

**STAFF REPORT**

7

**CASE NUMBER:** **S.U.P 10-208** **L.U.C.B. MEETING:** **April 8, 2010**

**LOCATION:** South side of E. Chelsea Avenue; +/-350 feet west of Walter Street

**COUNCIL DISTRICT(S):** District 7-Super District 9-Positions 1, 2 & 3

**OWNER:** James L. Freeman

**APPLICANTS:** Tower Ventures V, LLC

**REPRESENTATIVE:** Tower Ventures V, LLC

**REQUEST:** Special use permit to allow a cellular communications tower one-hundred twenty(120) feet in height with flush-mount antennae with capacity to accommodate a maximum of four(4) antennae

**AREA:** 3,600 sq. ft. of 6.0 Acres

**EXISTING LAND USE & ZONING:** Single Family Residential(R-S6) District

**SURROUNDING USES AND ZONING:**

**North:** CSX Railroad in Single Family Residential(R-S15) District, single family homes in Jackson Ridge Subdivision in Single Family Residential(R-S6) District and Hartland Heights Baptist Church in T.E. Davis Subdivision in Local Commercial(C-L) District.

**East:** Landscape nursery and single family homes in Dwight Manor Subdivision in Single Family Residential(R-S6) District.

**South:** Single family homes in Bruce & Thrift-Haven Subdivisions in Single Family Residential(R-S6) District.

**West:** Chelsea Avenue Landscaping Planned Development(P.D.07-346), single family homes in Bruce and G.M. Kee Subdivisions in Single Family Residential(R-S6) District.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

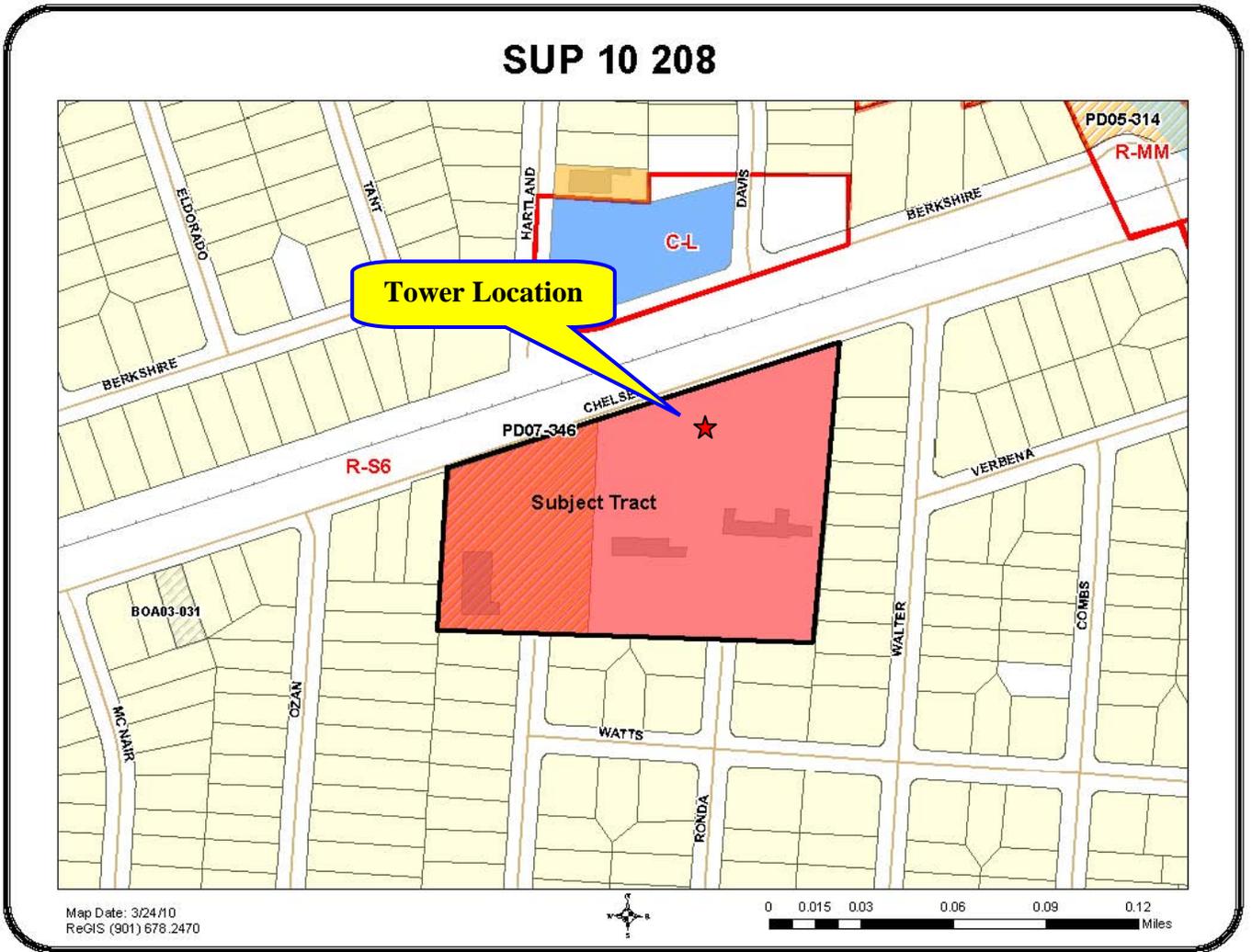
**Staff:** *Brian Bacchus*

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

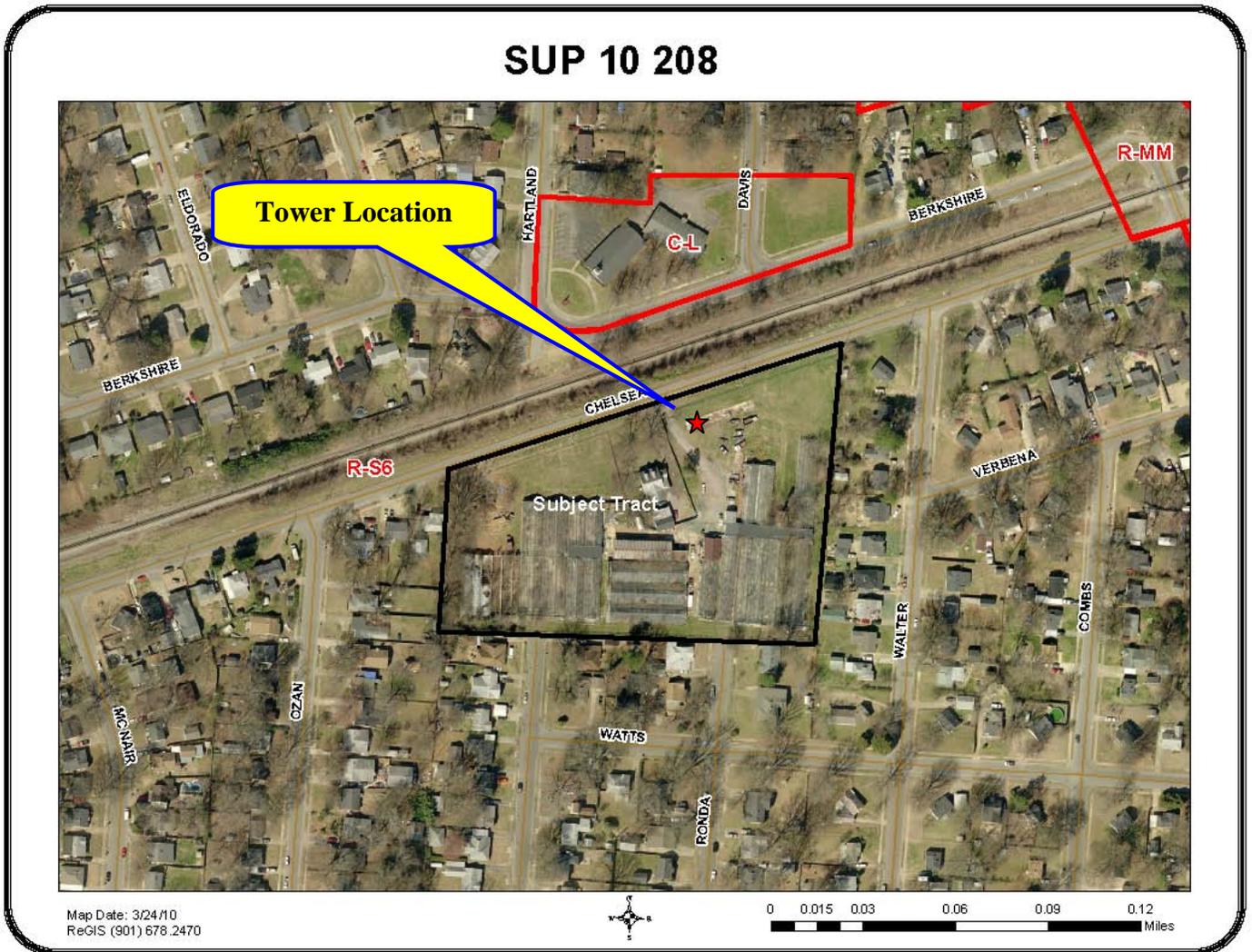
***CONCLUSIONS:***

- 1. The tower site would be located in the front yard sixty(60) feet from the right-of-way line of E. Chelsea Avenue with the fence setback twenty-eight(28) feet. Generally, accessory structures are placed in the rear yard between principal buildings and rear lot lines.**
- 2. The applicant and the owner of the tract seeks to accommodate the tower site by placing the tower farther away from single family homes south of the subject property. The subject parcel is the balance of a six(6) acre tract of land for a four(4) acre exempt parcel.**
- 3. This request to allow a cellular communications tower with flush-mount antennae meets the minimum standards in the zoning ordinance, except for being located in the front yard of the principal structure, the required distance from residential property and a landscape plan illustrating plant materials to be placed outside the fence.**
- 4. The cell tower is supported as an accessory use being placed the farthest distance away and across the railroad from single family homes in Single Family Residential(R-S6) District zoning.**

ZONING & LAND USE:

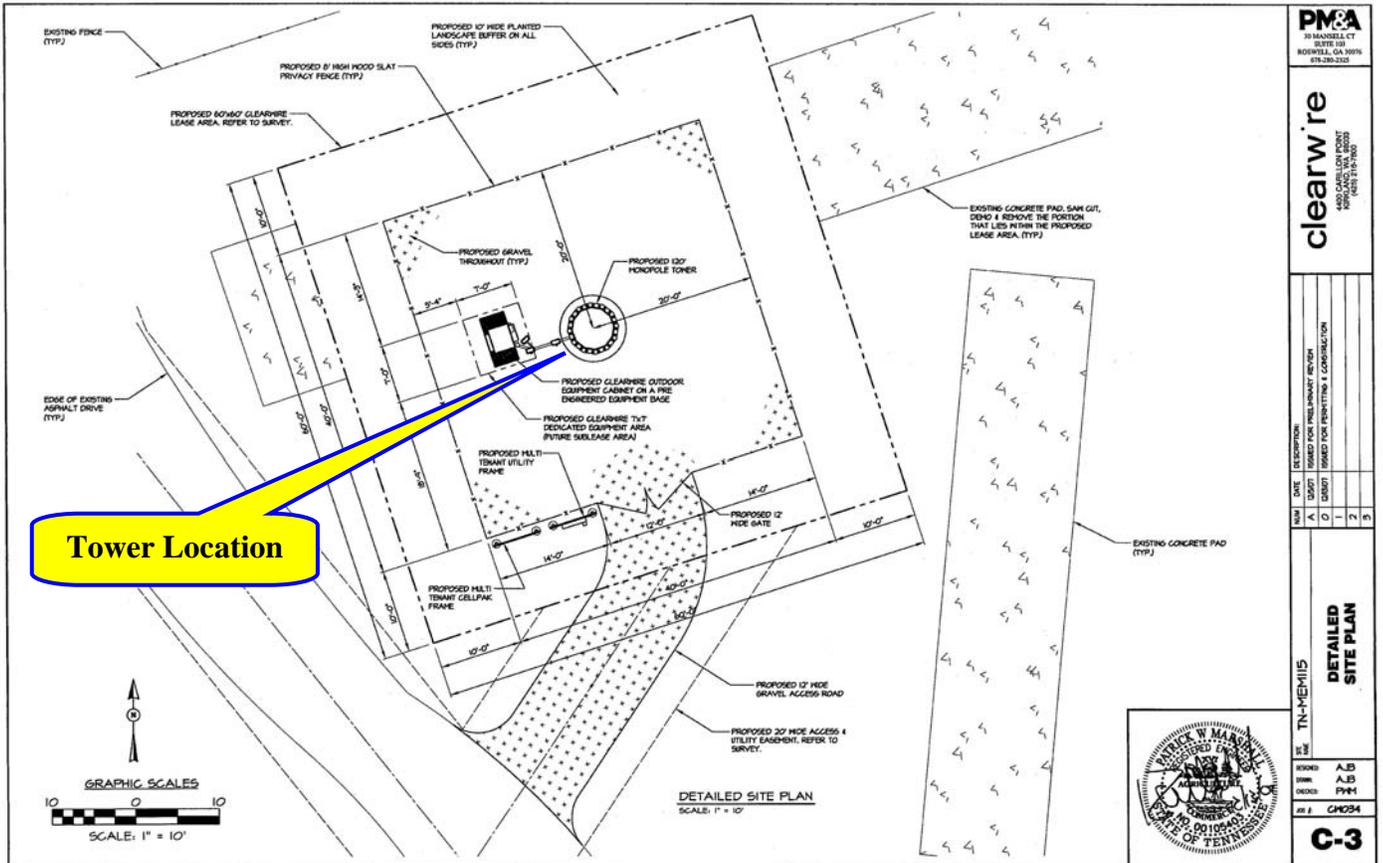


ZONING AERIAL MAP:





SITE PLAN (Close-Up):



**Tower Location**

**PMA**  
35 HANDELL CT  
SUITE 103  
ROSELIE, CA 94570  
916-280-2313

**clearwire**  
4400 CABELL POINT  
KIRKLAND, WA 98223  
206-221-9000

| NO. | DATE     | DESCRIPTION                          |
|-----|----------|--------------------------------------|
| 1   | 01/08/10 | PRELIMINARY DESIGN                   |
| 2   | 02/03/10 | ISSUED FOR PERMITTING & CONSTRUCTION |
| 3   |          |                                      |
| 4   |          |                                      |

**DETAILED SITE PLAN**

TN-MEMPHIS  
ISSUED BY: AJS  
DATE: AJS  
CHECKED: PMH  
APP. # CH054



**C-3**

**TOWER ELEVATION:**

**TOWER ELEVATION**  
NOT TO SCALE

| ANTENNA & CABLE SCHEDULE |                   |            |                |                               |                     |                    |                             |                  |
|--------------------------|-------------------|------------|----------------|-------------------------------|---------------------|--------------------|-----------------------------|------------------|
| SECTOR                   | AZIMUTH (DEGREES) | RAD CENTER | ANTENNA NUMBER | ANTENNA TYPE (MODEL NUMBER #) | ANTENNA PROVIDED BY | CABLE LENGTH (FT.) | ANTENNA CABLE               | COAX PROVIDED BY |
| 1                        | 0                 | 120'       | 1              | KATHREN BK00007               | CLEARWIRE           | 135'               | 3/4" POWER AND FEEDER CABLE | CLEARWIRE        |
| 2                        | 120               | 120'       | 2              | KATHREN BK00007               | CLEARWIRE           | 135'               | 3/4" POWER AND FEEDER CABLE | CLEARWIRE        |
| HIGHWAVE                 | 180               | 120'       | NA             | ANDREW VLPH-24                | CLEARWIRE           | 135'               | 1-LEP4                      | CLEARWIRE        |
| 3                        | 240               | 120'       | 3              | KATHREN BK00007               | CLEARWIRE           | 135'               | 3/4" POWER AND FEEDER CABLE | CLEARWIRE        |

**NOTES:**

- ALL MATERIALS ON THE ABOVE TABLE SHALL BE PROVIDED BY THE OWNER TO THE SUBCONTRACTOR FOR INSTALLATION.
- SUBCONTRACTOR SHALL PROVIDE AS-BUILT CABLE LENGTHS AND ANTENNA SERIAL NUMBERS ON RED-LINED DRAWINGS.
- ANTENNAS SHALL BE PROTECTED AND INSTALLED WITH DOWNLIFT BRACKETS AND HEAVY DUTY CLAMPS SUPPLIED BY ANTENNA MANUFACTURER.
- COLOR CODE COAXIAL CABLES PER CLEARWIRE STANDARDS.
- VERIFY ALL PANEL AND DISH ANTENNA MODELS, AZIMUTHS, AND RAD CENTERS WITH CONSTRUCTION MANAGER AND RF PRIOR TO CONSTRUCTION.

**PMA**  
31 MANSELL CT  
SUITE 100  
ROSWELL, GA 30076  
878-288-2227

**clearwire**  
4400 CANTON ROAD  
FARMINGDALE, NY 11735-7000

DESCRIPTION: TOWER ELEVATION & ANTENNA/CABLE SCHEDULE

| NO. | DATE     | DESCRIPTION                           |
|-----|----------|---------------------------------------|
| 1   | 04/07/10 | ISSUED FOR PRELIMINARY REVIEW         |
| 2   | 04/07/10 | ISSUED FOR PRELIMINARY & CONSTRUCTION |
| 3   |          |                                       |

PROJECT: TN-MEM115

DESIGNED BY: A.B

CHECKED BY: A.B

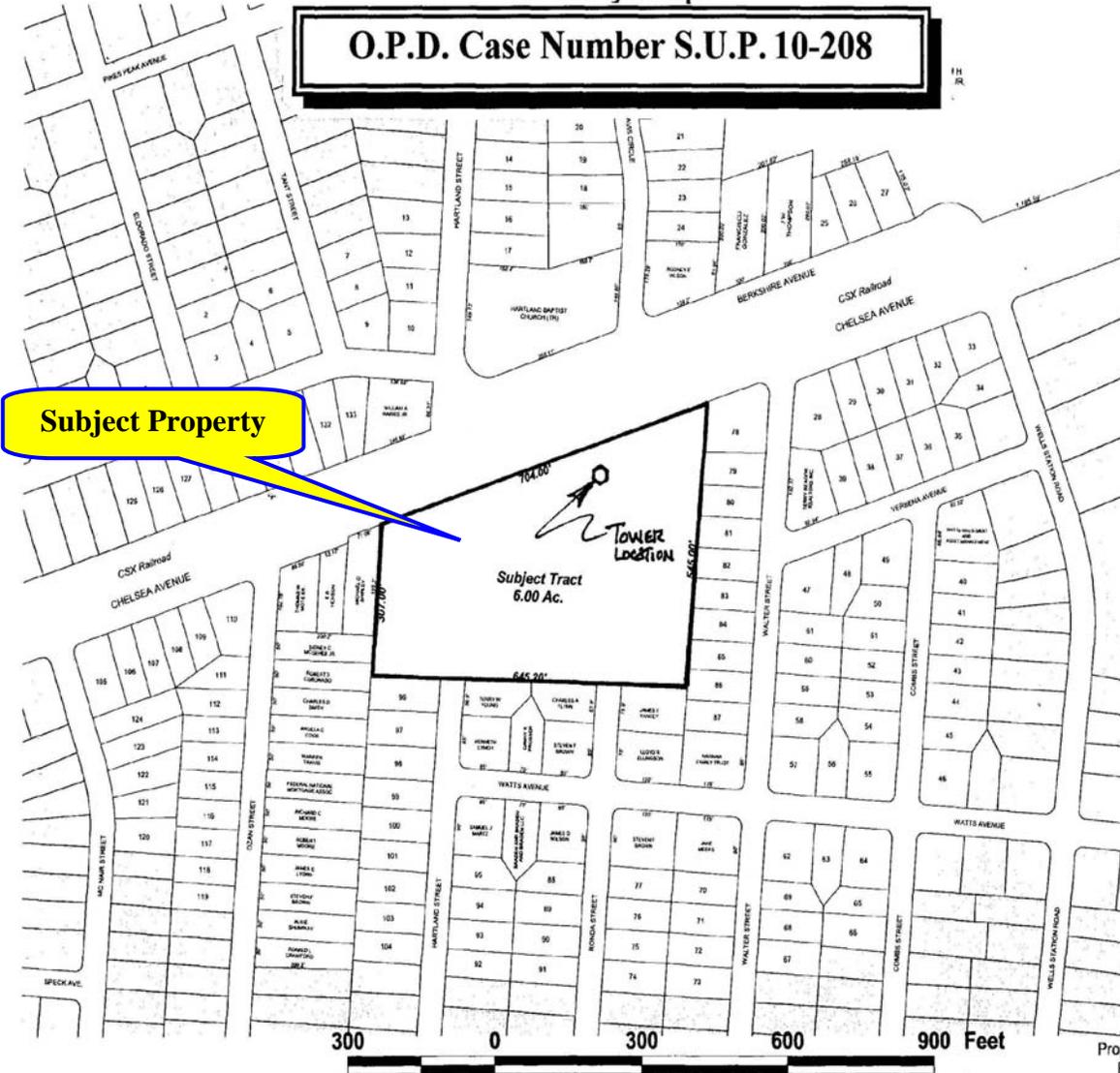
DATE: 04/08/10

SCALE: C-4

VICINITY & OWNERSHIP MAP:

Vicinity Map

O.P.D. Case Number S.U.P. 10-208



Date: 02/15/10  
Prepared By:  
Property Research Data  
PRD Job #10-009

***STAFF ANALYSIS:***

***Site Description***

The subject property is 3,600 square feet of leased area of a four(4) acre exempt parcel located at the south side of Chelsea Avenue and CSX Railroad approximately one-quarter mile(1/4) east of North Graham Street in Signal Heights Subdivision. The site is located in Wells Station Neighborhood in northeast Memphis in the Jackson Planning District. The site is adjacent to a two(2) acre tract approved for a landscape nursery with the tract remaining as a four(4) acre parcel now proposed for this tower request as an accessory structure. The entire tract has been used as a landscape nursery since the early 1950's.

The site is currently occupied by five(5) greenhouse buildings to be renovated and used for that purpose. The buildings on the property are setback from Chelsea Avenue sixty(60) feet with no curb, gutter or sidewalk at the street. The site is enclosed in a chain-link fence six(6) feet in height with overhead power lines running parallel to Chelsea Avenue. The site is located at the northern terminus of Hartland Street adjacent to single family homes in Bruce Subdivision.

***Area Overview***

The land use and zoning in the surrounding area is primarily single family residential subdivisions in Single Family Residential(R-S6) District zoning. The subdivisions in this area developed in 1950's with average lot sizes of 6,000 square in area and homes an average of 1300 square feet. The Wells Station Neighborhood extends west from Jackson Avenue to Interstate 240 east consisting of Jackson Ridge, Dwight Manor, Bruce & Thrift-Haven Subdivisions all in R-S6 District zoning.

The neighborhood to the north is separated from the subject property by CSX Railroad which is lower in elevation with homes in Jackson Ridge Subdivision all in R-S6 District zoning. The Hartland Heights Baptist Church in T.E. Davis Subdivision is north in Local Commercial(C-L) District zoning. The nearest neighborhood commercial center is located west of the site in C-L District zoning at Chelsea Avenue and North Graham Street.

**Principal Use vs. Accessory Structure**

The applicant's request is for a special use permit to allow a cellular communications tower one-hundred twenty (120) feet in height with flush-mount antennae with the capacity to accommodate a maximum of four(4) antennae as an accessory structure to an office and landscape nursery operation with outdoor storage. The tower site would be located in the front yard sixty(60) feet from the right-of-way line of E. Chelsea with the fence setback twenty-eight(28) feet. The tower compound will be totally enclosed with a sight-proof wood fence eight(8) feet in height with swing gates and access via an existing asphalt drive to E. Chelsea Avenue.

This site has been a green house, nursery and landscaping operation since the early 1950's when the subdivisions in the area were designed and developed for single family homes. The applicant and owner of the tract seeks to accommodate the tower by placing the tower farther away from single family homes south of the subject property. Generally, accessory structures are placed in the rear yard between principal buildings and rear lot lines. In this instance, the tower site is proposed in the required front yard to minimize the visibility from adjacent homes. The subject parcel is the balance of a six(6) acre tract of land for a four(4) acre exempt parcel. The Single Family Residential(R-S6) District zoning of this parcel requires a special use permit for a cell tower to be located within 500 feet of single family homes.

This request for special permit to allow a cellular communications tower with flush-mount antennae meets the minimum standards in the zoning ordinance, except for being located in the front yard of the principal structure, the required distance from residential property and a landscape plan illustrating plant materials to be placed outside the fence. A cell tower one-hundred twenty(120) feet in height to be an accessory structure to a principal building to co-exist on the same property will not interfere with access and circulation. The cell tower is supported as an accessory use being placed the farthest distance away and across the railroad from single family homes in Single Family Residential(R-S6) District zoning.

**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 twenty (120) feet in height with flush-mount antennae'* on property located at *'4215 E. Chelsea Avenue'* at the *'south side of E. Chelsea Avenue; +/-350 feet west of Walter Street'* in accordance with approved *'site plan'* and the following supplemental conditions:

- I. Uses Permitted: A CMCS communications tower one-hundred twenty(120) feet in height with flush-mount antennae with capacity to accommodate four (4) antennae.
- II. Bulk Regulations:
  - A. The tower and compound shall be located in the required front yard at a minimum distance of thirty(30) feet between E. Chelsea Avenue right-of-way line and fence.
  - B. The setback from E. Chelsea Avenue and tower centerline shall be a minimum of sixty(60) feet.
- III. Access & Circulation:
  - A. The existing private drive shall remain and shall be shared as an ingress/egress easement to the tower compound subject to review and approval by City Engineer.
  - B. The private drive shall maintain a minimum width of twenty-two(22) feet.
- IV. Landscaping and Screening:
  - A. All landscaping and screening shall be in accordance with a 'Landscape & Screening Plan' subject to review and approval by the Office of Planning & Development.
  - B. All landscaping and screening shall be installed prior to launch and operation of the tower equipment. 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 twenty(120) 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:** East Chelsea Avenue-----+/-704 linear feet.  
**Planning District:** Jackson District  
**Atlas Page:** 1840  
**Parcel ID:** 053078 00004  
**Zoning History:** The Single Family Residential(R-S6) District zoning of the site date to the adoption of the 1980 zoning map amendment.

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**DEPARTMENTAL COMMENTS:**

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

**City Engineer:** Required landscaping shall not be placed on sewer or drainage easements.  
**City Fire Services:** No comment.  
**Memphis & Shelby County Health Department:** No comments by the Water Quality Branch.  
**Memphis Board of Education:**  
MCS is now considering leasing options for cell tower sites. Please contact Jake Allen via email allenjakee@msk12.net or by calling 901-416-4715.  
**Construction Code Enforcement:** No comment.  
**Memphis Light, Gas and Water:**

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

- **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.
- **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.
- **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.
- **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
- **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.

**AT&T:** AT&T has no comments.

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

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

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

**Neighborhood Associations/Organizations:** None registered.

*Staff: bb*

**OPPOSITION:**

**From:** SHIRLEY MARTZ [smartz2600@bellsouth.net]

**Sent:** Wednesday, March 31, 2010 1:38 PM

**To:** Bacchus, Brian

**Subject:** case number S.U.P. 10-208

Dear Sir:

I oppose the special use permit for the above case number, because I firmly believe that if you allow this special permit that there will always be others wanting to get this property rezoned form single family residential. Also, I feel that a tower in our area will negatively impact the reception that we receive for our televisions, our land line phones, as well as all other electronic devices. My home sits almost directly across the fence from where they wish to install this tower.

Yours truly,

Shirley Martz  
1734 Hartland  
38108