MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

ADDENDUM TO STAFF REPORT #19

FOR S.U.P. 06-207 CC

CASE NUMBER: S.U.P. 08-202 CC **L.U.C.B. MEETING: February 14, 2008**

LOCATION: South side of Highway 70, ±90 feet east of Brunswick Farms Road

OWNER OF RECORD: Bernard W and Lawanda Cogbill

APPLICANT: SBA Communications Corp.

REPRESENTATIVE: Oasis Consulting, LLC - Shawn Massey

REQUEST: Replace existing 110' cell tower (CMCS) with a 150' tower

AREA: 5,000 sq. ft. site in a 21-acre tract.

EXISTING LAND USE & ZONING: In the Agricultural (AG) District, a single-family residence on estate-size tract with a twin-tower CMCS installation on a 5,000 sq. ft. leased parcel approved under *S.U.P. 01-232 CC*

SURROUNDING USES AND ZONING:

North: Across Highway 70, vacant land, land under development and single-family residences of Brunswick Farms Subdivision, including Phase III and Phase I, all in the Single-Family Residential (R-S10) District

East: Vacant land in the AG District

South: Single-family residences on estate-size tracts in the AG District

West: Around the intersection of Brunswick Road and Highway 70, the Bush Grove neighborhood developed with single-family residences, and two churches, on ½ acre to 4 acre tracts in the AG District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval, with Conditions (See Item #4 Below)

CONCLUSIONS:

1. **This site currently has two CMCS towers (i.e. cell towers) designed to simulate pine trees. The taller of these towers was approved in 2006 (S.U.P. 06-207CC) for a minor height increase to 151 feet.**

2. **The site operator now wishes to replace the shorter tower 110' with a taller 150' monopine tower that will the twin of the current 151' tower.**

3. **Staff supports this minimal change at an existing tower site in order to accommodate colocation of adding CMCS carrier service.**

4. **Appropriate amendment to the site plan conditions will be drafted for consideration at the Land Use Control Board hearing, including any amendments necessary to accommodate the County Engineer's concerns.**

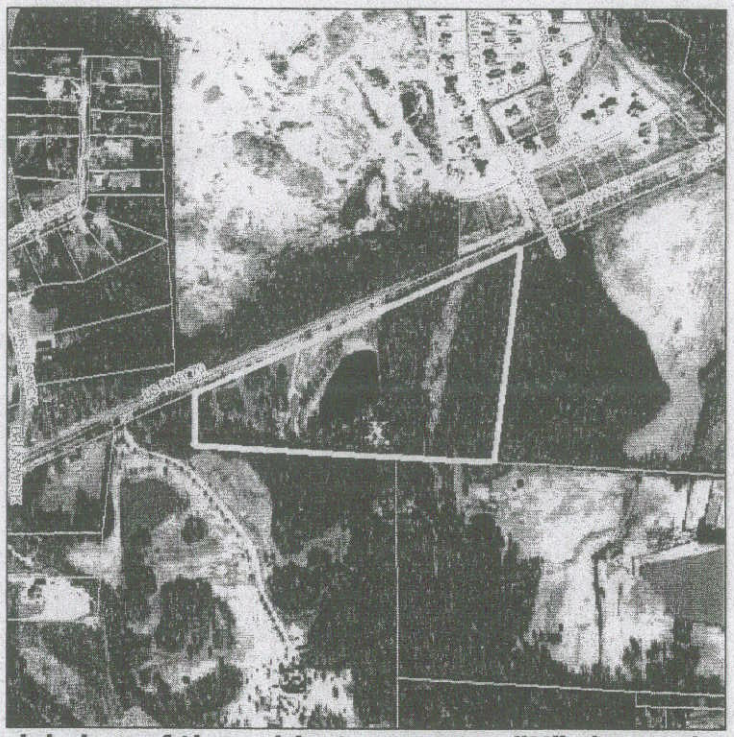

Figure 1: An aerial view of the subject property. "X" shows the tower location. This partially wooded tract is directly south of the new Brunswick Farms Subdivision, across Highway 70.

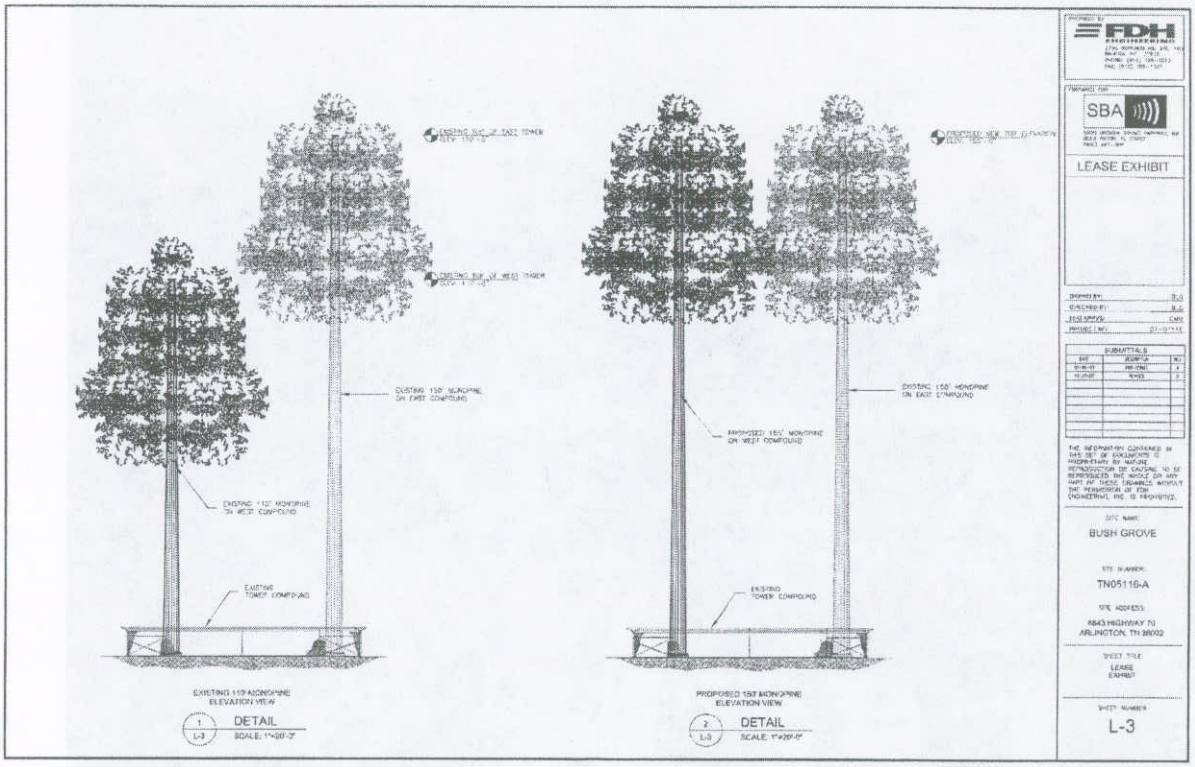

Figure 2: PROPOSED PROFILE AFTER IMPROVEMENT

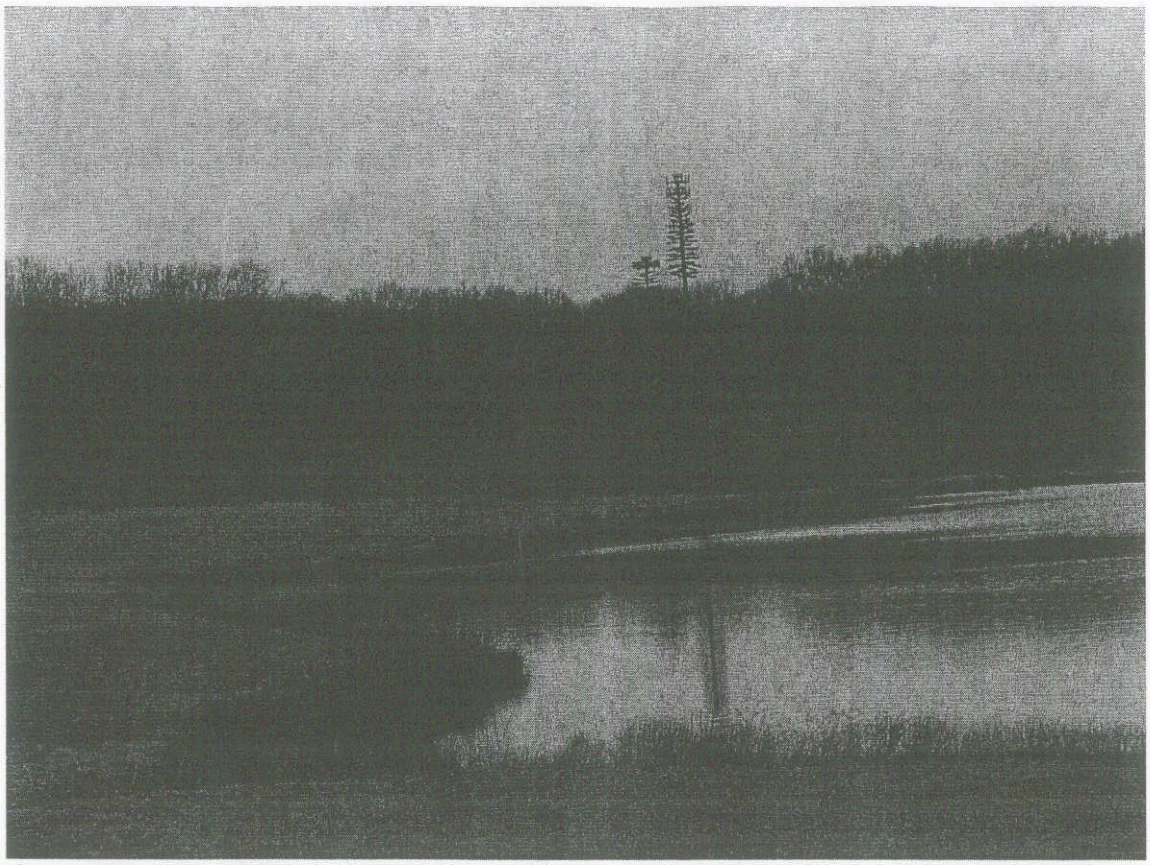

Figure 3: CURRENT PROFILE AS VIEWED FROM MEMPHIS ARLINGTON ROAD.

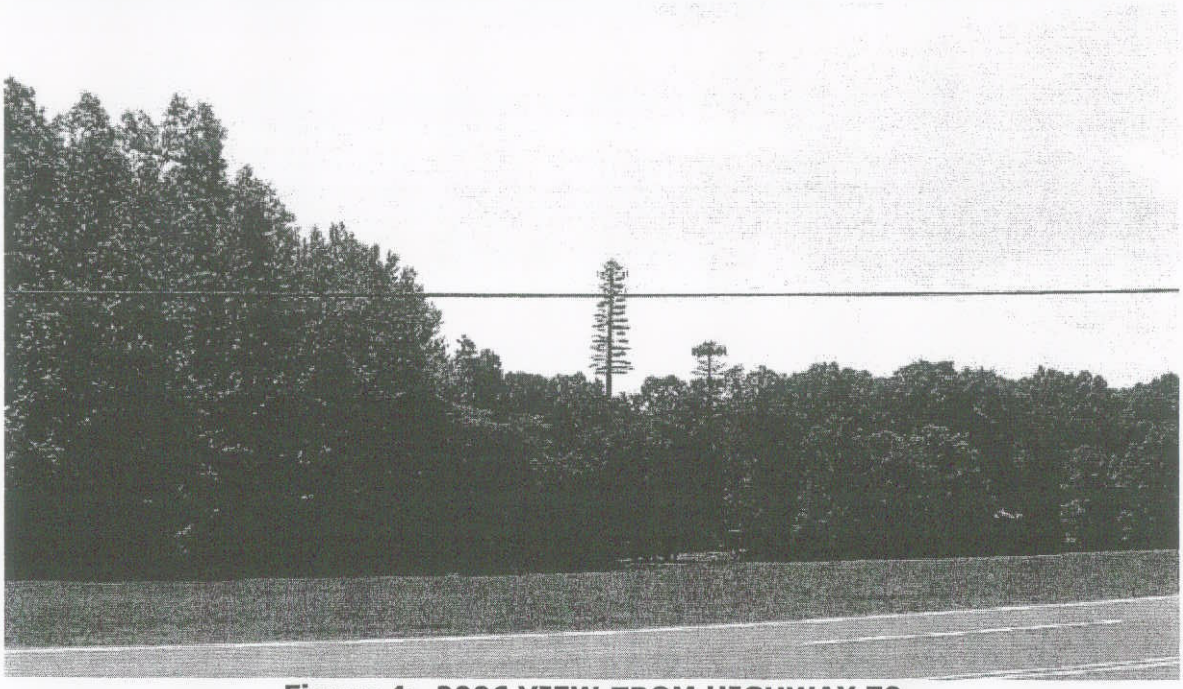

Figure 4: 2006 VIEW FROM HIGHWAY 70

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT

STAFF REPORT #40

CASE NUMBER: S.U.P. 06-207 CC **L.U.C.B. MEETING: July 13, 2006**

LOCATION: South side of Highway 70, ±90 feet east of Brunswick Farms Road

OWNER OF RECORD: Bernard W and Lawanda Cogbill

APPLICANT: SBA Communications Corp.

REPRESENTATIVE: Oasis Consulting, LLC - Shawn Massey

REQUEST: Increase in height of one CMCS ("cell") tower from 145 feet to 151 feet to accommodate an additional carrier. This would affect the taller of two existing pine-tree style towers currently located at this site.

AREA: 5,000 sq. ft. site in a 21-acre tract.

EXISTING LAND USE & ZONING: In the Agricultural (AG) District, a single-family residence on estate-size tract with a twin-tower CMCS installation on a 5,000 sq. ft. leased parcel approved under *S.U.P. 01-232 CC*

SURROUNDING USES AND ZONING:

North: Across Highway 70, vacant land, land under development and single-family residences of Brunswick Farms Subdivision, including Phase III and Phase I, all in the Single-Family Residential (R-S10) District

East: Vacant land in the AG District

South: Single-family residences on estate-size tracts in the AG District

West: Around the intersection of Brunswick Road and Highway 70, the Bush Grove neighborhood developed with single-family residences, and two churches, on ½ acre to 4 acre tracts in the AG District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:

Approval, with Conditions

CONCLUSIONS:

1. **This site currently has two CMCS towers (i.e. cell towers) designed to simulate pine trees. The taller of these towers was approved in 2001 (S.U.P. 01-232CC) for a height of 150 feet, but was constructed to a height of 145 feet.**

2. **In order to add another cell phone carrier, the tower owner is requesting a modification of the site plan so as to permit an extension of the tower to 151 feet. This would also require an amendment of the site plan conditions to one foot to the approved tower height.**

3. **Staff ordinarily opposes any increase in the height of a "monopine" tower above 130 feet. However in this case, staff can support an increase of less than one percent to the height already approved, as a relatively insignificant change, provided that the need for the additional service can be fully documented.**

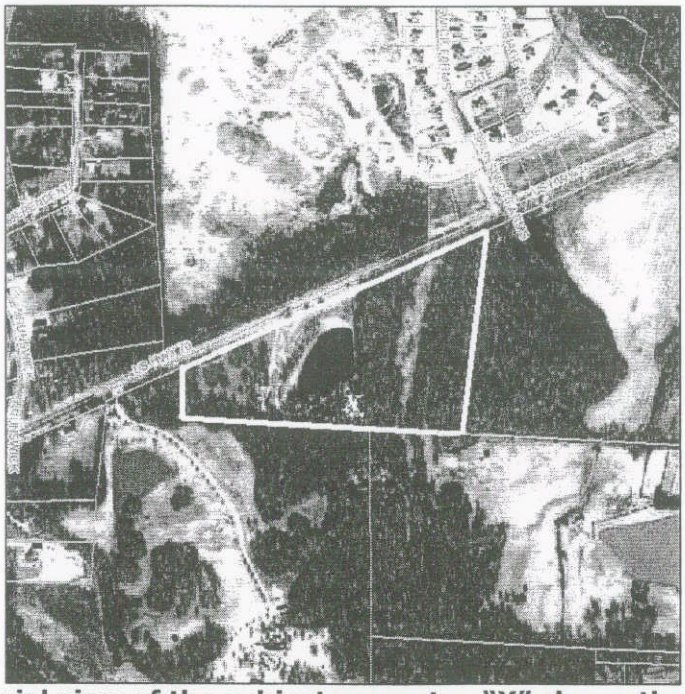

Figure 1: An aerial view of the subject property. "X" shows the tower location. This partially wooded tract is directly south of the new Brunswick Farms Subdivision, across Highway 70.

STAFF ANALYSIS

Site Characteristics

The subject property is a 21-acre tract of land located along Highway 70 (Summer Avenue) in the unincorporated area east of Brunswick Road and west of Oliver Creek, which forms the western boundary of Lakeland. It is a nearly triangular 21-acre tract with nearly 1,800 feet of frontage along Highway 70, and an average depth of roughly 500 feet. The subject property is partially wooded, and slopes downward to the north and east, with a net onsite change in elevation of roughly 45 feet. In the middle of the property is a typical farm pond. The principal use is a single-family residence located east of the pond. Two existing "monopine" cell towers are located south of the pond on a 5,000 sq. ft. leased parcel, with an ingress-egress easement that shares a portion of the main driveway to the residence.

Both cell towers are operated by the applicant, SBA Communications. The original monopine tower is listed as 103 feet tall on the SBA web site. It was authorized by special use permit in 1998 *(S.U.P. 98-238 CO)*. A second, 150-foot monopine tower was authorized in 2001 *(S.U.P. 01-232 CC, however the tower)*. The two towers occupy adjacent, but separate 2,500 sq. ft. compounds which are fenced with 8-foot high chain-link fencing that leaves the interior equipment open to view.

Away from the compound, the tower bases are somewhat well screened by currently existing deciduous woodland vegetation on the east, south and west sides. However, the entrance drive creates a broad opening with clear site lines from the north.

Figure 2: The tower compound as viewed from the north. The base of the 145-foot tower is partially hidden by a free-standing tree on the left.

Development Request

In order to add another cell phone carrier, the tower owner is requesting a modification of the site plan so as to permit an extension of the tower to 151 feet. This would also require an amendment of the site plan conditions to one foot to the approved tower height.

Compatibility Issues

Located in the AG zoning district, which is considered residential, these monopine cell towers conform to the requirement for a stealth design. However the screening of the tower base does not conform to the requirements of the zoning ordinance with respect to a sight-proof fence; and the existing natural tree cover is probably not a completely equivalent alternative to the screening specified in the zoning ordinance.

With reference to more distant views, the existing cell towers are camouflaged, but still unmistakable in appearance. Due to existing tree cover, views of the towers are relatively limited. The most prominent are views along a ridge from the south (Memphis-Arlington Road), and along the northern frontage of the subject property (Highway 70). Less prominently, the existing towers may also be seen from certain locations in the Brunswick Farms subdivision.

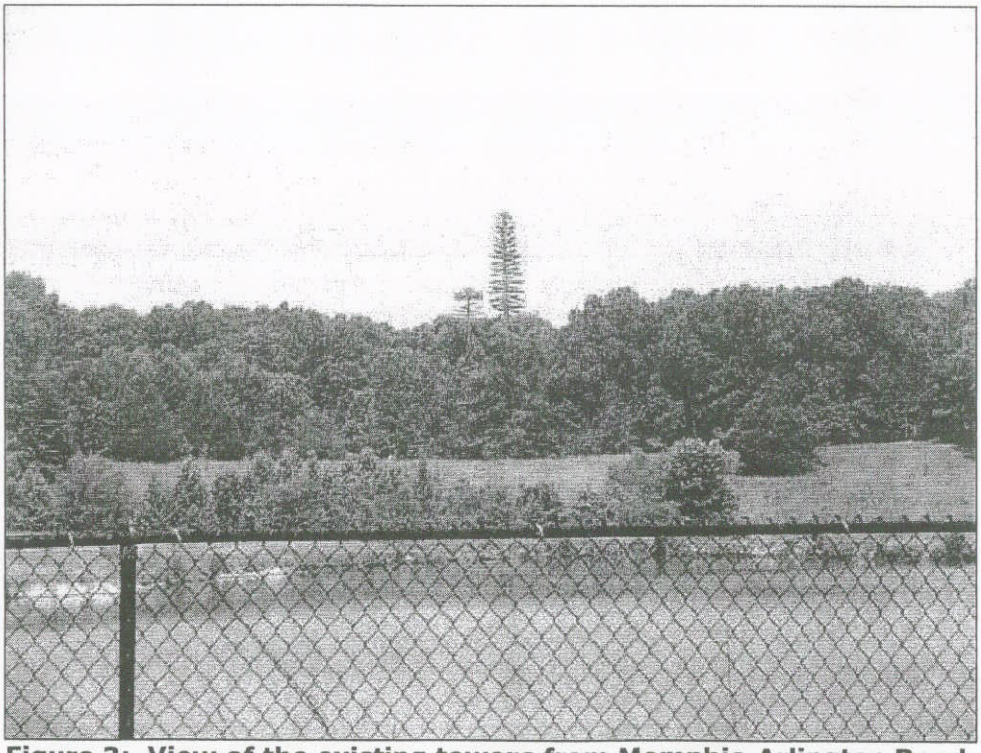

Figure 3: View of the existing towers from Memphis-Arlington Road.

Synthesis

The current ordinance stresses the importance of "collocation" --- serving multiple communications networks from a single tower, up to the limits of what is compatible in the neighborhood, in order to limit the total number of tower installations. The proposed change would amount to an increase of less than one percent of the total approved tower height, and less than a five percent increase in the extension in length of the existing tower that is visible above the tree canopy.

Staff ordinarily opposes any increase in the height of a "monopine" tower above 130 feet. However in this case, with two stipulations, staff can support this proposed increase in height that should be barely noticeable. The stipulations would be a follows:

1) The applicant must provide evidence of the service deficiency that the proposed tower extension would alleviate, as consistent with the ordinance requirements for a CMCS tower special use permit.

2) The applicant must submit a landscaping plan that addresses the requirements of the zoning ordinance for residentially zoned land *(Section 9 D.2. v (8))*, as specified in the proposed site plan conditions

RECOMMENDATION: Approval, with Conditions

Figure 4: View of existing tower from Phase 3 development area of Brunswick Farms.

RECOMMENDED SITE PLAN CONDITIONS

A Special Use Permit is hereby granted to the applicant SBA Communications, Inc. to allow construction of a second Commercial Mobile Communications Service (CMCS) Tower and ancillary facilities, with **modifications as specified below** on the 21.1-acre property described in deed instrument number K3-7714, also known as 8843 Highway 70, 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 fifty **one** feet (**151'**). The tower will be of a stealth design, as shown in the approved site plan

2. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations. Prior to the issuance of a building permit for such facilities, adequate financial security in the amount of $20,000 shall be posted with the building official to assure the dismantling, removing and restoring of the property upon which the CMCS facilities will be located.

3. The tower shall be constructed within two (2) years of approval by the Memphis City Council. 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.

4. The tower shall be structurally designed to accommodate at least five (5) antenna co-locations.

5. **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 5 feet high when planted and spaced not more than 15 feet apart and within 40 feet of the site boundary. Alternatives may be permitted based on security or other reasons subject to the approval of the Office of Planning and Development. Existing trees shall be preserved when possible.**

6. The access drive shall be ~~a minimum of 22 feet in width~~ **maintained as all-weather surface**,-paved with asphalt a minimum of 50 feet back from Highway 70.

7. Any interference with Memphis-Shelby County emergency communications by carrier(s) located at this tower shall be the responsibility of the carrier(s) & or owner(s) to remediate.

GENERAL INFORMATION

Coordinates: 35° 14' 47" N, 89° 45' 57"

Parcel Number: D0150 00063

Address: 8843 HIGHWAY 70, LAKELAND TN 38002-9337

Street Frontage: 1777 feet along (US) Highway 70

Planning District: Arlington

Census Tract: 208.30

Annexation Reserve Area: Bartlett

Zoning Atlas Page: 1655

Zoning History: 1961: Zoned "Agricultural" in original County zoning.
1998: First cell tower approved (S.U.P. 98-238 CO)
2001: Second cell tower approved (S.U.P. 01-232 CC)

DEPARTMENTAL COMMENTS

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

City Engineer: This site is located in the Bartlett Reserve Area.

County Engineer: No comments.

County Fire Division:

1. The following maximum length's of dead-end water supply to the hydrants shall not exceed:

   6 inch- 380 feet
   8 inch- 1550 feet
   10 inch- 4600 feet
   12 inch- 11,150 feet

2. The Fire Official shall designate the location and number of hydrants and in no case shall distances between installed fire hydrants exceed 500.

3. Maximum distance from the nearest fire hydrant to the most remote exterior point of any building shall be 500 feet. The distance shall be measured on a roadway surface meeting the fire department access equipment.

4. Any dead end road more than 300 ft. long shall be provided with a cul-de-sac at 80 ft. in diameter, or a turn around approved by the Authority having jurisdiction, at the closed end. Any cul-de-sac less than 90 ft. in diameter shall be posted as a "Fire Lane" in accordance with state law.

5. FPC 602.3 - Every building hereafter constructed shall be accessible to the fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft. of unobstructed width, with adequate roadway turning radius capable of supporting the imposed load of the fire apparatus and having minimum vertical clearance of 13 ft. 6 in. before combustibles are brought on site. All required fire hydrants shall be installed and operable.

6. FPC 602.3.6 - Automobile gates may be installed for security purposes and shall provide fire department access in accordance with the following:

   a. Entry space shall be provided fire apparatus to pull off the roadway while accessing the property. The length of access driveway shall be determined by the fire official upon inspection of the site.
   b. A manual override shall be provided in the event of electrical power failure. This may be in the form of a Medico padlock keyed to the Shelby County Fire Department key.
   c. Electrical override of the gate shall be by Medico switch keyed to the Shelby County Fire Department key.
   d. The minimum gate width to accommodate the fire apparatus access shall be no less than fourteen feet.

8. **The nearest fire station from this location is 3.64 miles away, and the average response time for that fire station to you location is 5 minutes.**

9. Minimum Fire Flow Requirement: See Exhibit G.

City/County Health Department: No comments.

City Board of Education: No comments received.
County Board of Education: No comments received
Construction Code Enforcement: No comments received.
Memphis Light, Gas and Water: No comments received
Bell South / Millington Telephone: No comments received
Memphis Area Transit Authority (MATA): No comments received.

City Division of Park Services: No comments received.
County Conservation Board: No comments received.
County Sheriff: No comments received.
City of Bartlett: No comments received.

OPD-Regional Services:

1. This application was reviewed by the staff of the Department of Regional Services/Memphis Urbanized Area Metropolitan Planning Organization on June 27, 2006. After careful consideration, DRS/MPO has determined that the proposed actions specified in this application will have no effect on the DRS/MPO's Long Range Transportation Plan, Transportation Improvement Plan, Unified Planning Work Program, or any other plan, document, program, or initiative of this department/organization. (Note: Communications tower).

OPD-Plans Development: No comments.

SW- DGA
7/7/2006

EXHIBIT A VICINITY MAP
EXHIBIT B: MAP OF LAND USE AND ZONING
EXHIBIT C: OVERALL PLOT PLAN SHOWING ACCESS ROAD
EXHIBIT D: LEASE PARCEL SITE LAYOUT (INFINIGY C-3) REVERSED IN LUCB EDITION
EXHIBIT E: LEASE PARCEL SITE LAYOUT (INFINIGY C-4) REVERSED IN LUCB EDITION
EXHIBIT F: TOWER ELEVATION & DETAILS (INFINIGY C-5)
EXHIBIT G: MINIMUM FIRE FLOW REQUIREMENTS