

# 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:** 8-A-06-UR                      **Related File Number:**  
**Application Filed:** 7/7/2006                      **Date of Revision:**  
**Applicant:** NEW CINGULAR WIRELESS PCS, LLC  
**Owner:**

## PROPERTY INFORMATION

**General Location:** Southwest side of Western Ave., southeast side of Short Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 79 N C 013                      **Jurisdiction:** City  
**Size of Tract:** 1.3 acres  
**Accessibility:** Access is via Western Ave., a major arterial street with a pavement width of 22' in an 88' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant  
**Surrounding Land Use:**  
**Proposed Use:** 195' Monopole Telecommunication Tower                      **Density:**  
**Sector Plan:** Northwest County                      **Sector Plan Designation:** GC  
**Growth Policy Plan:** Urban Growth Area  
**Neighborhood Context:** The proposed telecommunications tower site is located in an area with a mix of commercial and residential developments.

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

**Street:** Western Ave  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-4 (Highway and Arterial Commercial)  
**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:

Surveyor:

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: Kelley Schlitz

Staff Recomm. (Abbr.): WITHDRAW as requested by the applicant.

Staff Recomm. (Full):

Comments: This is a request for a new 195' monopole telecommunications tower to be located within a 10,000 square foot lease area located on the south side of Western Ave. The subject property is zoned C-4 (Highway & Arterial Commercial), and telecommunication towers are considered as a use on review in this district.

The proposed site is immediately adjacent to a residential area to the north and south of the site. According to the Knoxville-Knox County Wireless Communications Facility Plan, commercial corridors are considered "Opportunity Areas" for telecommunication towers. Since the proposed site is located within 500' of a residence it is also considered a "Sensitive Area". According to the Knoxville Zoning Ordinance, all towers shall be setback from all properties zoned R-1 and R-1A a minimum distance equal to 110% of the height of the tower. The proposed tower is required to be at least 215 feet away from the nearest residentially zoned property line, and it is currently 105' away from the nearest residential property. The applicant has applied for a setback variance from the Knoxville Board of Zoning Appeals in order to bring the 195' tower into compliance with the zoning regulations. Regardless of whether or not the applicant receives the variance, staff would not support a 195' tower due to the potential negative impact on nearby residences.

According to the Zoning Ordinance, in order to reduce the visual impact on nearby residences, all telecommunication towers have to be screened with fencing and landscaping. The applicant has been notified that a landscape plan is required as part of their application. 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 three telecommunication carrier antenna arrays. New Cingular Wireless will be the principal client for the tower.

According to the applicant there are no existing or acceptable structures within this area along Western Ave. The proposed site is to relieve capacity of existing or nearby sites. Co-location is not an option. No other structure exists within the area needed to provide coverage (see the attached letter from Stephen Parker, General Dynamics).

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 recommended 195' tower is technically justified by the materials submitted by the applicant, however, in order to meet the Zoning Ordinance requirements, setback variances will need to be granted.

An agreement has been submitted stating that New Cingular Wireless PCS agrees to make all of its facilities available to other wireless providers (see attached letter from Michelle Ward).

### **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 all utilities are in place to serve this development.
2. The proposed tower will impact surrounding residences as it adjoins residential property to the north and south. The proposed site is zoned commercial but is not located in an extensive commercial area.

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

1. The proposed commercial telecommunications tower at this location does not meet all of the standards required in the C-4 zoning district because it encroaches into the required setbacks. The applicant will be required to receive a setback variance from the Knoxville Board of Zoning Appeals.
2. The proposed tower is not consistent with many of standards for uses permitted on review: The proposed development is incompatible with the residential character of adjoining properties to the north and south. The use could significantly impact and injure the value of nearby residential property.
3. The use is consistent with the adopted plans and policies of the General Plan and One Year Plan.
4. The use will not draw additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan identifies this property as being General Commercial. The proposed development is consistent with this land designation.
2. Under the guidelines for Tower Placement section of the Wireless Communications Facility Plan, the proposed 195' tower falls within the "Sensitive Area" category. Under the "Sensitive Area" category, the Plan discourages moderate monopoles located within 500' of a residential area (see attached matrix). As previously stated, the tower will be setback 105' from any residential property line.

**MPC Action:** Denied (Withdrawn) **MPC Meeting Date:** 9/14/2006

**Details of MPC action:**

**Summary of MPC action:** WITHDRAW as requested by the applicant.

**Date of MPC Approval:** **Date of Denial:** **Postponements:** 8/10/2006

**Date of Withdrawal:** 9/14/2006 **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**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:**