

STAFF REPORT

CASE NUMBER: SUP 10-225 **L.U.C.B. MEETING:** October 14, 2010

LOCATION: Northwest corner of U.S. Highway 78 (Lamar Ave.) and Willett Street

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

APPLICANT: TV6-W, LLC/Tower Ventures V,LLC

REPRESENTATIVE: Tower Ventures, Billy Orgel

REQUEST: Cell Tower(100' Height)

AREA: 0.26 Acres

EXISTING LAND USE & ZONING: Vacant land in the Local Commercial (C-L) District

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

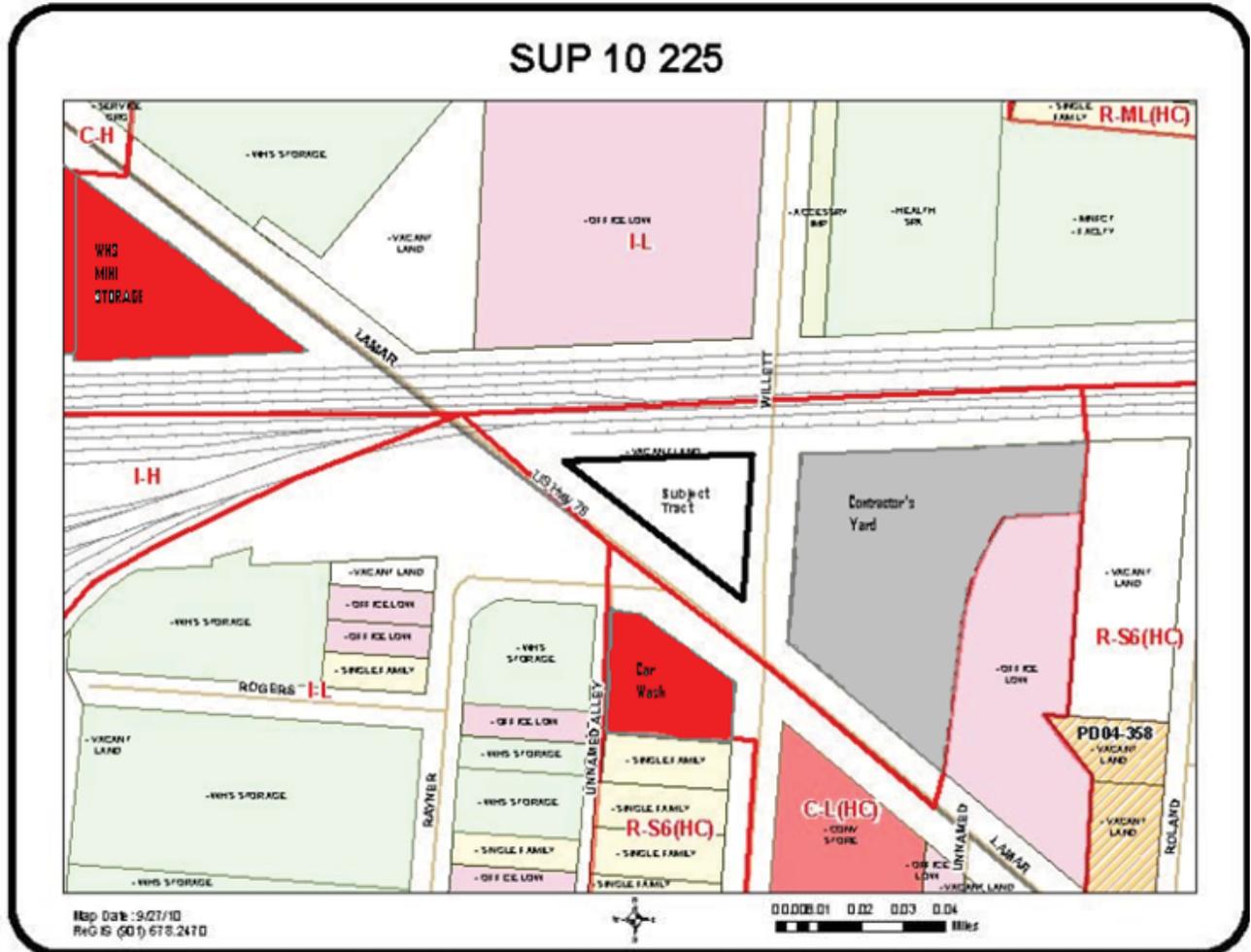
Staff Planner: Sheila Pounder

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CONCLUSIONS:

1. This site is within the Rozelle-Annesdale neighborhood in which a neighborhood plan for this area was adopted by the Memphis City Council on June 21, 2005 along with a comprehensive rezoning of the area. The comprehensive rezoning changed the zoning on this site from the Highway Commercial (C-H) to its present Local Commercial (C-L) District.
2. The Neighborhood Plan includes seven stated goals that provide for the overall physical improvement and redevelopment of this neighborhood with the objectives of increasing home ownership in the area and limiting the impact of commercial development. The choice of this site for the proposed installation of a cell tower does not conflict with the stated goals of the Rozelle-Annesdale Neighborhood Plan.
3. The Zoning Ordinance states "The location, size, and design, of such facilities shall be such that minimum negative impact results from the facility". If approved the impact of this tower should be minimum to both the nearby residential neighborhood and Lamar Corridor.
4. This application is a replacement for a previous SUP application (SUP 10-213) on a site on Roland Road. After objections from the neighborhood and OPD, the applicant held the application and worked with one of community leadership groups, Pigeon Roost Development Corporation, to identify a more appropriate location for a cell tower in this neighborhood. This current application is the result of that effort.
5. The site plan should be revised to provide for the retention of some of the existing mature landscaping along the perimeter of the site, especially along Lamar and Willett to assist in minimizing the view of the tower from the street and immediately surrounding properties. A condition has been added to address this issue.

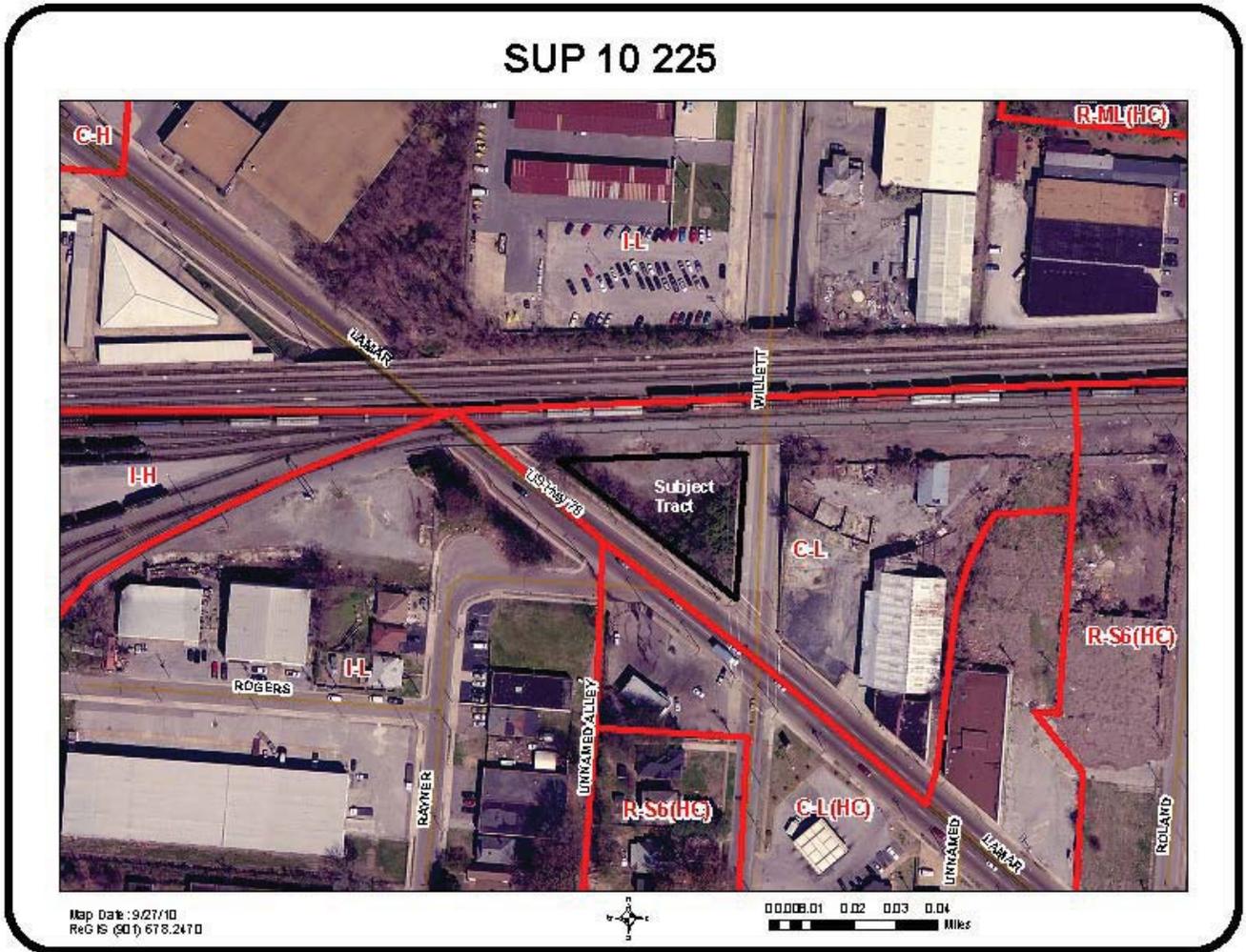
LAND USE & ZONING MAP



SURROUNDING USES AND ZONING:

- North:** BellSouth facility/offices in the Light Industrial (I-L) District
- East:** Contractor's Yard in the Local Commercial (C-L) District
- South:** Car Wash in the and convenience store with gas sales in the Local Commercial Historical Conservation (C-L[HC]) District
- West:** CSX Railroad tracks with additional commercial uses further west along both sides of Lamar Avenue

AERIAL MAP



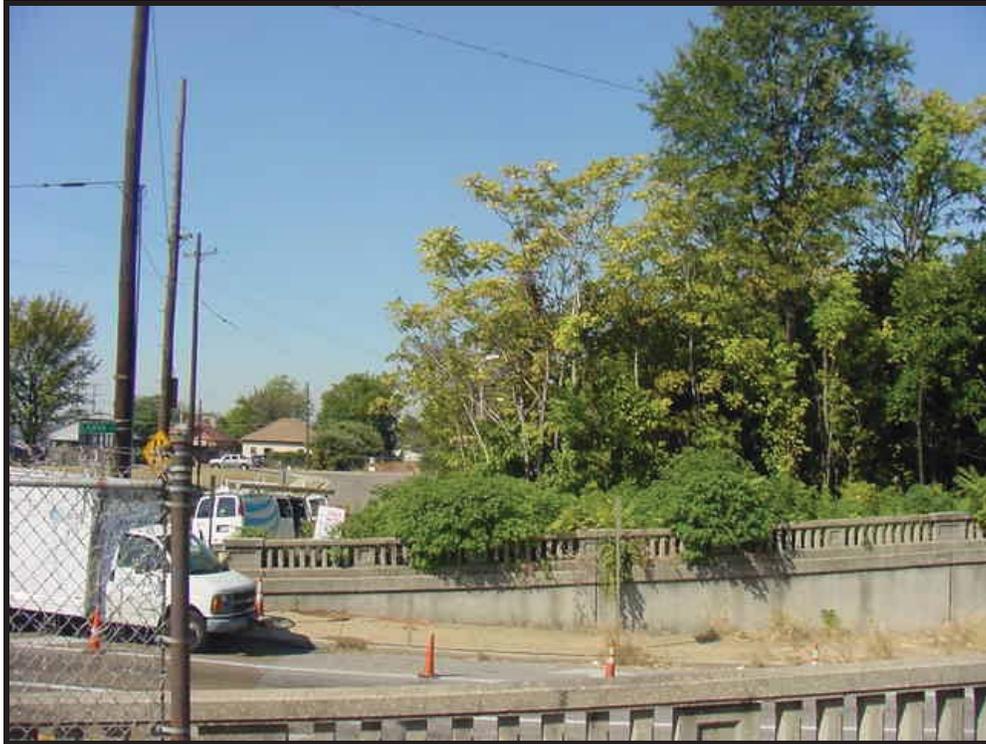
Subject Site



Lamar Street frontage of Site



Willett Street frontages of Site



Views of Site along the Elevated Railroad Track from Willett Street



Adjacent Commercial Uses on the Other Three Corners of Lamar Ave. and Willett St.



Northeast corner
(Contractor Yard)

Southeast corner
(Convenience Store
with Gas Sales)

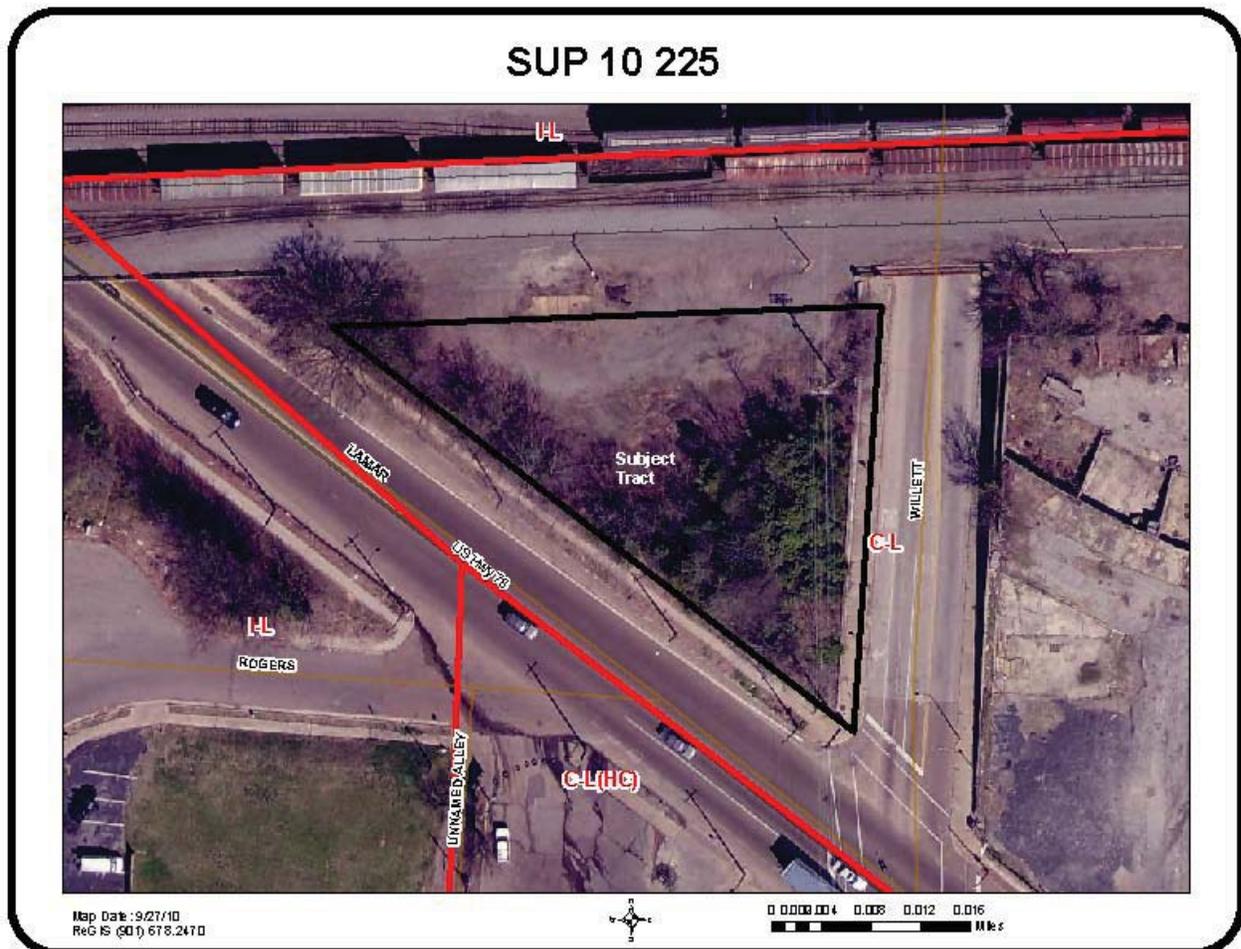


Southwest corner
(Car Wash)

STAFF ANALYSIS:

Location and Description of Subject Property

The subject property is located on the northwest corner of Willett Street and Lamar Avenue (US Highway 78) in the Rozelle-Annesdale Community. The site is vacant and situated along the Lamar Corridor within a commercial zoning district, (C-L). The entire site is raised above grade since it is an extension of property that borders the existing CSX railroad line that is elevated across Lamar Avenue at this location. The site is heavy with existing vegetation on all street sides with the interior of the site exposed only on the railroad track side of the property which is not visible from the streets. There are existing curb and gutter and sidewalks along both the northeast side of Lamar Avenue and west side at Willett Street.



Rozelle-Annesdale Neighborhood Plan

The Rozelle-Annesdale Community is an older urban neighborhood with established single family homes and businesses though out the area. Lamar Avenue (U.S. Highway 78), the major gateway into the neighborhood, bi-sects this community and is characterized on both sides of the street by a multitude of commercial land uses in older commercial buildings. There are still a number of institutional and community oriented businesses located in the area such as churches, religious centers, day cares, beauty salons, and a neighborhood school, Rozelle Elementary.

The Rozelle-Annesdale Neighborhood Association along with other community groups worked with the Office of Planning & Development to complete a neighborhood plan for this area that was adopted by the Memphis City Council on June 21, 2005. In conjunction with the neighborhood plan a comprehensive rezoning was also adopted by the Council on the same date. The current site was rezoned from the Highway Commercial (C-H) District to the Local Commercial (C-L) District.

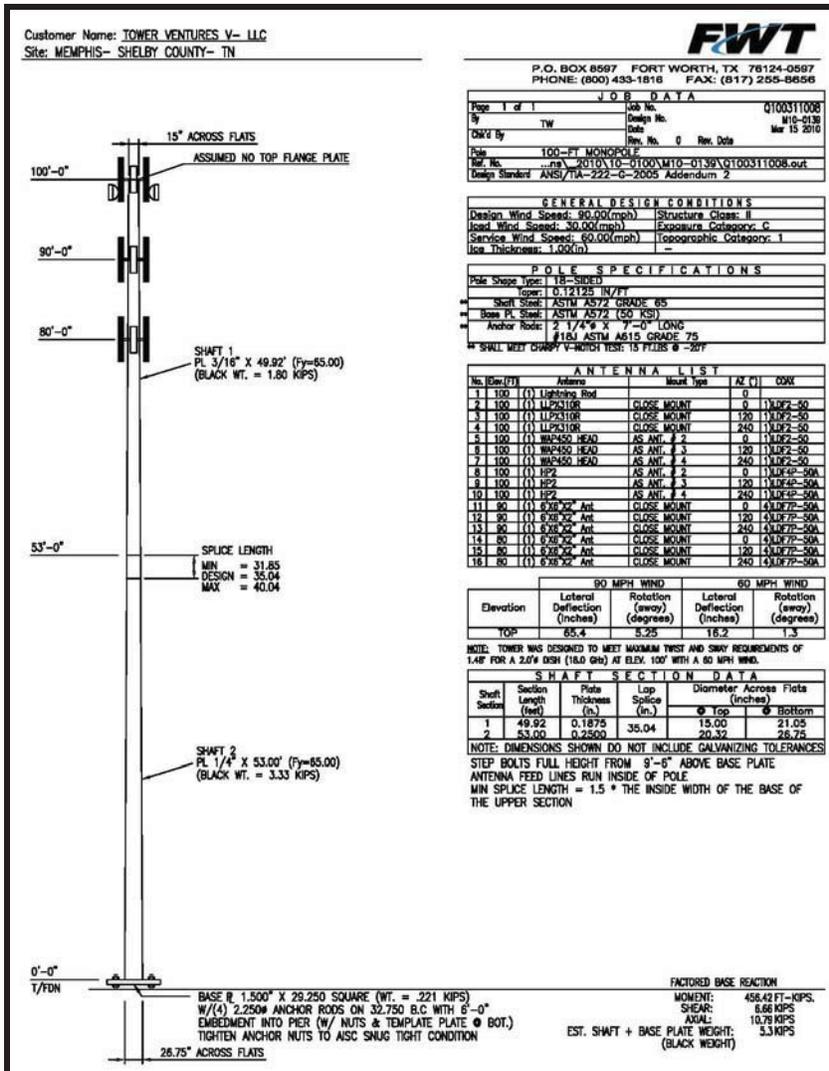
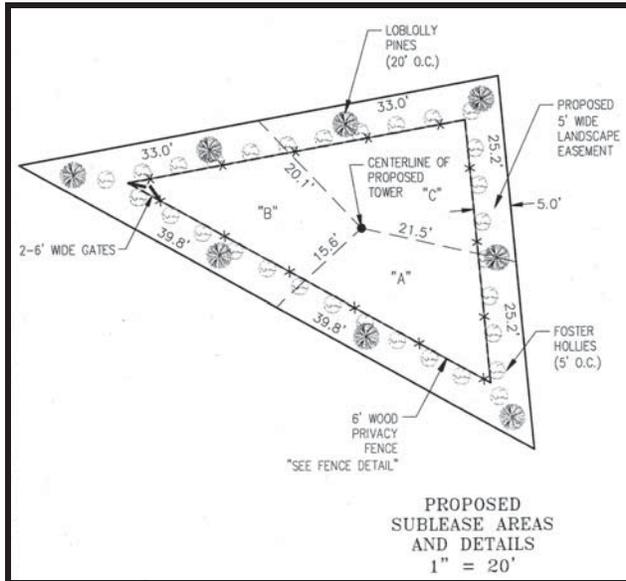
The Plan includes seven stated goals that all provides for the overall physical improvement and redevelopment of this neighborhood. They are as follows:

- Goal 1: Encourage the current mix of land uses to continue in the neighborhood.
- Goal 2: Limit the future expansion of commercial and industrial uses to prevent their encroachment into residential areas while encouraging development of more compatible uses.
- Goal 3: Provide an effective road network to ensure safety of the neighborhood.
- Goal 4: Encourage commercial area enhancement to eliminate vacant commercial properties and promote neighborhood related commercial uses in this area.
- Goal 5: Improve the physical condition of the neighborhood and promote infill development to encourage population growth and home ownership.
- Goal 6: Provide affordable housing opportunities to increase homeownership and occupancy in the neighborhood.
- Goal 7: Provide a sense of ownership and belonging to the residents to protect the residential character of the neighborhood.

The Applicant's Request

The applicant, Tower Ventures V, LLC/TV6-W, LLC, is requesting a special use permit to construct a 100 foot tall, "Slick Stick" cellular tower with up to three carriers on a 0.26 acre site. The proposed tower is to be designed as a monopole with three flush mounted antennas. According to the applicant, "there is no appropriate existing or pending structures to accommodate the planned equipment for this site". This application is a replacement for a previous special use permit application (SUP 10-213) for a site on Roland Road. After objections from the neighborhood and OPD the applicant placed the application on hold and began a process to work with one of community leadership groups, Pigeon Roost Development Corporation, to identify a more appropriate location for a cell tower in this neighborhood. The current application is the result of that effort.

PROPOSED DETAILED TOWER LOCATION AND ELVEVATION PLANS



Request Analysis

The Zoning Ordinance states “The location, size, and design of such facilities shall be such that minimum negative impact results from the facility”. The approval of this request will permit the tower to be built within an established commercial area of this older community. It will be built on property immediately adjacent an existing and active railroad line and raised above street level based on the existing site grade. If approved the impact of this tower should be minimum to both the nearby residential neighborhood and Lamar Corridor.

The choice of this site for the proposed installation of a cell tower does not conflict with the stated goals of the Rozelle-Annesdale Neighborhood Plan. By moving the location of the planned cell tower for this neighborhood from the previous site on Roland Road which was in close proximity to existing residential home to the currently proposed site along Lamar Avenue the applicant seeks to comply with the objective of the Plan to limit the encroachment of commercial and industrial uses into residential neighborhoods.

The design of the proposed tower is that of a slick stick monopole with flush mounted antennas. The location of this tower along the Lamar Avenue corridor and on this particular commercial parcel should not have a negative impact on the surrounding community. The one item that should be addressed is the retention of some of the existing mature landscaping along the perimeter of the site, especially along Lamar Avenue and Willett Street to assist in minimizing the view of the tower from the street and immediately surrounding properties. The proposed landscape screen should be revised to incorporate as much of this existing vegetation as possible into the site plan for this cell tower.

RECOMMENDATION: APPROVAL WITH CONDITIONS

SITE PLAN CONDITIONS:

A Special Use Permit is hereby authorized to Tower Ventures to allow a cell tower on the property located at the northwest corner of U.S. Highway 78 (Lamar Ave.) and Willett Street in accordance with the approved site plan and the following supplemental conditions:

1. The maximum tower height shall be one hundred feet (100') and designed as a monopole slick stick with flush mounted antennas as illustrated on the approved site plan.
2. **The tower and the compound at the base of the tower shall be designed and constructed to accommodate at least three (3) antenna co-locations.**
3. The tower compound, the guy wires and the guy anchors shall be completely enclosed with a six-foot (6') sight-proof wooden fence around the perimeters of these features.
4. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.
5. The tower shall be constructed within two (2) years of approval by the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public notice sent to all property owners within five hundred feet (500') feet of the property.
6. No signage relating to the cell tower shall be permitted on this site.
7. The Tree Ordinance shall be enforced with respect to the entire tract of land, and not merely with respect to the tower site.
8. **An alternative landscape screen that includes retention where possible of some of the existing mature vegetation and installation of new landscape materials subject to the approval of the Office of Planning & Development shall be installed and maintained around the perimeter of the site.**
9. Required landscaping shall not be placed on sewer or drainage easements.
10. Access to the site shall be restricted by a gate at the entranceway connected to the perimeter fencing to prevent access by neighborhood children.
11. **Access to this site shall be from Willett Street only. All access to Lamar Avenue is prohibited.**
12. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
13. Any interference with Memphis-Shelby County emergency communications by a station using this tower shall be the responsibility of the station and tower owner to remedy.

GENERAL INFORMATION:

Street Frontage: 185 feet along Willett Street
285 feet along Lamar Avenue

Planning District: Midtown

Census Tract: 63

Zoning Atlas Page: 2030

Parcel ID: 015028 00001

Zoning History: The current C-L zoning was adopted in 2005 by the Memphis City Council along with their adoption of the Rozelle-Annsdale Neighborhood Plan. Prior to the 2005 comprehensive rezoning, the property was zoned C-H which dated back to the adoption of Ordinance 374 in 1955 by the Memphis City Council.

DEPARTMENTAL COMMENTS:

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

City Engineer:

1. Access to this site shall be from Willett Street only. All access to Lamar Avenue is prohibited.
2. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,
3. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division: No comment.

City Real Estate: No comments received.

City/County Health Department: No comments by the Water Quality Branch & Septic Tank Program.

City Board of Education: No comments.

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:

The subject property may be encumbered by an utility easement, which may include overhead and underground facilities.

- **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/Bell South:

No comment.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

OPD-Plans Development:

No comments received.

Memphis Park Commission:

No comments received.

Neighborhood Associations:

Pigeon Roost Development Corp.:

The Pigeon Roost Board enthusiastically supports the application from Tower Ventures.

Rozelle/Annesdale Area Association:

No comments received.

31st Ward Civic Club:

No comments received.

Central Gardens Area Association:

No comments received.

Orange Mount Concerned Citizens Co.

No comments received.