

STAFF REPORT

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CASE NUMBER: S.U.P. 09-202 **L.U.C.B. MEETING:** March 12, 2009

LOCATION: East side of Tulane Road; +/-98 feet south of Shayne Lane

COUNCIL DISTRICT(S): District 6-Super District 8-Positions 1,2, & 3

OWNERS OF RECORD: Worlds Church of the Living God

APPLICANTS: Tower Ventures V, LLC

REPRESENTATIVE: Tower Ventures V, LLC (Billy Orgel)

REQUEST: Special use permit to allow a cell tower one-hundred sixty feet(160') in height with flush-mount antennae to be located to the rear of the church building.

AREA: 0.84 Acre(37,026 sq. ft.)

EXISTING LAND USE & ZONING: One-story brick and wood frame church building in Single Family Residential(R-S6) District zoning.

SURROUNDING USES AND ZONING:

North: Vacant land and single family homes on estate lots in 'Louise White' Subdivision in Single Family Residential(R-S6) District.

East: 'The Links @ Whitehaven' public golf course-'Hole 3' in Single Family Residential (R-S6) District.

South: 'The Links @ Whitehaven' public golf course-'Hole 1' in Single Family Residential (R-S6) District.

West: Single family homes in 'Whitehaven Meadows' and 'Shayne-Lane Gardens' Subdivisions in Single Family Residential(R-S6) District.

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

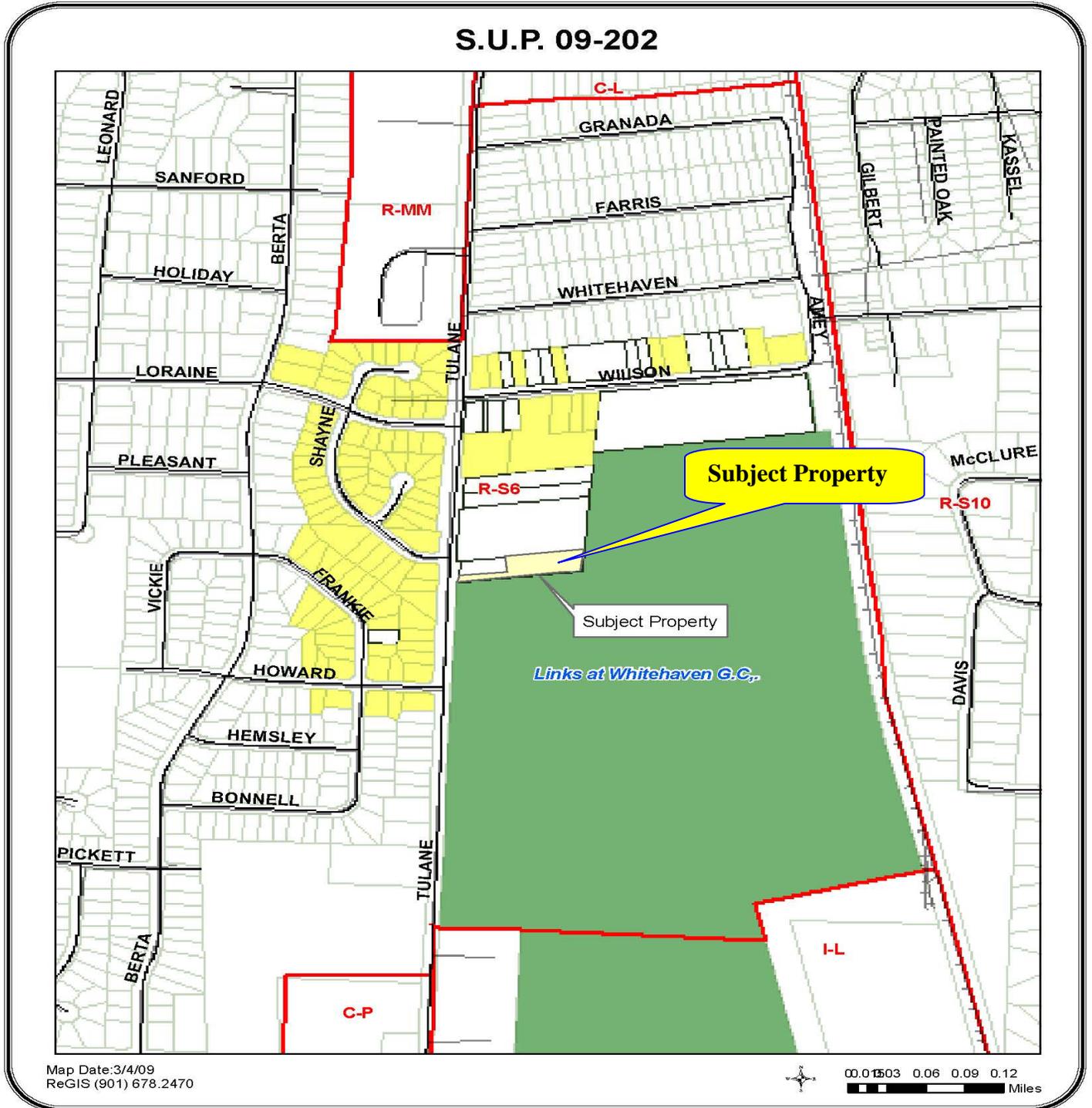
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

CONCLUSIONS:

- 1. The subject property is Lot 2 of 'C.L. Lewis' Subdivision occupied by a one-story brick and wood frame church building at the east side of Tulane Road, a major road with two lanes of pavement and directly across from Shayne Lane.**
- 2. The site is higher in elevation than homes to the west and significantly higher than the golf course property. The rear of the church property is more visible from the golf course than from single family homes in 'Shayne-Lane Gardens' and 'Whitehaven Meadows' subdivisions.**
- 3. The request is for a special use permit to allow the construction of a cell tower 160 feet in height to be located on a lot in 'C.L. Lewis' Subdivision. The proposed tower will be an accessory structure located in the rear yard of the church building.**
- 4. The proposed location of this tower minimizes the affect upon residential land use and zoning with the tower being located to the rear of the church building. The view from Tulane Road and single family homes in 'Shayne-Lane Gardens' and 'Whitehaven Meadows' subdivisions will be primarily shafts 1 and 2 or the top half of the tower.**
- 5. The applicant has provided documentation to satisfy concerns of staff and a land use survey performed by staff did not yield reasonable and practical alternatives to the church property for a wireless communication tower to be located in this area of the Whitehaven community.**

LAND USE & ZONING MAP:



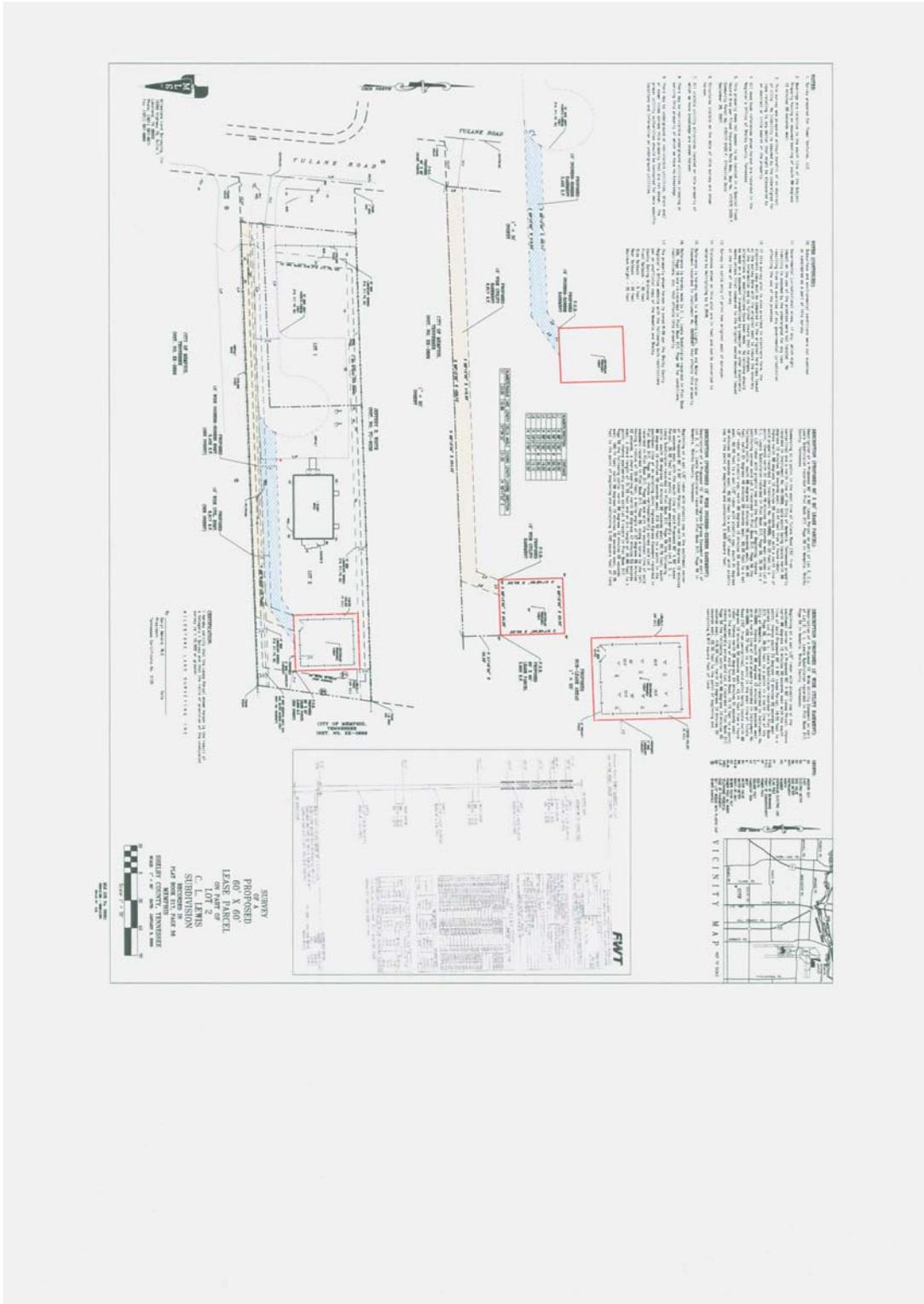
AERIAL VIEW



4952 Tulane Road
(Bird's Eye View)



SURVEY/SITE PLAN



TOWER ELEVATION PLAN

Customer Name: TOWER VENTURES V- LLC
Site: TULANE ROAD- SHELBY COUNTY- TN



P.O. BOX 8597 FORT WORTH, TX 76124-0597
PHONE: (800) 433-1816 FAX: (817) 255-8656

JOB DATA			
Page 1 of 1	Job No.	0090114010	
By HD	Design No.	M09-0017	
Chk'd By	Date	Jan 14 2009	
	Rev. No.	1	
	Rev. Date		
Pole 160-FT MONOPOLE			
Ref. No. ...ns\2009_09-0000\M09-0017\0090114010.out			
Design Standard ANSII/TIA-222-G-2005 Addendum 1			

GENERAL DESIGN CONDITIONS			
Design Wind Speed: 90.00(mph)	Structure Class: II		
Iced Wind Speed: 30.00(mph)	Exposure Category: C		
Service Wind Speed: 60.00(mph)	Topographic Category: 1		
Ice Thickness: 0.75(in)			
Earthquake Site Class: D	Ss= 0.260	IS1= 0.323	

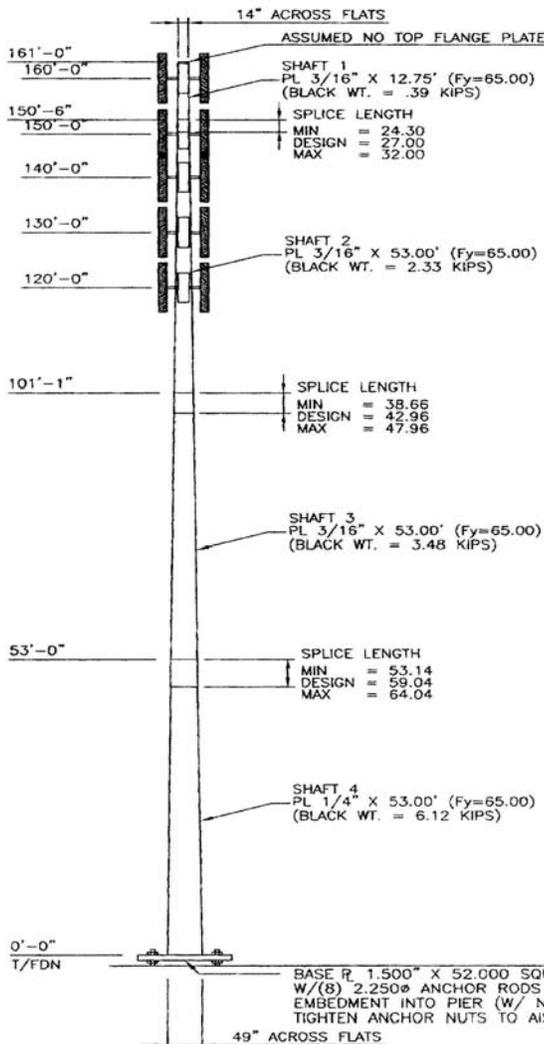
POLE SPECIFICATIONS			
Pole Shape Type: 18-SIDED			
Taper: 0.22438 IN/FT			
Shaft Steel: ASTM A572 GRADE 65			
Base PL Steel: ASTM A633 GR. E (60 KSI)			
Anchor Rods: 2" 4" X 7'-0" LONG #18J ASTM A615 GRADE 75			
** SHALL MEET CHARPY V-NOTCH TEST: 15 FT LBS @ -20°F			

ANTENNA LIST					
No.	Elev.(ft)	Antenna	Mount type	AZ (°)	COAX
1	160	(1) Lightning Rod		0	
2	160	(1) APXV18-206517	CLOSE MOUNT	60	6JLDF7P-50A
3	160	(1) APXV18-206517	CLOSE MOUNT	200	6JLDF7P-50A
4	160	(1) APXV18-206517	CLOSE MOUNT	300	6JLDF7P-50A
5	160	(4) TMA/Diplexer	AS ANT. # 2	60	
6	160	(4) TMA/Diplexer	AS ANT. # 3	200	
7	160	(4) TMA/Diplexer	AS ANT. # 4	300	
8	150	(1) 6"x1"x2-in Ant	CLOSE MOUNT	0	2JLDF7P-50A
9	150	(1) 6"x1"x2-in Ant	CLOSE MOUNT	120	2JLDF7P-50A
10	150	(1) 6"x1"x2-in Ant	CLOSE MOUNT	240	2JLDF7P-50A
11	140	(1) 6"x1"x2-in Ant	CLOSE MOUNT	0	2JLDF7P-50A
12	140	(1) 6"x1"x2-in Ant	CLOSE MOUNT	120	2JLDF7P-50A
13	140	(1) 6"x1"x2-in Ant	CLOSE MOUNT	240	2JLDF7P-50A
14	130	(1) 6"x1"x2-in Ant	CLOSE MOUNT	0	2JLDF7P-50A
15	130	(1) 6"x1"x2-in Ant	CLOSE MOUNT	120	2JLDF7P-50A
16	130	(1) 6"x1"x2-in Ant	CLOSE MOUNT	240	2JLDF7P-50A
17	120	(1) 6"x1"x2-in Ant	CLOSE MOUNT	0	2JLDF7P-50A
18	120	(1) 6"x1"x2-in Ant	CLOSE MOUNT	120	2JLDF7P-50A
19	120	(1) 6"x1"x2-in Ant	CLOSE MOUNT	240	1JLDF7P-50A

Elevation	90 MPH WIND		60 MPH WIND	
	Lateral Deflection (Inches)	Rotation (sway) (degrees)	Lateral Deflection (Inches)	Rotation (sway) (degrees)
TOP	130.4	7.26	32.2	1.8

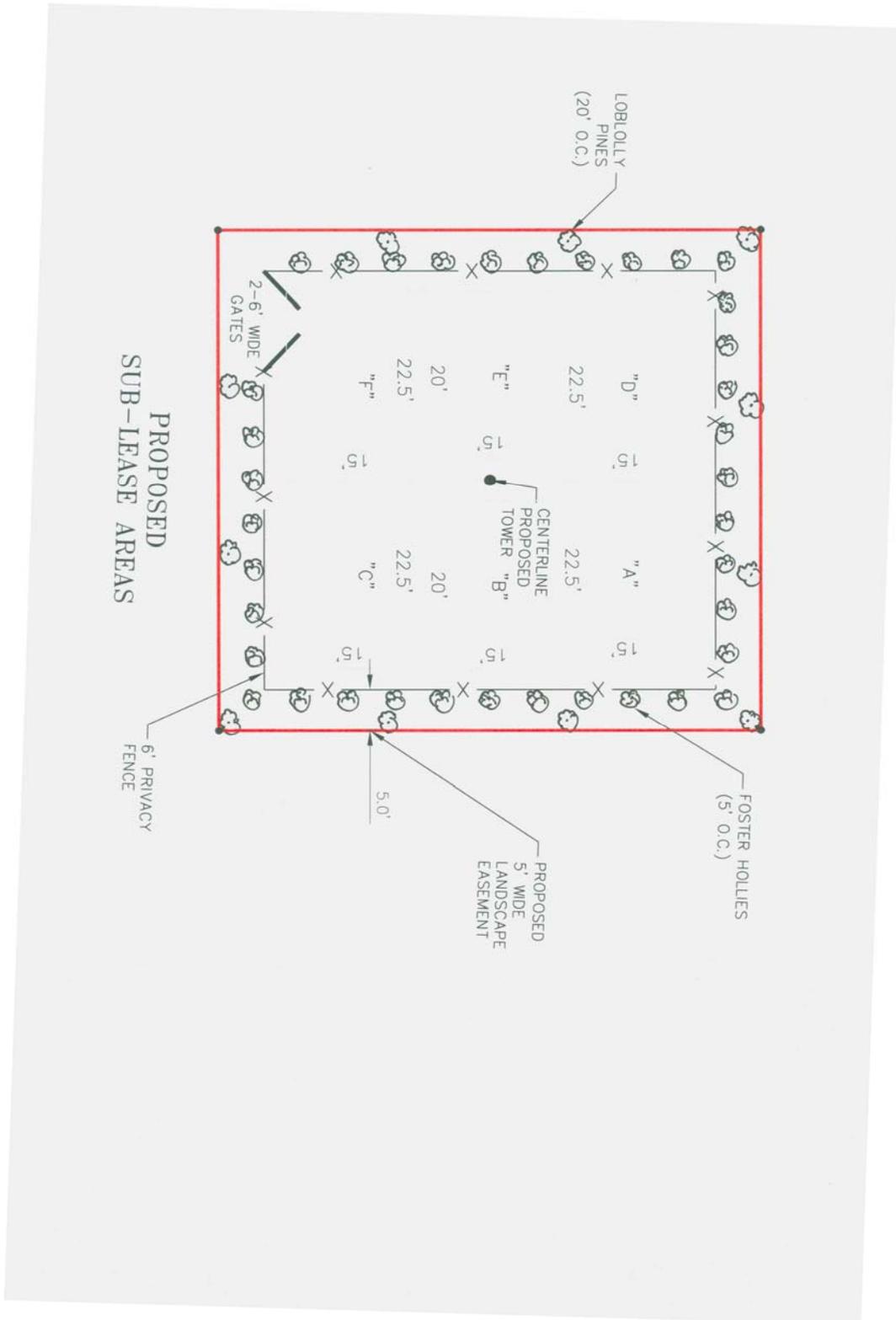
SHAFT SECTION DATA					
Shaft Section	Section Length (feet)	Plate Thickness (in.)	Lap Splice (in.)	Diameter Across Flats (Inches)	
				Top	Bottom
1	12.75	0.1875	27.00	14.00	16.86
2	53.00	0.1875	42.96	15.98	27.87
3	53.00	0.1875	59.04	26.69	38.59
4	53.00	0.2500		37.11	49.00

NOTE: DIMENSIONS SHOWN DO NOT INCLUDE GALVANIZING TOLERANCES
STEP BOLTS FULL HEIGHT FROM 9'-6" ABOVE BASE PLATE
ANTENNA FEED LINES RUN INSIDE OF POLE



FACTORED BASE REACTION	
MOMENT:	1516.82 FT-KIPS.
SHEAR:	15.49 KIPS
AXIAL:	25.22 KIPS
EST. SHAFT + BASE PLATE WEIGHT:	13.4 KIPS (BLACK WEIGHT)

LANDSCAPE & SCREENING PLAN:



STAFF ANALYSIS:

Site Description

The subject property is Lot 2 of 'C.L. Lewis' Subdivision occupied by a one-story brick and wood frame church building at the east side of Tulane Road, a major road with two lanes of pavement and directly across from Shayne Lane. The subject property is a flag-shaped lot 20.89 feet in width with no curb, gutter or sidewalk, but with overhead power lines along Tulane Road. There is curb and gutter at the west side of Tulane Road. The entire church property is enclosed with a chain-link fence six(6') feet in height. The site is located at the southern boundary of Whitehaven-Levi Planning District in Single Family Residential(R-S6) District zoning.

The site is higher in elevation than homes to the west and significantly higher than the golf course property. The rear of the church property is more visible from the golf course than from single family homes in 'Shayne-Lane Gardens' and 'Whitehaven Meadows' Subdivision. The church is setback from Tulane Road approximately 250 feet with parking in front of the building on Lot 2 of the subdivision. A mature oak tree stands along the front of this property at Tulane Road, but within the right-of-way. There are no accessory structures on either lot in this subdivision—only the principal church building.

Area Overview

The surrounding land use and zoning in the immediate area is primarily single family homes in residential zoning with established subdivisions and outdoor recreation for a golf course. This segment of Tulane Road is residential in nature with 'Tulane Apartments' community farther north at the west side of the roadway and single family homes at the east side. Directly across from the subject property is 'Shayne-Lane Gardens' subdivision with single family homes developed in the early 1970's and 'Whitehaven Meadows' subdivision in the late 1960's. The neighborhood farther north is 'Tom Fleming' subdivision developed in the early 1920's as well as 'Lacy Mosby' subdivision. A boundary farther to the east is Canadian National(CN) Railroad and farther south approximately one-quarter mile is Holmes Road.

Request vs. Visibility

The request is for a special use permit to allow the construction of a cell tower 160 feet in height to be located on a lot in 'C.L. Lewis' Subdivision. The proposed tower will be an accessory structure located in the rear yard of the church building. The tower is setback from Tulane Road more than 430 feet and from the rear property line more than twenty-five(25') feet. The greatest visibility will be from the golf course with limited visibility from the public road and single family homes to the west. The zoning ordinance allows cell towers to be accessory structures, but requires a special use permit in Single Family Residential(R-S6) District zoning.

The proposed location of this tower minimizes the affect upon residential land use and zoning with the tower being located to the rear of the church building. The view from Tulane Road and single family homes in 'Shayne-Lane Gardens' and 'Whitehaven Meadows' subdivisions will be primarily shafts 1 and 2 or the top half of the tower. The church building is a gable high pitch roof and at least fifty(50') feet to the ridgeline. This height coupled with a distance of 430 feet from Tulane Road lessens the visual affect from single family homes west of the church.

The visibility from the 'Links @ Whitehaven' club house will be minimal, because the distance is approximately one mile; however, visibility from various vantage points of the golf course will be high. The applicant proposes to enclose the equipment at the base of the tower with a sight-proof wood fence six(6) feet in height with loblolly pines planted twenty(20') feet on center and foster hollies planted five(5') feet on center around the entire perimeter of the ground leased area. The landscape and screening requirements shall be installed before the tower is launched for operation.

The immediate area has no other cellular towers within the required one-quarter(1/4) mile spacing requirement. Therefore, the proposed location complies with the zoning ordinance subject to site plan review and approval by special use permit. However, in residential zoning districts the applicant has to provide documentation in the form of cellular coverage maps for the need for wireless communication service in an area and to also state there are no existing or pending structures in the immediate area to accommodate the planned equipment. The applicant has provided this documentation to satisfy those concerns and the land use survey performed by staff did not yield reasonable and practical alternatives to the church property for a wireless communication tower to be located in this area of the Whitehaven community.

RECOMMENDATION: Approval with Conditions

SITE PLAN CONDITIONS:

A *Special Use Permit* is hereby authorized to *'Tower Ventures V, LLC'* to allow a *'CMCS communications tower one-hundred sixty feet(160') feet in height with flush-mount antennae'* on property located at *'4952 Tulane Road'* at the *'east side of Tulane Road; +/-98 feet south of Shayne Lane'* in accordance with an approved *'site plan'* and the following supplemental conditions:

- I. Uses Permitted: A CMCS communications tower one-hundred sixty(160') feet in height with flush-mount antennae with the capacity to support five(5) antennae arrays.
- II. Bulk Regulations:
 - A. Minimum distance between the church building and center line of tower shall be 100' feet.
 - B. The setback from Tulane Road to tower centerline shall be a minimum of 430' feet.
 - C. The setback from north property line and tower centerline shall be a minimum of ten(10') feet and minimum of sixty(60') feet from south property line and tower centerline.
- III. Access & Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by City Engineer.
 - B. Any new private drives shall be constructed to meet Subdivision Regulations, applicable City Standards and provide a minimum width of twenty-two(22) feet exclusive of curb and gutter.
- IV. Landscaping and Screening:
 - A. All landscaping and screening shall be in accordance with the 'Landscape Plan' and installed prior to launch and operation of the tower and equipment.
 - B. Required landscaping shall not be placed on any sewer or drainage easements or under any utility easement.
- V. Signs:
 - A. No signs shall be allowed, except for the necessary decal sign for displaying the name, address and phone numbers of the owner and operators of the facilities. The decals shall be placed on and outside the fence.
 - B. No temporary or portable signs shall be permitted.
- VI. A CMCS communications tower one-hundred sixty feet(160') feet in height with flush-mount antennae shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

GENERAL INFORMATION:

Street Frontage: Tulane Road-----+/-20.89 linear feet.
Planning District: Whitehaven-Levi
Census Tract: 224.21
Zoning Atlas Page: 2425
Parcel ID: 077068 00021
Zoning History: The Single Family Residential(R-S6) District zoning of the property dates to the adoption of the 1980 zoning map amendments and the Whitehaven-Levi Comprehensive Zoning approved in February, 2003.

DEPARTMENTAL COMMENTS:

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. City sanitary sewers are available at developer's expense.

Curb Cuts/Access:

2. The City Engineer shall approve the design, number and location of curb cuts.
3. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

4. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
5. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
6. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

7. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.
8. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
9. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
10. The width of all existing off-street sewer easements shall be widened to meet current city standards.
11. Required landscaping shall not be placed on sewer or drainage easements.

Memphis Fire Division:

Referred to FPB Avery for concerns.

Memphis & Shelby County Health Department:

The Water Quality Branch has no comments for OPD Case Number SUP 09-202.

Memphis Board of Education:

The subject property lies within the general proximity of a MCS location. However, there is no immediate discernible impact on MCS' school-aged population nor MCS' property interests.

Construction Code Enforcement:

No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW utility easement without prior approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc..

Memphis Light, Gas and Water(Continued):

- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s).
- **It is the responsibility of the owner/applicant** to contact MLGW engineering to determine if system improvements may be required and any related cost:
 - MLGW Engineering - **Residential Development:** 528-4858
 - MLGW Engineering - **Commercial Development:** 367-3343
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T: AT&T Tennessee has no comment regarding this new development.

Memphis Area Transit Authority(MATA): No comments received.

OPD-Regional Services: No comments received.

OPD-Plans Development: No comment.

Neighborhood Associations/Organizations:

<i>Whitehaven CDC:</i>	<i>No comments received as of 3/06/'09.</i>
<i>South Memphis Ngh'd Foundation:</i>	<i>" " .</i>
<i>Cummings Street:</i>	<i>No comments received as of 3/06/'09.</i>
<i>Memphis Airport Area Development:</i>	<i>" " .</i>

Staff: *bb*