LAND USE CONTROL BOARD RECOMMENDATION

CASE #: S.U.P. 08-207 CC

At its regular meeting April 10, 2008, the Memphis and Shelby County Land Use Control Board held a continuation of its public hearing on the following application, requesting a special use permit on the property described as follows:

LOCATION:	North side of Independence Rd; ±250 ft. east of Woodstock-Cuba Road
OWNER OF RECORD:	Deanna Carter
LESSOR/APPLICANT:	Global Tower, LLC
PROPERTY SIZE:	10,000 sq. ft. leased parcel in an 11.97-acre tract
EXISTING ZONING:	Floodway (FW) and Agricultural (AG) District
REQUEST:	195-foot CMCS monopole cell tower

Gloria Allmond, Baran Telecom, Inc., spoke in support of the application as the applicant's representative. She indicated: 1) that she had arranged and conducted a balloon test, as requested at the March 13 public hearing; 2) that she had brought this test to the attention of neighbors in the vicinity; and to her knowledge none were currently opposed; and 3) that a Ms. Guinn, who had spoken in opposition on March 13, specifically indicated a preference for the siting proposed by the applicant as alternative to the siting recommended by OPD.

No one appeared in opposition at the scheduled 10 AM time for the April 10 hearing, which had been scheduled for the morning session due to an unusually light agenda. However **Betsy Guinn** of **2290 Independence Rd**. appeared at the customary 1 PM hour and stated that she had been not aware of the 10 AM meeting time and that she continued to be in opposition --- primarily due to the view of the tower from the property upon which she resides. Her prepared remarks are included in Exhibit B of the staff report. She confirmed that she preferred the applicant's siting to the siting that had been recommended by OPD.

The Land Use Control Board reviewed the special use permit application and the report of OPD, including a decision by staff to support the approval of the application, based on the lack of opposition expressed at the public hearing and on the information provided by Ms. Allmond.

A motion was made and seconded to **approve** the application as stated above. This motion **passed** by a unanimous voice vote.

The Board concurred with the conclusions of the staff as expressed in the staff report.

Respectfully submitted,

David G. Adams for
Mary L. Baker, Deputy Director
Office of Planning and Development

SITE PLAN CONDITIONS
S.U.P. 08-207 CC
CMCS CELL TOWER AT 7040 HIGHWAY 70
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 **six (6)** additional sectorized arrays.

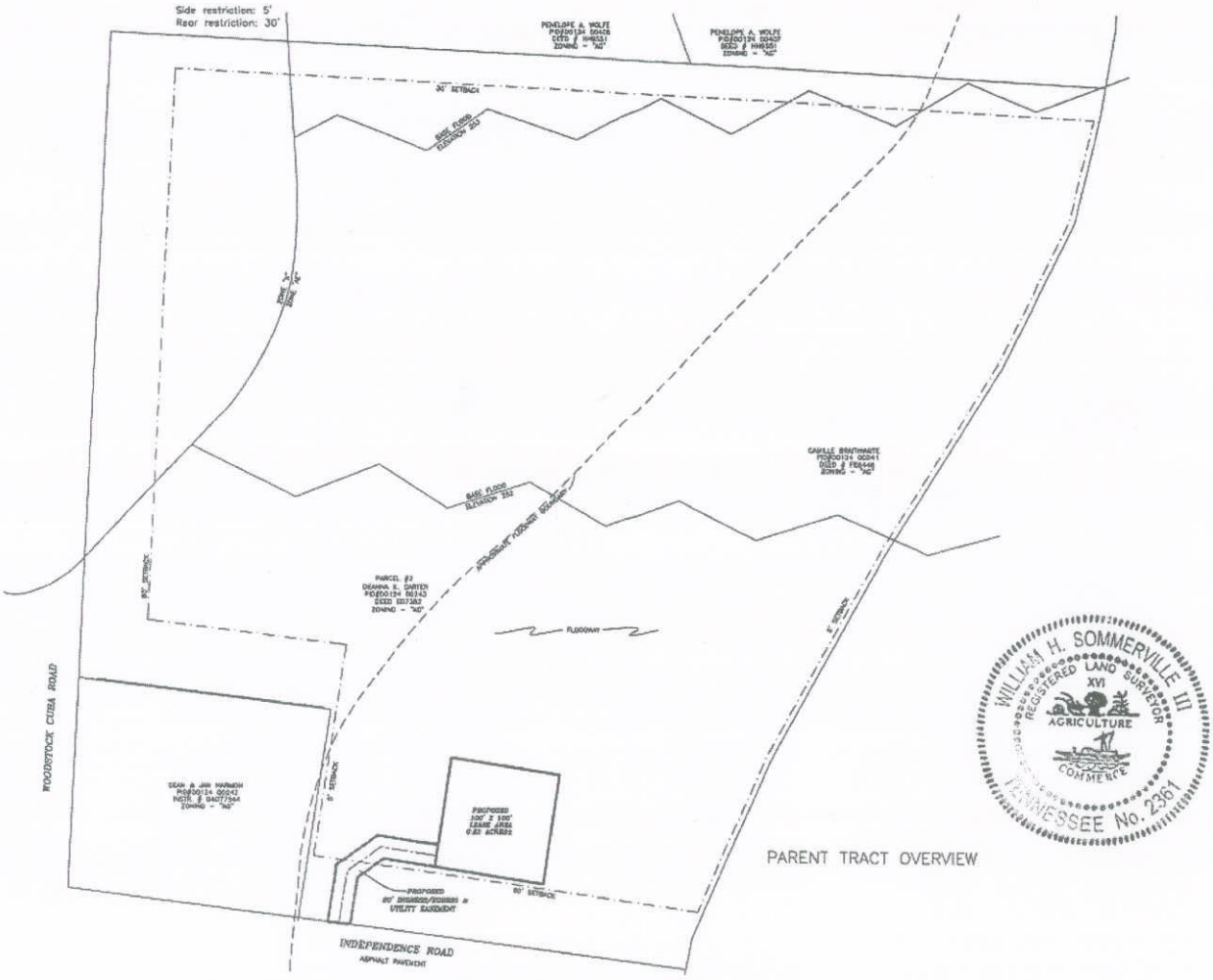
6. A security fence, six feet (6') or more in height shall be constructed around the tower and associated equipment

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.

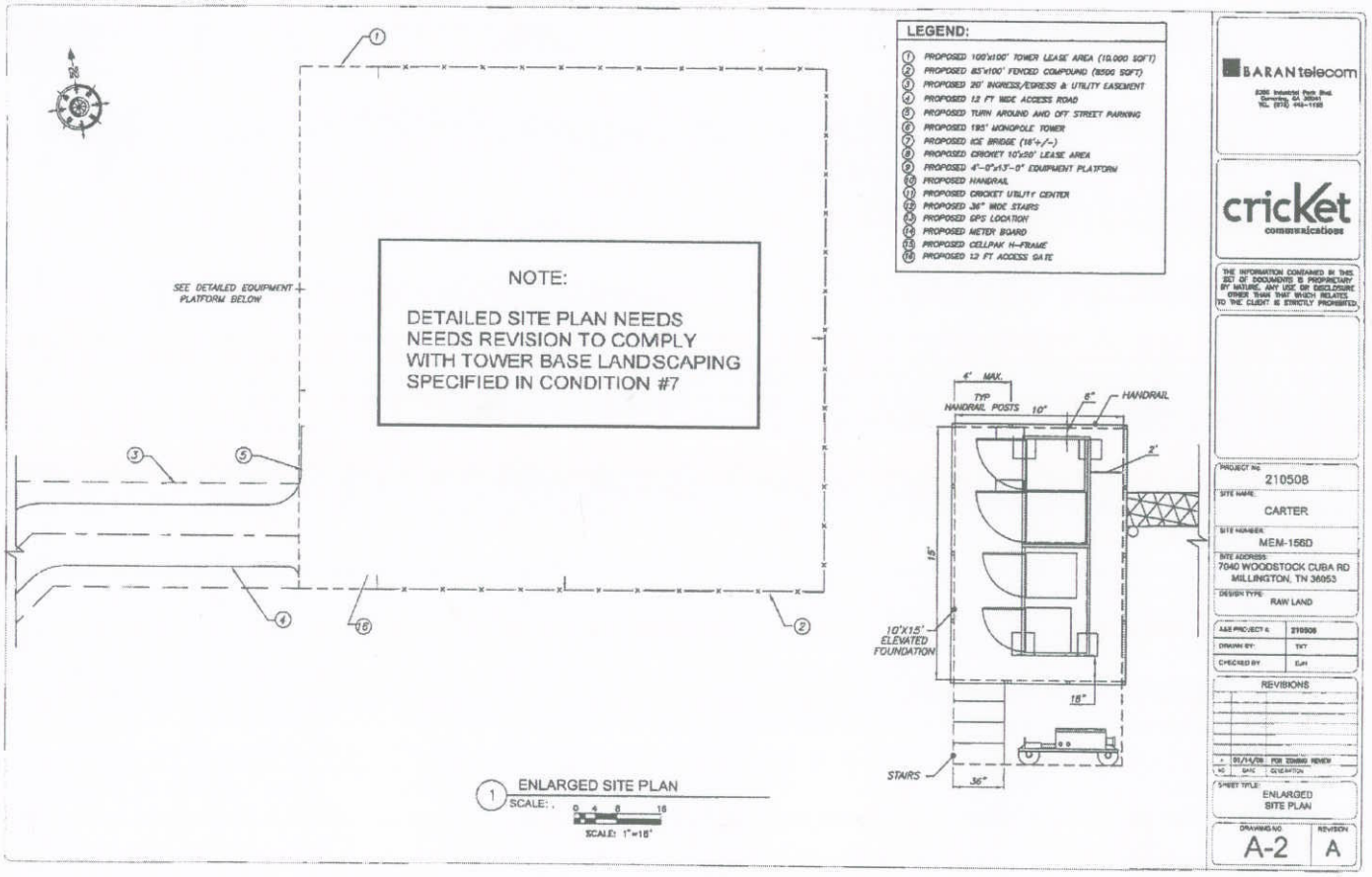
8. The access drive shall have an all-weather surface with asphalt pavement for the first 50 feet from Independence Road.

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.** [**Note:** recommended by OPD staff subsequent to LUCB action; reflects siting preferred by applicant]



PRELIMINARY SITE PLAN
OVERVIEW OF PARENT TRACT



PRELIMINARY SITE PLAN
LEASED PARCEL

LAND USE OWNERSHIP DISCLOSURE

Please identify every person who has an ownership interest of 10% or more in the subject application whether they be the current owners, the contract buyers, or the lenders. If current owners or contract buyer are public corporations, please note the fact and list no other owners. Only lenders which are not institutions (banks, saving and loans or credit unions) need be listed.

	NAMES	ADDRESSES
CURRENT OWNERS	DeAnna Carter	7040 Woodstock Cuba Road
		Millington, TN 38053
CONTRACT OWNERS/BUYERS	Global Towers LLC	1801 Clint Moore Rd.
	Eric Garvin	Suite 110.
	Michael J. Belski	Boca Raton, FL 33487
NON-INSTITUTIONAL LENDERS INCLUDING SELLER(S) IF THE PENDING SALE IS OWNER FINANCED		

GRATUITY DISCLOSURE FORM

Shelby County Ethics Commission

INSTRUCTIONS: This form is for all persons receiving any Shelby County Government contract, land use approval or financial grant money to report any gratuity that has been given, directly or indirectly, to any elected official, employee or appointee (including their spouses and immediate family members) who is involved in the decision regarding the contract, land use approval, or financial grant of money.

1. **NAME**

   Valerie Allmond

2. **DATE OF GRATUITY**

   N/A

3. **NATURE AND PURPOSE OF THE GRATUITY**

   N/A

4. **NAME OF THE OFFICIAL, EMPLOYEE, APPOINTEE, OR FAMILY MEMBER WHO RECEIVED THE GRATUITY**

   N/A

5. **NAME OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY**

   N/A

6. **ADDRESS OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY**

   N/A

7. **DESCRIPTION OF THE GRATUITY**

N/A

8. **COST OF THE GRATUITY (If cost is unknown and not reasonably discernible by the person giving the gratuity, then the person giving the gratuity shall report a good faith estimate of the cost of the gratuity.)**

N/A

9. **The information contained in this Gratuity Disclosure Form, and any supporting documentation or materials referenced herein or submitted herewith, is true and correct to the best of my knowledge, information and belief and affirm that I have not given, directly or indirectly, any gratuity to any elected official, employee or appointee (including spouse and immediate family members) that has not been disclosed and I affirm that I have not violated the provisions of the Shelby County Government Code of Ethics.**

Valerie Allmond
Signature

1/29/08
Date

Valerie Allmond
Print Name

A copy of your completed form will be placed on the Shelby County Internet website.

FISCAL IMPACT STATEMENT

Cell Tower - Cuba-Woodstock	Units	Average Appraised Value per Unit	Total Appraised Value	Total Assessed Value	Average Pupils Per New Unit	Pupils
Project Profile						
Residential (dwelling units)						
Residential - single family, detached	0	$0	$0	$0	0.62	0
Residential - single family, attached	0	$0	$0	$0	0	0
Residential - mobile home	0	$0	$0	$0	0	0
Residential - multi-family	0	$0	$0	$0	0	0
Subtotal	0	$0	$0	$0		
Commercial (square feet)						
Commercial - office	0	$0	$0	$0		
Commercial - retail	0	$0	$0	$0		
Commercial - hotel/motel	0	$0	$0	$0		
Commercial - office	0	$0	$0	$0		
Subtotal	0	$0	$0	$0		
Industrial (square feet)	6400	$10	$64,000	$25,600		
Project total			$64,000	$25,600		

Note: Valuations based on "rule of thumb" data provided by the Assessor's Office several years ago. The incremental valuation is taxed through the State Comptroller's office.

Project-related expenditures	
General purpose	$1,090
Transfers	
Transfers to the Med	$0
Transfers to Shelby County Bd of Ed	$0
Transfers to City of Memphis Bd of Ed	$0
Debt service	
Schools	$0
Roads	$1,013
All other	$70
Total expenditures	$2,173
Product-related revenue	
Local taxes	$1,218
Local revenue	$36
State source	$84
Elected officials	$89
Investments, misc, other	$15
Capital proffers (annualized)	$0
Total revenue	$1,442
Net project fiscal impact	($731)

Note: Road traffic generated by a cell tower is minimal except during the initial construction and the addition of collocating antennae. A 75% reduction in the standard allocation for debt service on road construction would result in a zero net impact, based on these estimates.