

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**STAFF REPORT**

**13**

**CASE NUMBER:** UV 10-04

**L.U.C.B. MEETING:** March 11, 2010

**LOCATION:** Southwest corner of trinity Road and Sanga Road

**COUNCIL DISTRICT:** 2

**SUPER DISTRICT:** 9

**OWNER OF RECORD:** Jatinder Sharma and Balvinder Kumar

**APPLICANT:** TV6-W LLC (Billy Orgel)      **AREA:** 0.83 Acre

**REQUEST:** Cell Tower 160 Feet Tall (designed as a Slick Stick)

**EXISTING LAND USE & ZONING:** Vacant land in the Neighborhood Commercial (C-N) District

**SURROUNDING USES AND ZONING:**

**North:** Vacant land and office uses in the Agricultural (AG) District

**East:** A church and recreation fields in the Single Family Residential (R-S15) District

**South:** A Municipal Fire Station and large lot residential uses in the Agricultural (AG) District

**West:** Vacant land in the Agricultural (AG) District and a Landscaping Business permitted by Planned Development ( P.D. 96-309)

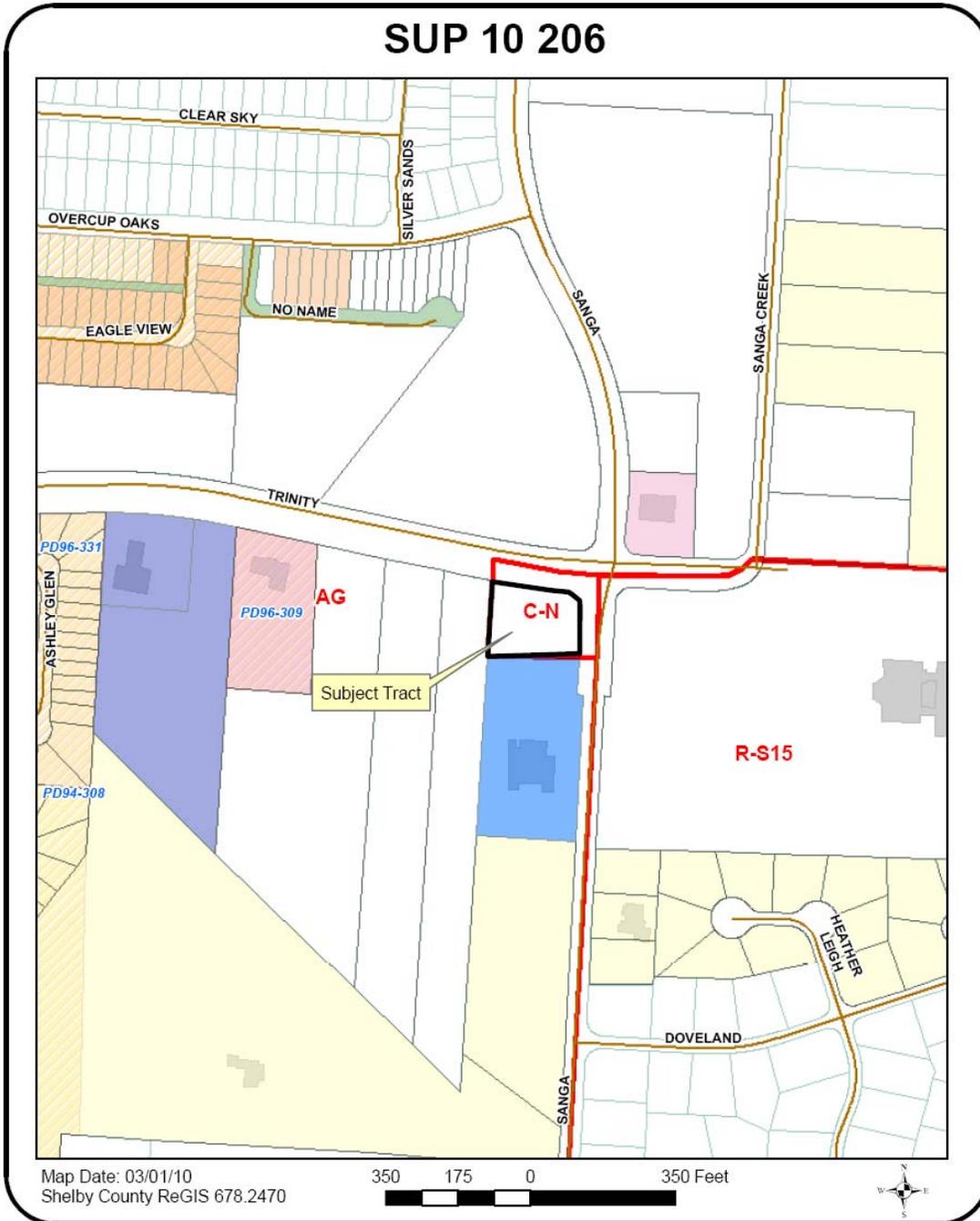
**OFFICE OF PLANNING AND DEVELOPMENT**  
**RECOMMENDATION**  
**APPROVAL WITH CONDITIONS**

**CONCLUSIONS**

1. This application is being filed primarily because the site contains some physical encumbrances that limit its ability to be developed under the Neighborhood Commercial District zoning.
2. The proposed location is consistent with the intent behind the CMCS Ordinance to place the tower in and among existing vegetation and in next to a power line easement where large poles are already in place.

*Staff: Don Jones*

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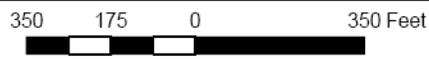


**Land Use and Zoning**

# SUP 10 206

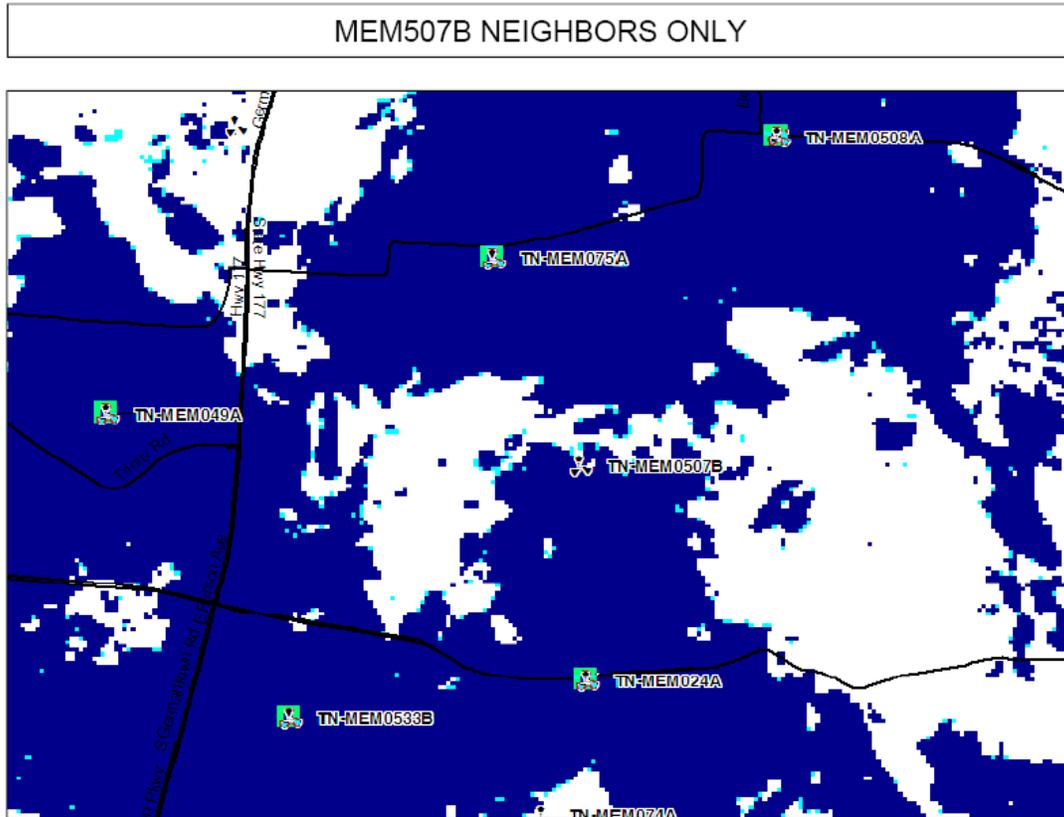


Map Date: 03/01/10  
Shelby County ReGIS 678.2470

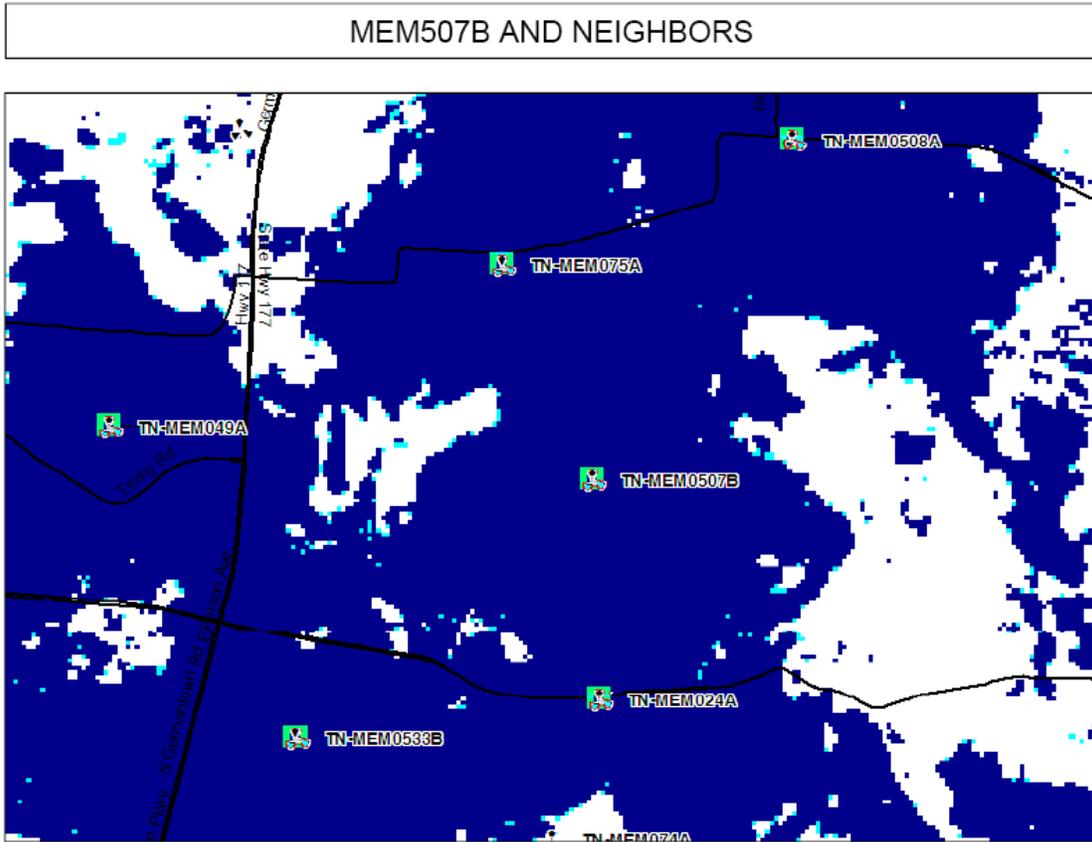




**Propagation Maps (blue = good coverage – white = gaps in coverage)**



**MEM0507B is the tower on the site – this map shows current coverage without the subject tower in place**



**This is the coverage with the proposed tower added**



## **STAFF ANALYSIS**

### **General Location and Site Characteristics:**

The subject property is located at the southwest corner of Trinity Road and Sanga Road in the Cordova Area of Memphis.

The subject property is the former location for a City of Memphis Fire Station. That station proved to be too small for the Fire Departments needs and they abandoned this site in favor of the property which immediately abuts this to the south.

As such the subject property contains a large paved area which accommodated the fire house and parking. The north edge, abutting Trinity Road, and the westernmost 30 feet of the site contain an informally planted mix of shrubs and trees. The westernmost area does sit above the level of the paved area and some disturbance to this area will be required to provide a level pad for the tower and equipment compound.

### **Character of Surrounding Area**

The development along the four quadrants of this intersection varies according to which side of Sanga Road you are looking at. At the southeast corner of Sanga Road and Trinity Road is a large church with recreation fields and a small office development. A small office development is located at the northeast corner of the intersection.

On the west side of Sanga Road, most of the land is undeveloped which is owing in large part to the existence of a large TVA/MLGW power line easement. Uses on the north side Trinity Road include vacant land advertised for future office use and a MLGW substation.

On the south side of Sanga is the subject site which is vacant. The next two large tracts to the west of the subject are also vacant or in use with materials associated with a landscaping operation. And west of these lots is a landscaping business approved by Planned Development.

The Germantown Parkway Area Study, adopted in April of 1992, designated this intersection as a mixed use commercial center, to be surrounded by residential development at suburban density. The proposed request for a Cell Tower is consistent with that recommended commercial designation.

### **Review of Request:**

*Use Variance Application* -This application is being filed primarily because the site contains some physical encumbrances that limit its ability to be developed under the Neighborhood Commercial District zoning. Some of these factors include the prior use of this site as a public use that left the site with a rough level of pavement and other impediments which would need to

be overcome for development to occur. Second, this is a relatively small site for commercial, (0.826 acres) which is further reduced by the existence of the TVA/MLGW power line easement in the northwest corner of the site.

As a practical matter, the current C-N District does not permit communication towers. As such, the Neighborhood Commercial District is the only commercial district that does not allow a Cell Tower at least through some type of process such as a Special Use Permit. This prohibition does make sense in that planners are concerned with the height of the towers in within a zoning district which is intended to be located in close proximity to single family residential. However, in this case the nearest residential development is located well to the south and well to the west of the subject tract. In the proposed Unified Development Code, cell towers are permitted uses in each of the proposed commercial zoning.

*Other Considerations for the location of cell towers* - The CMCS tower ordinance which was approved in September of 1997, requires that the applicant demonstrate the need for the tower, and that there are not other structures nearby that can be used. The applicant has submitted propagation maps that show a large void in the coverage of this area (Neighborhood Only) and how a tower at this site improves that coverage.

As has been pointed out in this review, there is a large TVA/MLGW power line easement to the west of this site. The applicant has indicated that the height of those towers is not sufficient to meet the needed height to provide adequate service to this area. And upon questions from staff, has indicated that efforts have been made in the past to locate a cell tower within the easement, or close to it, on the adjoining property to the west as well as the site to the north. According to the applicant the property owners were not interested.

The proposed location is consistent with the intent behind the CMCS Ordinance to place the tower in and among existing vegetation and in next to a power line easement where large poles are already in place.

**RECOMMENDATION:            APPROVAL WITH CONDITIONS**

## **SITE PLAN CONDITIONS**

U.V. 10-004

Southwest Corner of Sanga Road and Trinity Road

A Use Variance is hereby authorized to allow a Commercial Mobile Communications Services (CMCS) Tower on the property located at the southwest corner of Trinity Road and Sanga Road in accordance with the approved site plan and the following supplemental conditions:

1. Tower shall be designed as a flush mounted (slick stick) pole.
2. Maximum height of the pole is 160 feet (height does not include any lighting rods or similar attachments).
3. Equipment compound shall be enclosed by a six foot tall, wood, fence with a shadow box design with a cap or an alternative that is acceptable to the Office of Planning and Development.
4. Landscaping in front of the fencing and along all four sides shall include a combination of Pine Trees and Foster Holly Shrubs as indicated on the Site Plan.

**GENERAL INFORMATION+**

**Street Frontage:** Trinity Road ..... +/- 187.17 Feet  
Sanga Road ..... +/- 132.09 Feet

**Planning District:** Shelby Farms- Germantown

**Census Tract:** 211.37

**Zoning Atlas Page:** 2055

**Parcel ID:** 0910650 00017

**Zoning History:** This site was rezoned from Agricultural (AG) District to the current Neighborhood Commercial (C-N) District on April 15, 2003, Ordinance Number 4993, Zoning File Number Z 02-321

**DEPARTMENTAL COMMENTS**

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

**City Engineer:**

1. 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.
2. The width of all existing off-street sewer easements shall be widened to meet current city standards.
3. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Division:** Memphis fire: cell tower: no comment

**City Real Estate:** None.

**City/County Health Department-  
Pollution Control:** No objections.

**Environmental Sanitation:** No objections.

**City Board of Education:** No comments received.

**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 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 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 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 MLGW 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
- **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). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services.
  - All commercial developers must contact MLGW's Builder Services at 901-367-3343 to initiate the utility installation process.
- **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 request.

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

**OPD-Regional Services:** No comments received.

**OPD-Comprehensive Planning:**

No comments received

**Memphis Park Services:**

No comments received.

**Neighborhood Associations:**

**No comments received**

**Alliance of Cordova Neighborhoods:**

**Cordova Leadership Council:**

**Cordova Community Watch, Inc.:**

**Rocky Point Road Corridor Homeowners Association:**