

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT

#11

CASE NUMBER: SUP 11-210

L.U.C.B. MEETING: July 14, 2011

LOCATION: West side of Haynes Street; +/-404 feet south of Park Avenue

OWNER OF RECORD/APPLICANT: TV Signal Source Towers, LLC

REPRESENTATIVE: Solomito Land Planning, Brenda Solomito

REQUEST: Cellular Tower

AREA: .08 Acres

EXISTING LAND USE & ZONING: Commercial Mixed Use-2 (CMU-2) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION
Rejection

Staff Writer: Gregory Love

Email: gregory.love@memphistn.gov

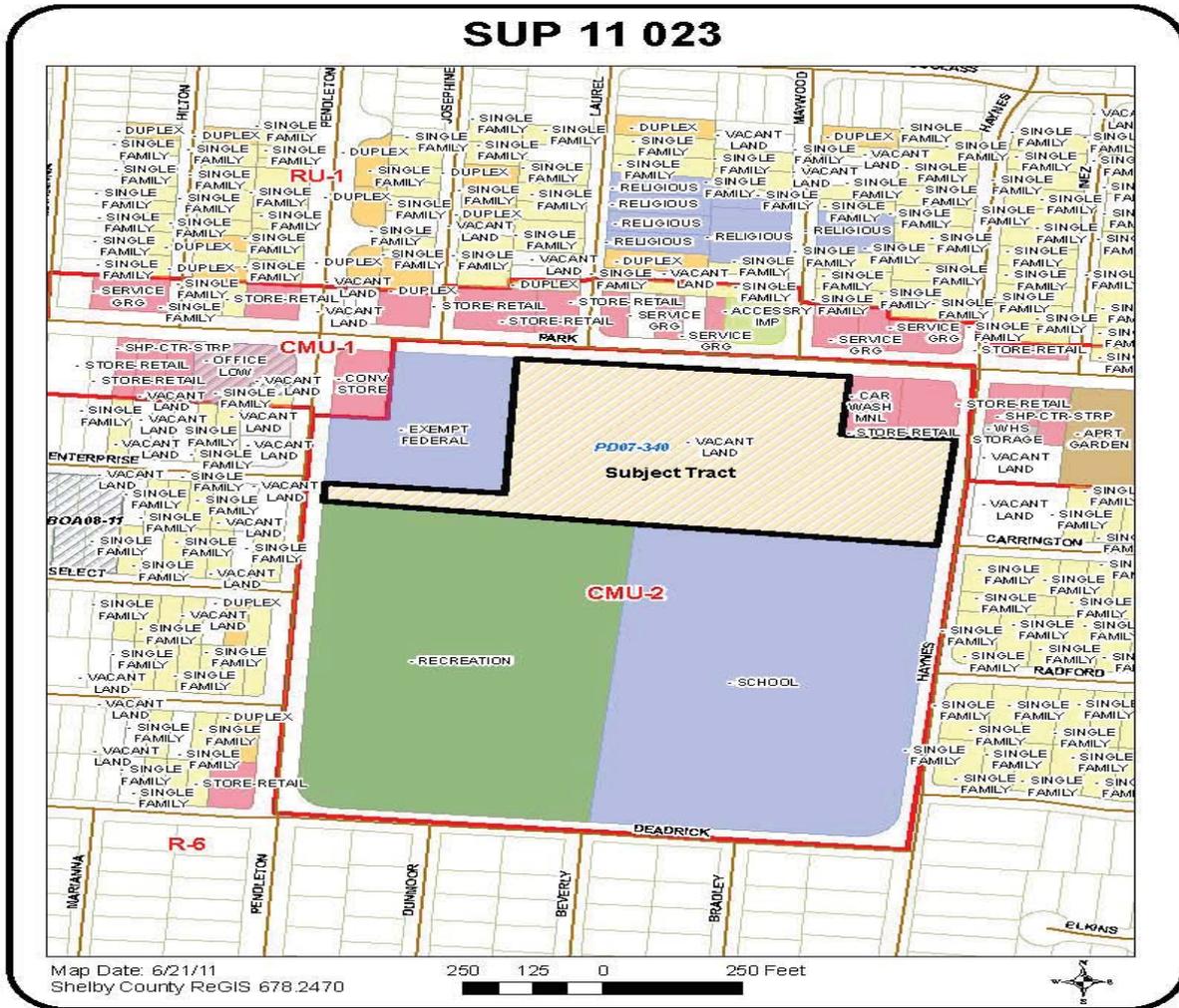
CONCLUSIONS

This application involves the development of a Cellular Tower. The current zoning of the site is CMU-2 which allows a cell tower with Special Use Permit approval. The overall parcel is approximately 7.47 acres while the cell tower requires only a small portion of the land area, approximately 3,600 square feet or .08 acres. The overall site has frontage on Park Avenue, as well as Pendleton Street and Haynes Street. The specific area within the larger parcel that has been chosen for the placement of the tower is directly adjacent to a residential zoning district and is occupied predominantly by single family homes.

The approval criteria for a Special Use Permit requires that the requested special use not have a substantial or undue adverse effect upon the adjacent property, nor be detrimental to the character of the neighborhood (UDC Article 9.6.9). Furthermore, the general provisions and intent of the Unified Development Code are to "protect the character and social and economic stability" of all parts of Memphis and Shelby County. To that end the UDC prohibits uses, buildings or structures incompatible with the character of the established districts. A cellular tower can be in stark contrast to residential land use especially without proper placement and appropriate transitioning and buffers.

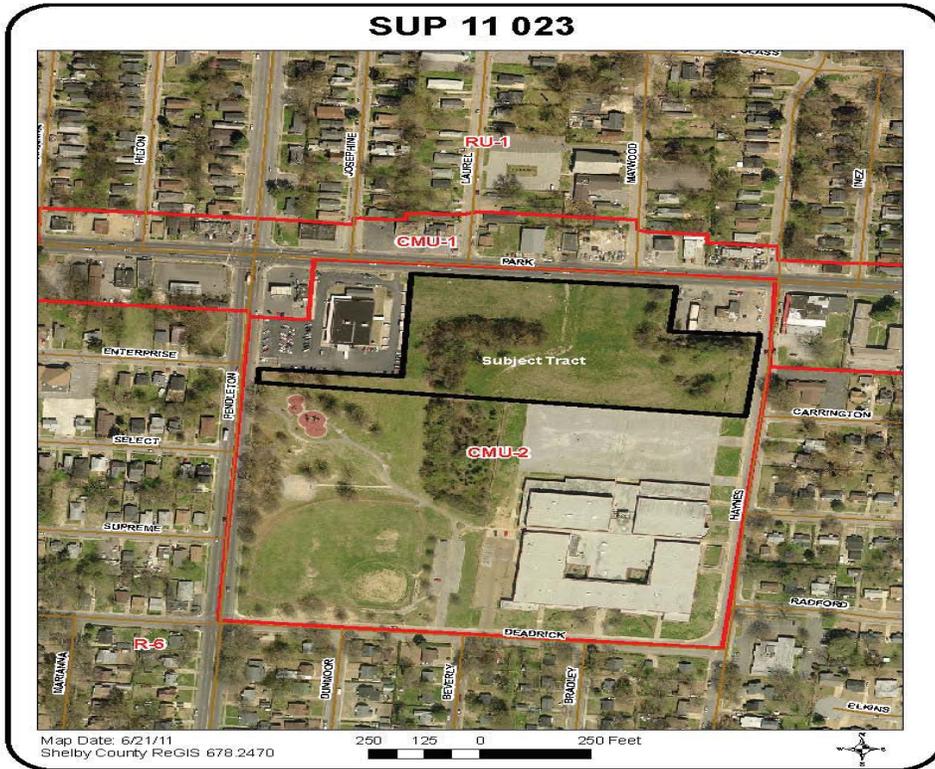
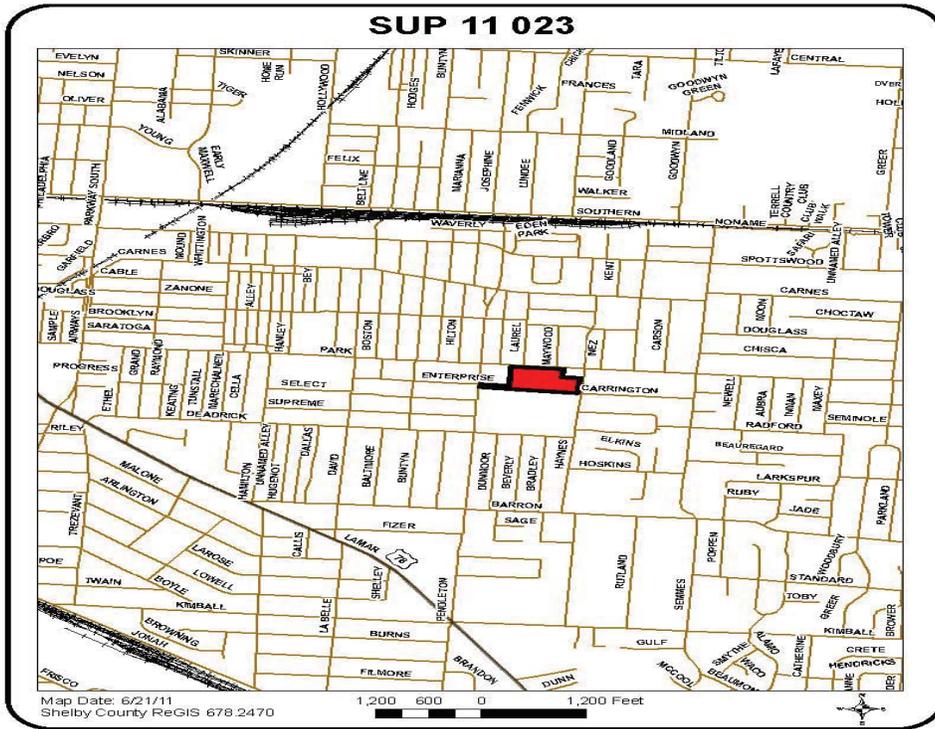
The neighborhood surrounding this proposed cell tower, Orange Mound, was established in the 1890's and was one of the first black neighborhoods in the country built by black people. This fact supports the establishment of this community, its historic value and its predominantly residential character. These neighborhood elements are indicative of what the UDC deems important and worthy of protection. The current location chosen for the cell tower and its proposed location does not coincide with the residential character of the community; however other sites within the 7.47 acre parcel may be suitable.

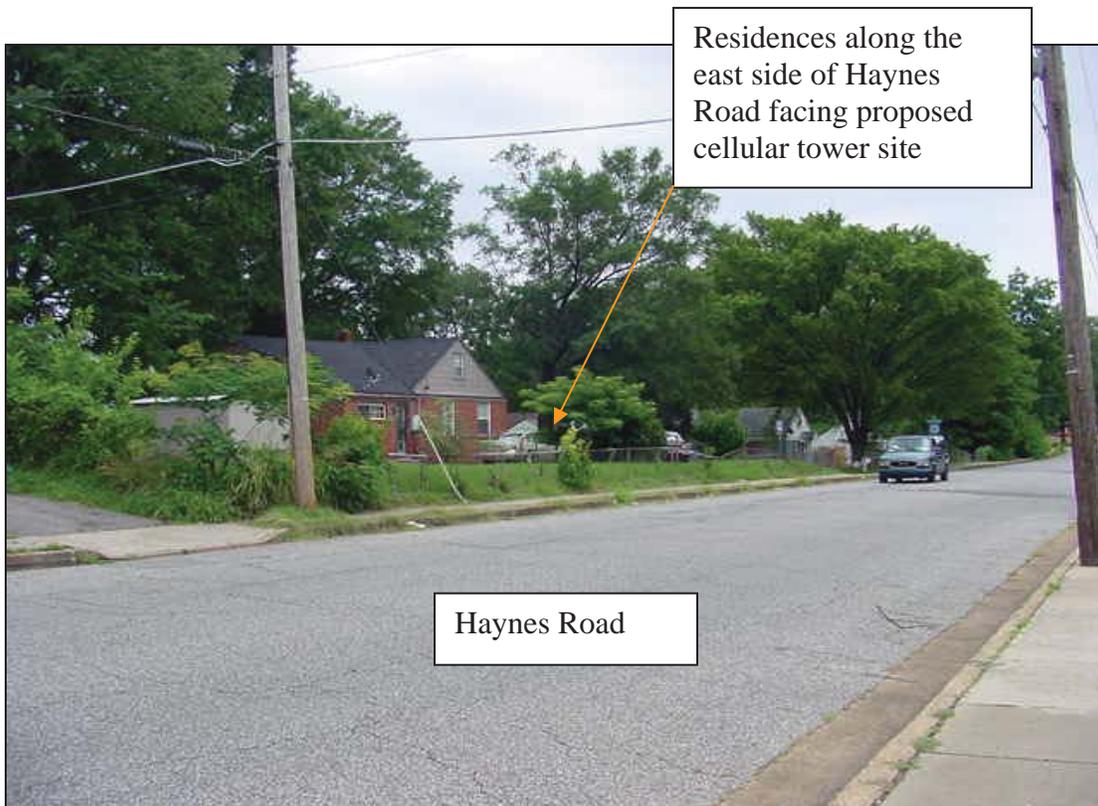
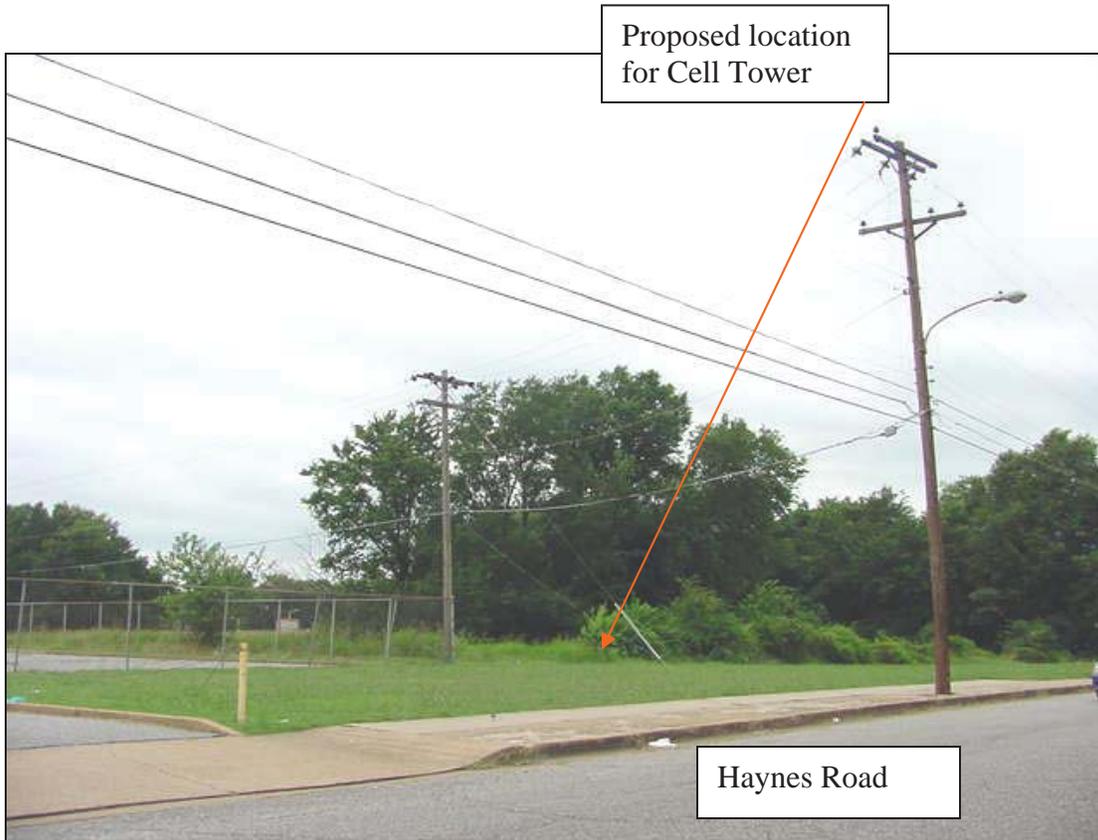
LAND USE AND ZONING MAP

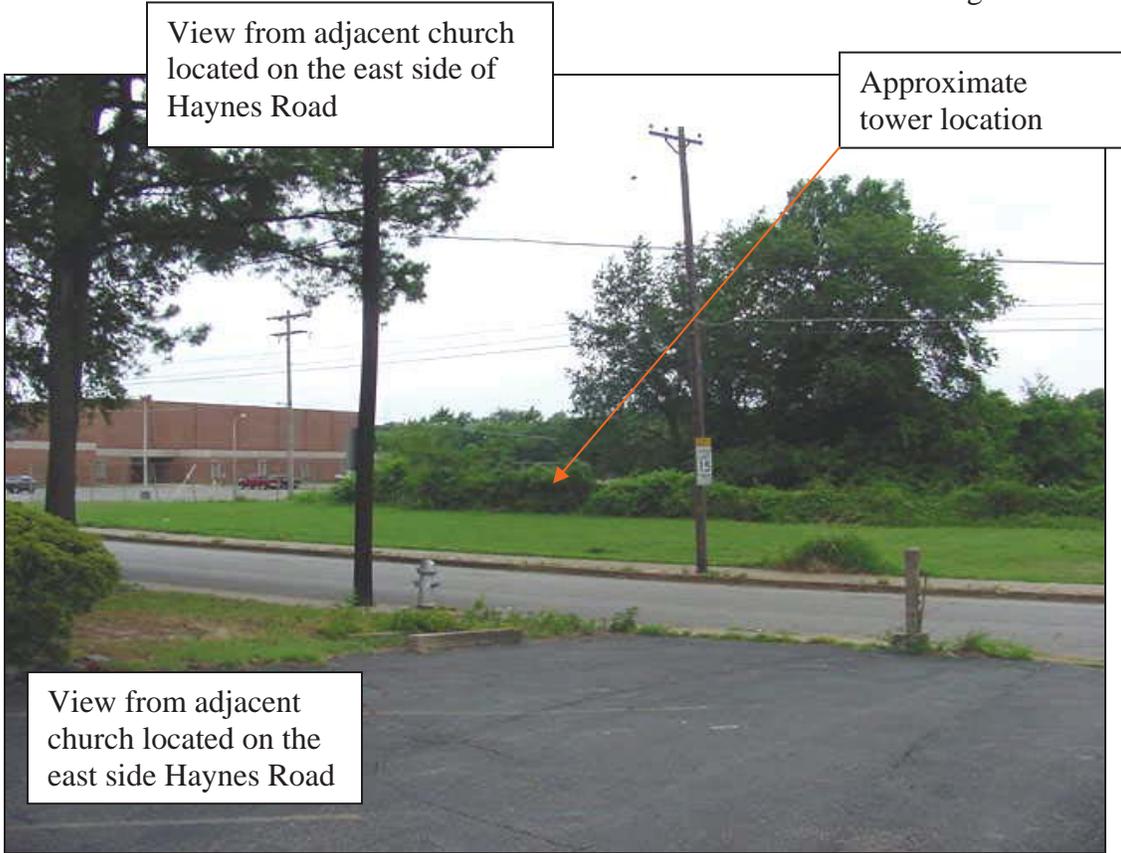


SURROUNDING LAND USES AND ZONING:

- North:** A mixture of commercial land uses within the CMU-1 Zoning District
- East:** Commercial land use and zoning pertaining to property fronting on Park Avenue and predominantly single family zoning and land use along Haynes Road
- South:** Elementary school within the CMU-2 (Commercial Mixed Use -2) District
- West:** Commercial land use and zoning pertaining to property fronting on Park Avenue and predominantly single family zoning and land use along Pendleton Street







Proposed Cellular
Tower Site



STAFF ANALYSIS

Site Characteristics

The subject site is a .08 acre site located, south of Park Avenue between Pendleton Street and Haynes Street. This site is located within a larger 7.47 acre site with frontage along Park Avenue, Haynes Street and Pendleton Street.

The overall site (7.47 acres) is currently vacant with some mature trees and vegetation scattered within the site; however, plans are underway to develop the greater portion of this site as a Gymnasium and educational facility. The current owner, Memphis Leadership Foundation, is well on the way to bringing this project to fruition.

The site is within the Orange Mound Community and is surrounded by typical neighborhood residential, institutional, and commercial land uses.

Conclusion

The subject site is currently zoned CMU-2 and allows a cellular tower with a Special Use Permit. General approval criteria for Special Use Permits as outlined in Article 9.6.6 of the Unified Development Code stipulates that the effects of the Special Use should not impose a “substantial or undue adverse effect upon adjacent property” nor should the special use disturb the character of the neighborhood.

This criteria is in alignment with the general spirit of the Unified Development Code and its general provisions (Unified Development Code Article 1.5) which illustrates the ordinance’s goals of protecting the character and economic stability of communities within Memphis and Shelby County. This goal is further advanced by prohibiting uses, buildings, and structures that are incompatible with the established character of the neighborhood.

In this case the intended structure is a 160 foot cellular tower situated within close proximity to residential land uses. The Ordinance requires that all electrical substations be located at least 100 feet from single family zoning districts. The chosen location for the tower, as illustrated by the site plan, shows that the tower may only barely meet this required minimum.

Incompatibility between cellular towers and residential land uses is often determined by the tower’s specific location, access road placement and design and landscape elements. Strategic placement of the tower, proper placement and design of access roads, and proper installation and design of landscaping and screening elements can have a tremendous affect. Finally, the cell tower design can also assist in promoting a more symbiotic relationship between these two uses.

Currently the tower location and its access road points are within close proximity to residential land uses. The views from the single family homes to the east and south will be obstructed and the character and feel of the community will be adversely affected.

The proposed tower would be better suited in an alternate location. There is an opportunity to designate an alternate location for the cell tower on the subject site however this application as proposed should not be approved.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage:	Overall site- 601 feet along Park Avenue, 269 feet along Haynes Road and 69 feet along Pendleton Street.
Planning District:	Depot
Census Tract:	211.34
Zoning Atlas Page:	2035
Parcel ID:	059001 00004
Zoning History:	CMU-2

DEPARTMENTAL COMMENTS

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

City Engineer:

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.

Curb Cuts/Access:

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 Standards or closed with curb, gutter and sidewalk.
4. 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.
5. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate.
6. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.
7. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:	No comments received.
County Fire:	No comments received.
City Real Estate:	No comments received.
County Real Estate:	No comments received.
City/County Health Department:	No comments received.
City Board of Education:	No comment.
County Board of Education:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
AT&T/Bell South:	No comments received.
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.
Orange Mound Concerned Citizens Co.:	
Orange Mound Civic Organization	
The New Olivet Baptist Church:	
Messick Buntyn Neighborhood Association:	