LAND USE CONTROL BOARD RECOMMENDATION

CASE #: S.U.P. 08-204

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 Tracy Rd., 1634 ft. east of Rosemark Rd.
OWNER OF RECORD:	Mary Green
LESSOR/APPLICANT:	Tower Ventures V, LLC
PROPERTY SIZE:	6,400 sq, ft. site in a 6.59 acre tract
EXISTING ZONING:	Agricultural (AG) District
REQUEST:	Cell tower (CMCS), 195 ft tall; "slick stick" design

Billy Orgel, ***Tower Ventures V, LLC,*** spoke in support of the application. He described the service needs of the primary carrier and the siting considerations that led to the selection of the proposed location; and stated that application had fully complied with the zoning ordinance requirements for a cell tower special use permit. .

Alisa Rhodes, ***9960 Rosemark, 38004*** and **Molly Hampton**, ***8242 Mudville Rd, 38004, representing Rosemark Civic Club*** spoke in opposition. They indicated that their major concerns were that the tower would be of character with the landscape, that the tower should be in Tipton County where most of the service need comes from and that more time should be taken to consider alternative designs.

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.

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 revised staff report.

Respectfully submitted,

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

SITE PLAN CONDITIONS
S.U.P. 08-204
CMCS CELL TOWER AT 9049 TRACY ROAD
As Recommended by the Land Use Control Board
February 14, 2008

A Special Use Permit is hereby granted to the applicant **Tower Ventures V, LLC** to allow construction and operation of a Commercial Mobile Communications Service (CMCS) Tower and ancillary facilities at a 6,400 square foot site on the 6.7-acre Mary Green tract (recorded as Instrument #07174040 at the Shelby County Register's Office), 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 (190'), 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.

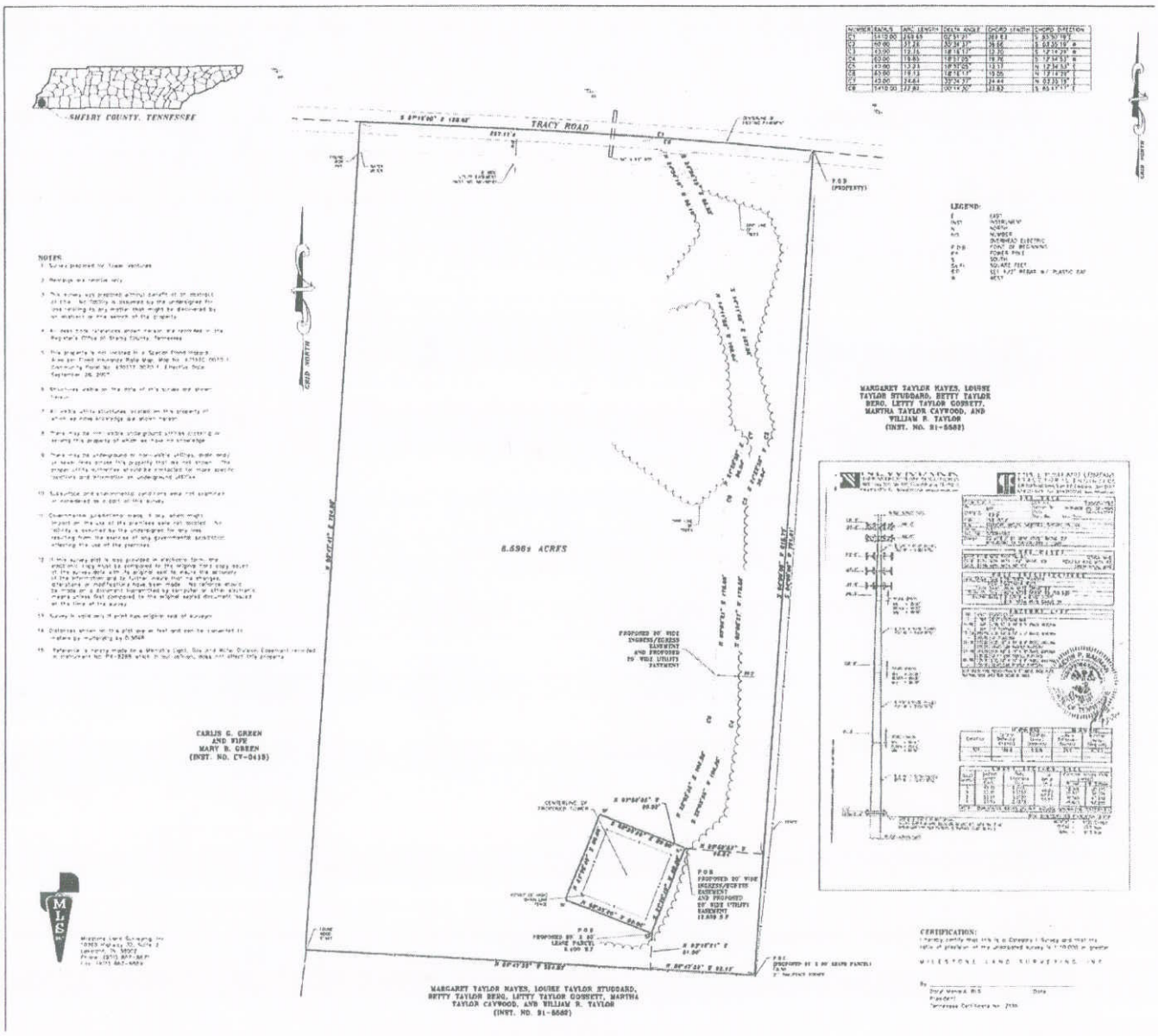
5. The tower shall be structurally designed to accommodate at least **six (6)** additional sectorized arrays.

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 Tracy Road.

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



PRELIMINARY SITE PLAN
OVERVIEW OF PARENT TRACT

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 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	William Orgel	4061 Viscount Ave Memphis TN 38118
Tower Ventures I, LLC	Craig Weiss	" "
	Steve Charles	" "
CONTRACT OWNERS/BUYERS		
NON-INSTITUTIONAL LENDERS INCLUDING SELLER(S) IF THE PENDING SALE IS OWNER FINANCED		

FISCAL IMPACT STATEMENT

Cell Tower - Tracy e/o Rosemark Rd	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	0.00	0
Residential - mobile home	0	$0	$0	$0	0.00	0
Residential - multi-family	0	$0	$0	$0	0.00	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 - other	0	$0	$0	$0		
Subtotal	0		$0	$0		
Industrial (square feet)	6,400	$10	$64,000	$25,600		
Project total			$64,000	$25,600		
Project-related expenditures						
General purpose	$1,090					
Transfers						
Transfer to the Med	$0					
Transfer to Shelby County Bd of Ed	$0					
Transfer to City of Memphis Bd of Ed	$0					
Debt service						
Schools	$0					
Roads	$1,013					
All other	$70					
Total expenditures	$2,172					
Project-related revenue						
Local taxes	$1,218					
Local revenue	$35					
State source	$84					
Elected officials	$89					
Investments, misc, other	$15					
Capital proffers (annualized)	$0					
Total revenue	$1,441					
Net project fiscal impact	**($731)**					

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.

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.

Section

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**

   Tower Ventures, William E. Orgel

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

GRATUITY DISCLOSURE FORM --- PAGE 2 OF 2

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.

Signature

3-28-08
Date

William G. Orgel
Print Name

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