SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee: **5**

For Commission Action on: (*ASAP*) ____

DESCRIPTION OF ITEM:

A JOINT RESOLUTION PURSUANT TO SECTION 8 OF THE ZONING ORDINANCE-RESOLUTION OF THE COUNTY OF SHELBY, AND THE CITY OF MEMPHIS, TENNESSEE, GRANTING A SPECIAL USE PERMIT FOR LAND LOCATED ON THE NORTH SIDE OF INDEPENDENCE ROAD APPROXIMATELY 250 FEET EAST OF WOODSTOCK-CUBA ROAD, KNOWN AS CASE NO. S.U.P. 08-207 CC

SPONSORED BY COMMISSIONER RITZ

CHECK ALL THAT APPLY BELOW:

__X__ This Action does NOT require expenditure of funds.

_____This Item requires/approves expenditure of funds as follows (complete all that apply):

County General Funds: $_____ ; County CIP Funds- $_____

State Grant Funds: $_____; State Gas Tax Funds: $_____

Federal Grant Funds: $_____

Other funds (Specify source and amount): $_____

Other pass-thru funds (Specify source and amount): $ _____

Originating Department: **Office of Planning & Development-Land Use Control**

APPROVAL:

Dept. Head:	Mary L. Baker 576-6619 (Type your name & phone #.)	MLB (Initials)	6/18/08 (Date)
Elected Official:	(Name & phone #)	(Initials)	(Date)
Division Director:	Richard S. Copeland 576-7197 (Type your name & phone #.)	MLB (Initials)	6/18/08 (Date)
CIP – A&F Director:	(Name & phone #.)	(Initials)	(Date)
Finance Dept.	(Name & phone #.)	(Initials)	(Date)
County Attorney:	Robert B. Rolwing (Name & phone #.) 545-4230	RBR (Initials)	6/18/08 (Date)
CAO/Mayor:	(Name & phone #.)	(Initials)	(Date)

SUMMARY SHEET
S.U.P. 08-207 CC

I. Description of Item

Applicant, a developer and operator of cell tower locations, requests a special use permit to construct and operate a 195-foot CMCS cell tower on property zoned Floodway and Agricultural the rear of 7040 Woodstock Cuba Road (Accessed from north side of Independence Road, ±250 feet east of Woodstock Cuba Road.)

II. Source and Amount of Funding

NA

III. Contract Items

NA

IV. Additional Information Relevant to Approval of this Item

This is an application for a special use permit, which is required for any cell tower in the Floodway District and for cell towers in the Agricultural zoning district in unincorporated Shelby County if they are within 1,500 feet of a property used for a residential use. *(In other locations, except certain special districts in the City of Memphis, cell towers may be approved by the Office of Construction Code Enforcement based on a site plan review as specified in the Zoning Regulations.)* In the zoning ordinance, the term Commercial Mobile Communication System (CMCS) tower is used to specify the commonly-used term "cell tower"

ITEM #: _____ PREPARED BY: Dave Adams

COMMISSIONER: Ritz APPROVED BY: _____

A JOINT RESOLUTION PURSUANT TO SECTION 8 OF THE ZONING ORDINANCE-RESOLUTION OF THE COUNTY OF SHELBY, AND THE CITY OF MEMPHIS, TENNESSEE, GRANTING A SPECIAL USE PERMIT FOR LAND LOCATED ON THE NORTH SIDE OF INDEPENDENCE ROAD APPROXIMATELY 250 FEET EAST OF WOODSTOCK-CUBA ROAD, KNOWN AS CASE NO. S.U.P. 08-207 CC.

RESOLUTION SPONSORED BY COMMISSIONER RITZ

WHEREAS, Section 8 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064 dated October 6, 1980, as amended, authorized the Shelby County Board of Commissioners and the Memphis City Council to grant a special use permit for certain stated purposes subject to standards of general applicability in the various zoning districts outside of but within five miles of the Memphis City limits; and

WHEREAS, Application has been made by Global Tower, LLC for a special use permit with respect to the property located on the north side of Independence Road, approximately 250 feet east of Woodstock-Cuba Road intersection within the Floodway (FW) and Agricultural (AG) Districts for the purpose of constructing and operating a 195-foot CMCS cell tower installation; and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with the special use permit and special use permit provisions of the Zoning Ordinance-Regulations and reported its findings and recommendations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 10, 2008 and said board has studied and reported its recommendation to the Board of Commissioners and the City Council regarding the following potential effects of granting the special use permit on:

A. The character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public safety and general welfare;

B. The compatibility of the proposed building or use with the immediate vicinity

and the potential interference of said building or use on the development or use of adjacent property;

C. The adequacy of public facilities including existing streets, parking, drainage, refuse disposal, fire protection, water and sewer or that such facilities will be provided;

D. The destruction, loss or damage to features of significant natural, scenic or historic importance from the proposed building or use; and

WHEREAS, The Memphis and Shelby County Land Use Control Board and/or the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the special use permit to reduce any potential adverse impacts of the proposed building or use on the neighborhood, adjacent property owners, public facilities and significant natural, scenic or historic features.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AND THE COUNCIL OF THE CITY OF MEMPHIS, That a special use permit is granted for the purpose of constructing and operating a CMCS cell tower in accordance with the site plan incorporated in the application, and subject to the attached conditions, all within the above mentioned Floodway (FW) and Agricultural (AG) Districts.

BE IT FURTHER RESOLVED, That this permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Board of Commissioners and the City Council have been met.

BE IT FURTHER RESOLVED, That this Resolution take effect from and after the date it shall have been passed by this Board of County Commissioners and by the Memphis City Council, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of the separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the Council of the City of Memphis, the public welfare requiring same.

_____
A C Wharton, Jr., County Mayor

Date _____

ATTEST:

_____
Clerk of the County Commission

ADOPTED _____

SITE PLAN CONDITIONS

S.U.P. 08-207 CC
CMCS Cell Tower at 7040 Woodstock Cuba Road
As Recommended by the Land Use Control Board
April 10, 2008

A Special Use Permit is hereby granted to the applicant Global Signal, LLC to allow construction and operation of a Commercial Mobile Communications Service (CMCS) Tower and ancillary facilities as specified below on the 11.97-acre property described in instrument number EG7382 as recorded in the Shelby County Register's Office, also known as 7040 Woodstock-Cuba Road in accordance with a site plan approved by the Office of Planning and Development and with the following supplemental conditions.

1. The maximum tower height shall be one-hundred ninety feet (195'), subject to Item 2 below, and the tower will incorporate the "slick stick" design with flush-mounted antennae.

2. The tower shall be free of all lighting, including aircraft hazard lighting, and shall be designed so as to avoid the necessity of such lighting under currently federal regulations.

3. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations.

4. The tower shall be constructed within two (2) years of approval by the Shelby County Board of Commissioners 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 (500') feet of the property.

5. The tower shall be structurally designed to accommodate at least <u>six (6)</u> additional sectorized arrays.

6. A security fence, six feet (6') or more in height shall be constructed around the tower and associated equipment

7. The tower operator shall install and maintain perimeter screening as follows: The site perimeter shall be landscaped with at least one row of deciduous trees, not less than two inches in diameter, measured three feet above the grade, spaced not more than 20 feet apart within 25 feet of the site boundary, as well as at least one row of evergreen trees and shrubs, at least five feet high when planted and spaced not more than five feet apart to form a solid shrub screen and within 40 feet of the site boundary. An equivalent alternative may be substituted with the approval of the Office of Planning and Development.

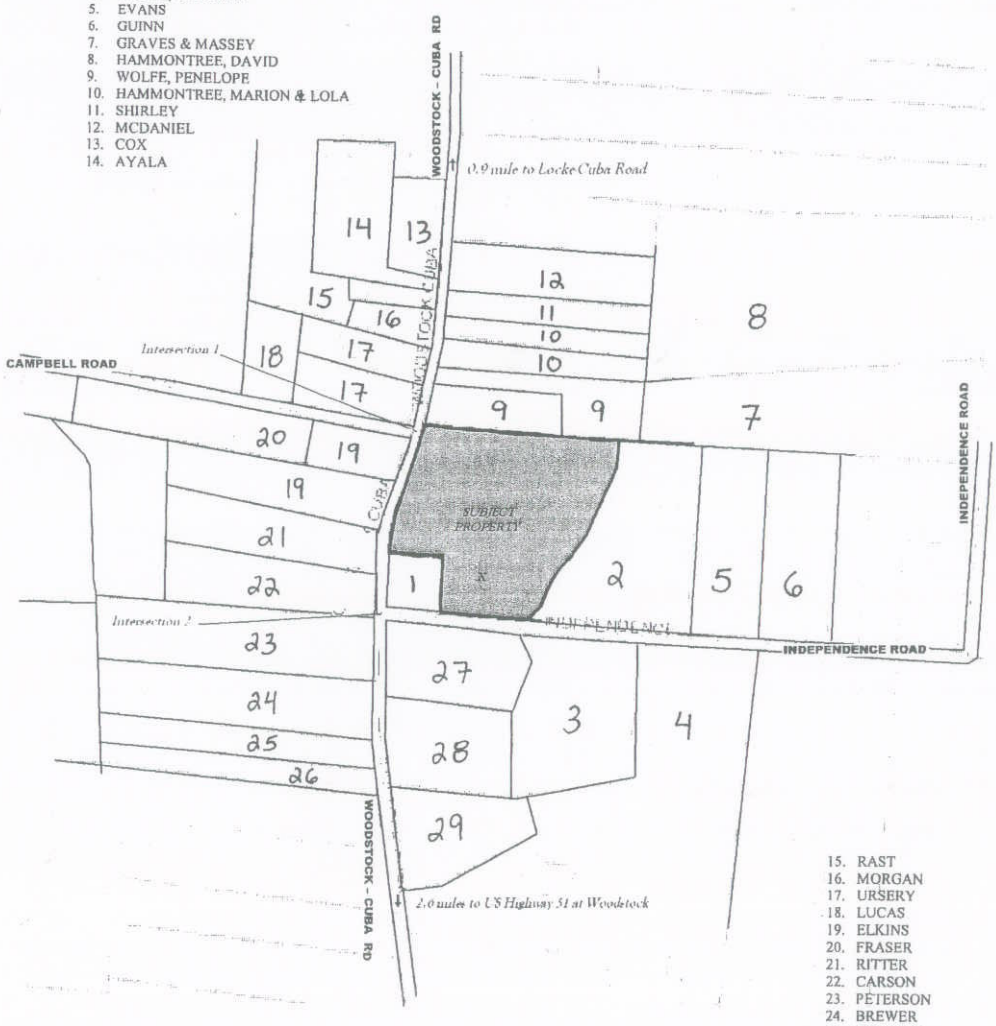
8. The access drive shall have an all-weather surface with asphalt pavement for the first 50 feet from Independence Road.

9. The location and design of the driveway access to Independence Road shall be subject to the review and approval of the County Engineer including the construction of any culverts that made be needed.

10. The location, design and construction of this tower shall be reviewed and approved by the County Engineer with respect to the issues identified in subsection D of the Floodway District regulations in Section 25 of zoning regulations. *[OPD recommendation]*

VICINITY MAP

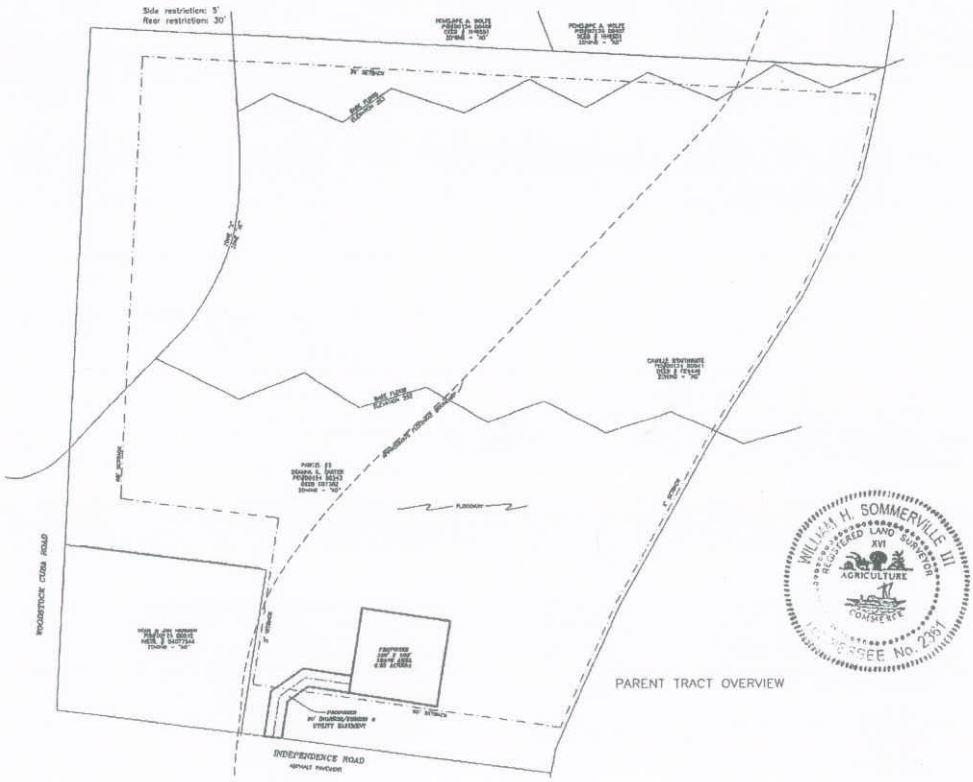
1. HARMON
2. BRAITHWAITE
3. WOLFE, DALLAS
4. WOLFE, CAROLYN
5. EVANS
6. GUINN
7. GRAVES & MASSEY
8. HAMMONTREE, DAVID
9. WOLFE, PENELOPE
10. HAMMONTREE, MARION & LOLA
11. SHIRLEY
12. MCDANIEL
13. COX
14. AYALA



15. RAST
16. MORGAN
17. URSERY
18. LUCAS
19. ELKINS
20. FRASER
21. RITTER
22. CARSON
23. PETERSON
24. BREWER
25. PITTMAN
26. STEPHENS
27. HAMILTON
28. CONLEY
29. FARLEY

SCALE: *Distance between Intersection 1 & Intersection 2 (straight line) 747 feet*
33 PARCELS WITHIN 700'
29 LAND OWNERS

PRELIMINARY SITE PLAN OVERVIEW



PARENT TRACT OVERVIEW