MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT #11

CASE NUMBER: S.U.P. 08-207 CC **L.U.C.B. MEETING: April 10, 2008**

This report has been updated to include information presented at the second Land Use Control Board hearing on this case, which was held by the Board at its 3/13 Meeting; Exhibit B includes remarks from a neighborhood resident who was misinformed about the time of the 2nd hearing.

LOCATION: North side of Independence Rd; ± 250 ft. east of Woodstock-Cuba Road

OWNER OF RECORD: DeAnna Carter

LESSOR/APPLICANT: Global Tower, LLC

REPRESENTATIVE: Valerie Allmand *(Baran Telecom)*

REQUEST: Cell Tower (CMCS – 195 ft. monopole)

AREA: 11.97 Acres

EXISTING LAND USE & ZONING: Agricultural (AG) and Floodway (FW) Districtd

SURROUNDING USES AND ZONING:

North: Single-family residences and vacant tracts in the AG District

East: Single-family residences on estate-sized tracts fronting on Independence Road, and vacant parcels in the AG District

South: Across Independence Road, single-family residences on estate-sized tracts and vacant land, all in the AG District

West: Adjoins a single family residence; across Woodstock-Cuba Road, Single-family residences on small lots and single-family estate residences on tracts larger than 4 acres in the AG District

OPD RECOMMENDATION (4/10): Approval with Conditions --- After the public hearing OPD had no objection since there was no indication that the neighborhood shared OPD's concerns about design issues.

LUCB DECISION (3/13): ***Hold for 30 days for balloon test and applicant meetings with neighborhood residents***

CONCLUSIONS

1. ***The applicant appears to have presented evidence that additional CMCS service is needed in this area, but the possibility of finding a most suitable location should be considered further.***

2. ***If the subject property is considered the preferred location, the siting of the tower needs to be closer to the center of the property so as maximize setback from the roads and adjoining residences.***

Staff Planner: **Dave Adams** **E-mail Address: david.adams@memphistn.gov**

Figure 1: VICINITY MAP
LOCATION OF SUBJECT PROPERTY
(Licensed by Rand McNally & Company for limited distribution)

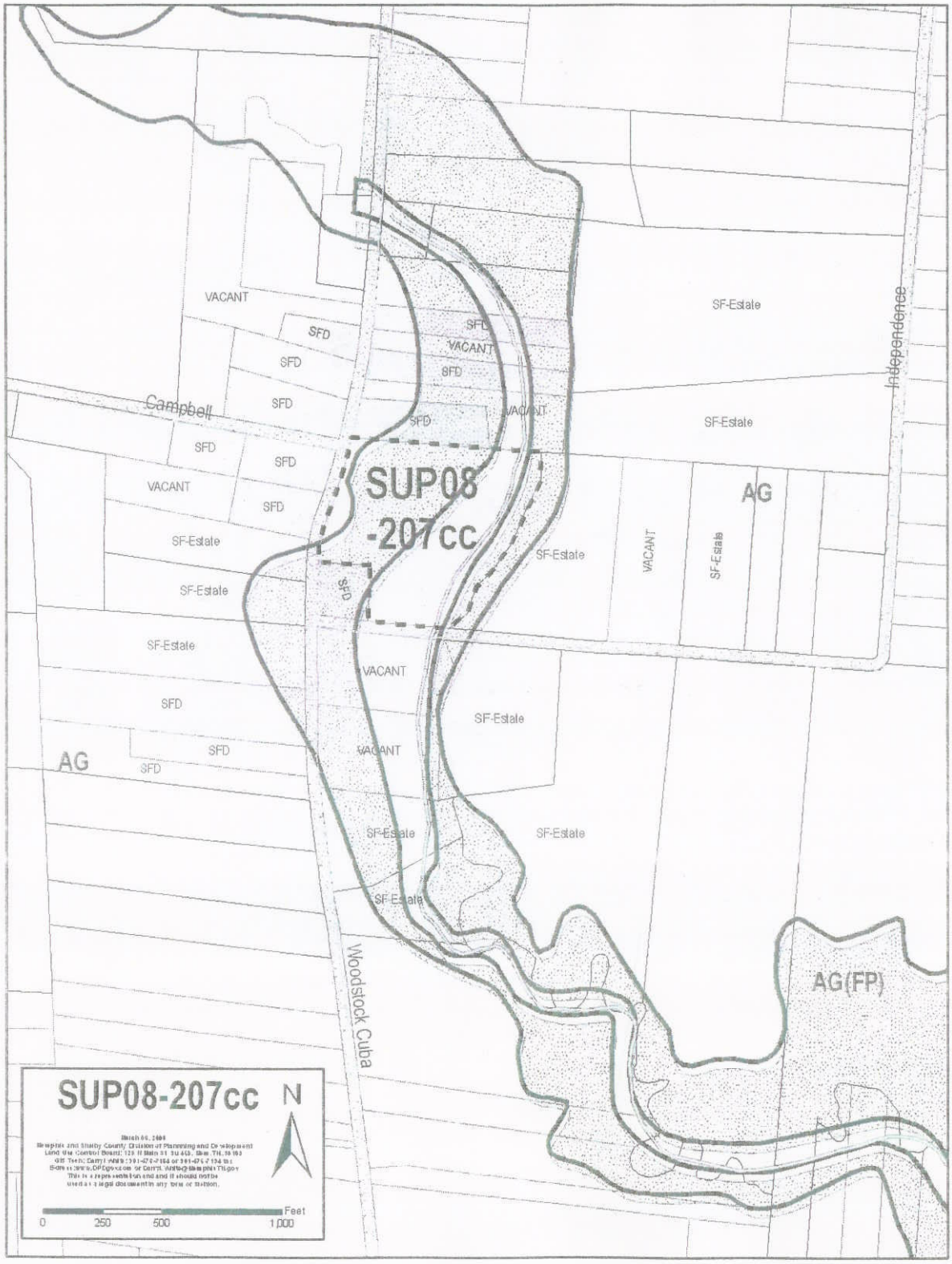

Figure 2: Land Use and Zoning in the Vicinity

Figure 3: Overhead View of Vicinity

Figure 4: Detailed view of subject property

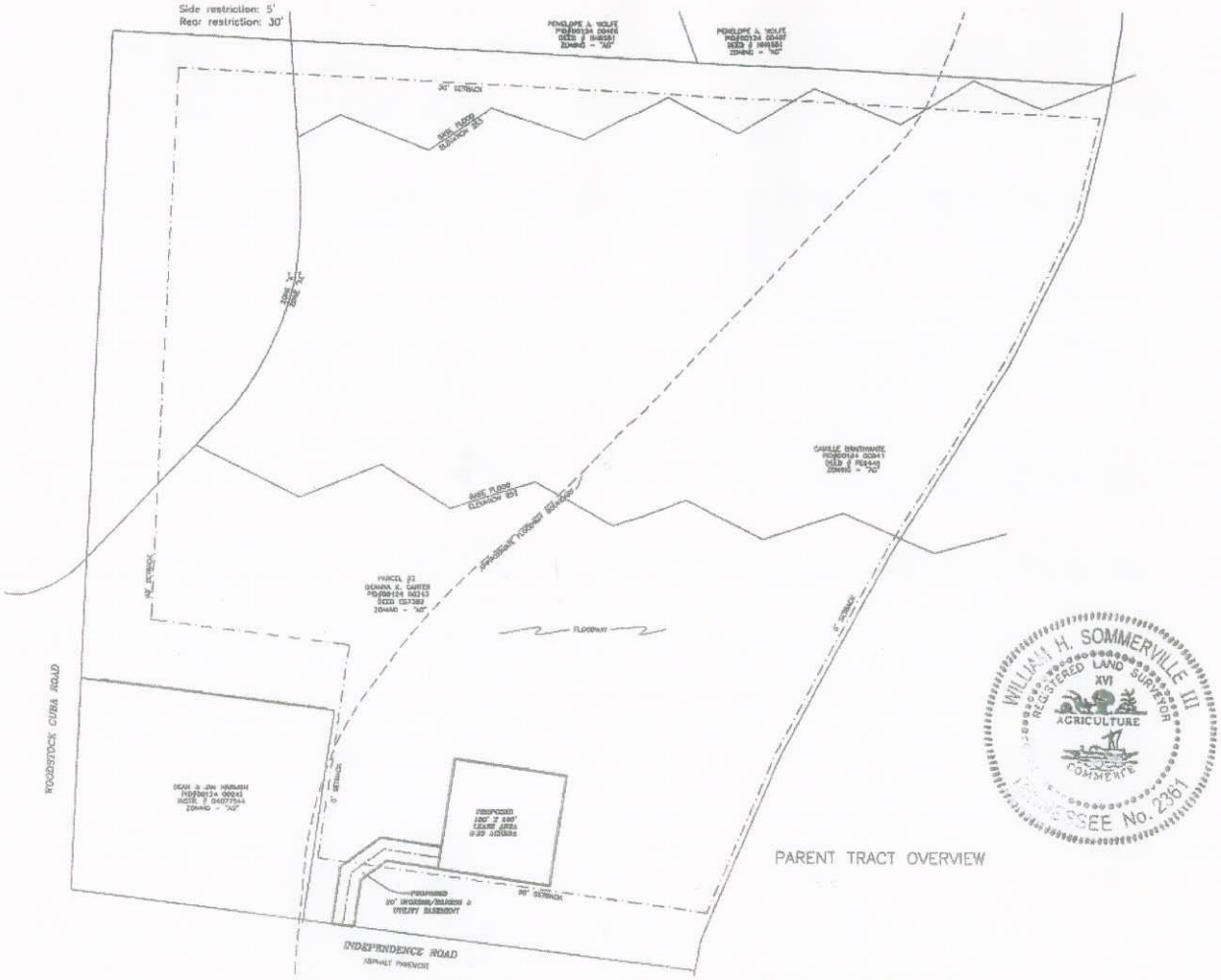

Figure 5: Site Plan – Overview of Parent Tract
Drawing by SMW Engineering Group, Pelham Alabama

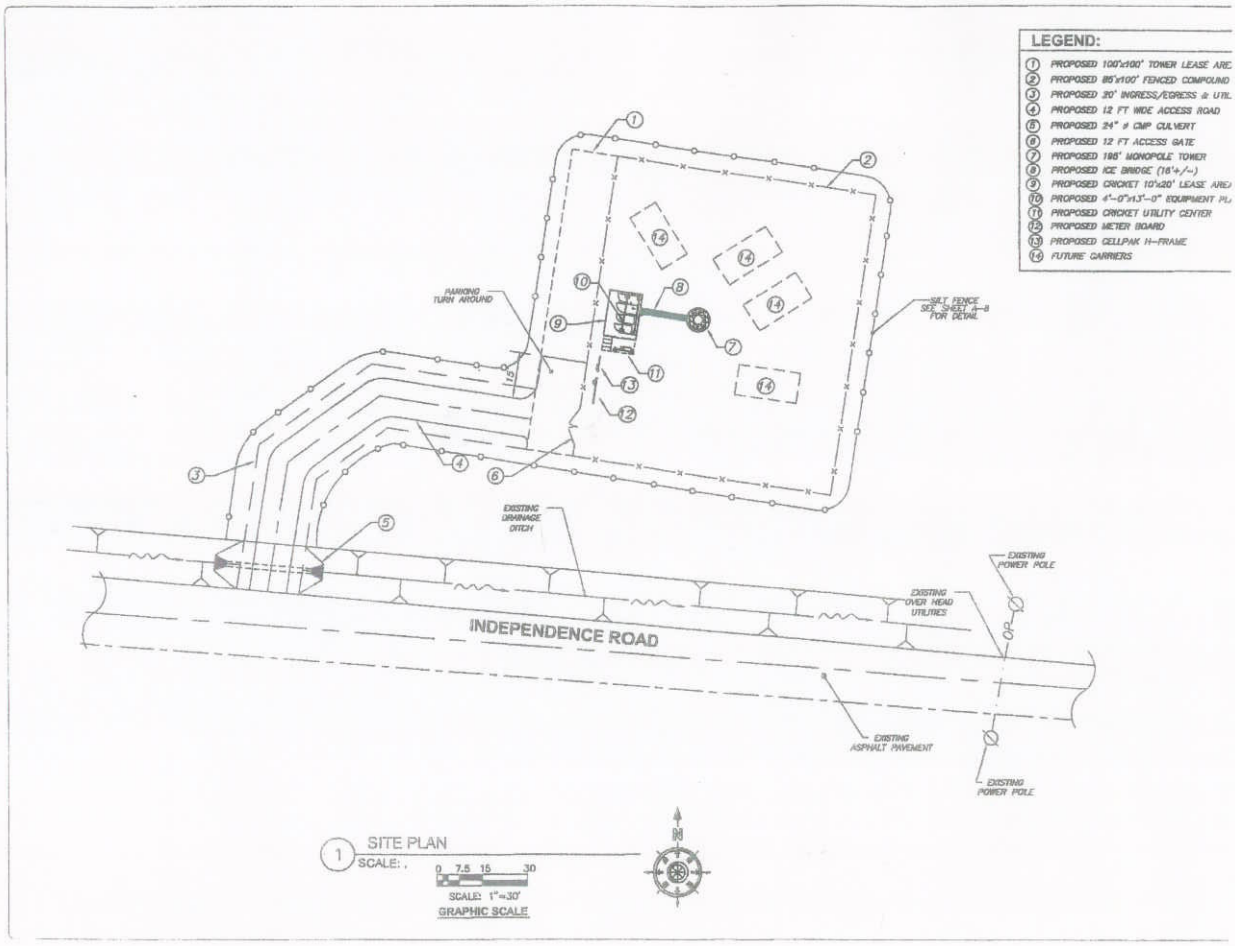

Figure 6: Site Plan for Leasehold / Tower Site

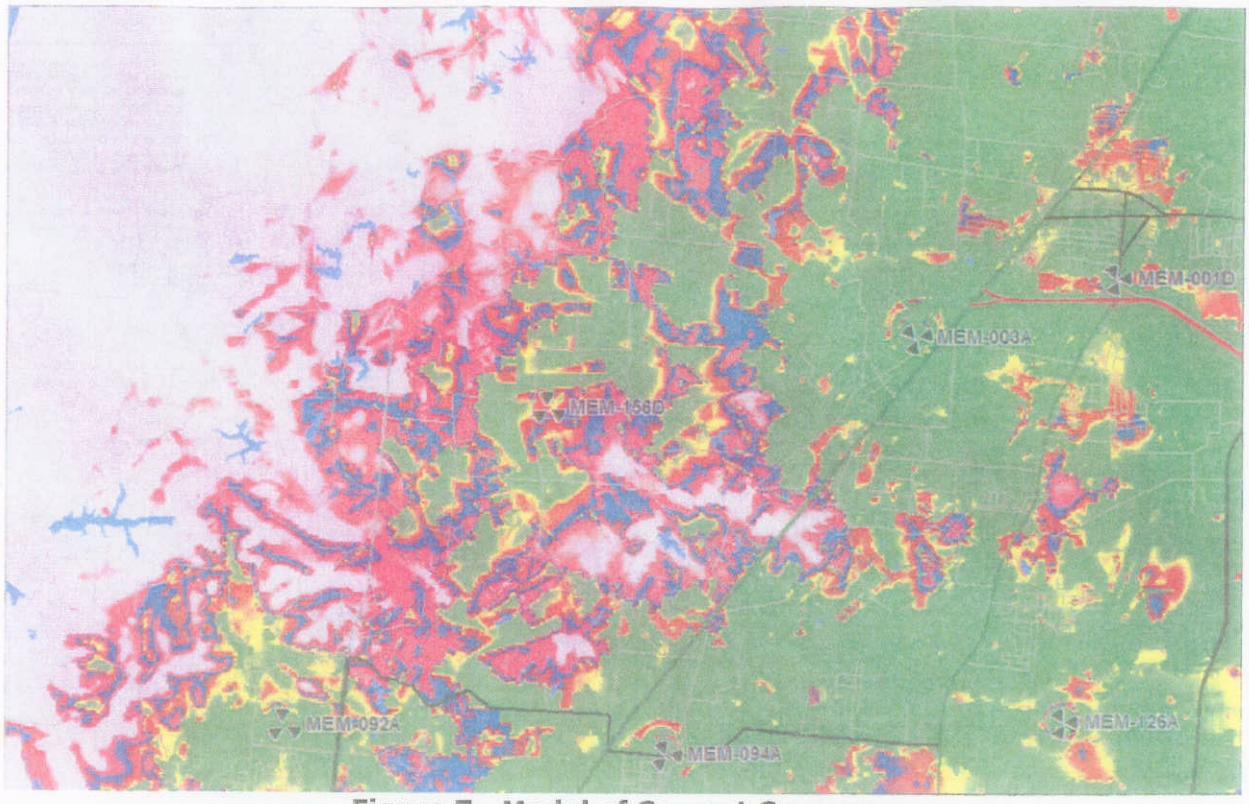

Figure 7: Model of Current Coverage
By Prime Carrier / Tenant for Proposed Tower
(The tower site is at the center of this image)

KEY TO COVERAGE LEVELS AS MAPPED

Green - Excellent Coverage

Yellow - Good coverage

Red - Borderline coverage

Blue - Bad coverage

Purple - Signal level detected by the phone, not good enough to serve calls

Grey - Signal level below what the phone can detect

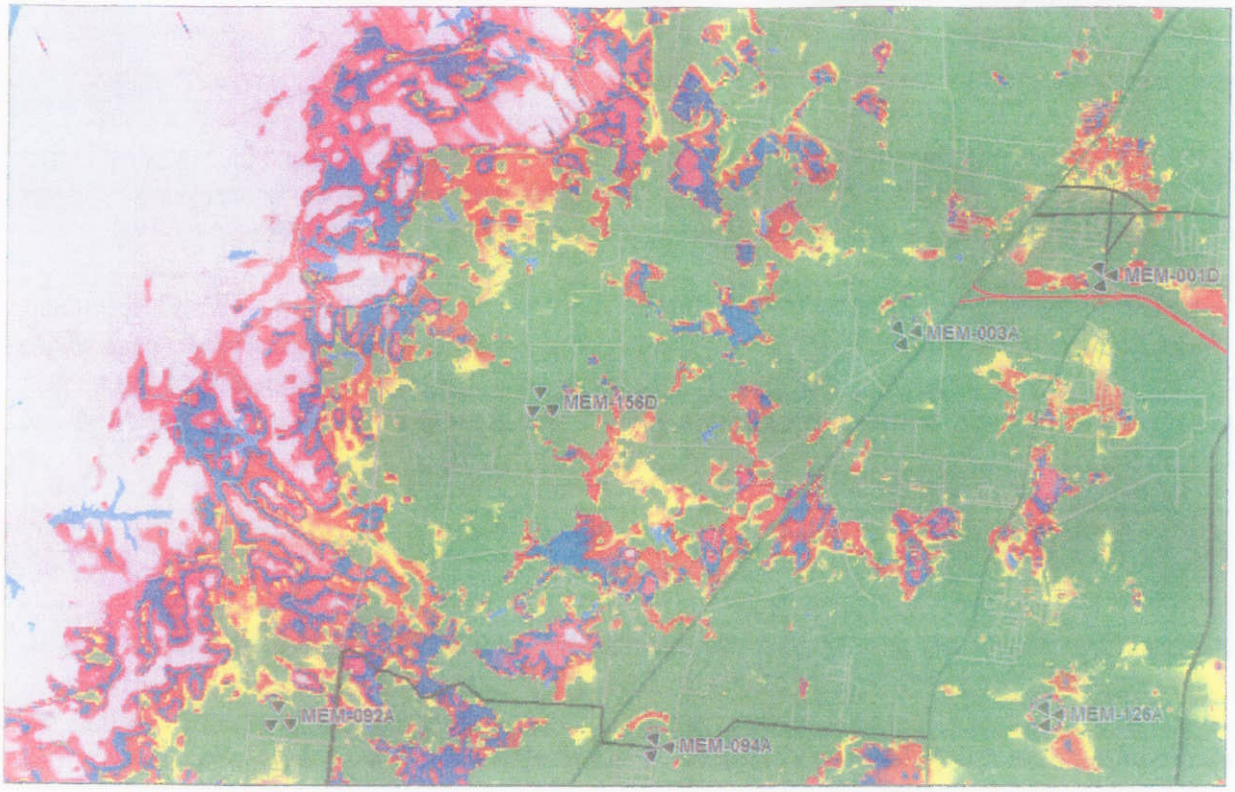

Figure 8: Model of Proposed Coverage
By Prime Carrier / Tenant Using the Proposed Tower
(The tower site is at the center of this image)

KEY TO COVERAGE LEVELS AS MAPPED

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STAFF ANALYSIS

Site Characteristics

The subject property consists of a 12-acre irregularly-shaped tract located around the northeast corner of Woodstock-Cuba and Independence Road. Immediately at that corner, a one-acre parcel appears to have been carved out of the larger tract as a site for a single-family residence.

The subject property is occupied by a single-family residence along the western --- Woodstock-Cuba --- frontage. The character of the property is gently rolling with cover that appears to be pasture. At the rear of the house is a barn, and horses are kept there. The eastern boundary of the subject property is a tree-lined stream, with a relatively dense woodland area near the Independence Road frontage

Vicinity and Neighborhood

Woodstock-Cuba and Independence Road are rural roads that are lined with residences at varying distances depending on the size of the tracts that they sit on. The rural housing development along Independence Road is the more recent, with homes and tracts that tend to be larger and more estate-like. In the Woodstock-Cuba area the homes tend to be on smaller lots, with several less than the four acre minimum that, since 1955, requires a recorded subdivision for lots of such size. This section of Woodstock-Cuba has more the appearance of a rural community, whereas Independence seems like a very low density suburban (or exurban) area.

It should be noted that County Fire Station #64 is located on a small site about ½ to the northeast at the intersection of Independence Road and Garnet Road. At that location, there some recent development nearby that is a bit more intensive that the vicinity of the subject property at Independence and Woodstock-Cuba. Due to the nearby development and the size of the property, this fire station is not viewed as a promising alternative location for the use being requested in this application.

Proposed Development

The applicant, Global Tower, LLC. wishes to develop a cell tower site on the subject property as described above. The carrier seeking the new service is Cricket Communications, whose signal propagation maps in Figure 7 & 8 indicate the situation that would be remedied by the tower. The applicant is requesting a tower height of 195' feet, just short of the height requiring aircraft warning lights. This height would allow several other carriers to locate on this tower, maximizing its usefulness and reducing any pressure to build additional towers in this vicinity.

Planning Issues

A Commercial Mobile Communications Service (CMCS) tower (commonly known as a cell tower) is allowable in the Agricultural (AG) District, subject to certain particular conditions which apply to