

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.): APPROVE the request for a 90' monopole telecommunications tower in the I-2 zoning district, subject to the following 6 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. Installing an 8' wooden privacy fence around the tower and equipment area within six months of the tower becoming operational.
5. Receiving a variance from the Knoxville Board of Zoning Appeals to allow an 8' tall opaque fence in the required front yard or adjusting the fence so that it does not encroach into the required 25' front yard setback.
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.

Comments:

This is a request for a new 90' monopole telecommunications tower to be located within a 3,000 square foot lease area located south of Sutherland Avenue, along Vandeventer Avenue. The proposed tower will be located behind an existing industrial site. The subject property is zoned I-2 (Restricted Manufacturing and Warehousing District), and telecommunication towers are considered as a use on review in this district.

According to the Knoxville-Knox County Wireless Communications Facility Plan, industrial zones are considered "Opportunity Areas" for telecommunication towers. However, the proposed site is adjacent to a multi-unit residential development that is zoned O-1. 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, (90') and the fact that the subject property is zoned I-2, the Facility Plan identifies this as an acceptable site for a telecommunication tower. The required front yard setback in the I-2 zoning district is 25 feet. The current proposal provides for a 110' setback between the tower and the neighboring O-1 property line.

In order to reduce the visual impact on nearby residences, the proposed tower and equipment area will be surrounded by an 8' high opaque (wooden) security fence. Since the fence is proposed to be constructed in the required front yard (25'), the applicant will be required to receive a variance from the Knoxville Board of Zoning Appeals to allow a fence with a height greater than 42" to be constructed in the required front yard. Staff has agreed that the applicant can also decide to move the fence out of the required 25' front yard setback. If the fence does not encroach into the required front yard, a variance will not be required in order to install the 8' tall wooden fence.

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 two telecommunication carrier antenna arrays. Verizon Wireless will be the principal client for the tower.

According to the applicant there are no existing or acceptable structures within this area along Sutherland Avenue. 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 Sam Gehri).

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 90' tower is technically justified by the materials submitted by the applicant.

An agreement has been submitted stating that Verizon Wireless Tennessee Partnership agrees to

make all of its facilities available to other wireless providers (see attached letter from Tracy Wooden).

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 screened. The applicant has agreed to install an 8' tall wooden privacy fence around the perimeter of the lease area in lieu of landscaping. The Knoxville Code Administrator has agreed that this would be a legitimate substitution. The opaque fence will help to 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 I-2 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 One Year Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. By requiring the wooden privacy fence, 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 Central City Sector Plan identifies this property as being Mixed Use, Light Industrial, and General Commercial. The proposed development is consistent with this land designation.
2. The Wireless Communications Facility Plan identifies the proposed 90' monopole as a "moderate" monopole. Under the guidelines for Tower Placement section of the Facility Plan, the proposed tower falls within the "Sensitive Area" category. Under the "Sensitive Area" category, the Plan takes a neutral position on moderate monopoles located nearby residential areas (see attached matrix). As previously stated, the tower will be setback 110' from any residential property.

MPC Action: Approved **MPC Meeting Date:** 9/14/2006

- Details of MPC action:**
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 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.

Summary of MPC action: APPROVE the request for a 90' monopole telecommunications tower in the I-2 zoning district, subject to the following 6 conditions:

Date of MPC Approval: 9/14/2006 **Date of Denial:** **Postponements:**

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:**