

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 9**

CASE NUMBER: PD 14-315CC **L.U.C.B. MEETING:** October 9, 2014

DEVELOPMENT NAME: The Crossings at Woodland Hills, Amended

LOCATION: Beginning on the west side of Houston Levee Road; +/- 911.62' south of Macon Road, and extending westward some 1,324'

COMMISSION DISTRICT: District 2

OWNER OF RECORD: Jim Ethridge

APPLICANT: TV6W, LLC dba Tower Ventures

REPRESENTATIVE: Lou Katzerman (Tower Ventures)

REQUEST: Amend Planned Development to allow Cellular Communications Tower, 180' Tall, Canister Design

AREA: P.D. = 9.7 Acres Lease Area = Aprox 80' x 80'

EXISTING LAND USE & ZONING: Vacant land governed by the Outline Plan Conditions of the Crossings at Woodland Hills P.D. 99-308CC

Staff: John D. (Don) Jones

E-Mail: john.jones@memphistn.gov

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

APPROVAL WITH CONDITIONS

CONCLUSIONS

The location and style of the requested tower meet the requirements for CMCS Towers in the Unified Development Code. Other site planning details such as the design of access drive, fencing surrounding the tower compound, and landscaping are depicted on the site plan and are acceptable to staff and are addressed in the revised conditions of this application.

Exhibit 1 GENERAL LOCATION

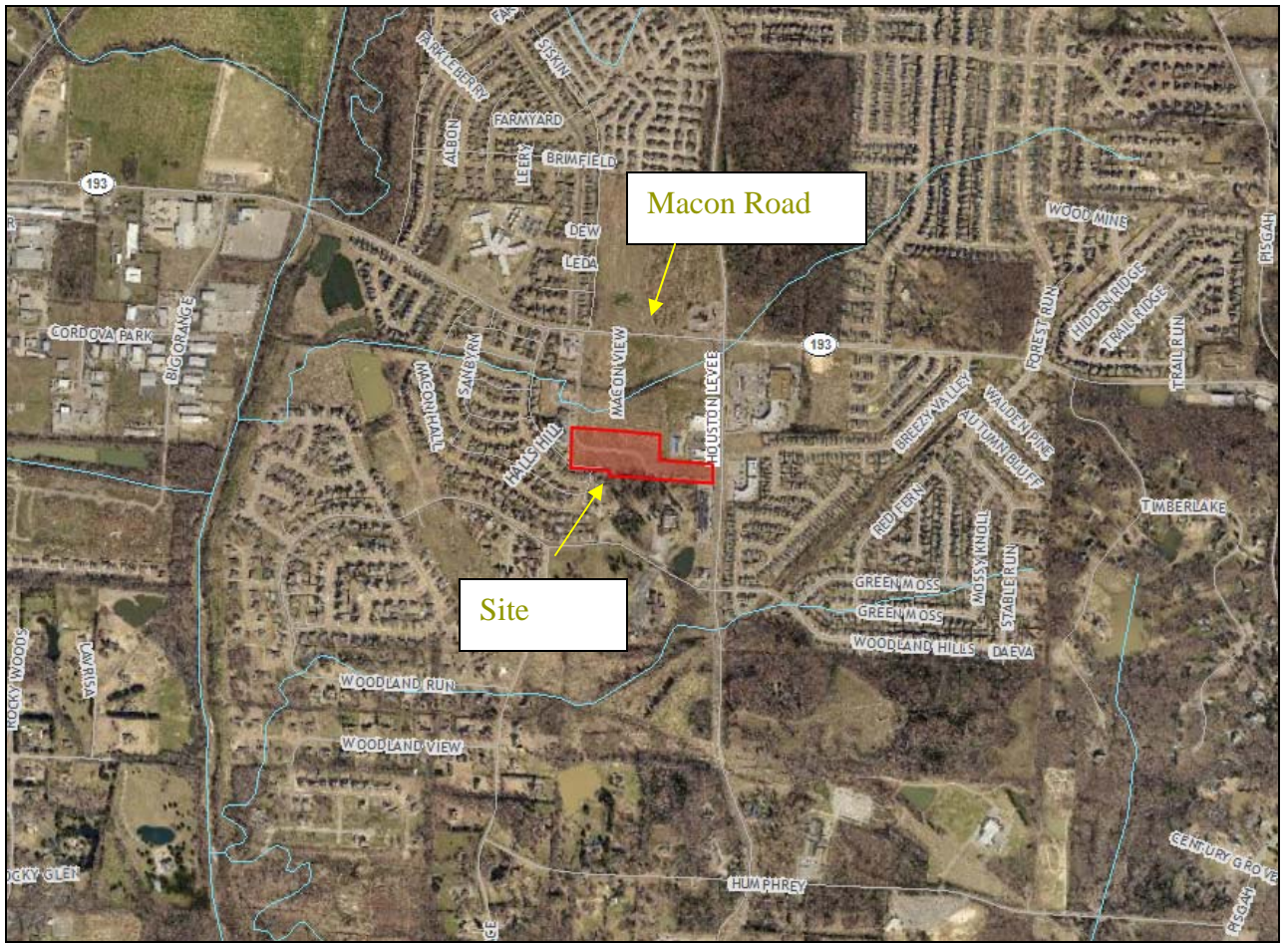


Exhibit 2 Zoning and Land Use Map

The area in the dashed line is the approximate outline of the planned development, the yellow square in the corner is a special use permit application



Surrounding Land Use and Zoning:

- North:** (East to west) Vacant land associated with Parcel 5 of the Woodland Hills Planned Development (P.D. 09-343CC), Vacant land in the Commercial Mixed Use -2 District (Case Number S.U.P. 14-207 CC was withdrawn), and a drive-in restaurant approved by Special Use Permit, S.U.P. 05-205CC)
- South:** Woodland Hills Baquet Hall and residential lots included in the Woodland Hills Planned Development (P.D. 97-382CC)
- East:** Commercial and residential uses approved under the Cordova Ridge Planned Development, P.D. 00-304CC and P.D. 01-331CC)
- West:** Residential uses included in the Woodland Hills Planned Development, P.D. 97-382CC and commercial uses permitted under Parcel 4 of the Woodland Hills Planned Development, P.D. 09- 343CC

Exhibit 3

Street View looking west from Houston Levee into the planned development. Subject property is 900 feet to the west of the intersection



Google earth

feet 10
meters 3



Exhibit 4

Aerial indicating approximate location of cell tower compound (red) relative to surrounding properties

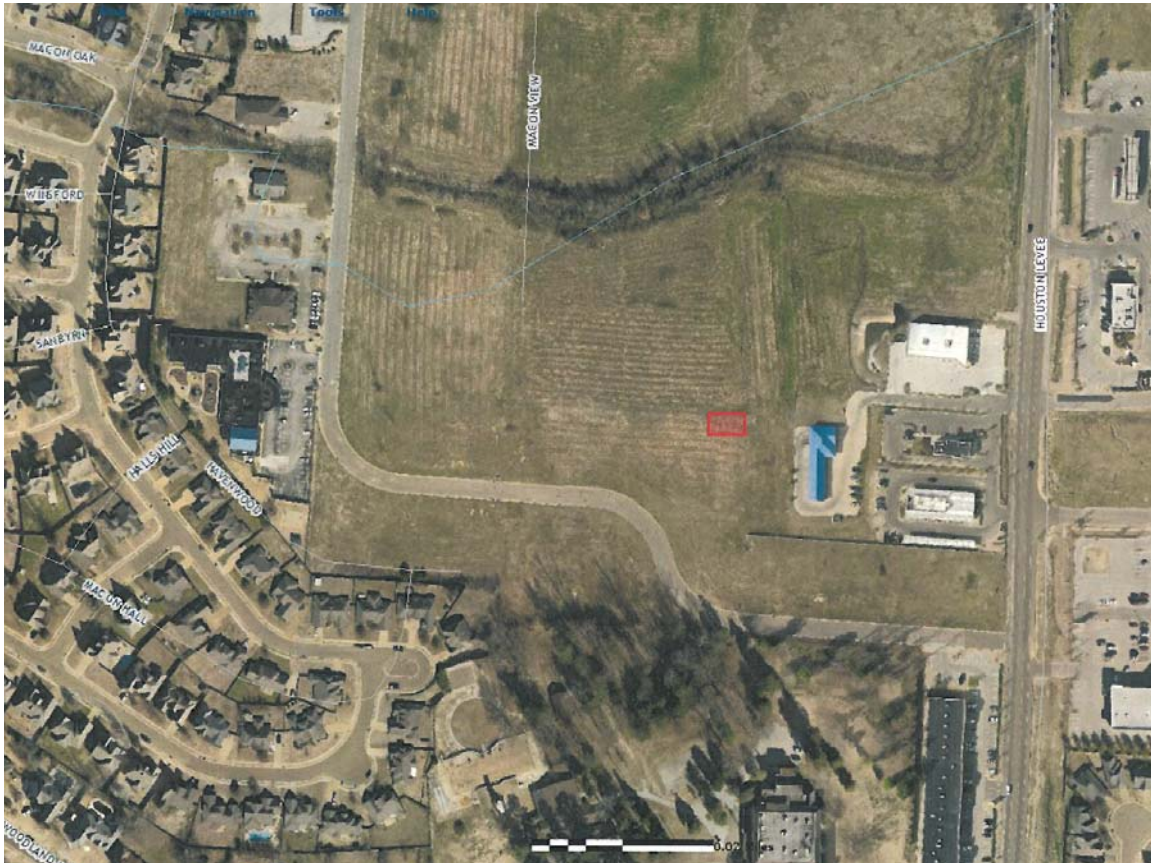
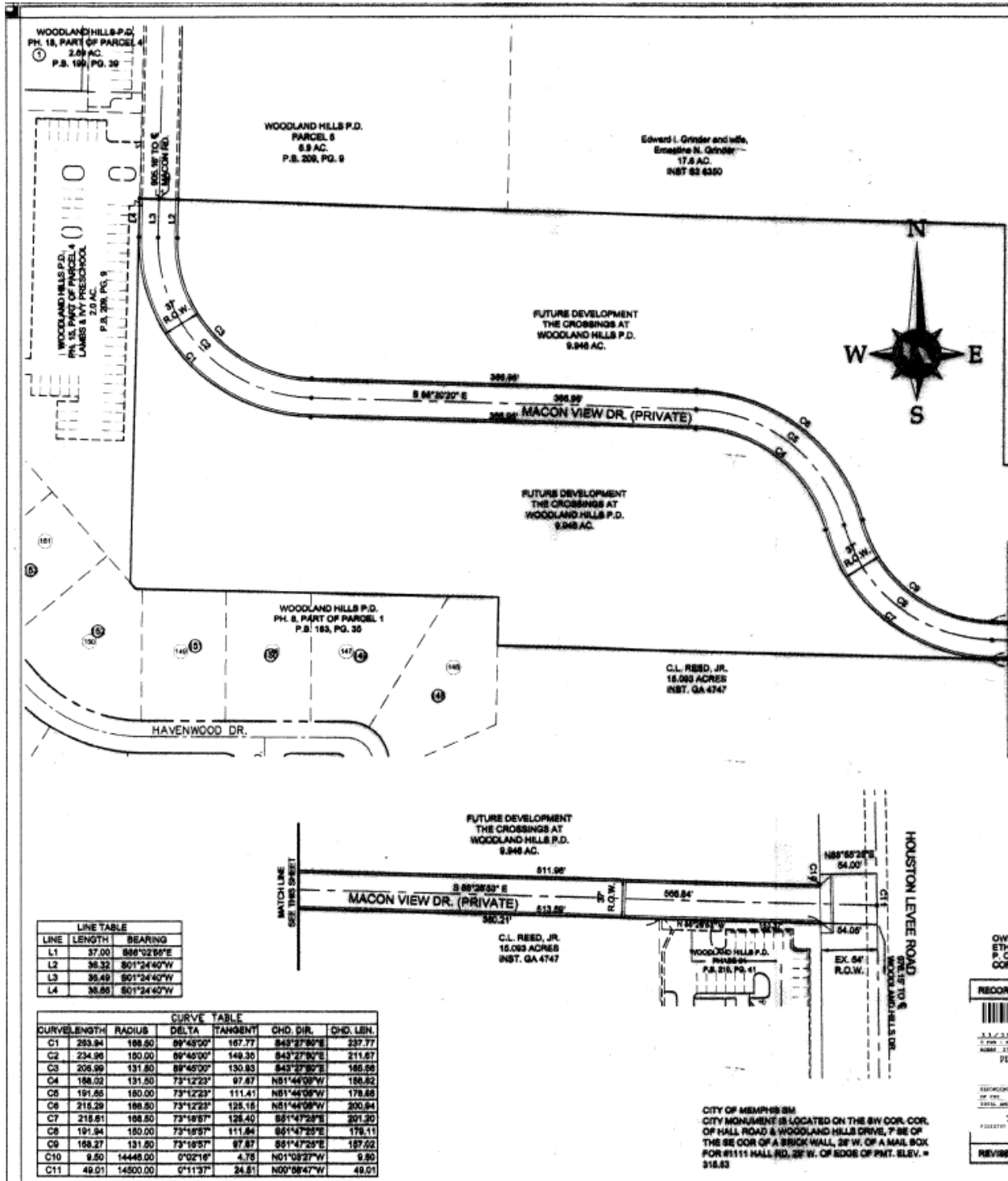


Exhibit 5 Crossings at Woodland Hills – Phase 1



LINE TABLE

LINE	LENGTH	BEARING
L1	37.00	88°02'26"E
L2	35.32	80°12'40"W
L3	35.49	80°12'40"W
L4	35.85	80°12'40"W

CURVE TABLE

CURVE LENGTH	RADIUS	DELTA	TANGENT	CHD. DIR.	CHD. LEN.
C1	283.94	188.80	89°49'00"	167.77	S43°27'50"E 237.77
C2	234.96	180.00	89°49'00"	149.30	S43°27'50"E 211.67
C3	206.99	131.80	89°49'00"	130.93	S43°27'50"E 186.95
C4	188.02	131.80	73°12'23"	97.87	N81°44'09"W 186.82
C5	191.95	180.00	73°12'23"	111.41	N81°44'09"W 178.88
C6	215.29	188.80	73°12'23"	125.18	N81°44'09"W 200.84
C7	218.61	188.80	73°16'57"	125.40	S81°47'29"E 201.20
C8	191.94	180.00	73°16'57"	111.84	S81°47'29"E 178.11
C9	188.27	131.80	73°16'57"	97.87	S81°47'29"E 187.02
C10	9.50	14448.00	0°02'18"	4.78	N01°09'27"W 9.50
C11	49.01	14500.00	0°11'37"	24.81	N00°08'47"W 49.01

CITY OF MEMPHIS
CITY MONUMENT IS LOCATED ON THE SW COR. COR.
OF HALL ROAD & WOODLAND HILLS DRIVE, 7 SE OF
THE SE COR. OF A BRICK WALL, 28' W. OF A MAIL BOX
FOR #1111 HALL RD. 32' W. OF EDGE OF PNT. ELEV. =
515.83

OWN
ETH
P.C.
COR

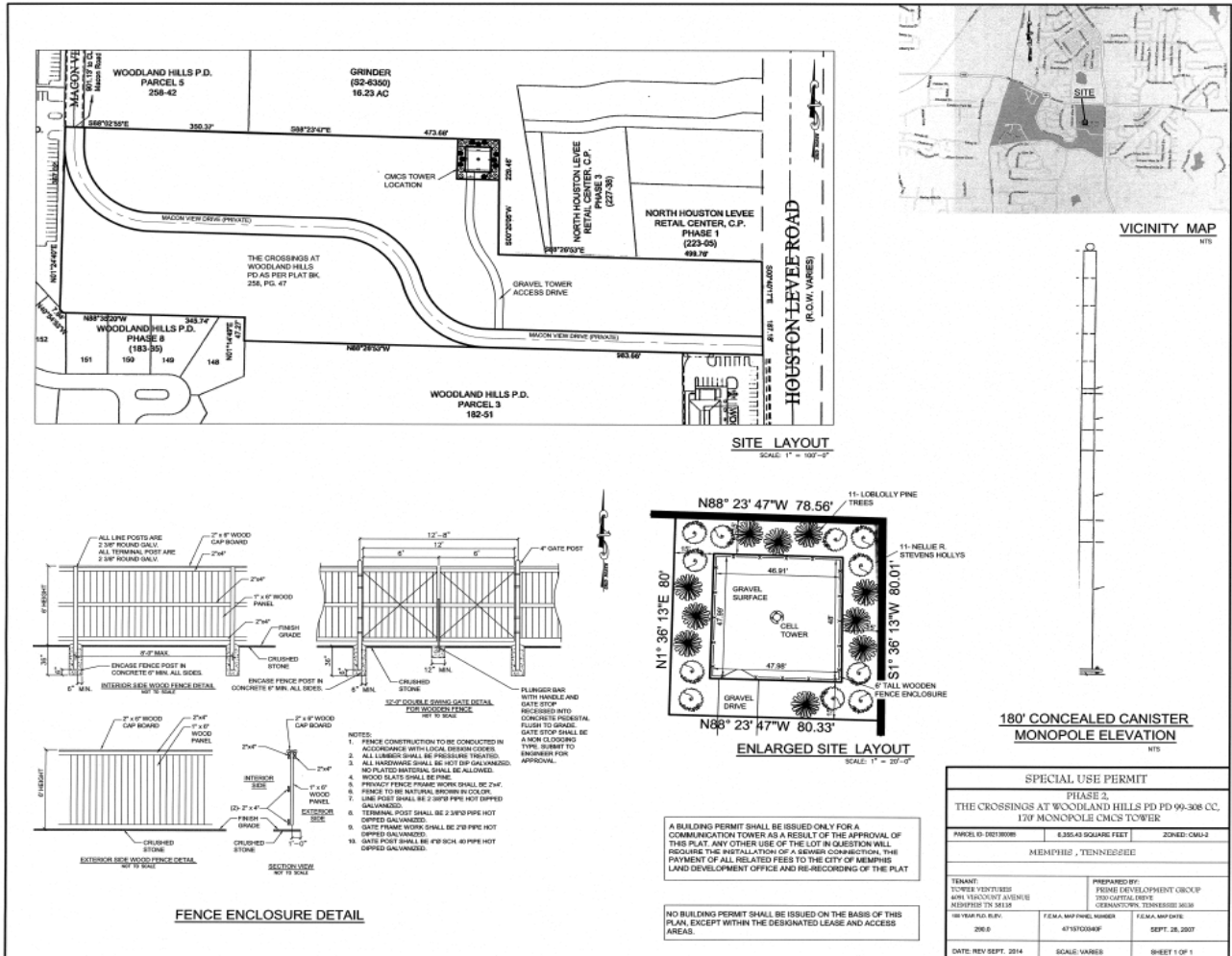
RECOR

3.1.1.2
2.000
10/10/14

REVISION

Exhibit 6

Plat with compound location, access drive, typical landscape plate and profile of tower



ANALYSIS:

General Location and Site Characteristics:

The subject property is located within the Crossings at Woodland Hills Planned Development, OPD case number P.D. 99-308CC, which is illustrated on Exhibits 1 and 2 above.

Exhibits 4 and 6 show the proposed cell tower compound in relation to the balance of the planned development and the overall area.

These exhibits indicate that the subject property is vacant, with no existing trees or shrubs and very little change in topography. The compound has been sited at the northeast corner of the P.D. as close to existing commercial uses and as far from existing single family residential as possible.

Also indicated on Exhibits 3 and 4 is the location of existing mature vegetation on the property immediately south of the Planned Development on property in the Woodland Hills Planned Development.

Background and Surrounding Uses of Land:

The Crossings at Woodland Hills was approved by the City Council and Shelby County Board of Commissioners in June of 1999. The Planned Development was approved for Planned Commercial Uses, now Commercial Mixed Use -2. This property which sits in between the various phases of the Woodland Hills Planned Development was in separate ownership at the time that the bulk of the Woodland Hills Planned Development was being laid out. It was later acquired by the ownership of the Woodland Hills Planned Development and brought in under a separate case name and file number.

The PD is surrounded on the south by commercial uses in Parcel 6A of the Woodland Hills P.D., the Woodland Hills Ballroom and Banquet Hall, Parcel 3 and single family residential uses, Parcel 1.

To the west are commercial uses regulated by Parcel 4 of the Woodland Hills Planned Development.

North of the subject property are predominately vacant properties in Parcel 5 of the Woodland Hills Planned Development and vacant land zoned Commercial Mixed Use – 2. Existing uses of land generally north of the subject tract include a car wash facility, fast food, and an auto parts store all oriented to Houston Levee Road and regulated by the Commercial Mixed Use - 2 District.

Request:

This request is to amend the permitted uses of the Crossings at Woodland Hills Planned Development to specifically permit a CMCS Tower and accessory compound. The applicant, Tower Ventures, has submitted a site plan that will be recorded as the next phase of the P.D. The site plan indicates the height of the tower, 180 feet, the location of the tower, the lease area, approximately 80' x 80', and a preliminary landscaping and fencing plan for the site.

At the request of staff, the applicant has widened the lease area to accommodate the incorporation of trees and modified the compound enclosure to reflect sight proof wooden fencing and a gate.

Review of Request

In May of 2014, an application was filed on property immediately north of this site for a CMCS Tower. The applicant was New Cingular Wireless but the height of the tower was the same as that requested here. While the staff was supportive of the overall request, one stipulation that the staff made was that the style of the tower be a stealth design such as a canister design. The basis for that recommendation was due to the relative lack of existing mature vegetation or tall buildings that would help shield the first 100 feet of the proposed tower. Where this style of tower has been implemented in areas with little mature vegetation and little if any other visual elements such as multi-story buildings. Staff has found that the Stealth Towers blend in better and are less intrusive to the eye due, at least in part, to the fact that there is no antennae array to attract the eye to the tower.

In bringing this application forward, staff finds that this tower has been sited in the far most northeast corner of the site, as close as possible to existing commercial uses, and as far away as is reasonably possible in this P.D. from existing residential uses, approximately 680 feet. In addition, the applicant is proposing a Canister Style Tower.

At the request of staff, the applicant has increased the lease area to accommodate a wider area for landscaping.

Conclusions:

In conclusion, the location and style of the requested tower meet the requirements for CMCS Towers in the Unified Development Code. Other site planning details such as the design of access drive, fencing surrounding the tower compound, and landscaping are depicted on the site plan and are acceptable to staff and are addressed in the revised conditions of this application.

RECOMMENDATION: APPROVAL WITH CONDITIONS

OUTLINE PLAN CONDITIONS

The Crossings at Woodland Hills Planned Development
P.D. 14-345CC

Underline indicates the language has been updated
Italic print indicates language that has been added

I. Uses Permitted:

- A. In accordance with the Commercial Mixed Use-2 (CMU-2) District, and
- B. *One CMCS Tower as regulated below.*

II. Bulk Regulations:

- A. In accordance with the Commercial Mixed Use-2 District and,
- B. *Regulations for the CMCS Tower shall be as follows:*
 - 1. *Maximum Height – 180 feet exclusive of any lighting rods.*
 - 2. *The tower shall be designed as a “slick stick” style.*
 - 3. *The access drive shall be designed in a serpentine style so as to limit the direct view into the compound.*
 - a. *The surface of the access drive shall include a dustless surface that is suitable to the Shelby County Fire Department.*
 - b. *The location of the access drive may change as development takes place in this Planned Development, if and when that occurs the drive shall be shown on the appropriate phase of the P.D and the ownership and maintenance requirement shall be reflected on that plat.*
 - 4. *Upon the cessation of use of this tower, said tower and compound shall be removed within 180 days.*

III. Landscaping and Screening:

- A. Provide Landscape Plate, Class III, along the southern boundary of the P.D. where the P.D. abuts a residential use or the residential portion of a Planned Development, suitable to the Office of Planning and Development
- B. Landscaping requirements for the CMCS Tower
 - 1. Provide a Class III buffer or an alternative that is suitable to the Office of Planning and Development.
 - 2. The required screening shall include a sight proof wooden fence with a cap and may incorporate a combination of Hollies maintained in a tree form and taller Evergreen Trees.
- C. All required landscaping shall be irrigated using a below ground irrigation system unless an alternative is approved by the OPD which includes a nurseryman's guarantee for a minimum of one year that the landscaping will be maintained and replaced as necessary.

IV. Access, Parking, and Circulation:

- A. Macon Road is designated as a Priority 1 on the MPO Major Road Plan. Dedicate 42 feet from centerline and improve in accordance with Subdivision Regulations.
- B. Houston Levee Road is designated as a Priority 1 on the MPO Major Road Plan. Dedicate 57 feet from centerline and improve in accordance with Subdivision Regulations.
- C. The City/County Engineer shall approve the design, number and location of curb cuts.
- D. 1 curb cut along the Houston Levee frontage will be permitted.
- E. 1 curb cut along the Macon Road frontage will be permitted.
- F. All internal public streets shall be dedicated and improved as 68 foot wide commercial collectors, and all public streets shall meet the design requirements of the Subdivision Regulations.
- G. All private drives and access drives shall be owned and maintained by

V. Sewers and Drainage:

- A. The developer shall extend sanitary sewers through the site to serve upstream properties.
- B. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
- C. Drainage data for assessment of on-site detention requirements shall be submitted to the City/County Engineer.

VI. Other:

The Land Use Control board may modify the bulk, access, circulation, parking, landscaping, signage and other site design requirements if equivalent alternates are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications by the Land Use Control Board hereunder may, within ten (10), days of such action, file a written appeal to the Director of Planning and Development to have such action reviewed by the Appropriate Governing Bodies.

VII. Final Plan Requirements:

Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including height of buildings, parking areas, utility easements, drives, trash receptacles, loading facilities and required landscaping and screening areas.
- D. The location, owner, whether public or private for any easement.
- E. The number of parking spaces.
- F. If applicable, a statement conveying all common facilities and areas to a property owners' association or other entity, for ownership and maintenance purposes.

- G. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
- H. Required landscaping shall not be placed on sewer or drainage easements.
- I. Required landscaping shall be exclusive of all easements.
- J. All final plans shall conform to the design guidelines for mixed-use centers recommended by the Gray's Creek Area Study.
- K. All final plans shall be subject to approval of the Office of Planning and Development.

VIII. Prior to the recording of the next Final Plat that is subsequent to Phase 1, owner of the Planned Development shall work with the Shelby County Assessors Office to create a parcel for the Crossings at Woodland Hills Planned Development so as to remove any confusion between this Planned Development and other phases or sections of the Woodland Hills Planned Development.

GENERAL INFORMATION

Street Frontage:	Houston Levee Road: +/- 187.18'
Planning District:	East Central Shelby
Census Tract:	210.20
Zoning Atlas Page:	1960 and 2060
Parcel ID:	D021500112, D021500654, D021500585
Zoning History:	The Outline Plan for the Crossings at Woodland Hills was approved by the Shelby County Board of Commissioners and the Memphis City Council in June of 1999. The first Final Plat establishing the private drive was recorded at the Registers Office in November 2004 at Plat Book 215, Page 32.

DEPARTMENTAL COMMENTS

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

County Engineer:

1. The site plan needs to be updated with the existing private drive shown

City Engineer:

1. This application has a number of complicating factors.
2. The private drive from which this site is to be accessed was supposed to be accepted as public right of way based on an application by the developer several years ago. The SCRO does not show it as right of way but as a tax parcel.
3. The application has two planned developments shown, one of which is Woodland Hills PD and another that was recorded on this site in April of this year. The applicant's engineer can give you the Plat Book and page number of the second document.
4. The County Engineer shall approve the design, number and location of curb cuts for this project.

County Fire Department: No comments received

City Fire Department: No comment

City/County Health Department-

No comment

Memphis Light, Gas and Water:

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

- **Street Names: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search:** <http://www.mlgw.com/builders/landandmapping>
- **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, without prior MLGW approval.
- **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 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.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **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 Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application 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.

Bell South

No comments received

6AMemphis Area Transit Authority (MATA):

No comments received

Neighborhood Associations:

Grays Creek Development Corp

No comments received

Appendix

Letter of Intent

TV6-W, LLC/ Tower Ventures

4091 Viscount Ave Memphis, TN 38118-6106
August 25th, 2014

Phone: 901 794-9494
Fax: 901 366-5736

Memphis and Shelby County Office of Planning and Development
City Hall
125 North Mid-American Mall
Memphis, TN 38103-2084

RE: Letter of Intent and Requested Zoning Conditions for a One Hundred Eighty Foot (180') Modified Concealed Canister Monopole Communications ("CMCS") Tower at 0 Macon RD (Parcel ID #D0215 00566)

To Whom It May Concern:

Tower Ventures V, LLC/TV6-W, LLC of 4091 Viscount Avenue Memphis, TN 38118 proposes to construct a one hundred eighty foot (180') CMCS tower at 0 Macon RD Cordova, TN 38018 (Parcel ID # D0215-00566) The tower will be a Concealed Canister monopole design and it will be built to support cellular communications and wireless data services. The tower will be built to support six (6) antenna arrays.

The equipment will be placed in a Lease area of 48' x 47'. Tower Ventures is proposing to use Landscaping on all sides of the proposed compound. The Tower Site is to be fenced with a 6' Wooden Fence. The material for the Gates to be chain link design.

There is a need for improved cellular coverage in this area of Memphis. The CMCS equipment planned for the proposed tower cannot be accommodated on any existing structures because there are no appropriate existing structures or pending structures to accommodate the planned equipment, taking into account, among other factors, the licensees' system requirements. Therefore, the proposed tower is needed so that the licensees can provide better cellular coverage and can improve its E911 emergency services network. The citizens of Memphis benefit each time a licensee expands its network coverage because each site enhances the licensee's ability to provide emergency response services

Tower Ventures V, LLC/ TV6-W, LLC appreciates the Memphis and Shelby County Office of Planning and Development's consideration of this application. Please contact me at (901) 794-9494 Ext 117 if you have any questions concerning this application.

Sincerely,

Lou Katzerman
Site Acquisition and Zoning Manager
TV 6-W, LLC- Tower Ventures