

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-H-12-UR **Related File Number:**
Application Filed: 7/2/2012 **Date of Revision:**
Applicant: U. S. CELLULAR CORPORATION

PROPERTY INFORMATION

General Location: West end of Oaklett Dr., east of Haynes Sterchi Rd.
Other Parcel Info.:
Tax ID Number: 57 12541 **Jurisdiction:** City
Size of Tract: 30.18 acres
Accessibility: Access is via Haynes Sterchi Rd., a minor collector street with an 18' pavement width within a 40' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land adjacent to church site
Surrounding Land Use:
Proposed Use: 170' Monopole Telecommunications Tower **Density:**
Sector Plan: North City **Sector Plan Designation:** LDR / HP
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The proposed tower site is located in an area that includes a mix of institutional and low density residential uses.

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

Street: 815 Oaklett Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RP-1 (Planned Residential)
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 170' monopole telecommunications tower in the RP-1 zoning district and to allow the tower to be closer than 110% of the height of the tower from the adjoining property that is owned by the church, subject to 4 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Department of Engineering.
3. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
4. 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 RP-1 zoning district.

Comments:

This is a request for a new 170 foot monopole telecommunications tower to be located within a 10,000 square foot lease area located on a portion of a 46 acre tract (two large parcels owned by Trinity Chapel, Inc.). The applicant had originally requested approval of a 195 foot monopole tower but revised the request on September 6, 2012 (see attached letter from Kramer Rayson LLP). The subject property is zoned RP-1 (Planned Residential) and telecommunication towers are considered as a use on review in this district. The proposed tower site will have access to Haynes Sterchi Rd. through the parking lot for Trinity Chapel Church. A 15' wide gravel access drive will provide access from the tower site to the parking lot.

The proposed tower is required to be located 187' (110% of the tower height) from the nearest residential zoned property. The only property within that distance is property owned by the church. The property owner has entered into an agreement with U. S. Cellular to allow the tower to be located closer than the required 187'. The Knoxville Zoning Ordinance allows for this waiver of the 110% standard. The tower meets the minimum setback standard for the RP-1 District.

The proposed tower will be over 500' from the nearest residence. The proposed tower would be over 220' from the Sterchi Elementary School property. The applicant is proposing a 6' high security fence topped with three strands of barbed wire around the tower and equipment area. Due to the height of the tower, FAA does not require lighting for the tower.

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 tower will support up to 4 telecommunication carrier antenna arrays. The monopole tower is designed to utilize close mount antenna arrays. U. S. Cellular Corporation will be the principal user for the tower. An agreement has been submitted stating that U. S. Cellular Corporation 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 proposed 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 the required utilities are available to serve this site.
2. The tower site, being located on a larger tract of land 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 RP-1 (Planned Residential) 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 and the North City Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. Since this site is located on a larger tract of land, 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. With the minimal site alteration required for the proposed tower and the proposed location on a large tract of land adjacent to heavily wooded areas, the proposed development would be consistent with this land designation.
2. Under the guidelines for tower placement in the Wireless Communications Facility Plan, this proposed tower would be considered a tall monopole. The proposed tower falls within the "Sensitive Area" of the Land Use/Wireless Facilities Matrix since the proposed tower site is located on non-residential property (church site) within a residential area. The Plan discourages tall monopole towers in these areas. It is Staff's position that the impact of the proposed tower is reduced by the location of the tower on this large tract of land and by the heavily wooded areas that adjoin the site.
3. The site is located within the Urban Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 9/13/2012

- Details of Action:**
1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
 2. Meeting all applicable requirements of the Knoxville Department of Engineering.
 3. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
 4. 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 RP-1 zoning district.

Summary of Action: APPROVE the request for a 170' monopole telecommunications tower in the RP-1 zoning district and to allow the tower to be closer than 110% of the height of the tower from the adjoining property that is owned by the church, subject to 4 conditions.

Date of Approval: 9/13/2012 **Date of Denial:** **Postponements:** 8/9/2012

Date of Withdrawal: **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:**