zoning Ordinance, within six months of the tower becoming operational.
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 above conditions, this request meets all requirements for approval of a use on review in the A (Agricultural) zone.

Comments:

This is a request for a new 150 foot monopole telecommunications tower to be located within a 3,600 square foot lease area located on a 3.4 acre tract on the south side of Tolson Ln., southwest of Oak Ridge Hwy. The subject property is zoned A (Agricultural) and telecommunication towers are considered as a use on review in this district.

The proposed tower site will have access to Tolson Ln. by a 25 foot wide access easement. Since the access driveway is only 95 feet in length, a turnaround is not required on site for emergency vehicles. The access drive for the tower site shall be paved to a width of 16 feet meeting the typical cross-section for the standard business driveway that is used for Knox County capital projects.

The proposed tower is required to be located 165 feet (110% of the tower height) from the nearest residence. The existing residence on the property is approximately 156 feet from the proposed tower. The applicant has provided a notarized statement requesting approval from the Planning Commission for the reduced setback. The next closest residence to the tower is located on the north side of Tolson Ln. at a distance of approximately 172 feet.

The applicant will be surrounding the tower and equipment area with a 6 foot high security fence which includes strands of barbed wire on top. An evergreen landscape screen will be installed around the fenced enclosure.

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 four telecommunication carrier antenna arrays. T-Mobile will be the principal client for the tower. A letter has been submitted stating that T-Mobile South, LLC agrees to make this facility available to other wireless providers for co-location.

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 150' tower is technically justified by the materials submitted by the applicant (see attached report).

Both Mr. Perry and an adjoining property owner have suggested that the applicant look at co-location

on other towers in the area. The applicant evaluated these other sites and has identified that they already have antennas on two of the structures (part of the network grid) and has identified why the other sites cannot be used (documentation attached).

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 in a wooded area made up of larger lots which should help to reduce the impact of the tower on residences in the area.

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 applicant has provided adequate technical justification for the site using a monopole type antenna support structure.
3. 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, Northwest 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 a heavily area, the use should not significantly injure the value of adjacent property. The use will draw minimal traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes low density residential uses and slope protection for this area. With the minimal site alteration required for the proposed tower and access drive, the proposed development is consistent with this land designation.
2. The Wireless Communications Facility Plan identifies the proposed 150' monopole as a being on the high end for a "moderate" monopole. Under the guidelines for Tower Placement section of the Facility Plan, the proposed tower falls within the "Sensitive" category. The site is considered to be a "Sensitive" area since it is located within 500 feet of a residence. Including the residence on the property, there are five residences within 500 feet of the proposed tower. The plan is neutral on moderate monopoles in this category. A tall monopole would be discouraged. The site is also in the "Sensitive" category since it is on a hill below the ridge line. The plan is neutral for moderate or tall monopoles in this category.
3. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Denied **Meeting Date:** 8/12/2010

Details of Action:

Summary of Action: Denied the use on review:

Date of Approval: **Date of Denial:** 8/12/2010 **Postponements:** 7/8/2010

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:**