

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION USE ON REVIEW REPORT

► FILE #: 6-G-15-UR	AGENDA ITEM #: 37				
	AGENDA DATE: 6/11/2015				
APPLICANT:	BRANCH TOWERS				
OWNER(S):	Baker A Tupper & Lynn Trustees				
TAX ID NUMBER:	121 F C 001 View map on KGIS				
JURISDICTION:	County Commission District 9				
STREET ADDRESS:	3509 Blow Dr				
► LOCATION:	Southwest side of Blow Dr., southeast side of Ferry Rd.				
APPX. SIZE OF TRACT:	4.93 acres				
SECTOR PLAN:	South County				
GROWTH POLICY PLAN:	Planned Growth Area				
ACCESSIBILITY:	Access is via Blow Dr., a local street with a 17' pavement width within a 50' right-of-way.				
UTILITIES:	Water Source: Knox-Chapman Utility District				
	Sewer Source: Knox-Chapman Utility District				
WATERSHED:	Tennessee River				
► ZONING:	A (Agricultural)				
EXISTING LAND USE:	Residence				
PROPOSED USE:	190' Monopole Telecommunications Tower				
HISTORY OF ZONING:	None noted				
SURROUNDING LAND USE AND ZONING:	North: Residences / A (Agricultural)				
	South: Residences / A (Agricultural)				
	East: Residences / A (Agricultural)				
	West: Residences / A (Agricultural)				
NEIGHBORHOOD CONTEXT:	The proposed site is located in an established low density residential neighborhood.				

STAFF RECOMMENDATION:

POSTPONE until the July 9, 2015 MPC meeting as requested by the applicant's attorney.

The applicant has requested postponement to allow additional time to address comments from staff.

COMMENTS:

This is a request for a new 190' monopole commercial telecommunications tower to be located within a 10,000 square foot lease area located on a portion of a 4.93 acre tract. The subject property is zoned A (Agricultural) and telecommunication towers are considered as a use on review in this district. Access to the site is by an easement off of Blow Drive, a local street. The driveway is required to meet the Utility Access Driveway standards of the Knox County Fire Prevention Bureau which requires a 16' wide paved access driveway.

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The proposed tower is required to be located 209 feet (110% of the tower height) from the nearest residence. The proposed tower exceeds that minimum standard since the nearest residence (residence of the property owner) is approximately 210' from the base of the tower. The nearest residence off of the property is approximately 253' from the base of the tower. The applicant is proposing an 8' high security fence around the tower and equipment area. The FAA does not require any lighting for a tower of this height.

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 applicant is proposing up to 4 telecommunication carrier antenna arrays on this tower. T- Mobile will be the principal client for the tower. A letter has been submitted stating that Branch Towers LLC agrees to make all of its facilities available to other wireless providers.

ESTIMATED TRAFFIC IMPACT: Not required.

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.



6-G-15-UR



April 27, 2015

MPC - Knoxville/Knox County Metropolitan Planning Commission 400 Main Street Knoxville TN 37902

Subject: Use-in-Review Application for TN-0013 Blow Dr Location: 3509 Blow Drive

Mr. Brechko:

Branch Towers, together with T-Mobile, respectfully submits the following application for Use-in-Review approval from Knoxville/Knox County Metropolitan Planning Commission for a 190 foot monopole to be located on property at 3509 Blow Drive.

The proposed cell Facility is located within an A – Agriculture zoning district in Knox County. The purpose of this tower is to meet T-Mobile's coverage and capacity needs in the commercial and residential areas near Sequoya Hills, as well as to provide coverage along Route -11 (Lyons View Pike SW road) and Lakeshore Park.

Please consider the forgoing application and associated information provided herein. Branch Towers and T-Mobile are prepared to address any issues or concerns as the review process proceeds.

If you have any questions or comments, please contact me at 918-851-9102.

Sincerely,

Krames

Kayla Krameेr Branch Communications

USE-IN-REVIEW APPLICATION FOR A PROPOSED TELECOMMUNICATIONS FACILITY ON PROPERTY OWNED BY A. TUPPER BAKER. LOCATED AT 3509 BLOW DRIVE, KNOXVILLE, TENNESSEE

Applicant Branch Towers, LLC 1516 S Boston Avenue, Suite 215 Tulsa OK 74119

Property Owner A. Tupper Baker 3509 Blow Drive Knoxville TN 37920

Submitted to: MPC – Knoxville/Knox County Metropolitan Planning Commission City of Knoxville 400 Main Street Knoxville TN 37902

I. PROJECT SUMMARY

This application is respectfully submitted by Branch Towers, LLC ("Branch") on behalf of A. Tupper Baker and T-Mobile for review and approval of Use-in-Review for a telecommunications facility by the Knoxville/Knox County Metropolitan Planning Commission. Pursuant to this joint application narrative, Branch proposes to construct a 190 foot monopole style telecommunications tower on a portion of a parcel of land owned by A. Tupper Baker, situated off of Blow Drive and Ferry Road. This property has an address of 3509 Blow Drive, Knoxville, TN 37920 (referred to as the "Facility") known as parcel number 121F C 001.

In addition to meeting the coverage objectives of T-Mobile and other future providers, the proposed Facility adheres to the ordinance to assure safety, ensure compatibility with adjacent land uses and minimizes the impact to revitalization and redevelopment areas, and historic districts. The current design utilizing a monopole is a preferred style suggested by the ordinance.

The proposed 190 foot tower height does not exceed limitation per the ordinance. The separation distance from all residential dwelling units shall be 110% of tower height. 110% of the proposed 190 foot tower results in a 209' setback requirement. The tower structure meets the setback requirement. Page 6 of CDs (survey) shows the nearest residential structure is 210 feet from the proposed tower, which is the landowner's home. The proposed project is located within the interior of a wooded lot and is in conformance with the standards of the code. The Applicant is willing to consider any means of screening the City suggests, in addition to existing tree coverage. The proposed Facility will be designed to be the least intrusive means of providing service in the City, and is respectfully submitted that the Knoxville/Knox County Metropolitan Planning Commission to consider the approval of Branch Towers, LLC's application.

II. PROJECT DESCRIPTION

A. Existing Conditions: This Facility is situated in the interior of a 4.94 acre, wooded parcel off Blow Drive, in Knoxville. The property is in the A – Agriculture zoning district. The property consists of the owner's residence set to the back of the property, with the proposed Site location Branch Towers has leased of 10,000 square foot area (100' X

100') towards the front of the property. Branch Towers has leased a 10,000 square foot area (100' X 100') with a 30' access/utility easement. The proposed Facility will be connected to Blow Drive by a 16 foot wide paved road and utility easement for the power and telecommunications needs of the Facility. Utilities including power and telephone service are being coordinated to be available at the Facility.

- B. Proposed Development: The proposed telecommunications Facility will consist of the following:
 - Construction of a 190 foot monopole structurally capable of supporting colocation by at least three additional telecommunications providers.
 - Installation of a concrete foundation capable of supporting the monopole, and installation of a separate 10' x 12' foundation for T-Mobile's outdoor equipment.
 - Installation of a 6 foot fence comprised of chain-link and topped with barbed wire to secure the compound containing the monopole and ground-based equipment.
 - The uppermost 10 feet of the monopole with consist of T-Mobile antennae platform with a centerline of approximately 187 feet. The platform will be structurally capable of carrying 3 antenna sectors, each consisting of up to 4 antennae panels. With T-Mobile's equipment and antennae in place, the Facility will be 190 feet in height (T-Mobile's antenna will extend only to the top of the Monopole). The associated cabling will travel from the antennae down the monopole to the bottom of the monopole and along an ice bridge
 - The access road to the Facility is less than 150'.

III. DEVELOPMENT STANDARDS

Section 20 – Commercial telecommunications facilities contains specific provisions regulating telecommunications facilities. In accordance with therewith, Branch Towers, LLC submits the following:

A. A new commercial telecommunications tower proposed for construction must accommodate at least three (3) antenna arrays if the tower is one hundred thirty (130) feet in height or greater.

Sheet C4 of the CDs show the proposed 190 foot tower with three additional locations for future tenant locations.

B. Applicants requesting a building permit or use on review approval for a new tower shall simultaneously file a letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

A letter of intent signed by Curtis Branch, President of Branch Towers, LLC, has been included in the submittal package.

- C. Applications for a building permit or use on review approval for a new tower shall include maps of the intended coverage area, the corresponding search radius for tower sites, and existing facilities within that search radius. Existing facilities shall include towers, buildings, and other structures of such height as to meet the engineering needs of the applicant. The applicant shall also provide written evidence that location on an existing structure is not feasible due to at least one (1) of the following reasons:
 - No suitable facilities exist that would allow service to be provided to the proposed coverage area.

A map of the intended coverage area with corresponding search radius for tower sites and existing facilities has been provided. Additionally, documentation showing T-Mobile's attempt to collocate on the existing stealth tower owned by US Cellular and ultimate decision not to collocate on the tower due to insufficient centerline availability.

D. If the applicant is not a licensed provider of commercial telecommunications services, the application shall, in addition to meeting all the other requirements of this section, include at least one (1) letter from such a licensed provider indicating intent to locate on the proposed tower. The maps and written evidence required in Part B.1.c. of this section shall be based on the needs of the licensed provider(s) who furnishes said letter of intent.

T-Mobile has provided a letter of intent and the necessary maps included in this package.

- E. Plans and drawings submitted as part of a use on review application for a new tower site shall be certified by a licensed professional engineer or architect. Tennessee licensed engineer, Michael T. DeBoer, has signed the drawings.
- F. The professional planning staff of the metropolitan planning commission shall refer technical engineering aspects of the administration and enforcement of this section to a registered professional engineer(s) qualified in the design and installation of wireless

communications facilities to provide advice and assistance. Any use on review application for a new communications tower of sixty (60) or more feet in height shall, at the discretion of the professional planning staff of the metropolitan planning commission, be referred to the engineering consultant for review and report. Any reasonable costs not to exceed one thousand five hundred dollars (\$1,500.00) incurred for the engineering consultant's review and recommendation shall be reimbursed by the applicant to the metropolitan planning commission.

The required \$1500 fee has been included in the submittal package.

G. Setbacks. Except as otherwise noted in this section, all towers shall be set back from all properties zoned A-1, R-1, R-1A, R-1E, R-2, R-3, RP-1, RP-2, RP-3, R-4, TC-1, or TND-1, all properties with an H-1 or an NC-1 overlay, and any residentially or agriculturally zoned property within the Town of Farragut or Knox County, a minimum distance equal to one hundred ten (110) percent of the height of the tower, or the minimum principal use setback of the zoning district in which the tower is located, whichever is greater.

The proposed Facility is located on an RA zoned lot with 110% setback for a 190 foot tower being 209 feet. Page 6 of CDs shows the 209' setback to residential structures.

- H. Landscaping. The following landscaping standards shall apply:
 - i. For all towers, at least one (1) row of evergreen trees or shrubs capable of forming a continuous hedge at least five (5) feet in height and screening the base of the tower from public view within two (2) years of planting shall be planted and maintained in healthy condition. A break in the hedge, not to exceed twelve (12) feet in width, shall be allowed for access for maintenance personnel and vehicles.
 - ii. New or existing vegetation, earth berms. existing topographic features, walls, fences, building and features other than those described above may be used to meet the requirements of these regulations if the code administrator finds that they achieve the same degree of screening.

No screening shall be required if the base of the tower is not visible from adjoining property or is not otherwise visible from a dedicated public right-of-way, or if waiver of this requirement is necessary for the continued operation of agricultural or forestry uses.

The proposed Facility is on a wooded lot with adequate natural screening.

 Security fencing. The base of the tower, including any accessory structures, shall be enclosed by a minimum six-foot high chain-link fence. Any proposed landscaping, as required under paragraph B.4. shall be installed outside the fenced enclosure.
A 6 foot chain=link fence is proposed for this facility.

IV. CONCLUSION

Branch Towers is providing all information required pursuant to the zoning ordinance to obtain approval of its proposed telecommunications facility in the City of Knoxville and we respectfully submit that we have satisfied all of the requirements of the local ordinance necessary to obtain approval of the Use-in-Review application.

INCLUDED IN THIS PACKAGE

- USE-IN-REVIEW APPLICATION LETTER
- CHECK # 1166 IN THE AMOUNT OF \$2700 (\$1500 + \$1200)
- APPLICATION
- LETTER OF INTENT FROM T-MOBILE
- SEARCH AREA REPORT
- MAP SHOWING SUITABLE FACILITIES WITHIN 1/4 MILE OF PROPOSED SITE
- MAP SHOWING EXISTING T-MOBILE FACILITIES IN THE WIDE AREA
 - SPREADSHEET WITH DETAILS ABOUT T-MOBILE FACILITIES SHOWN
- LETTER OF INTENT FROM BRANCH TOWERS FOR SHARED USE OF TOWER
- REDACTED GROUND LEASE



March 27, 2015

MPC - Knoxville/Knox County Metropolitan Planning Commission 400 Main Street Knoxville TN 37902

Subject: Letter of Intent to allow shared use of tower

Site Number: TN-0013 Blow Dr.

To Whom It May Concern:

Upon Use-in-Review approval for the proposed 190' monopole tower, Branch Towers, LLC, will commit to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. Branch Towers, LLC, further understands this commitment is not intended to limit the rights of parties to set rent or establish other terms and conditions for the shared use of a telecommunications tower or other structure.

This commitment will be binding upon our successors and assigns, and will be for the benefit of the Company, its successors, and its assigns.

Curtis R. Branch President 3 DATE:

T · · Mobile ·

March 25, 2015

Re: Proposed T-Mobile Wireless Communications Facility Site Name: 9KX0350E

To Branch Communications:

We are aware that you are planning to build a new monopole tower at the location listed below:

3505 Blow Dr Knoxville, TN 37920

Please accept this letter as confirmation that T-Mobile is interested in co-locating on this new tower. If you need any additional information from us for your zoning submittal please let us know.

Sincerely,

K las

Kevin Blewitt Senior Engineer, RF Deployment T-Mobile USA

T - Mobile

March 25, 2015

Re: Proposed T-Mobile Wireless Communications Facility Site Name: 9KX0350E

To Whom It May Concern:

The purpose of this letter is to state the need for a new T-Mobile Wireless Communications Facility to be built on the site located at 3505 Blow Dr, Knoxville, TN. The tower is necessary to meet coverage and capacity needs in the commercial and residential areas near Sequoya Hills, as well as to provide coverage along Route-11 (Lyons View Pike SW road) and Lakeshore Park. The only viable alternative solution is a new tower as there are no other suitable structures for collocation. This site will provide the wireless voice and data experience that the T-Mobile customers rely on. It will also provide critical safety support through enhanced 911 services.

This site has been designed and will be constructed and operated in accordance with all applicable requirements and regulations set forth by the various agencies that manage them including the FAA and the FCC. This site will transmit within the licensed frequency bands owned by T-Mobile and will adhere to FCC regulated power limitations. RF emission readings in the accessible areas will be below the FCC limits for exposure. Appropriate RF emission signage will be placed at the entrance to the site.

Sincerely,

the

Kevin Blewitt Senior Engineer, RF Deployment T-Mobile USA



T-Mobile Coverage without 9KX0350E

MPC June 11, 2015



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T-Mobile Coverage with 9KX0350E

MPC June 11, 2015



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Knox County, TN



Search Area Report

··**T**··Mobile·

Ring Information:	9KX0350	Ding Name	9KX0350	Ring City:	Knoxville
Ring Code:		Ring Name:	9120300	King City:	
Soft Cost Approval:	3/28/2014	BTA:		Region:	CENTRAL
Rank:		Capital Type:	Infill	County:	Knox
Budget Year:	2014	Latitude:	35.93380	Longitude:	-83.96326
Ring RAD Center:	190 feet	Desired Coverage:		RF Req On Air Dt:	
SAP Project Cd: Search Area Type: Engineering Cell Site Sub Market Name		Default Region-KX01			
SAP Project Cd: Search Area Type: Engineering Cell Site Sub Market Name: Default Reg			Default Region-KX01		

Jurisdiction: 2014/15 Infill Build Plan

Coverage Objective: Lakeshore Park, Sequoya Hills area, Lyons View Pike SW Road



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Agenda Item # 37



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Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: Invitation to Visit Speedwell Manor

2 messages

Jeff Welch <jeff.welch@knoxtrans.org> To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org> Tue, May 19, 2015 at 9:10 AM

Please share with Commissioners and staff and for the agenda packet.

Jeff

------ Forwarded message ------From: **Shivers, Charles A** <<u>cshivers@utk.edu</u>> Date: Mon, May 18, 2015 at 5:45 PM Subject: Invitation to Visit Speedwell Manor To: "liz.albertson@knoxmpc.org" <liz.albertson@knoxmpc.org>

Attached is a letter describing the historic house in South Knoxville called "Speedwell Manor" which was built in about 1830-40 in Tazwell, TN, and moved to Knoxville in about 1950. MPC will be reviewing a cell tower proposed adjacent to this property at its June 11 meeting.

When we spoke with Kaye Graybeal, she was not aware of this property because it is not listed in the National Historic Registry. I have invited Kaye and anyone at MPC who would like a tour of the many levels of history connected with this property to have a group tour (weekday, evening, or weekends are fine), or call us directly for a personal tour. We enjoy talking about the 1776 connection with the Jesse Wells cemetery on the property, the 1857 Dred Scott Supreme Court decision and its ties to the Peter Blow House formerly on this site, the Civil War years when the Hugh Graham house was called Castle Rock in Tazewell, TN,, Tip Rogers moving the house to Lakemoor Hills area in the 1950's brick by brick, the historic antiques (circa 1870+) that currently fill the house, the large 1850s smoke house, huge herb & flower gardens, the small petting zoo, etc. Come visit!!

Sincerely, Pat and Alex (owners and caretakers of Speedwell)

Patricia and Alex Shivers 2112 Manor Dr Knoxville, TN 37920 865 577-8182

Jeff Archer, AICP Senior Planner Knoxville / Knox Metropolitan Planning Commission 400 Main St, Suite 403 Knoxville, TN 37902 (865) 215-2500

Mr. Jeff Welch, Interim Director Metropolitan Planning Commission

Dear Mr. Welch:

This letter is from Alex Shivers, 2112 Manor Road, Knoxville, Tennessee, 37920. It has come to

my attention that the next door neighbor to Speedwell Manor, Mr. Tupper A. Baker (3509 Blow Dr), has or intends to contract with a cell phone company to construct a booster cell tower adjacent to Speedwell property line. You may recall that Speedwell is a historic, antebellum house originally constructed in the 1830's in Tazewell, TN. Since that time the house has survived many "near death" sentences. First of course it was the Civil War itself when most of the large houses in Tazewell were burned by invading solders. Speedwell survived only because it was used as a hospital. In the early 1900's it's existence was threatened by lack of maintenance by heirs, then in 1950 it was scheduled for demolition for construction of state highway 33, which was to pass over the house. A Knoxville physician, Dr Frank T. Rogers, MD, heard about the probable demise of this grand house and had architectural firms from Atlanta, Georgia, to oversee its move to Knoxville. It was placed on the former location of the Peter Blow family home off Blow Ferry Road.

After it's move in 1950's. Ginny Rogers (Tip Rogers' widow) opened the house as a museum for about 10–15 years. She was approached by investors who wanted to raise the building and construct condominiums on the site. In an effort to save the historic home she chose to sell it intact to me (Dr. Charles Alex Shivers). Over the years many charitable functions have been held at the house including; church services, weddings, dances, receptions, candle light tours, class reunions, parties of various sorts, Dogwood Arts opening luncheons, Opera Society fund raisers, croquet tournaments, community functions, community pig roasts and over 15 years of Easter Sunrise services, etc.

About two years ago MPC approved construction of a cell/phone tower in residential Sequoyah Hills despite the strong objection of property owners. Now the company has decided not to construct the tower in Sequoyah Hills, but to move across the river into residential Lakemoor Hills. Could it be that MPC is being used to show, despite strong objection or amount of money being spent, towers can be constructed any place the company desires?

Aside from the legality of constructing this tower in a restricted residential area, we object to its erection next to this hidden treasure of Knoxville and East Tennessee. We hope that you too will object to putting this tower so near to Speedwell Manor. If anyone on the MPC has not had a chance to see Speedwell Manor, we invite them to drive out, walk the grounds, tour the house, hear the many stories about the house, and see its contents. The graveyard associated with Speedwell dates back to Jesse Wells, a revolutionary military man (~1778) from North Carolina, who was awarded this entire peninsula (over 400 acres) for services rendered.

My wife, Pat, and I consider it a duty, as well as a privilege, to maintain Speedwell in its original condition. We have resisted on several occasions offers to purchase Speedwell and its acreage for Condo development.

While construction of a cell phone tower within several hundred feet of Speedwell may not result in the demise/destruction of this beautiful historic home, it certainly will detract from its historic significance. It will certainly affect property values for the entire neighboring residences. Sincerely yours,

Alex and Pat Shivers

MPC June 11, 2015

Speedwell has been the subject of numerous news articles and at least two books:

- <u>The People's History of Claiborne County Tennessee 1801-2005</u> Volume II, "With Fire and Candle" The Journey of Castle Rock, The Graham-Hughes-Rogers-Shivers House Parts I-V, p 105-159.
- <u>Confederate Veteran</u>, Castle Rock Article, "Ellen Graham Patton" describes Ellen Graham Patton's escape to Philadelphia in 1865. p 9–13.
- Memoirs of the Graham Family by Annie Kendrick Walker, pp 1-35, published by Tobias A. Wright, New York, NY.
- <u>The Hugh Graham Collection</u> (1805–1903) gift from Mary U. Rothrock (curator) of The Calvin M. McClung Collection of the Knox County Public Library in 1937 (pp 1–40).
- "The River Secrets of Peter E. Blow," by Doug McDaniel, <u>Knoxville Voice</u>, January 8, 2008, Vol 3 Issue 19, p. 14–17.
- 6. <u>A Tale of Two Mansions</u> by Ken Mink, (Speedwell Manor Survived Civil War, 50-Mile