



# Hamilton County Board of Commissioners

## RESOLUTION

No. 817-18B

(P.C. NO. 2017-085)

### A RESOLUTION GRANTING A SPECIAL PERMIT FOR COMMERCIAL COMMUNICATIONS TOWER FOR PROPERTY LOCATED AT 1870 HEISS MOUNTAIN ROAD

WHEREAS, Vogue Tower Partners petitioned the Chattanooga-Hamilton County Regional Planning Commission to grant a Special Permit for Commercial Communications Tower for property located at 1870 Heiss Mountain Road, and said Planning Commission after hearing recommended that this petition be approved; and

WHEREAS, Vogue Tower Partners requested that the County Commission consider said petition and notice has been published in a newspaper in general circulation in Hamilton County that the County Commission will hold a public hearing on August 16, 2017, concerning the passage of this Resolution as required by law, and such hearing having been held.

NOW, THEREFORE, BE IT RESOLVED, BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED: That the zoning regulations of Hamilton County be amended, subject to the tower being set within the fall zone according to Hamilton County requirements, meeting 70% of fall point and to be as far from the building as possible, granting a Special Permit for Commercial Communications Tower for property located at 1870 Heiss Mountain Road. A proposed leased area of approximately 100' x 100' within an unplatted tract of land located at 1870 Heiss Mountain Road. Said unplatted tract of land is described in Deed Book 10127, Page 280, ROHC. Tax Map 025, Parcel 23.02.

BE IT FURTHER RESOLVED, THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.


#### CERTIFICATION OF ACTION

Approved:

Rejected:

Approved:

Vetoed:

  
County Clerk

  
County Mayor

August 16, 2017

Date

2017-085 Hamilton County  
July 10, 2017

RESOLUTION

WHEREAS, Vogue Tower Partners petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the County Mayor and members of the County Commission granting a Special Permit for Commercial Communications Tower for property located at 1870 Heiss Mountain Road.

A proposed leased area of approximately 100' x 100' within an unplatted tract of land located at 1870 Heiss Mountain Road. Said unplatted tract of land is described in Deed Book 10127, Page 280, ROHC. Tax Map 025, Parcel 23.02.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 10, 2017,

AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

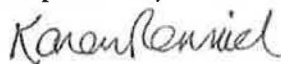
AND WHEREAS, there was opposition present to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

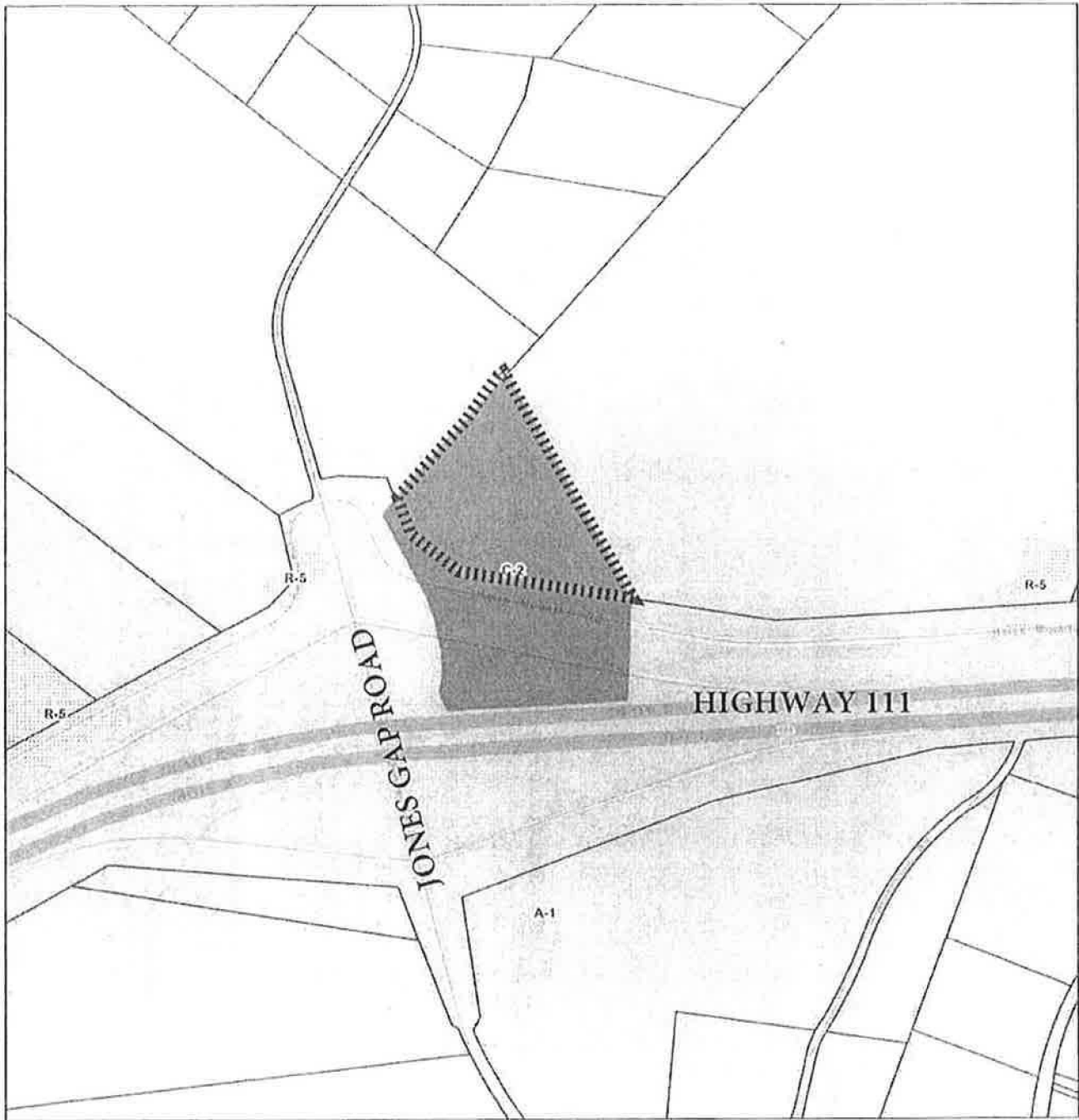
AND WHEREAS, the Planning Commission has determined that the proposal is consistent with the development form of the area.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission recommended to the County Mayor and Members of the County Commission that this petition be approved, subject to the tower being set within the fall zone according to Hamilton County requirements, meeting 70% of fall point and to be as far from the building as possible.

Respectfully submitted,

  
John Bridger  
Secretary

# 2017-0085 Special Permit for a Cell Tower



1:4,514

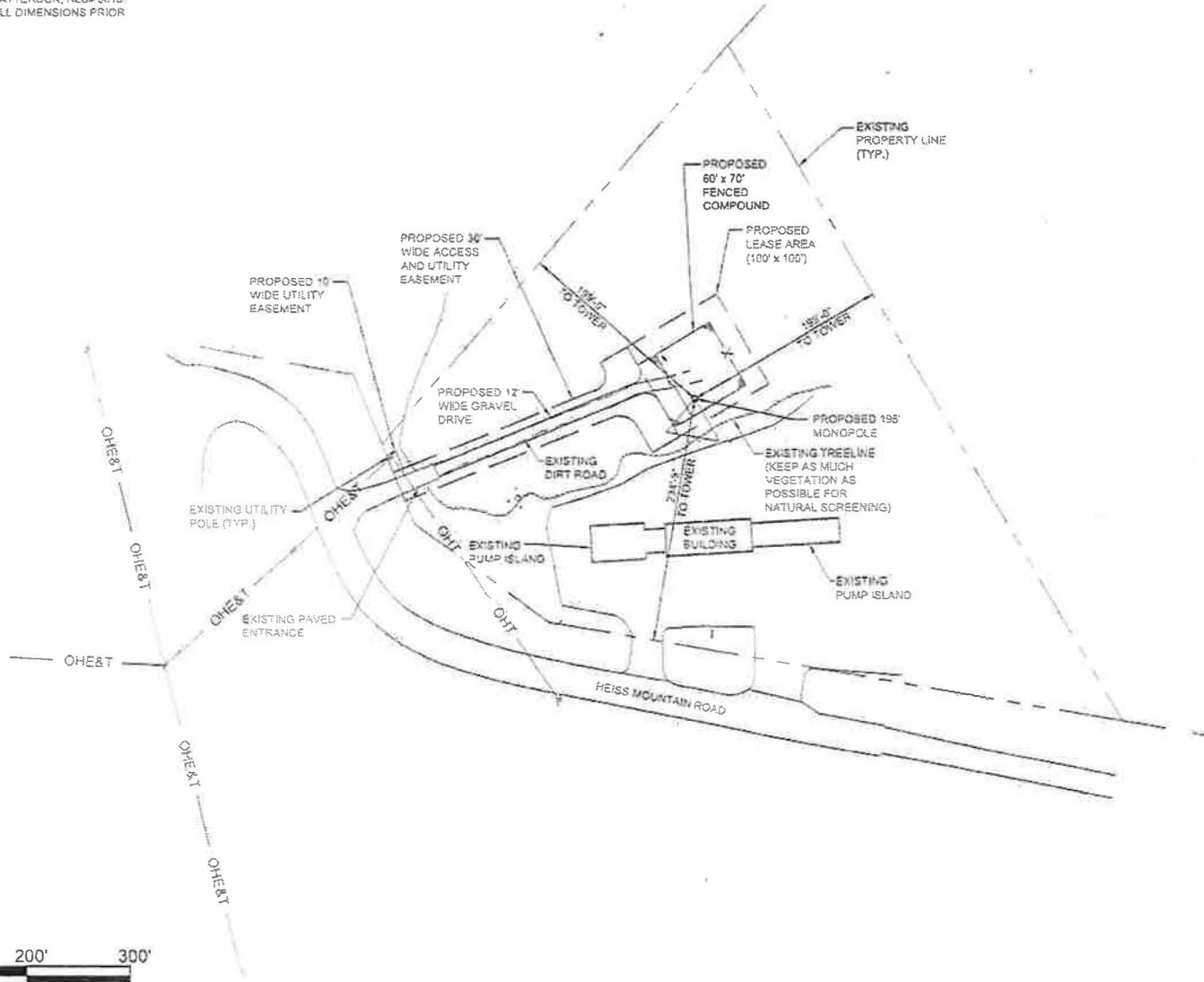
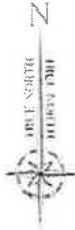
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2017-085: Approve subject to the tower being set within the fall zone according to state requirements, meeting 70% of fail point and to be as far from the building as possible.



Chattanooga-Hamilton County  
Regional Planning Agency

Received 7-28-17  
 via PPA  
 SA

NOTES  
 DRAWINGS ARE BASED OFF OF SITE SURVEY BY  
 POWER OF DESIGN JOB# 15-11754 DATED 01/25/16  
 SURVEY CERTIFIED BY MARK E. PATTERSON, RLS# 3010  
 CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR  
 TO CONSTRUCTION.



REV	DATE	RECORD OF ISSUE	BY
A	01/28/17	PRELIMINARY ISSUE	JAE
S	02/27/17	FINAL ISSUE	DWS
1	08/16/17	2018 ISSUE	DWS

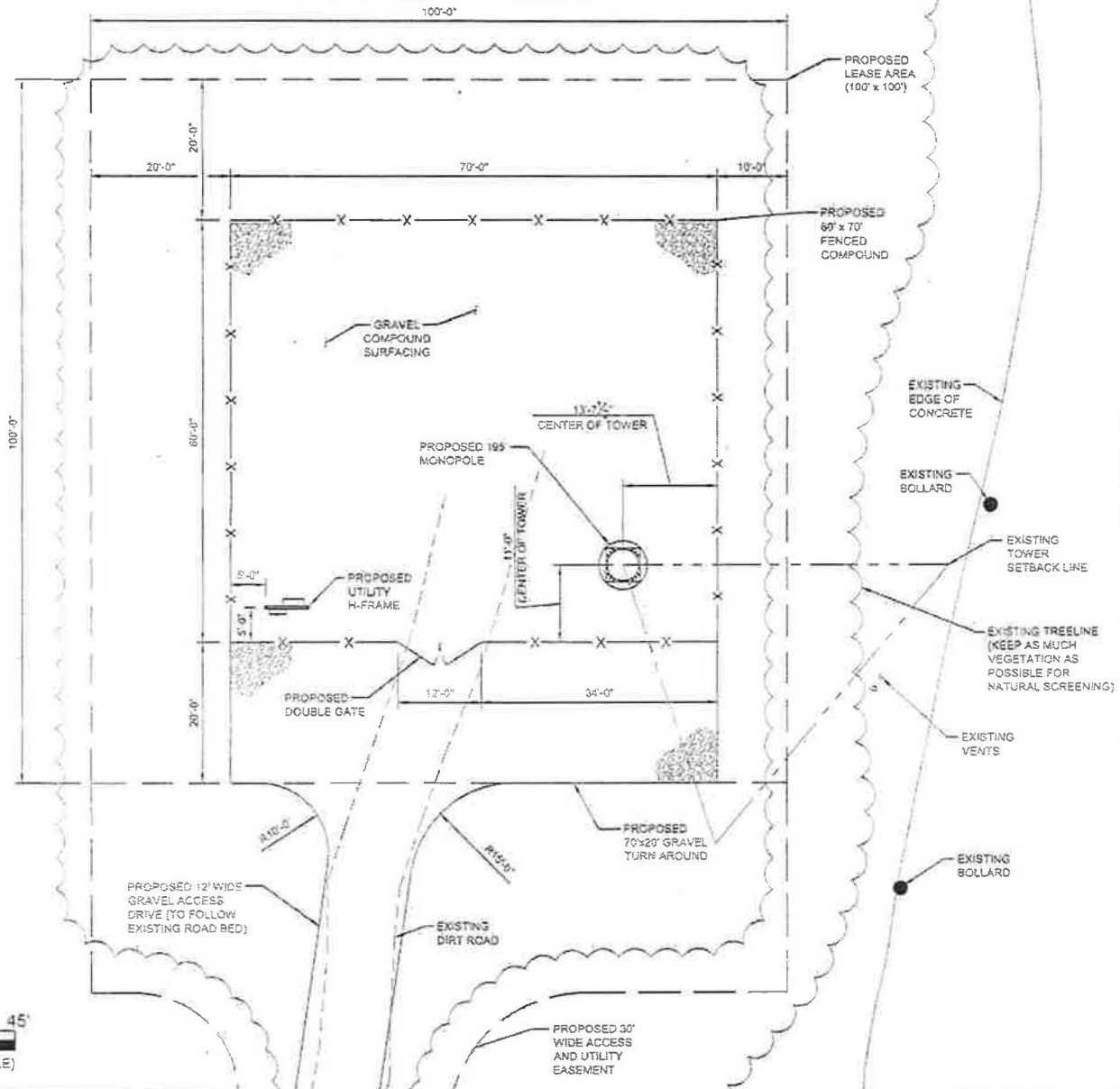
SITE NAME:  
 JONES GAP ROAD

SITE NUMBER:  
 TN-019

SITE ADDRESS:  
 12840 JONES GAP RD  
 SCODDY DAISY, TN 37379

**OVERALL  
 SITE LAYOUT**

DRAWN BY: JAE  
 CHECKED BY: DWS  
 PROJECT MANAGER: DWS  
 SHEET NUMBER: C-1



430 CHICKENHUT STREET,  
SUITE 301-B  
CHATTANOOGA, TN 37402



REV	DATE	RECORD OF ISSUE	BY
A	01/15/17	PRELIMINARY ISSUE	JAE
C	02/23/17	FINAL ISSUE	DWS
F	05/10/17	ZONING ISSUE	DWS

**SITE NAME:**  
JONES GAP ROAD

**SITE NUMBER:**  
TN-019

**SITE ADDRESS:**  
12840 JONES GAP RD  
SODDY DAISY, TN 37379

**COMPOUND LAYOUT**

DRAWN BY:	JAE
CHECKED BY:	DWS
PROJECT MANAGER:	DWS
SHEET NUMBER:	C-2



*Received 7-28-17  
in RPT SA*

**PLANNING COMMISSION CASE REPORT**

Case Number: 2017-0085

PC Meeting Date: 07-10-17

**Applicant Request**

Special Permit for a Commercial Communication Tower

Property Location:	1870 Heiss Mountain Road
Property Owner:	Jay Shakiti, Inc.
Applicant:	Vogue Tower Partners

**Project Description**

- Proposal: To place a 195' monopole tower with a 4' lightning arrester within a 60' x 60' fenced compound on a 100' x 100' leased area. This tower will have provisions on the tower for multiple carriers.
- Proposed Access: Entrance on Heiss Mountain Road.

**Site Analysis****Site Description**

- Location: The site is located on the eastern corner of the Heiss Mountain Road and Jones Gap Road intersection.
- Potential Access: Access from Heiss Mountain Road.
- Current Land Uses: The site currently has a convenience store with gas sales. To the south is Tennessee State Route 111. Surrounding lots to the west, north, and east have agricultural uses.

**Zoning History**

- The site is currently zoned C-2 Local Business Commercial District.
- The site was rezoned to C-2 Local Business Commercial District in 1995 (Resolution #895-19C) with a condition, "to convenience store service station or oil change facility only; and provision of landscaping along right-of-way."
- The properties which surround the site are zoned A-1 Agricultural District.

**Plans/Policies/Regulations**

- There is no current adopted land use plan for this area.
- Hamilton County Zoning Ordinance requires specific fall area measurements stating, "Towers shall be set back from all property lines on which the tower is located by the height of the tower. No portion of the tower structure shall be designed and constructed so that the height of the tower allows it to fall across the property line of the abutting property. If a tower site is located adjacent to a public road right-of-way, no portion of the tower structure shall have a fall zone across the road right-of-way. In zoning districts where a tower is proposed to be co-located on a site with an existing residential structure, the tower must be set back from the residential structure the length of the tower height."
- The Development Policy from the Comprehensive Plan 2030 update (Called the Renewing Our Vision and adopted by Planning Commission in 2016) identifies this site as being in intensity levels 1 and 2. Level 1 has the least potential for development, or future public services and facilities. However, they have high potential for protecting large natural areas through parks, greenways, working farms and conservation easements. Level 2 describes the development potential appropriate for low-intensity development based on the limited infrastructure.

**Key Findings**

- This case is in conjunction with case 2017-0092 requesting to amend the existing condition to allow a Commercial Communication Tower.
- The proposal is supported by the recommendations of the Comprehensive Plan for the area which recommends a development intensity Level 1 and 2. Level 1 and 2 areas are encouraged to have

## PLANNING COMMISSION CASE REPORT

limited development based on the rural nature of the area, limited road and infrastructure services, and preserve important environmental features.

- The proposed site plan indicates conflicts with the tower's fall area and permit requirements. The proposed tower is 180' from the property line and 150' from the existing commercial building and gas station pumps which is located in the fall zone of the 195' tower.
- The proposed use is compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed structure does raise concerns beyond the fall area in regarding lighting, screening, and access.
- There is adequate buffering on site from the existing vegetation and the building to screen the tower from the right-of-way and adjacent lots.

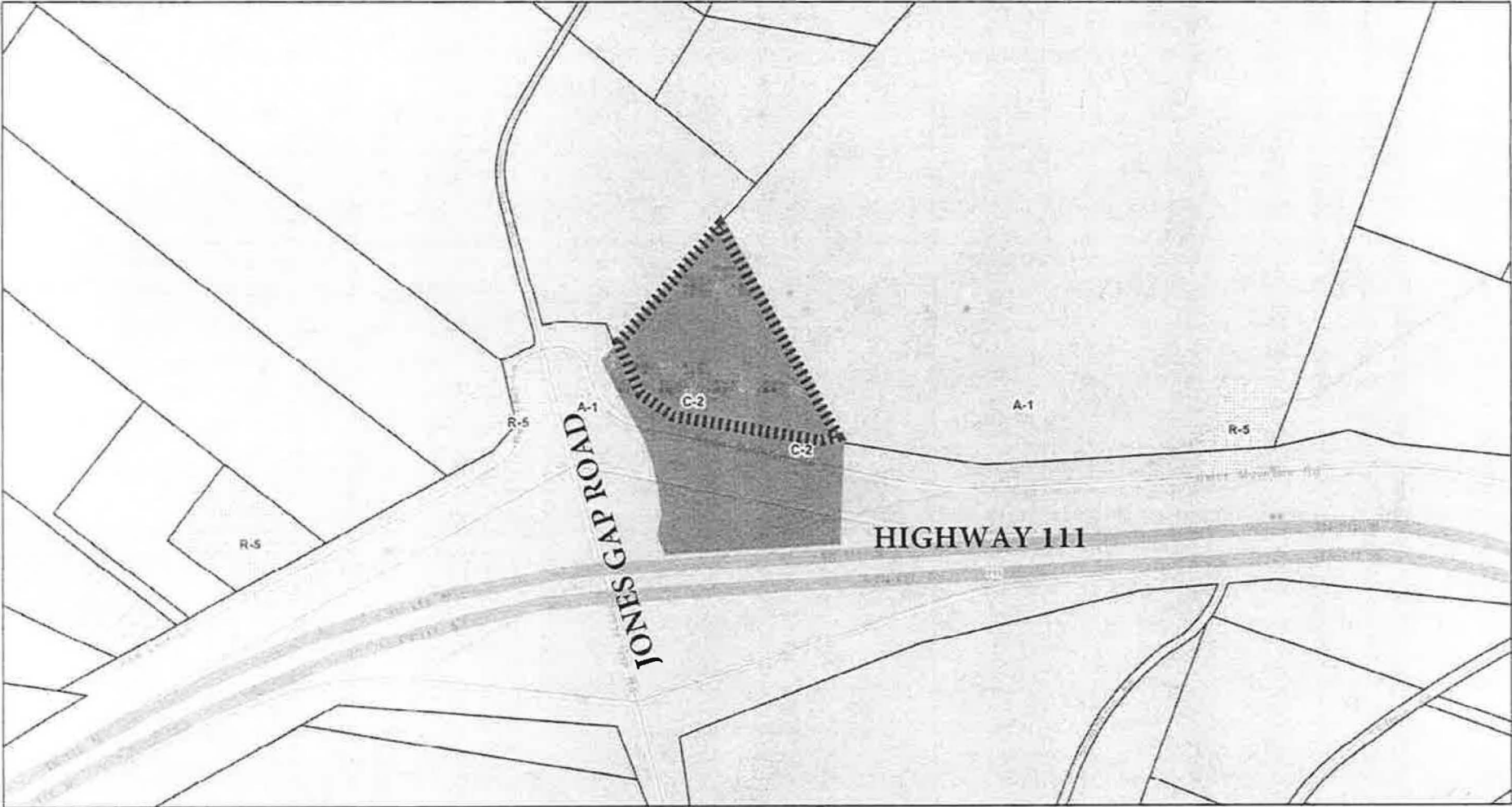
### Other Departmental Comments

- Hamilton County Building and Zoning Department has stated there is no variance process to grant a cell tower's fall area to extend beyond the property lines of the site.

### Staff Recommendation

Staff believes the use may be appropriate, but the design as shown fails to meet the requirements of the permit and safety requirements of the county. For this reason staff recommends denial of the special permit.

2017-0085 Special Permit for a Cell Tower



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