

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT

#22

CASE NUMBER: S.U.P. 08-223 L.U.C.B. MEETING: August 14, 2008

LOCATION: West side of Tchulahoma Road; +830 feet north of Jackson Pit Road

OWNER OF RECORD / APPLICANT: Tower Venture V, LLC (Billy Orgel)

REPRESENTATIVE: Tower Ventures (Craig Royal)

REQUEST: Cellular Tower – 149 feet tall – flag pole design

AREA: 10.67 Acres (Lease area 3,025 square feet)

EXISTING LAND USE & ZONING: A church and accessory buildings in the Single Family Residential (R-S8) District

SURROUNDING USES AND ZONING:

North: A church and cemetery and vacant land in the Single Family Residential (R-S8) District

East: Residential dwellings with reverse frontage to Tchulahoma (Whitehaven Shelby Subdivision) in the Single Family Residential (R-S6) District

South: Residential dwellings on lots of 1 acre or larger (unrecorded subdivision) in the Single Family Residential (R-S8) District

West: Vacant land in the Single Family Residential (R-S8) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

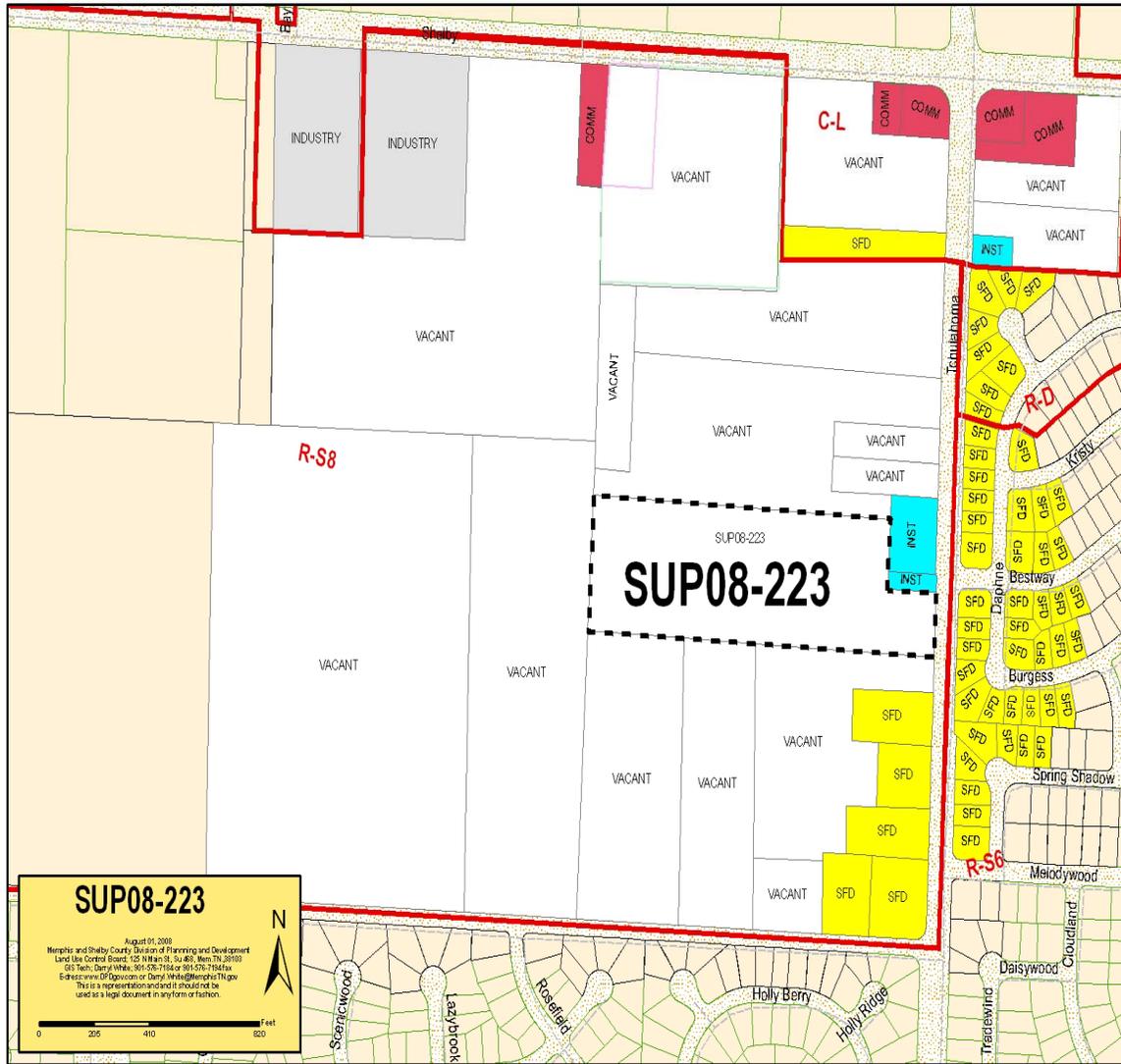
APPROVAL WITH CONDITIONS

Staff: Don Jones

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CONCLUSIONS

1. This application is consistent with the requirements of the Zoning Ordinance in regard to the location of new Cell Towers.
2. The location of the tower on the site (behind an existing building and in close proximity to existing vegetation) and the use of Stealth Design (a flag pole) will address the visual impact of the tower to it's neighbors.
3. At 149 feet in height the ordinance requires the tower to be designed to accommodate 3 additional co-locators which is what the applicant anticipates.



Land Use and Zoning



Aerial with subject property hi-lighted. Tower location behind second building



View of Sanctuary from Tchulahoma



View into property from Tchulahoma



View of Gym – Tower will be directly behind



Approximate Location of Tower behind Gym



Close up view of existing vegetation along south property line

STAFF ANALYSIS

The subject property is located on the west side of Tchulahoma Road some 650 feet north of Jackson Pit Road in the Easthaven area of Memphis.

The subject property contains the sanctuary, fellowship hall, a multi-purposed gymnasium building , a designated play ground, and parking area for the Easthaven Church of Christ.

The location for the cell tower and compound is directly behind the gymnasium which also serves as child care center.

The subject property is a 10 + acre site with approximately 400 feet of lot width and a lot depth in excess of 1,000 feet. The cell tower compound is located some 600 feet west of the road. The north, south and west property lines include mature tree cover.

Request:

The applicant is Tower Ventures V, LLC who is proposing a 149 foot tall cell tower which is designed as a flag pole. As a member of the development team describes this application as a slick stick style pole with the antennae array imbedded in the pole and canister style cover.

This pole and compound are designed to accommodate 4 carriers. The applicant has also submitted coverage maps which show the service for this area with and without this tower. Both coverage map shows a number of towers nearby. The applicant's representative states that in each case, one of the potential users, T-Mobile, has an antennae at these locations and still needs this location to avoid dropping calls. This site will also serve to improve the reception of calls to the Emergency 911 system.

Due to the location of the tower behind an existing building and its proximity to mature vegetation, the applicant is requesting that the standard screening requirement be waived in this instance.

Review of Request:

This application is consistent with the requirements of the Zoning Ordinance in regard to the location of new Cell Towers.

The location of the tower will not be easily visible to the public street as it sits behind both the sanctuary and the gymnasium. The applicant is proposing a flag pole design which meets the stealth design requirement of the ordinance. The compound and the pole are situated on the site so that they are in close proximity to existing mature vegetation.

The coverage maps show an increased level of service with the addition of this tower. One of the potential cell phone providers, Powertell of Memphis (T-Mobile) has submitted a letter with this request documenting the loss of business due to poor reception in this area and the number of potential new customers that might be attracted. They also indicate that "this new site will also expand our enhanced E911 services".

The applicant is requesting permission for a cell tower to accommodate 4 co-locators. The ordinance (Section 9.v.(4)) requires that "any proposed tower shall be structurally designed to accommodate at least three additional" (a total of 6) "CMCS sectorized antennas if [the tower] is at least 100 feet in height."

RECOMMENDATION: APPROVAL WITH CONDITIONS

SITE PLAN CONDITIONS

A Special Use Permit is hereby authorized to allow a CMCS Tower on the property located at 4835 Tchulahoma Road also identified as Assessors Parcel 06023200018 in accordance with the approved site plan and the following supplemental conditions:

1. The cell tower shall have a permitted height of 149 feet and designed as a flag pole. Detail of the pole will be shown on the Approved Site Plan.
2. The cell tower shall be structurally designed to accommodate an additional 3 sectorized antennae.
3. The cell tower shall not be illuminated.
4. The tower compound shall be screened by a six foot tall, sight proof, wooden fence. A detail of the fence shall be shown on the Approved Site Plan.

GENERAL INFORMATION

Street Frontage: Tchulahoma +/- 179 Feet

Planning District: Oakhaven-Parkway Village

Land Use Plan: Memphis Airport Area Land Use Study – Future
Land Use Recommendation – Planned Business Park

Census Tract: 219

Zoning Atlas Page: 2435

Zoning History: The current R-S8 or its equivalent R-1A dates back to 1960.

DEPARTMENTAL COMMENTS

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

City Engineer: No comment

City Fire Division:
Should any carrier on this tower interfere with Emergency Communications, that carrier will remedy problem.

City Real Estate: None.

City/County Health Department: No objections.

City Board of Education: The Water Quality Branch has no comments .

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

Bell South: No comments received.

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

OPD-Regional Services:

This application was reviewed by the MPO staff/Department of Regional Services on July 23, 2008. Tchulahoma Road is an existing major road with right of way and pavement widths of 40 feet and 22 feet respectively. This road is proposed to widen to a five lane facility (80 feet of right of way / 60 feet of pavement). The MPO recommends dedication and improvement of right of way as deemed needed by the City Engineer.

OPD-Comprehensive Planning:

No comments.

Memphis and Shelby County Airport Authority:

No comments received

Memphis Airport Development Corp.:

No comments received