

▶ **FILE #:** 8-J-12-UR

AGENDA ITEM #: 41

AGENDA DATE: 8/9/2012

▶ **APPLICANT:** U. S. CELLULAR CORPORATION

OWNER(S): John Locascio

TAX ID NUMBER: 38 108

JURISDICTION: County Commission District 7

▶ **LOCATION:** Northeast side of Andersonville Pike., south side of E. Emory Rd., northwest side of Maynardville Pike.

▶ **APPX. SIZE OF TRACT:** 3 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Andersonville Pike., a major collector street with a 18' pavement width within a 55' right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** CA (General Business)

▶ **EXISTING LAND USE:** Church

▶ **PROPOSED USE:** 170' Monopole Telecommunications Tower

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Church and school / A (Agricultural)

South: Mixed businesses / CA (General Business)

East: Mixed businesses / CA (General Business)

West: Shopping center / SC (Shopping Center)

NEIGHBORHOOD CONTEXT: The site is located in a commercial corridor area that includes a mix of commercial businesses and institutional uses.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a 170' monopole telecommunications tower in the A zoning district and a waiver of the landscaping requirements around the tower enclosure, subject to 5 conditions.**

1. Submitting revised development plans to Planning Commission staff reflecting the change from a 195' monopole tower to a 170' monopole tower.
2. Meeting all applicable requirements of the Knox County Zoning Ordinance.
3. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
4. Since the FAA does not require any lighting for this facility, there shall be no lighting on the tower.
5. 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 A zoning district.

COMMENTS:

This is a request for a new 170 foot monopole telecommunications tower to be located within an 800 square foot lease area located on a portion of the parking lot for Beaver Dam Baptist Church. The applicant had originally requested approval of a 195 foot monopole tower but revised the request on August 3, 2012 (see attached letter from Kramer Rayson LLP). 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 Andersonville Pike through the parking lot and access drive for the church.

The proposed tower is required to be located 187 feet (110% of the tower height) from the nearest residence. The proposed tower far exceeds that minimum standard since the nearest residence is over 700' from the proposed tower. 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 is requesting a waiver of the landscaping requirements around the tower enclosure due to existing site conditions (parking lot layout and detention facilities) that restrict compliance. The applicant is proposing to attach a wood privacy screen onto the security fencing around the enclosure. Staff is recommending approval of the waiver.

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 3 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). Mr. Perry has recommended that the applicant design the tower to hold up to 5 antenna arrays (3 are proposed) and consider a shorter structure. Staff has discussed these issues with the applicant. The limited lease area for the site restricts the area available for ground equipment and limits the maximum number of antenna arrays to three. In response to Mr. Perry's recommendation, the applicant reevaluated the use of a shorter tower at this site and are now amending their application to reduce the tower height to 170'.

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 proposed tower will not negatively impact surrounding properties since it is located within a commercial corridor 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 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, North 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 commercial corridor, 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 County Sector Plan proposes public/institutional uses on this property. With the minimal site alteration required for the proposed tower, the proposed development is 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 tower falls within the "Opportunity Area" of the Land

Use/Wireless Facilities Matrix since the proposed tower site is located in an "office/commercial corridor". The Plan takes a neutral position on tall monopoles located in an "office/commercial corridor".

3. The site is located within the Planned growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.