LAND USE CONTROL BOARD RECOMMENDATION

CASE #: S.U.P. 08-202 CC

At its regular meeting February 14, 2008, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application requesting a special use permit on the property described as follows:

LOCATION:	South side of Highway 70, ±90 feet west of the Brunswick Farms Road intersection,
OWNER OF RECORD:	Bernard W. and Lawanda Cogbill
LESSOR/APPLICANT:	SBA Communications Corp.
PROPERTY SIZE:	5,000 sq. ft. leased parcel in a 21-acre tract
EXISTING ZONING:	Agricultural (AG) District
REQUEST:	Replace a 110-foot CMCS cell tower with a 150-foot tower of the same type

Shawn Massey, Oasis Consulting, LLC, spoke in support of the application as the applicant's representative. He agreed to the current County Engineer's condition that would require improvement of the access drive. He asked for relief from the standard landscaping around the base of the tower since it is well-screened from the highway by existing trees.

No one appeared in opposition to this special use permit application.

The Land Use Control Board reviewed the special use permit application and the report of the staff. A motion was made and seconded to approve the application with the conditions as submitted by staff provided that the landscaping condition may be waived at the staff's discretion.

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. 08-202 CC
CMCS CELL TOWER AT 8843 HIGHWAY 70
As Forwarded 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 the 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.

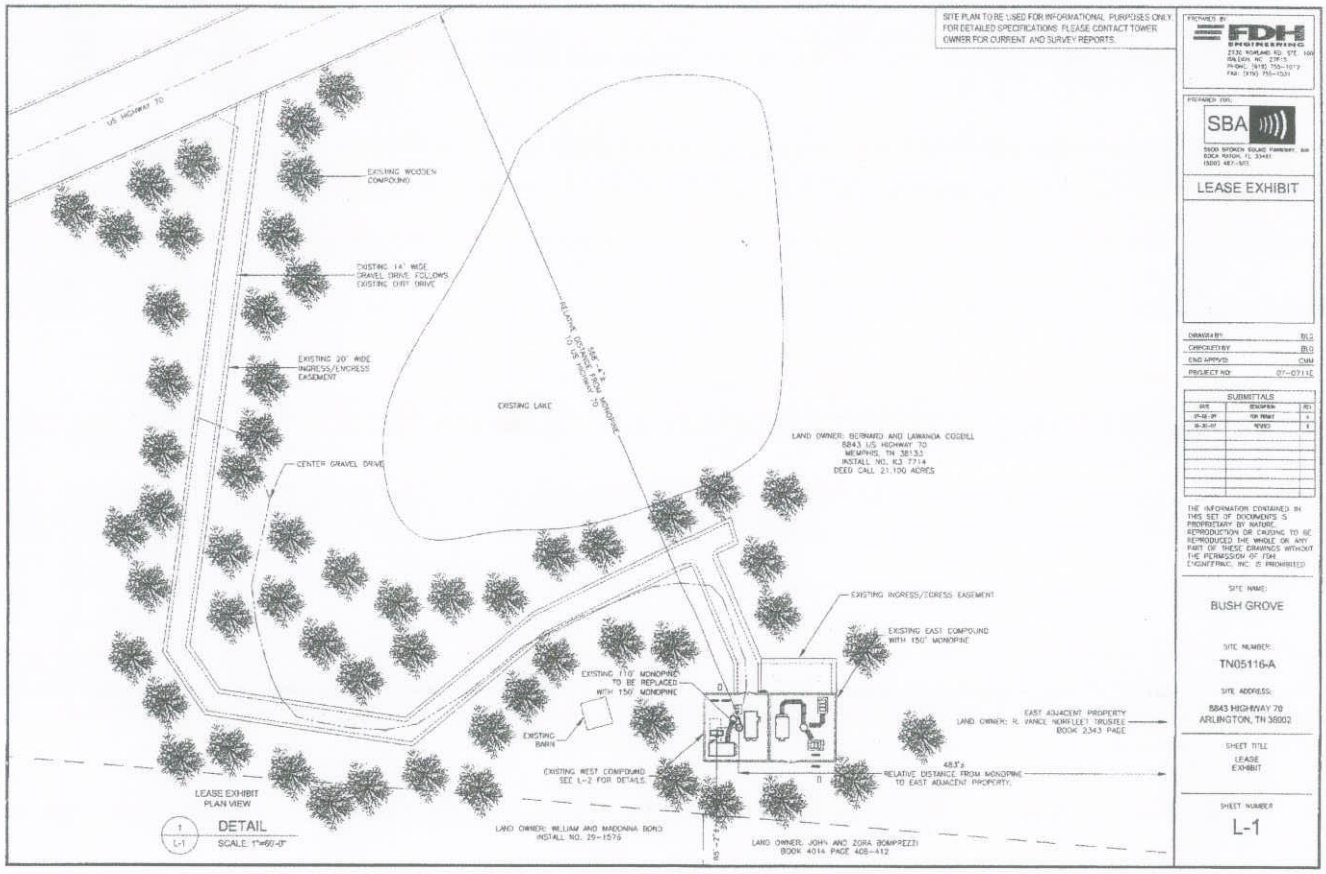
2. The tower and related equipment shall be removed within one-hundred eighty (180) days of ceasing operations. Prior to the issuance of a building permit for such facilities, adequate financial security in the amount of $20,000 shall be posted with the building official to assure the dismantling, removing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

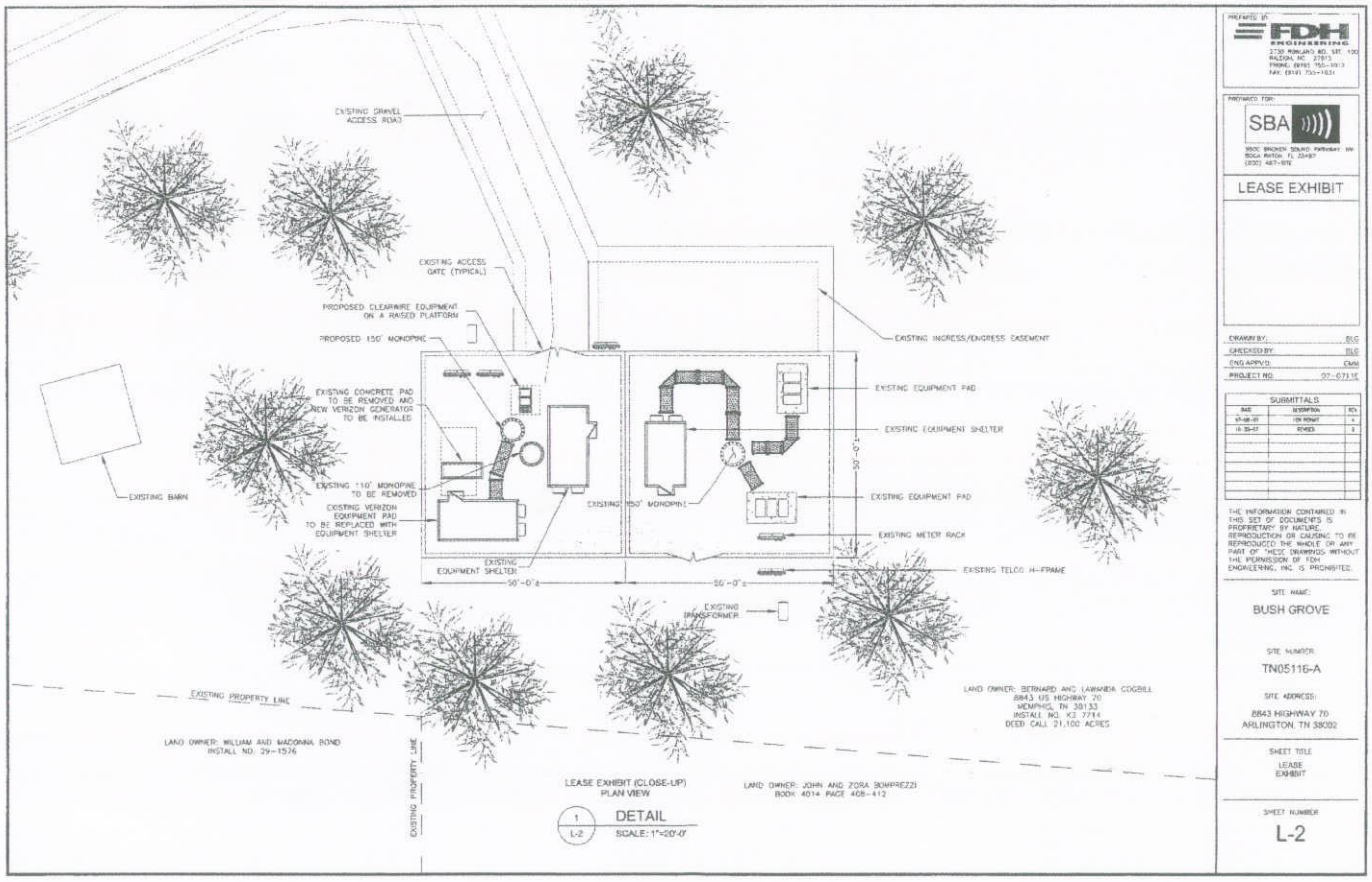
4. The tower shall be structurally designed to accommodate at least five (5) antenna co-locations.

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.

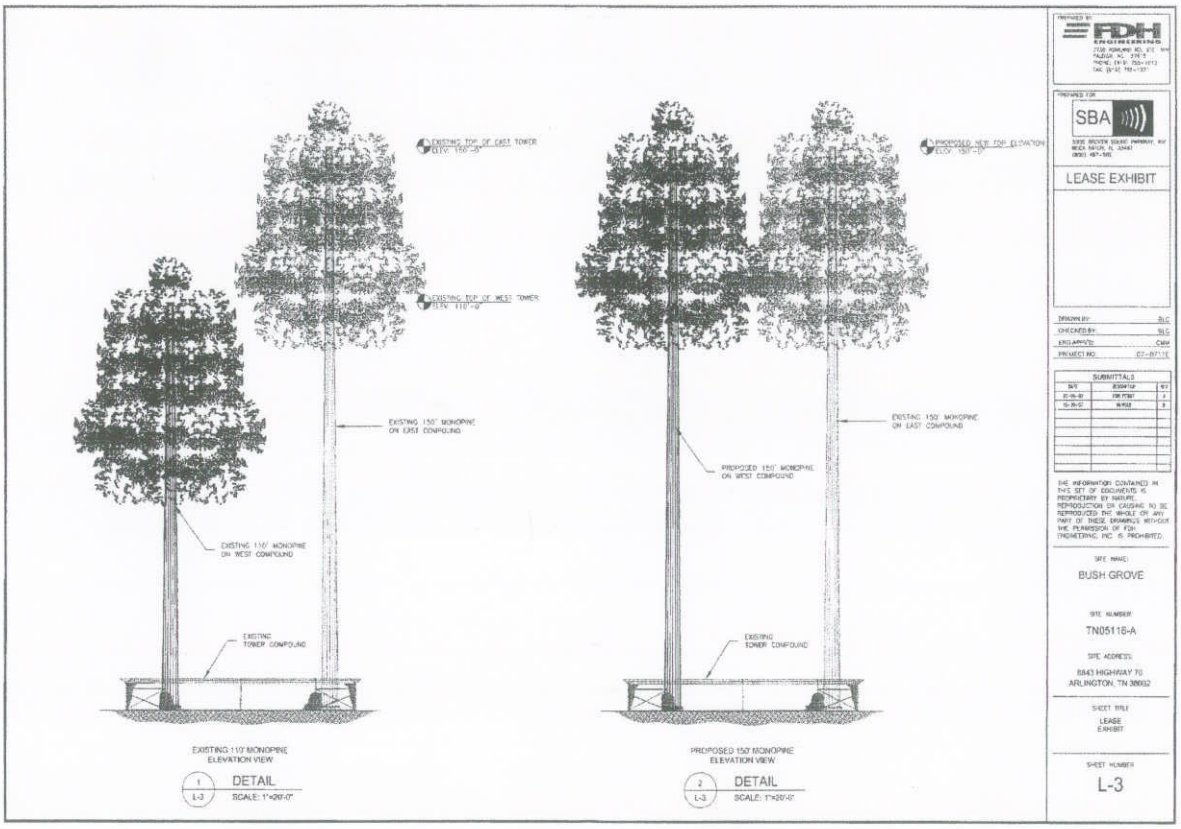
6. Any interference with Memphis-Shelby County emergency communications by carrier(s) located at this tower shall be the responsibility of the carrier(s) & or owner(s) to remediate.



PRELIMINARY SITE PLAN
OVERVIEW OF PARENT TRACT



PRELIMINARY SITE PLAN
LEASED PARCEL



PRELIMINARY SITE PLAN
BEFORE AND AFTER ELEVATION DRAWINGS

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 owner or contract buyer is 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	Bernard W & Lawanda Cogbill	8843 Highway 70, 38002
CURRENT LESSORS	SBA Communications Corp.	5900 Broken Sound PKWY NW, Boca Raton, FL
CONTRACT OWNERS/BUYERS		
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

   Not applicable

2. DATE OF GRATUITY

   Not applicable

3. NATURE AND PURPOSE OF THE GRATUITY

   Not applicable

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

   Not applicable

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

   Not applicable

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

   Not applicable

7. DESCRIPTION OF THE GRATUITY

Not applicable

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.)

Not applicable

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.

Diane E Borchardt
Signature

20 March 2008
Date

DIANE E. BORCHARDT
Print Name

[Note: Signed by
Zoning Manager,
SBA Network Services, Inc.
5900 Broken Sound Parkway, NW
Boca Ration, FL

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

FISCAL IMPACT STATEMENT

The replacement of one cell tower would not be expected to cause any change in local government services required. Any resulting change in the valuation of the property resulting from the equipment change would be assessed by the Tennessee State Comptroller's Office.