

**STAFF REPORT**

**9**

**CASE NUMBER:** P. D. 10-305                      **L.U.C.B. MEETING:** March 11, 2010

**DEVELOPMENT NAME:** MEMPHIS BUSINESS ACADEMY PLANNED DEVELOPMENT, Amend

**LOCATION:** Southeast corner of Overton Crossing Road and Frayser Boulevard

**COUNCIL DISTRICT(S):** District 1-Super District 9-Positions 1, 2 & 3

**OWNERS/APPLICANTS:** The Shopping Center Group

**REPRESENTATIVE:** Prime Development Group, Inc.

**REQUEST:** Plan amendment to allow a cellular communications tower one-hundred sixty(160') feet in height with flush-mount antennae as an accessory structure

**LEASED AREA:** 2,725.50 sq. ft. of 8.32 Acres

**EXISTING LAND USE & ZONING:** Currently governed by Memphis Business Academy Planned Development (P.D. 09-326).

**SURROUNDING LAND USES AND ZONING:**

- North:** Drive-thru restaurant, small retail store, shops and lounge in Local Commercial(C-L) District and gasoline sales and retail stores in Frayser Plaza Shopping Center in Planned Commercial(C-P) District.
- East:** Vacant land, small restaurants and retail store in Local Commercial(C-L) District and single family homes in 'Woodrow Heights' Subdivision in Single Family Residential(R-S6) District.
- South:** Single family homes in 'Woodrow Heights' Subdivision in Single Family Residential(R-S6) District.
- West:** Vacant land, small drive-thru restaurant and retail shops, including small office/warehouse in Local Commercial(C-L) & Planned Commercial(C-P) Districts and single family homes in 'Woodrow Heights' Subdivision and a church in Single Family Residential(R-S6) District.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

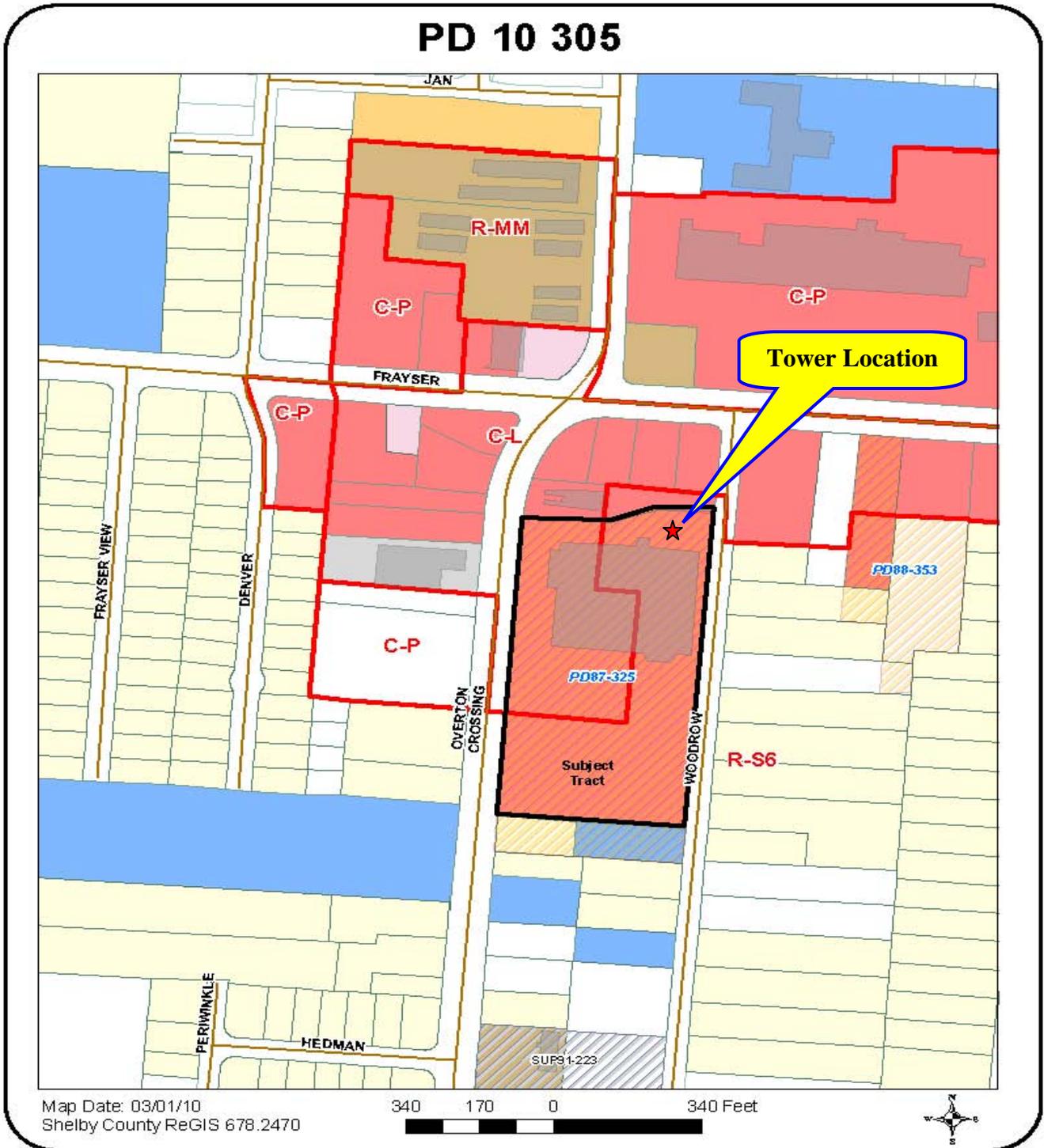
**Staff:** *Brian Bacchus*

**E-mail:** [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

***CONCLUSIONS:***

1. The request is for a planned development amendment to allow the placement and construction of a cellular communications tower one-hundred sixty(160') feet in height with flush-mount antennae as an accessory structure.
2. The existing building on the site was built and maintained in accordance with the conditions of the original Outline Plan and now approved for a new charter school with the balance of the property approved for Planned Commercial(C-P) District land use.
3. This project review area is located at the intersection of two major roads, Frayser Boulevard and Overton Crossing Road in the northern suburb of Frayser. The land use and zoning is primarily retail commercial with commercial land use and zoning concentrated at the major road intersection.
4. This amendment to allow a cellular communications tower with flush-mount antennae meets the minimum standards of the zoning ordinance for landscaping, screening and co-location, except required distance from residential property.
5. The cell tower is supported as an accessory use to an adaptive reuse of a building with ample parking and landscaping, including the redevelopment of surplus property for commercial purposes.

ZONING & LAND USE

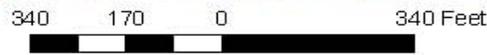


AERIAL ZONING MAP

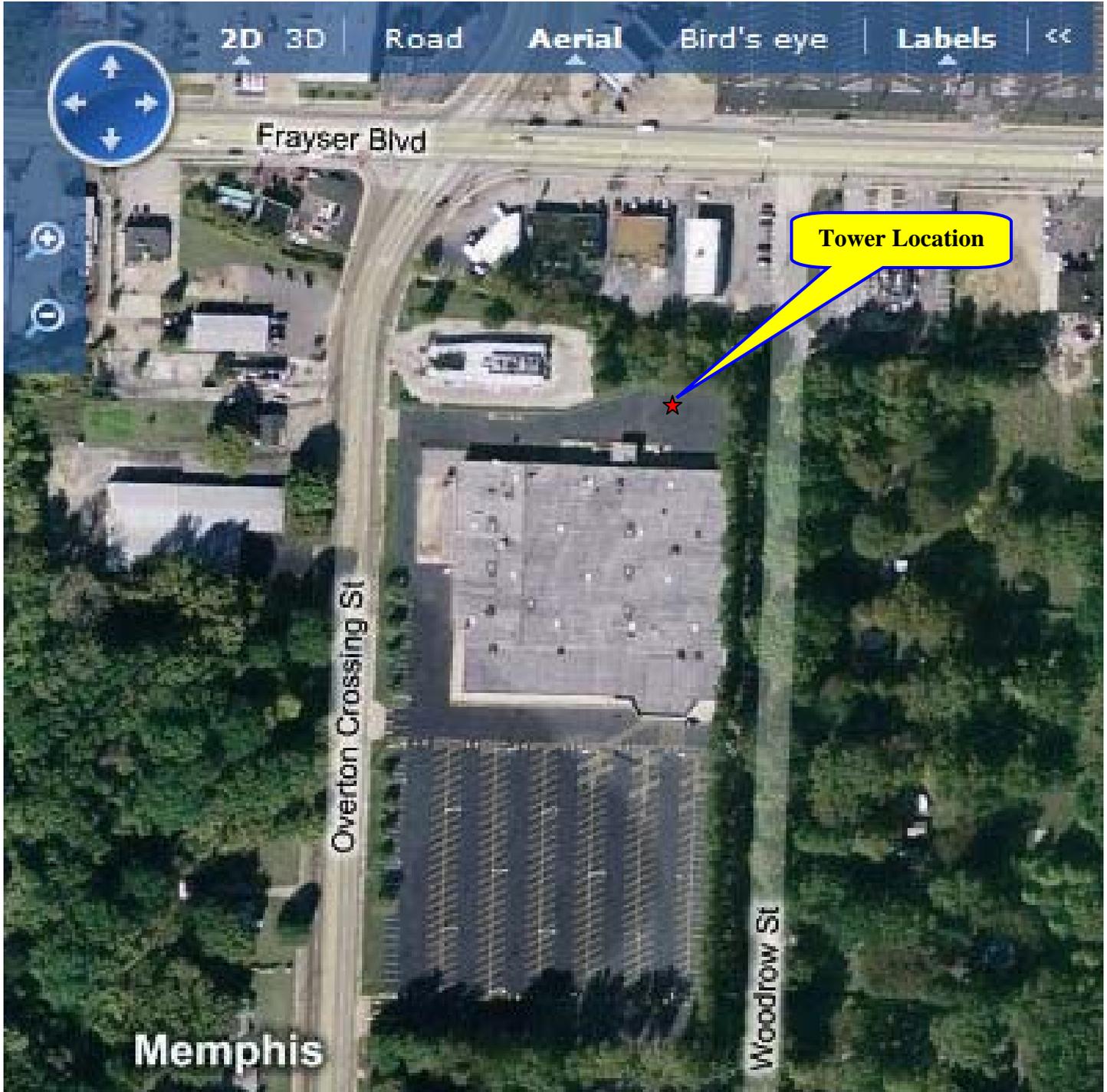
**PD 10 305**



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



3306 Overton Crossing  
(Aerial View)



3306 Overton Crossing  
(Bird's Eye View)

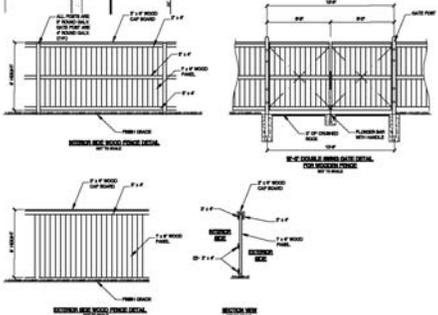
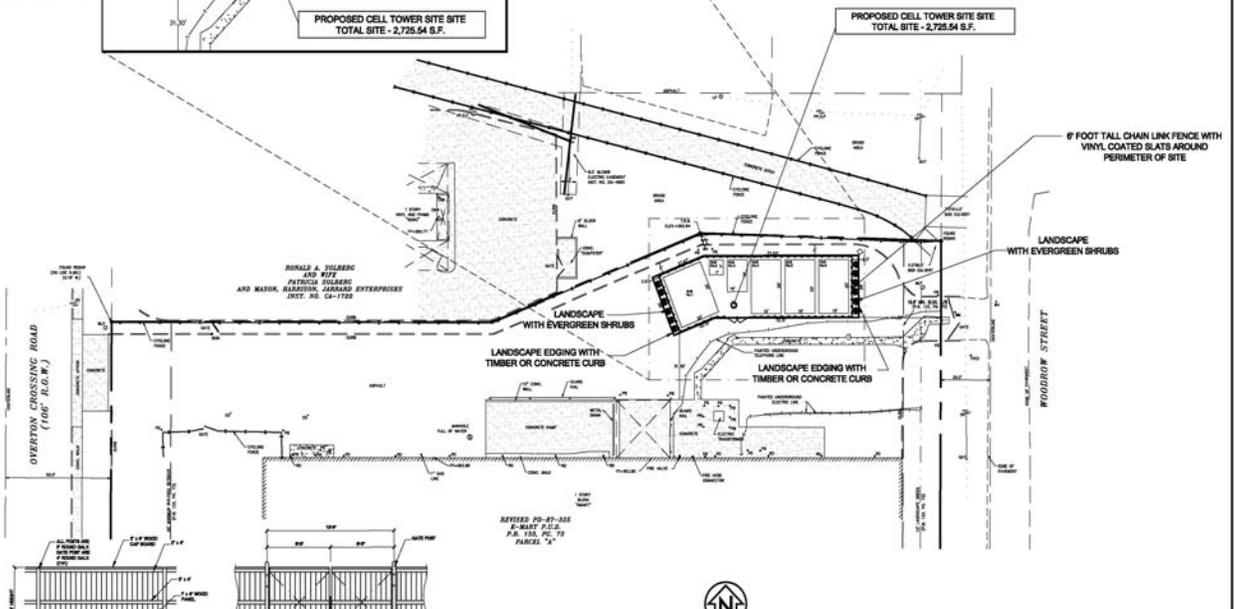
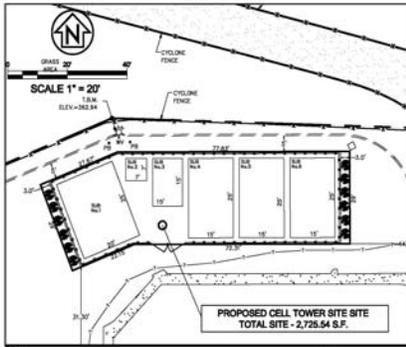
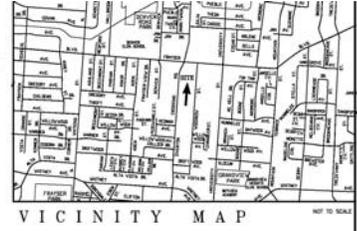


**TOWER SITE PLAN**

**LEGEND:**

- CO CLEAN OUT
- E EAST
- EM ELECTRIC METER
- GV GAS VALVE
- HYD FIRE HYDRANT
- INST. INSTRUMENT
- N NORTH
- NO. NUMBER
- ..... OVERHEAD LINE
- PB PARKING BOLSTER
- P.O.B. POINT OF BEGINNING
- PP POWER POLE
- S SOUTH
- Sq.Ft. SQUARE FEET
- SET 1/2" REBAR W/ PLASTIC CAP
- W WEST
- WV WATER VALVE
- WM WATER METER
- R.O.W. RIGHT-OF-WAY
- RCP REINFORCED CONCRETE PIPE
- RD ROOF DRAIN
- TPED TELEPHONE PEDestal
- LP LIGHT POLE
- M.L.P. METAL LIGHT POLE
- M.L.G.&W. MEMPHIS LIGHT, GAS AND WATER
- T.B.M. TEMPORARY BENCHMARK
- PAINTED UNDERGROUND TELEPHONE LINE
- PAINTED UNDERGROUND ELECTRIC LINE

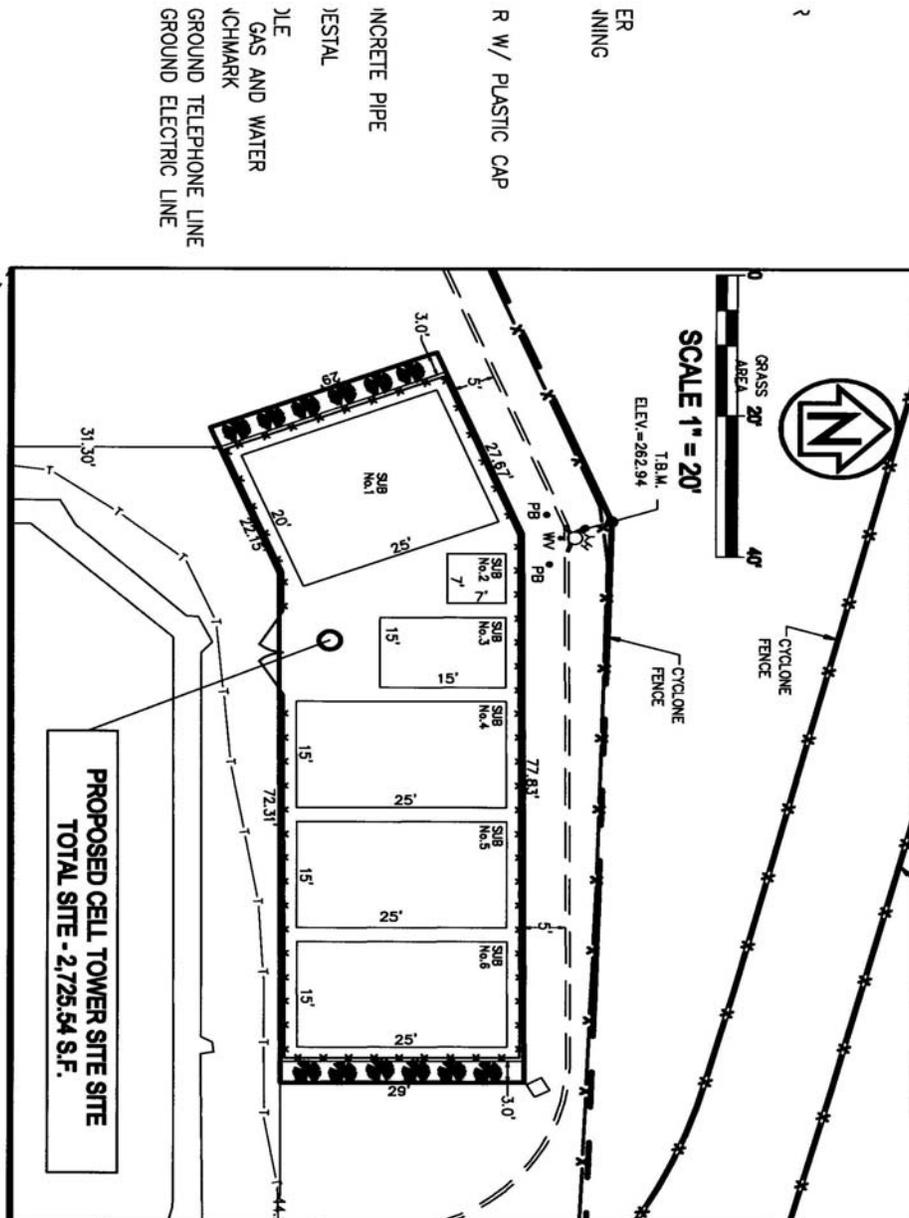
IF CONSTRUCTION CODE ENFORCEMENT DOES NOT ALLOW FOR ALTERATIONS AND/OR IMPROVEMENTS TO ANY RIGHT-OF-WAY (R.O.W.) MAINTAINED BY THE CITY OF MEMPHIS, ALTERATIONS AND/OR IMPROVEMENTS TO CITY OF MEMPHIS R.O.W. INCLUDE BUT ARE NOT LIMITED TO WORK PERFORMED ON SIDEWALKS, CURB AND GUTTER, DRIVEWAY ARROWS AND UTILITY TIE-INS. R.O.W. PERMITS MUST BE OBTAINED FROM THE MEMPHIS CITY ENGINEER'S OFFICE AT PH. 518-6700.



- NOTES:**
- This property is not located in a Special Flood Hazard Area per Flood Insurance Rate Map, Map No. 4710702089F, Community Panel No. 470717 0280 F, Effective Date: September 28, 2007.
  - Temporary Benchmark (T.B.M.) Top of cast flange bolt located on top of an existing fire hydrant as shown herein. Elevation: 262.84 (NAVD 85)
  - 8 INCH WIRE - Memphis, Light, Gas and Water - PD - A2802 - The station is located in the west portion part of Shelby County approximately 0.40 mile east of Frisco City Park in the Frisco Community to north line station from the intersection of N. Poplar Street and Wilkey Avenue project east on Wilkey Ave. for approximately 0.35 Miles to Overton Crossing Road. The Station is on the right. The Station is a reference steel cap with a punch mark set on a 2.0 inch galvanized pipe inside of a 2 inch round steel pipe with concrete to a depth of 30 inches. The Station is located 33.82 feet east of the east curb of Overton Crossing Road, 1.75 feet east of the east side of a driveway which abuts 2005 North Crossing, 102 feet south of the main curb line of Wilkey Avenue. The cap and concrete are set flush to the ground. ELEVATION=262.84 (NAVD 85)

FINAL PLAT			
K-MART P.U.D.			
CASE NO. P.D. 87-325, FORMERLY P.D. C-30A	INST. #		
MEMPHIS, TENNESSEE			
NO. OF LOTS: 1	3,600 S.F. CELL TOWER SITE		
DEVELOPER: TOWER VENTURES, LLC 4701 Woodrow Avenue Memphis, TN 38118	ENGINEER: PRIME DEVELOPMENT GROUP 2501 CANTON DRIVE MEMPHIS, TENNESSEE 38118		
100 YEAR F.L.D. ELEV.	470177 0280 F	F.E.M.A. MAP DATE: SEPT. 28, 2007	
DATE: JANUARY, 2010	SCALE: 1" = 30'	SHEET OF	

**TOWER SITE PLAN (Close-Up View)**

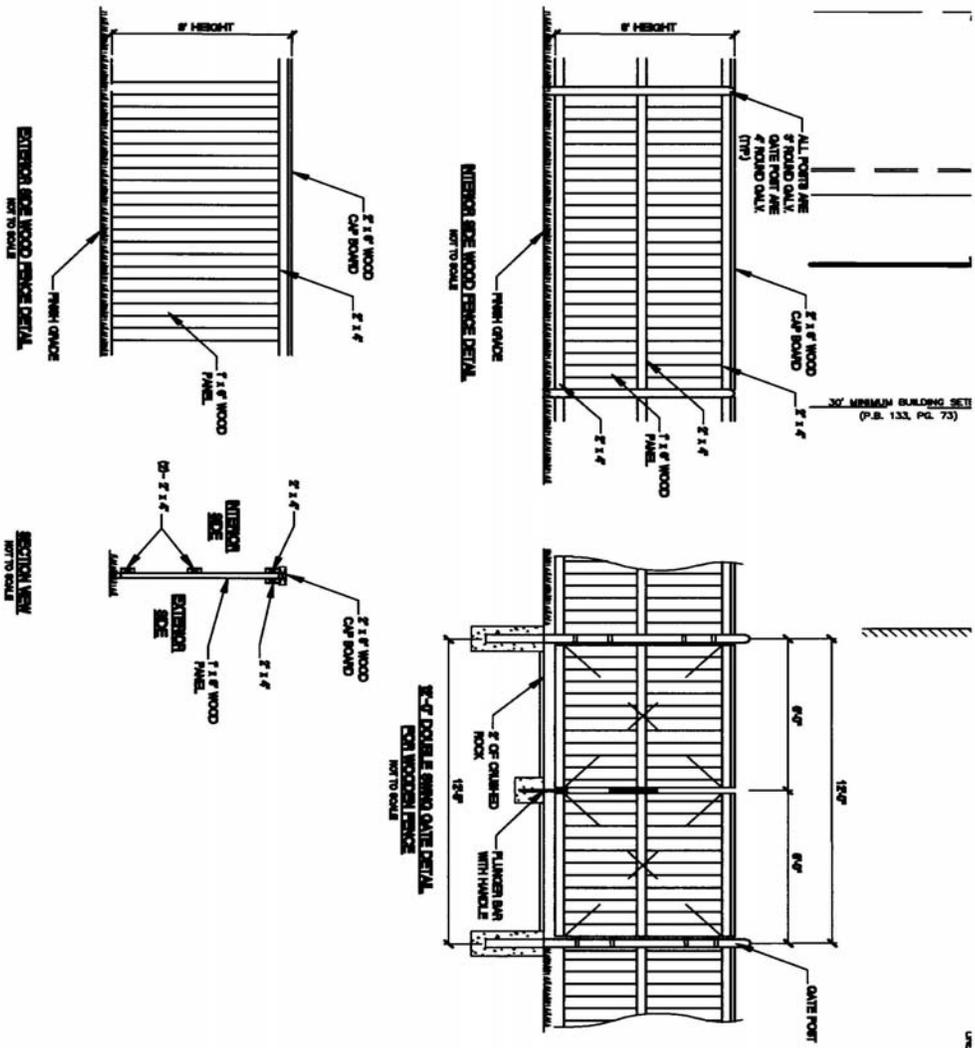


- ER
- MINING
- R W / PLASTIC CAP
- CONCRETE PIPE
- CEMENTAL
- PIPE
- GAS AND WATER
- MARKER
- GROUND TELEPHONE LINE
- GROUND ELECTRIC LINE

OFFICE AT PH. 576-6700.



**TOWER BASE ENCLOSURE (Fence Detail)**



VICINITY & OWNERSHIP

Vicinity Map

O.P.D. Case Number P.D. 10-305



Date: 01/28/10  
Prepared By:  
Property Research Data  
PRD Job #10-005

***STAFF ANALYSIS:***

***Site Description***

The subject property is a large parcel with a one-story retail building formerly used as retail sales, including a former garden center located at the east side of Overton Crossing; +/-225 feet south of Frayser Boulevard. The building is constructed of tilt-up concrete masonry exterior walls with metal roof trusses typical of large department store construction. The building is 86,640 square feet in area constructed in 1979 for a large discount department store chain in the Frayser community. The subject property is formerly Parcel 'A' of an Outline Plan approved in September, 1987 as K-Mart Planned Development (P.D.87-325), but recently approved for a charter school by Memphis Business Academy Planned Development(P.D. 09-326).

There is curb, gutter and sidewalk along the front of the subject property, including overhead power lines with pole lights on both sides of Overton Crossing Road. The site has access by three(3) curb-cuts to Overton Crossing spaced along 768 feet of road frontage at each end and at the center of the property. The most northern curb-cut will be utilized for the private access to the rear of the building and the proposed cell tower. The existing building is setback from the street approximately eighty (80') feet from the right-of-way with mature landscaping along the front, side and rear of the building as illustrated on the original final plan. There is a vast amount of parking at the south side of the building at the main entrance with parking fields extending to the south property line.

***Area Overview***

The immediate area is located in the southeast quadrant of the major road intersection of Frayser Boulevard and Overton Crossing Road in the Frayser Planning District in a northern suburb of the City of Memphis, but more specifically in the Woodrow Heights neighborhood. The dominant zoning along this major road is residential with commercial land use and zoning concentrated at the major road intersection. The land use and zoning along both sides of Overton Crossing is primarily retail commercial with commercial land uses for a service garage and small restaurants concentrated at the southwest and southeast corners of the intersection. There's also vacant land, single family homes and religious institutions in Single Family Residential(R-S6) District zoning in Woodrow Heights Subdivision.

The land use farther north is gasoline sales/retail store, including the Frayser Plaza Shopping Center in Planned Commercial(C-P) District zoning. This commercial extends east to University Street with small restaurants, a car wash and retail shops in Local Commercial(C-L) District zoning. The land uses northwest of the intersection consists of an auto parts store, small restaurant, retail and office uses, including complex and garden apartments in R-MM District zoning and single family homes in Minor Terrace Subdivision, Denver Elementary School and Denver Road Park all in R-S6 District zoning.

**Land Use vs. Accessory Structure**

The request is for a planned development amendment to allow the placement and construction of a cellular communications tower one-hundred sixty(160') feet in height with flush-mount antennae as an accessory structure to a charter school building approved for 550 middle and high school students. The existing building on the site was built and maintained in accordance with the conditions of the original Outline Plan and now approved for a new charter school with the balance of the property proposed for Planned Commercial(C-P) District land use. The parcel is large enough with available surplus property for redevelopment of new buildings to create a walking center.

The existing building faces south and the rear of the building faces north with a loading dock and delivery areas enclosed on two sides by landscaping and fencing on the north and east property lines. The amendment seeks to add an accessory use for a cell tower to be located within this area of Outline Plan. The base of the cell tower will be visible from Overton Crossing and the public street to the east and will be enclosed with a wood fence six (6) feet in height to minimize the view from public right-of-ways and adjacent properties. This Outline Plan was approved with land uses permitted in C-P District—a cell tower is a permitted land use, except within 500 feet of properties in residential zoning districts.

This amendment to allow a cellular communications tower with flush-mount antennae meets the minimum standards of the zoning ordinance for landscaping and screening and co-location, except the required distance from residential property. A cell tower one-hundred sixty(160) feet in height to be an accessory structure to a principal building can co-exist on the same property approved for redevelopment and will not interfere with access, parking and circulation requirements of the approved Outline Plan. The cell tower is supported as an accessory use to an adaptive reuse of a building with ample parking and landscaping, including the redevelopment of surplus property for commercial purposes.

***RECOMMENDATION: Approval with Conditions***

**OUTLINE PLAN CONDITIONS:** *[Bold, Italic, Underlined, Blue-Indicates Amendments]*

I. Uses Permitted:

- A. A charter school for 550 middle and high school students, including associated accessory structures and uses for a school, including cellular communications tower one-hundred sixty(160') feet in height with flush-mount antennae as an accessory structure.
- B. The following limited Planned Commercial(C-P) District land uses shall be permitted:
- |                              |                                     |
|------------------------------|-------------------------------------|
| 1. Church                    | 11. Business school                 |
| 2. Lodge or club             | 12. Catering establishment          |
| 3. Museum                    | 13. Cleaning pick-up station        |
| 4. Nursery school            | 14. Financial services              |
| 5. Philanthropic institution | 15. Flower/plant store              |
| 6. Public building           | 16. Offices                         |
| 7. Art/Photo studio          | 17. Music/dancing academy           |
| 8. Retail bakery             | 18. Photo finishing pick-up station |
| 9. Bank                      | 19. Retail shops                    |
| 10. Barber/beauty shop       | 20. Business/personal services      |
- C. A Concept Plan shall be approved by the Land Use Control Board prior to final plan approval of any new redevelopment and any new construction on the balance of the school parcel.
- D. The design and color of the tower shall match the dominant colors of the charter school. The structure shall be compatible in color to coincide with the color of the principal building.

II. Bulk Regulations: The bulk regulations of the Planned Commercial(C-P) District shall apply with the following exceptions:

- A. The minimum setback from any residential land use and zoning shall be sixty(60) feet.
- B. The maximum setback along Overton Crossing shall be thirty(30) feet.

III. Access, Circulation and Parking:

- A. The developer shall install ADA compliant access ramps.
- B. The three(3) existing curb-cuts on Overton Crossing Road shall remain and be reconstructed to meet ADA cross slope requirements.
- C. Any existing nonconforming curb-cuts, including sidewalks shall be modified to meet current City of Memphis and ADA Standards.
- D. The design, location and number of curb cuts to Overton Crossing Road shall be subject to review and approval by the City Engineer.

- E. All school signs and crosswalks for direction and flow of pedestrians and traffic shall be installed in accordance with City of Memphis standards.

IV. Landscaping and Screening:

- A. The existing mature landscape screen—Plate ‘H’ ten(10) feet in width and sight-proof wood fence six(6) feet in height shall be preserved and maintained along the entire east property line.
- B. The existing mature landscape screen—Plate ‘H’ twenty(20) feet in width and sight-proof wood fence six(6) feet in height shall be preserved and maintained along the entire south property line.
- C. The existing landscape screen—Plate ‘A-2’ eight(8) feet in width shall be preserved and maintained along Overton Crossing Road.
- D. All existing landscape screens and requirements shall be in compliance prior to issuance of the final Certificate of Occupancy for the school building.
- E. A detailed ‘Landscape Plan’ illustrating specific plant materials shall be provided on the final plan for any redevelopment and subject to review and approval by the Office of Planning & Development.
- F. Any landscaping shall not be placed on any sewer or drainage easements.
- G. *Landscaping for the tower shall be installed adjacent to the fence outside the leased area with shrubs of foster hollies planted five(5’) feet on center with a small tree Type ‘C’ or ‘D’, subject to the approval of Office of Planning & Development.*

V. Signs:

- A. Signs shall be in accordance with the Planned Commercial(C-P) District.
- B. *No signs shall be allowed for the tower site, 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.*

VI. Drainage & Other:

- A. 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.

- B. The Land Use Control Board may modify the bulk, access, parking, circulation, signage, lighting, landscaping, and other site design requirements if equivalent alternatives are presented, provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action, file a written appeal to the Director of Office of Planning and Development, to have such action reviewed by the legislative body.
- VII. A final plan shall be filed within five(5) years of approval of the Outline Plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan shall include the following:
- A. The Outline Plan Conditions.
  - B. A Standard Subdivision Contract as defined by the Subdivision Regulations for any needed public improvements.
  - C. The exact location and dimensions, including height of all buildings or buildable areas, parking areas, drives and identification of plant materials for required landscaping and screening.
  - D. The number of parking spaces.
  - E. The location and ownership, whether public or private of any easement(s).
  - F. The one-hundred (100) year flood elevation.
  - G. *The Outline Plan reflecting this amendment shall be recorded with the Office of Shelby County Register prior to the recording of any final plan of development.*

***GENERAL INFORMATION:***

**Street Frontage:** Overton Crossing Road-----768.18 linear feet.

**Planning District:** Frayser

**Census Tract:** 102.20

**Zoning Atlas Page:** 1735

**Parcel ID:** 072054 00040

**Zoning History:** The Memphis Business Academy Planned Development (P.D. 09-326) was approved by the Memphis City Council on February 9, 2010 for a charter school and limited Planned Commercial(C-P) District land uses. In September 1987, an Outline Plan was approved for The K-Mart Planned Development(P.D.87-325) for Parcels 'A' and 'B' to allow a retail department store in Parcel 'A' and a drive-in restaurant in Parcel 'B' of the Outline Plan. Prior to this date, the Single Family Residential(R-S6) and Local Commercial(C-L) District zoning of the site dated to the adoption of the 1980 zoning map amendments.

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***DEPARTMENTAL COMMENTS:***

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

**City Engineer:**

**Curb Cuts/Access:**

1. The site plan shall show an ingress-egress easement across the neighboring property to permit access to Overton Crossing.
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/County standards.
4. Access to Woodrow Street via private drive or driveway is prohibited. Convey right of access to City of Memphis.
5. 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.
6. Required landscaping shall not be placed on sewer or drainage easements.

**Memphis Fire Services:**

Amend PD conditions to include cell tower.

**Memphis & Shelby County Health Department:**

**Pollution Control:** No objections.  
**Environmental Sanitation:** No objections.  
**Water Quality Branch:** No comments.

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

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

*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:** No comments received.

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

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

**OPD-Plans Development:** No comments received.

**TN Dep't of Environment & Conservation:**

Be advised, it is the responsibility of the individual developer/builder/land owner to obtain the proper permits through the Corps of Engineers or TDEC. If there are no waterways or wetland areas on this property, no ARAP or 404 permits are required. If surface waterways or any areas that stay wet for long periods of time exist on the property, the responsible party should contact this office for a proper determination.

**Neighborhood Associations/Organizations:**

<i>Alta Vista Neighborhood Association:</i>	<i>We welcome the Memphis Business Academy to the area.</i>
<i>Frayser Community Development Corporation:</i>	<i>No comments received as of 3/5/10.</i>
<i>Range Line Community Association:</i>	<i>No comments received as of 3/5/10.</i>

**Staff: bb**