

▶ **FILE #:** 6-I-09-UR **AGENDA ITEM #:** 44

POSTPONEMENT(S): 6/11/2009 **AGENDA DATE:** 7/9/2009

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

OWNER(S): JOHN U. S. CELLULAR CORPORATION LOCASCIO

TAX ID NUMBER: 52 052

JURISDICTION: County Commission District 8

▶ **LOCATION:** East side of Graves Rd., north of Ruggles Ferry Pike.

▶ **APPX. SIZE OF TRACT:** 91 acres

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Graves Rd., a local street with a 17' pavement width within a 40' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Holston and French Broad

▶ **ZONING:** A (Agricultural)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** 195' monopole telecommunications tower

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant land / A (Agricultural)

South: Vacant land / A (Agricultural)

East: Vacant land / A (Agricultural)

West: Vacant land and residences / A (Agricultural)

NEIGHBORHOOD CONTEXT: The site is located in an area of rural residential and agricultural land uses

**STAFF RECOMMENDATION:**

▶ **APPROVE the development plan for a 195 foot monopole telecommunications tower in an A (Agricultural) zoning district subject to 7 conditions:**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Revising the access drive to a minimum width of at least 18' with any driveway grades over 8% being paved to a standard to be determined by the Knox County Department of Engineering and Public Works. A turnaround area shall also be provided at the end of the driveway subject to approval by the Knox County Department of Engineering and Public Works.
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. As recommended by the U. S. Fish and Wildlife Service, installing migratory bird exclusion devices on the tower in order to preclude any nesting and/or perching activity by bald eagles and osprey.
6. Installing the proposed landscaping as shown on the landscape plan within six months of the tower

becoming operational.

7. 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 above conditions, this request meets all requirements for approval of a use on review in the A zone.

#### **COMMENTS:**

UPDATE OF 6/11/2009: This item was postponed at the Planning Commission's June 11, 2009 meeting to allow time to address the concern of the impact of the proposed telecommunications tower on a bald eagle nest that is located in the area. The applicant has contacted the U. S. Fish & Wildlife Service regarding this issue. The U. S. Fish and Wildlife Service has recommended the installation of migratory bird exclusion devices on the tower in order to preclude any nesting and/or perching activity by bald eagles and osprey. (See attachments) Staff has added a condition of approval regarding the installation of migratory bird exclusion devices on the tower.

This is a request for a new 195' monopole telecommunications tower to be located within a 10,000 square foot lease area located on a 91 acre tract. The property includes a mix of pasture land and wooded areas. 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 Graves Rd. by a 30' wide access easement. Grades for the access drive to the tower site will not exceed 15%. A condition has been recommended that the access drive to the site have a minimum width of 18' and any grades over 8 % will require a paved driveway meeting the requirements of the Knox County Department of Engineering and Public Works.

The proposed tower is required to be located 214.5' (110% of the tower height) from the nearest residence. The tower site is located 215 feet from the closest property line and is over 1000 feet to the nearest residence.

The visual impact on nearby residences will be minimal due to the tree coverage on this site and adjoining properties. The applicant will be installing a 6' high security fence surrounding the tower and equipment area. A landscape screen is also being provided around the site.

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 4 telecommunication carrier antenna arrays. U. S. Cellular Corporation will be the principal client for the tower. A letter has been submitted stating that U. S. Cellular Corporation agrees to make this facility available to other wireless providers for co-location. There are no other towers within one mile of the proposed tower that could provide the coverage needed by the applicant.

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 195' 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 utilities are available to serve this site.
2. The tower, being located within a low density residential area, is required to be screened. A landscaped screen will be provided around the tower site, the impact on nearby residences will be minimal.

#### **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 A 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 East County Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. Since this is a heavily wooded area, 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 East County Sector Plan proposes low density residential uses for this area. The proposed development is consistent with this land designation.
2. The Wireless Communications Facility Plan identifies the proposed 195' monopole as a "tall" monopole. Under the guidelines for Tower Placement section of the Facility Plan, the proposed tower falls within the "Opportunity Area" category which takes a neutral position on tall monopoles located in pasture areas and rural/heavily wooded areas. This site is in an area that has a mix of pasture and heavily wooded areas.
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.