

STAFF REPORT

CASE NUMBER: S.U.P 10-209 **L.U.C.B. MEETING:** April 8, 2010

LOCATION: South side of Quince Road; +/-350.57 feet east of Kirby Road

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

OWNERS: Willow Grove, LLC

APPLICANTS: Tower Ventures V, LLC

REPRESENTATIVE: Tower Ventures V, LLC

REQUEST: Special use permit to allow a cellular communications tower one-hundred sixty (160) feet in height, including a maximum of five (5) antennae arrays

AREA: 12,780 sq. ft. of 7.40 Acres

EXISTING LAND USE & ZONING: Three(3) one-story retail buildings and a cell tower one-hundred forty(140) feet in height approved by B.O.A. 92-004(City) on one(1) parcel in the Townhouse Residential(R-TH) District.

SURROUNDING USES AND ZONING:

- North:** Kirby Gate Medical Office Planned Development(P.D.84-382) and single family homes in Millers Pond Planned Development(P.D. 83-012).
- East:** 'Five Colonies' condominiums and single family homes in 'Kirby Lawns' Subdivision in Townhouse Residential(R-TH) District.
- South:** Nursing home in Townhouse Residential(R-TH) District approved by B.O.A. 77-117 (City), TN-385(Bill Morris Parkway) and vacant land in Parkway Crossing Planned Development(P.D. 95-316).
- West:** Vacant land and gasoline sales/convenient store in Planned Commercial(C-P) District in Kirby Gate C-P(Z 84-123).

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Rejection

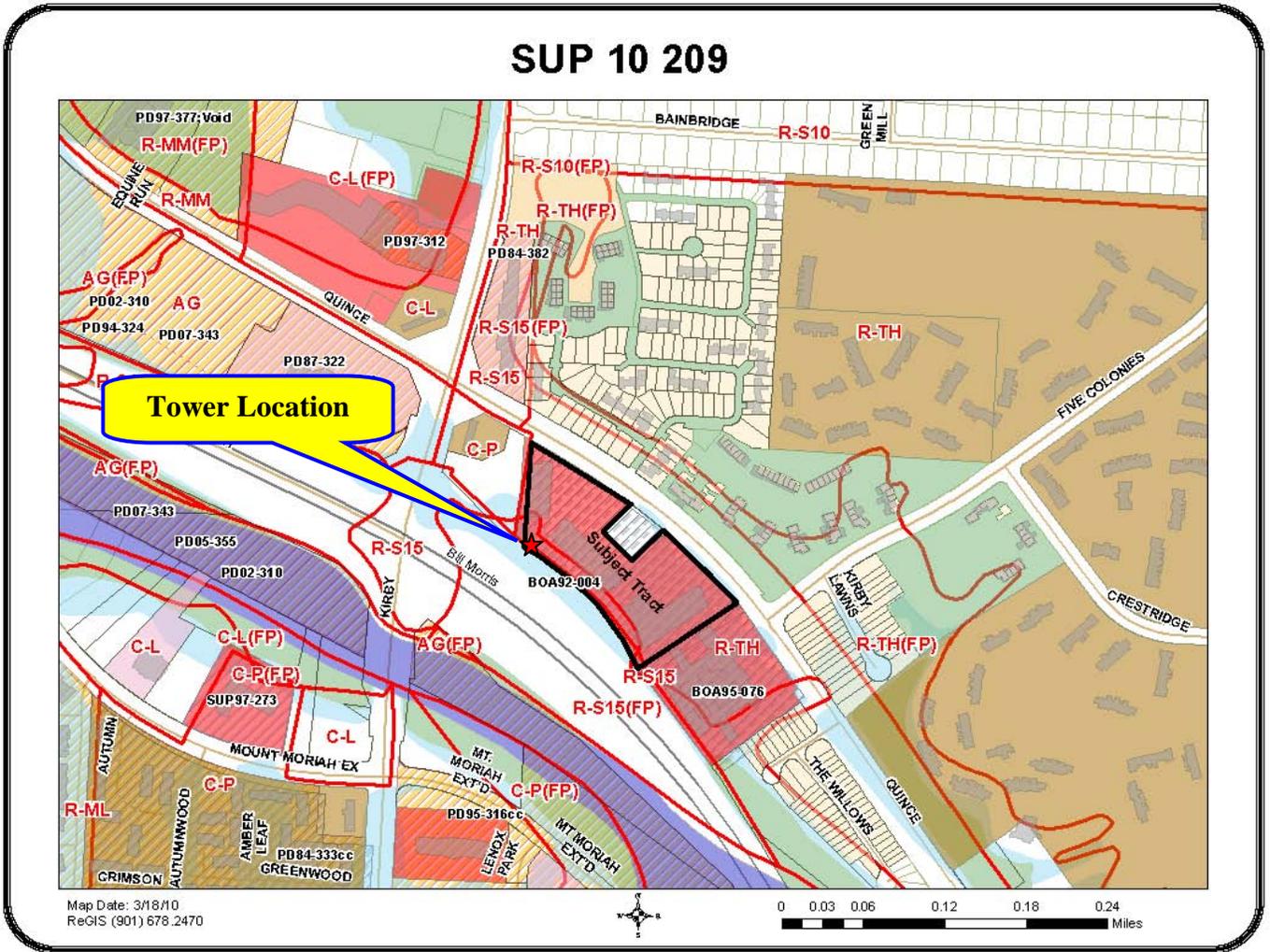
Staff: *Brian Bacchus*

E-mail: brian.bacchus@memphistn.gov

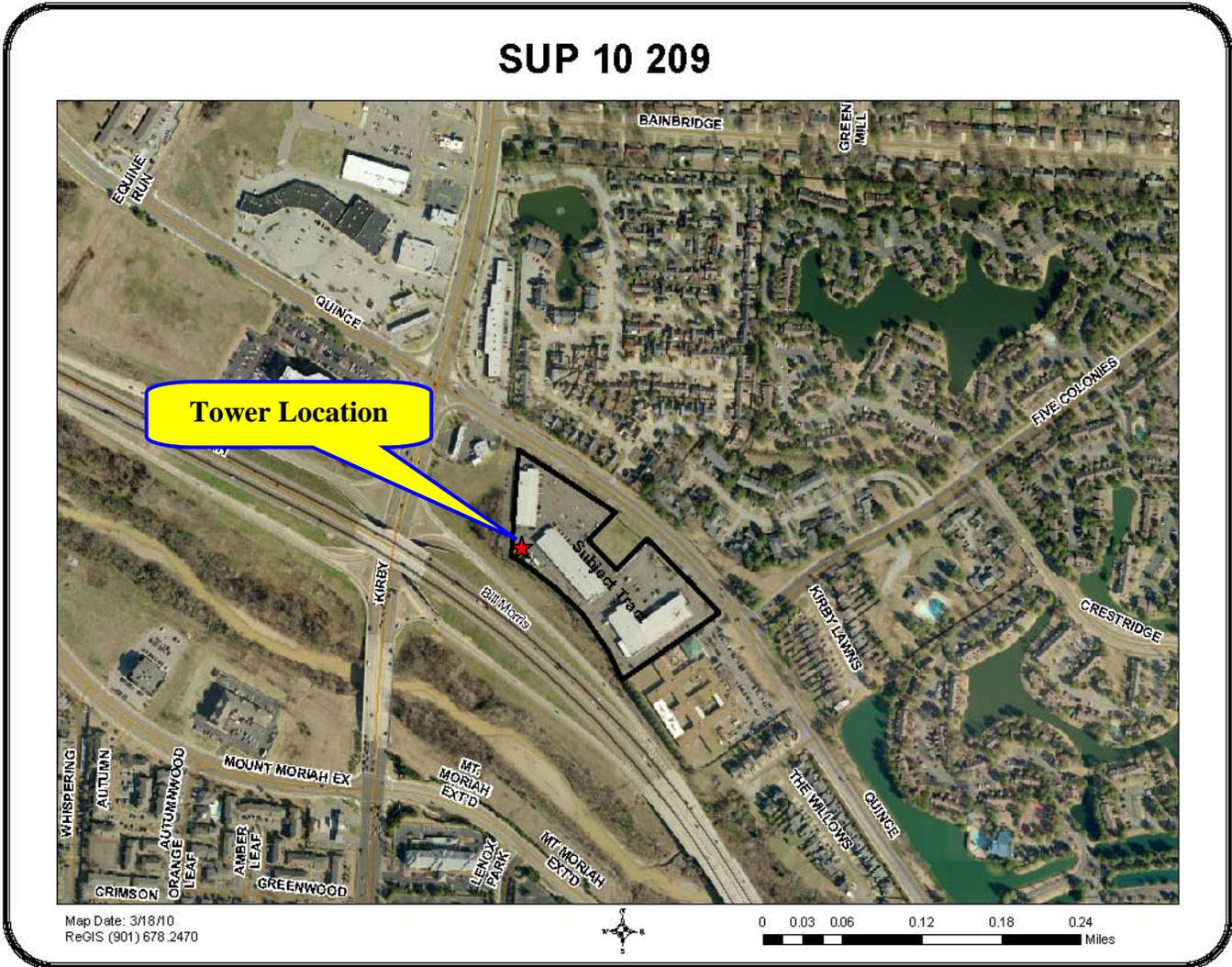
CONCLUSIONS:

- 1. The proposed tower will be located to the rear of ‘The Willows’ Shopping Center—a neighborhood shopping center within walking distance of residential development. This center was approved by the Board of Adjustment as a use variation and developed allowing multiple buildings on a lot, including a cell tower.**
- 2. Typically, cell towers have been allowed as accessory structures to principal buildings either by right or by special permit. In this case, a cell tower already exists on a parcel with multiple buildings on a lot with an approved accessory structure.**
- 3. There will be visibility of the tower from TN-385 and from residential across Quince Road from the subject property as well as Kirby Road, because an adjacent parcel is currently vacant and undeveloped. A site and landscape plan shall be submitted to illustrate any landscape treatment around the perimeter of the fence.**
- 4. The parcel has an existing cell tower and does not meet the one-quarter(1/4) mile spacing requirement. Allowing two(2) very visible cellular towers directly adjacent to each other does not meet the intent of the cell tower ordinance. Therefore, the proposed location does not comply with the zoning ordinance.**

ZONING & LAND USE:



AERIAL MAP:



TOWER ELEVATION:

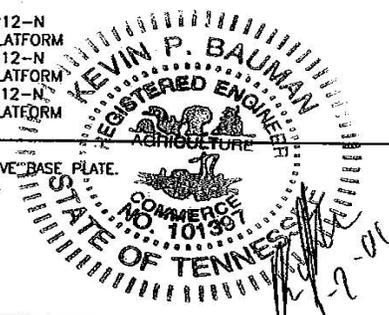


JOB DATA			
Page 1 of 2	Job No.	32000-0275	
By CJW	Design No.	NEWMARK #00-1215	
Chk'd By KWH	Date	12-21-2000	
	Rev. No.	Rev. Date	
Pole	160-FT MONOPOLE		
Site	FRENCH VILLAGE; MEMPHIS, TN		
Owner	TOWER VENTURES III		
Ref. No.			
Design	70 MPH \ 61 MPH + 1/2" RADIAL ICE ACCORDING TO TIA/EIA-222-F 1996		

LOAD CASES			
CASE 1	70 MPH WITH NO ICE	DESIGN WIND	
CASE 2	61 MPH WITH 1/2" RADIAL ICE	REDUCED WIND WITH ICE	
CASE 3	50 MPH WITH NO ICE	OPERATIONAL WIND	

POLE SPECIFICATIONS	
Pole Shape Type:	18-SIDED POLYGON
Taper:	0.237274 IN/FT
Shaft Steel:	ASTM A572 GRADE 65
Base PL Steel:	ASTM A572 GRADE 60 (60 KSI)
Anchor Bolts:	2 1/4" x 8'-0" LONG #18J ASTM A615 GRADE 75

ANTENNA LIST		
No.	Elev.	Description
-	TOP	3/4" LIGHTNING ROD
1-12	TOP	(12) SWEDCOM ALP-9212-N
-	TOP	12' PLATFORM
13-24	150.00	(12) SWEDCOM ALP-9212-N
-	150.00	12' PLATFORM
25-36	140.00	(12) SWEDCOM ALP-9212-N
-	140.00	12-FEET LOW PROFILE PLATFORM
37-48	130.00	(12) SWEDCOM ALP-9212-N
-	130.00	12-FEET LOW PROFILE PLATFORM
49-60	120.00	(12) SWEDCOM ALP-9212-N
-	120.00	12-FEET LOW PROFILE PLATFORM



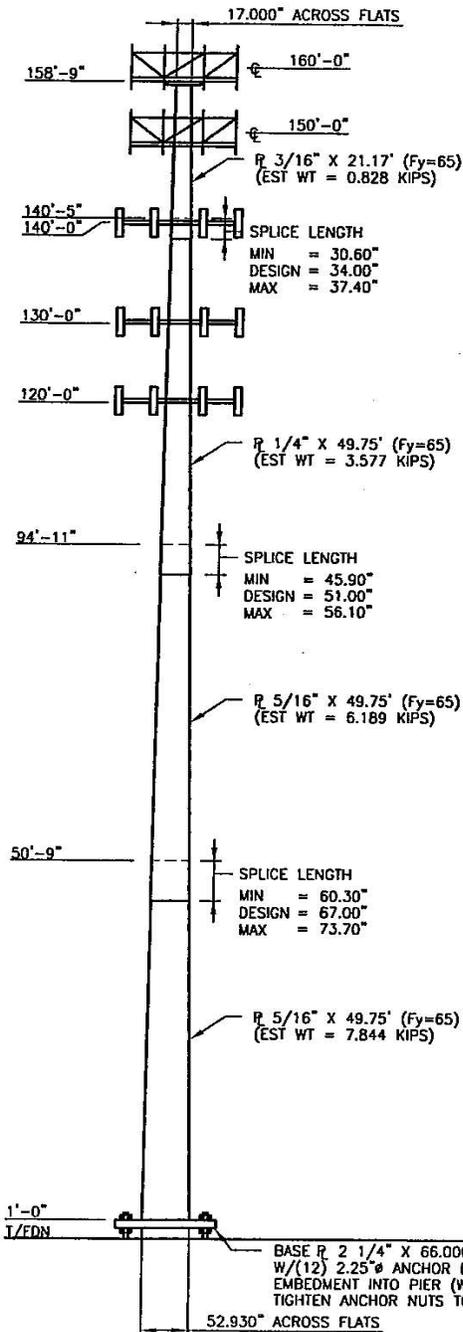
STEP BOLTS FULL HEIGHT FROM 9'-6" ABOVE BASE PLATE.
ANTENNA FEED LINES RUN INSIDE OF POLE.

Elevation	70 MPH WIND		50 MPH WIND	
	Lateral Deflection (Inches)	Rotation (sway) (degrees)	Lateral Deflection (Inches)	Rotation (sway) (degrees)
TOP	129.2	7.452	65.8	3.801

SHAFT SECTION DATA					
Shaft Section	Section Length (feet)	Plate Thickness (in.)	Lap Splice (in.)	Diameter Across Flats (inches)	
				@ Top	@ Bottom
1	21.17	0.1875	34.00	17.000	22.022
2	49.75	0.2500	51.00	20.975	32.779
3	49.75	0.3125	67.00	31.271	43.075
4	49.75	0.3125		41.126	52.930

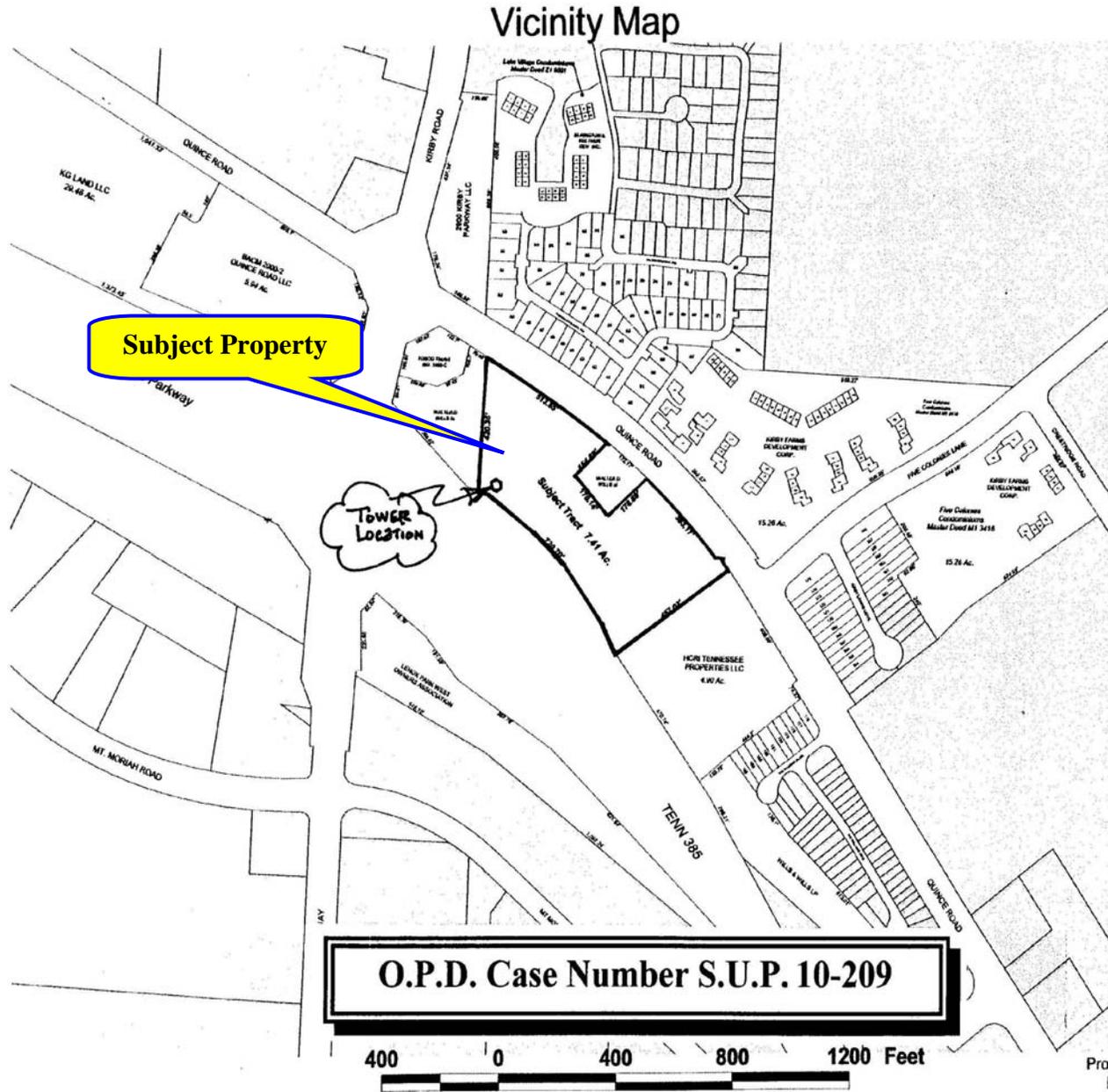
NOTE: DIMENSIONS SHOWN DO NOT INCLUDE GALVANIZING TOLERANCES

BASE REACTIONS FOR FOUNDATION DESIGN
MOMENT = 2762 ft-kips
SHEAR = 24 kips
AXIAL = 30 kips



© TOWER VENTURES MONOPOLE, 320-HEWILL, 320000275000.DWG | 21-DEC-2000 | 16:15

VICINITY & OWNERSHIP MAP:



Date: 02/15/10
Prepared By:
Property Research Data
PRD Job #10-008

STAFF ANALYSIS:

Site Description

The subject property is 12,780 square feet of leased area of 7.40 acres located at the south side Quince Road; +/-350.57 feet east of Kirby Road in Shelby Farms-Germantown Planning District in southeast Memphis. This parcel is 'The Willows Shopping Center' approved by the Board of Adjustment in January, 1992 for multiple buildings on a lot and a cellular communications tower one-hundred forty(140) feet in height. The center consist of three(3) one-story glass storefront buildings on one parcel with landscaping along the street, including an integrated center sign. The site has adequate access from the public road, including internal access, circulation and parking.

The shopping center backs up directly to TN-385(Bill Morris Parkway) and is significantly lower in elevation by approximatley 100 feet or more. The roadway above curves and looks down on the site which is the Kirby Road deceleration lane to exit the roadway. The rear property line has some mature trees as well as off-site and adjacent to the roadway, including a drainage ditch. More specifically, there is an existing cellular communications tower approved by the Board of Adjustment(B.O.A. 92-004-City) located in the same general area all in Townhouse Residential(R-TH) District zoning.

Area Overview

The surrounding land use and zoning in the immediate area is a mixture of residential, office and retail development for single family and condominium development in 'Millers Pond' and 'Five Colonies' as well as single family homes in 'Kirby Lawns' and 'The Willows' Subdivisions. The land use to the west at the major road intersection of Kirby and Quince roads is medical office in Kirby Gate Medical Office Plaza(P.D.84-382); gasoline sales/convenient store in Kirby Gate C-P and a major office tower development in Koger Center II Planned Development(P.D.87-322). Directly adjacent and southeast of the subject tract is a nursing home also in R-TH zoning approved by the Board of Adjustment in 1977. Farther south and across TN-385 is Parkway Crossing Planned Development(P.D. 95-316), a planned office park of multiple office buildings.

This segment of TN-385(Bill Morris Parkway) is elevated above the area of development with the exception of the office tower in Koger Center. The roadway is an edge between development south and north—all within the City of Memphis. The shopping center is within walking distance of residential development to the north as well as to the east in 'Kirby Lawns' and 'The Willows' Subdivisions. This center was approved with ten(10) specified excluded land uses; with more than one main building on a lot and a cellular communications tower 140 feet in height. The approved plan is a part of the record and this request is for a special permit to allow another accessory structure on a parcel with multiple buildings.

Multiple Buildings vs. Accessory Structures

The request is for a special use permit to allow construction of a cell tower one-hundred sixty(160) feet in height with the capacity to accommodate a maximum of five(5) antennae in Townhouse Residential(R-TH) District zoning in the southeast portion of the City of Memphis. The proposed tower will be located to the rear of 'The Willows' shopping center—a neighborhood shopping center within walking distance of residential development. This center was approved by the Board of Adjustment as a use variation and developed allowing multiple buildings on a lot, including a cell tower located along the rear property line and the shopping center buildings.

The applicant is requesting another cellular communications tower to be located in the same general area in the extreme southwest portion of the parcel abutting the right-of-way line of TN-385 roadway. The Townhouse Residential(R-TH) District zoning allows a cell tower, but a special use permit is required because of the proposed height and location within 500 feet of residential property. Typically, cell towers have been allowed as accessory structures to principal buildings either by right or by special permit. In this case, a cell tower already exists on a parcel with multiple buildings on a lot with an approved accessory structure in Townhouse Residential(R-TH) District zoning.

There will be visibility of the tower from TN-385 and from residential across Quince Road from the subject property as well as Kirby Road, because an adjacent parcel is currently vacant and undeveloped. There are other cell towers along roadway at Riverdale Road/TN-385 and Ridgeway Road/TN-385—both greater than the one-quarter(1/4) mile spacing requirement; however, this property has an existing tower. The applicant proposes to enclose the equipment at the base of the tower with a sight-proof wood fence eight(8) feet in height and to maintain existing trees on site. A site and landscape plan shall be submitted to illustrate any landscape treatment around the perimeter of the fence or ground lease area. The landscape and screening requirements shall be installed before the tower is launched for operation.

The parcel has an existing cell tower and does not meet the one-quarter(1/4) mile spacing requirement. Therefore, the proposed location does not comply with the zoning ordinance. Although the applicant has provided documentation in the form of cellular coverage maps for demand of wireless communication service in this area—allowing two(2) very visible cellular towers directly adjacent to each other does not meet the intent of the cell tower ordinance.

RECOMMENDATION: Rejection

SITE PLAN CONDITIONS:

A *Special Use Permit* is hereby authorized to *'Tower Ventures V, LLC'* to allow a *'CMCS communications tower one-hundred sixty(160) feet in height, including a maximum of five(5) antennae arrays'* on property located at *'6639 Quince Road'* at the *'south side of Quince Road; +/-350.57 feet east of Kirby Road'* 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 a maximum of five(5) antennae arrays.
- II. Bulk Regulations:
 - A. The tower and compound shall be located in the rear yard a minimum distance of fifty(50) feet from the nearest building and a minimum of forty(40) feet from the west property line.
 - B. The rear yard setback shall be a minimum of fifteen(15) feet from right-of-way line of TN-385 to the tower centerline.
- III. Access & Circulation:
 - A. The existing private drives 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 sixty(160) feet in height, including a maximum of five(5) antennae arrays 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: Quince Road-----+/-513.85 curvilinear feet.
TN-385 (Bill Morris Pkwy)-----+/-720.70 curvilinear feet.

Planning District: Shelby Farms-Germantown

Atlas Page: 2350

Parcel ID: 081090 00031

Zoning History: The Townhouse Residential(R-TH) District zoning of the site date to the adoption of the 1980 zoning map amendment.

DEPARTMENTAL COMMENTS:

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

City Engineer: No comment.

City Fire Services: No comment.

Memphis & Shelby County Health Department:

Pollution Control: No objections.
Environmental Sanitation: No objections.
Water Quality No comment.

Memphis Board of Education:

MCS is now considering leasing options for cell tower sites. Please contact Jake Allen via email allenjakee@mcsk12.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