

# 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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Knoxville, Tennessee 37902  
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**File Number:** 9-J-07-UR                      **Related File Number:**  
**Application Filed:** 8/6/2007              **Date of Revision:**  
**Applicant:** T-MOBILE C/O LANNIE GREEN

## PROPERTY INFORMATION

**General Location:** Northwest side of Rising Rd., northeast of Rosewood Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 50 M A 00102                      **Jurisdiction:** County  
**Size of Tract:** 0.85 acres  
**Accessibility:** Access is via Rising Rd., a local street with a 19' pavement width within a 50' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial building  
**Surrounding Land Use:**  
**Proposed Use:** 185' monopole telecommunications tower                      **Density:**  
**Sector Plan:** Northeast County              **Sector Plan Designation:** C  
**Growth Policy Plan:** Urban Growth Area  
**Neighborhood Context:** This neighborhood has developed with commercial uses to the north along Rutledge Pike, and residential uses to the south.

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

**Street:** 7115 Rising Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** CA (General Business)  
**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:

Kelley Schlitz

Staff Recomm. (Abbr.):

APPROVE the request for a 185' monopole telecommunications tower in the CA zoning district, subject to the following 8 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering & Public Works.
3. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
4. In addition to a 8' wooden privacy fence around the tower and equipment area, the perimeter of the fenced area will be landscaped with Leyland Cypress on 8' centers.
5. Installing the proposed landscaping as shown on the landscape plan within six months of the tower becoming operational.
6. 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.
7. The tower will be required to be setback a minimum distance of 205' from any existing or future residential dwelling unit.
8. In order to obtain adequate site distance to the site, the applicant may be required to clear vegetation along the right-of-way of Rising Rd. or shift the location of the proposed driveway.

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

Comments:

This is a request for a new 185' monopole telecommunications tower to be located within a 4,786 square foot lease area located on the north side of Rising Rd. The proposed tower will be located behind an existing commercial site. The subject property is zoned CA (General Business) 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 south. According to the Knoxville-Knox County Wireless Communications Facility Plan, commercial zones are considered "Neutral Areas" for telecommunication towers. Since the proposed site is located within 500' of a residence it is also considered a "Sensitive Area". Due to the height of the proposed tower, (185') and the fact that the property is zoned CA, the Facility Plan identifies this as an acceptable site for a telecommunication tower. The current proposal provides for a 170' setback between the tower and the neighboring residential property line to the south and a 205' setback from any existing or future residential structure assuming a 35' front yard setback as required by the RB (General Residential) zoning district.

In order to reduce the visual impact on nearby residences, the proposed tower and equipment area will be surrounded by an 8' high wooden security fence, and the perimeter of the fenced area will be landscaped with Leyland Cypress on 8' centers. This new vegetation must be installed within 30 days of tower installation. 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 6 telecommunication carrier antenna arrays. T-Mobile will be the principal client for the tower.

In order to improve sight distance from the proposed driveway location, the applicant may be required to clear the existing vegetation along the right-of-way of Rising Rd. The applicant may also be required by the Knox County Department of Engineering and Public Works to shift the location of the proposed driveway in order to improve sight distance onto Rising Rd.

According to the applicant there are no existing or acceptable structures within this area. The proposed site is to relieve capacity of existing or nearby sites. Co-location is not an option. All towers, including TVA transmission towers were tested for possible collocation possibilities (see attached letter from Pyramid Network Services, LLC.)

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 185' tower is technically justified by the materials submitted by the applicant, however, he did propose an alternate location approximately 1,000' to the southeast (see attached aerial photo).

An agreement has been submitted stating that T-Mobile agrees to make all of its facilities available to other wireless providers (see attached letter from Lannie Greene).

**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 tower, being located adjacent to residential uses, is required to be heavily screened. The applicant will be required to install an 8' tall wooden fence and provide landscaping around the perimeter of the fence. The base of the tower and the tower enclosure will be well screened. This will reduce the impact of the proposed tower on existing residential property.

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

1. The proposed commercial telecommunications tower at this location meets the standards required in the CA 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 Northeast County Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. By requiring extensive screening, 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 Northeast County Sector Plan proposes commercial uses of this property. The proposed development is consistent with this land designation.
2. The Wireless Communications Facility Plan identifies the proposed 185' monopole as a "tall" monopole. Under the guidelines for Tower Placement section of the Facility Plan, the proposed tower falls within the "Sensitive Area" category since it is proposed within 500' of a residence. However, the Plan takes a neutral position on tall monopoles located in commercial areas (see attached matrix). As previously stated, the tower will be setback 170' from any residential property line and 205' from any residential structure.

**MPC Action:**

Approved

**MPC Meeting Date:** 9/13/2007

**Details of MPC action:**

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

**Summary of MPC action:**

APPROVE the request for a 185' monopole telecommunications tower in the CA zoning district, subject to the following 8 conditions:

**Date of MPC Approval:**

9/13/2007

**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:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**