SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee _____

For Commission Action on _____

DESCRIPTION OF ITEM:

A JOINT RESOLUTION PURSUANT TO SECTION 10 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 SOUTH SIDE OF HIGHWAY 70, ±90 FEET WEST OF THE BRUNSWICK FARMS ROAD INTERSECTION, KNOWN AS CASE NO. S.U.P. 08-202 CC.

Application to OPD for a special use permit.

CHECK ALL THAT APPLY BELOW:

_✓____ 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 and Development

APPROVAL: SA 3/24/2008

Dept. Head:	Mary L. Baker, #576-7142 (Print your name & phone #.)	MLB (Initials)	3/24/08 (Date)
Elected Official:	(Print your name & phone #.)	MLB (Initials)	3/24/08 (Date)
Division Director:	Richard S Copeland (by MLB) (Print your name & phone #.)	(Initials)	(Date)
CIP – A&F Director:	(Print your name & phone #.)	(Initials)	(Date)
Finance Dept.	(Print your name & phone #.)	(Initials)	(Date)
County Attorney:	Robert B. Rolwing, # 5133 (Print your name & phone #.)	RBR (Initials)	3/25/08 (Date)
CAO/Mayor:	(Print your name & phone #.)	(Initials)	(Date)

SUMMARY SHEET

I. Description of Item

Applicant, a plumbing contractor, requests a special use permit to replace an existing 110-foot CMCS cell tower with a 150-foot tower on Agricultural-zoned property at 8843 Highway 70 (South side of Highway 70, ±90 feet east off Brunswick Farms Road intersection).

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 cell towers in all the Residential zoning districts as well as the Local Office(C-L), Parking (P) and Floodway (FW) Districts and in any other district where the site is within 500 feet of residences or residential zoning. *(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 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, OPD

APPROVED BY: _____

A JOINT RESOLUTION PURSUANT TO SECTION 10 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 SOUTH SIDE OF HIGHWAY 70, 90 FEET WEST OF THE BRUNSWICK FARMS ROAD INTERSECTION, KNOWN AS CASE NO. S.U.P. 08-202 CC.

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 SBA Communications Corp. for a special use permit with respect to the property located on the south side of Highway 70, 90 feet west of the Brunswick Farms Road intersection within the Agricultural (AG) District for the purpose of replacing a 110-foot CMCS cell tower with a 150-foot tower of the same type; 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 February 8, 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 establishing 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 Agricultural (AG) District.

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. 08-202 CC
CMCS CELL TOWER AT 8843 HIGHWAY 70
As Recommended by the Land Use Control Board
February 14, 2008

A Special Use Permit is hereby granted to the applicant SBA Communications, Inc. to replace one of two Commercial Mobile Communications Service (CMCS) Towers and ancillary facilities, with modifications as specified below on the 21.1-acre property described in instrument number K3-7714, as recorded in Shelby County Register's Office, 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 three feet (153') including all mounted attachments. 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.

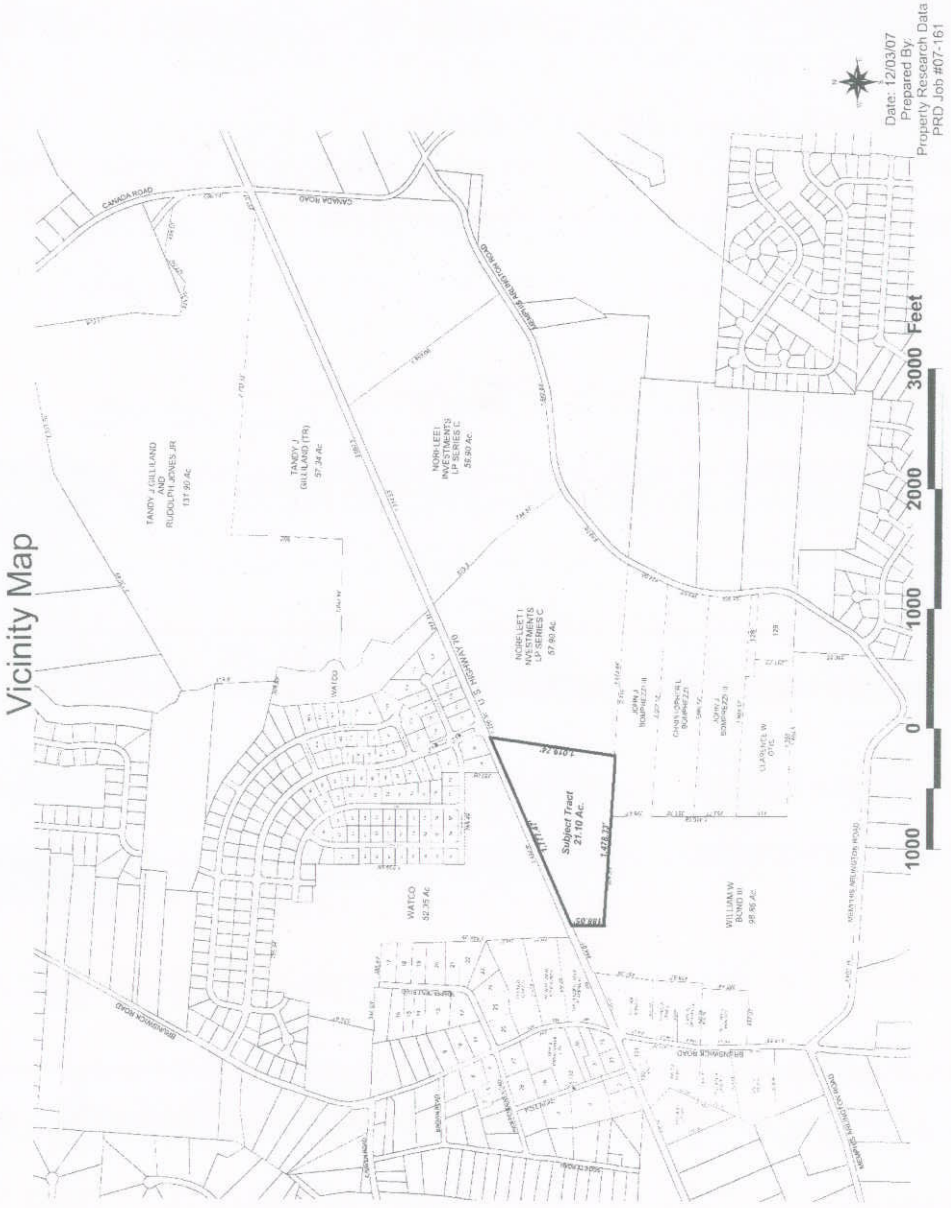
3. The tower shall be constructed within two (2) years of final approval by two legislative bodies – the Shelby County Board of Commissioners and the Memphis City Council. The Land Use Control Board may grant a time extension through the applicant filing a correspondence item application with public 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.

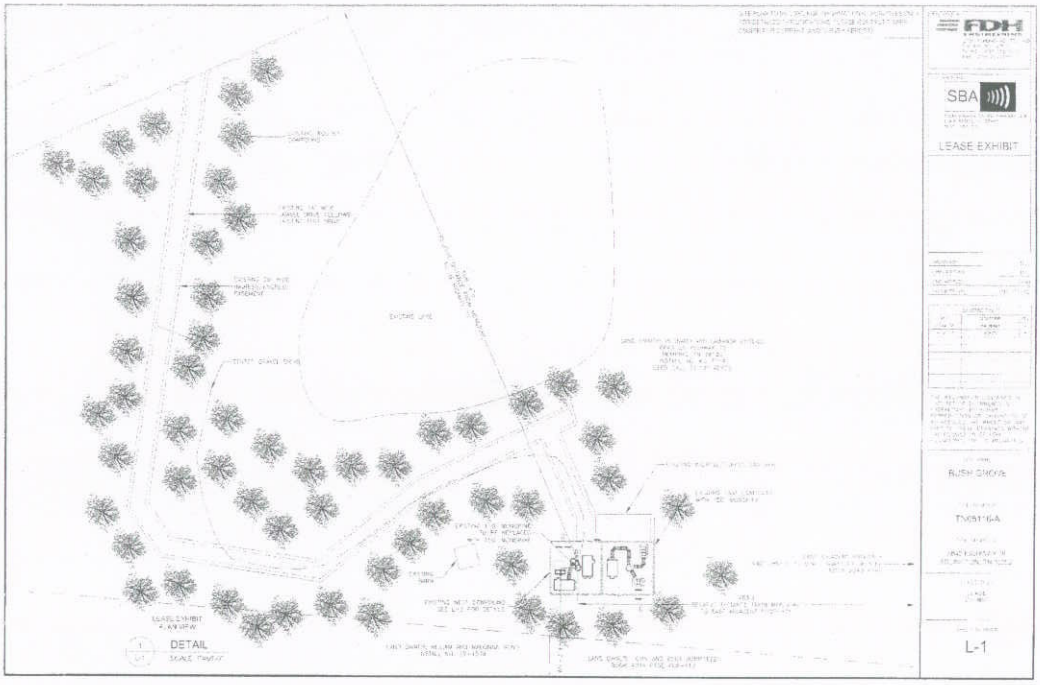
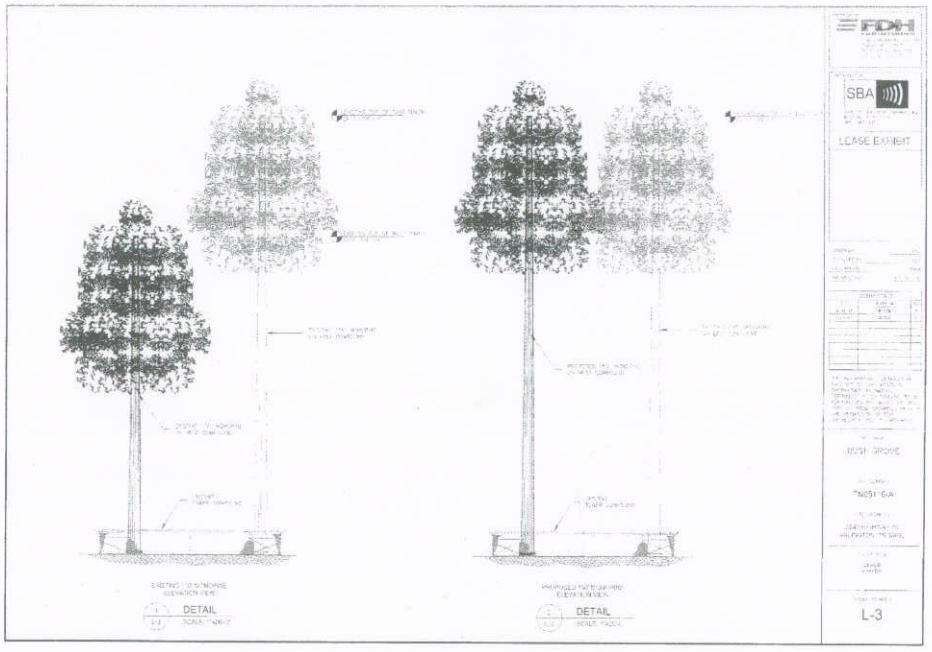
5. The access drive shall be maintained as an all-weather surface, as shown on the site plan with asphalt pavement for the first 50 feet from Highway 70.

6. 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.

VICINITY MAP



PRELIMINARY SITE PLAN OVERVIEW



SITE PLAN DETAIL
Elevations - Before & After