

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
ADDENDUM STAFF REPORT 8

CASE NUMBER: SUP 10-218 CC **L.U.C.B. MEETING:** August 12, 2010
Deferred from July 8, 2010

LOCATION: West side of Billy Maher and north of Maher Trail

COUNCIL DISTRICT: NA

SUPER DISTRICT: NA

COMMISSION DISTRICT: 4

OWNER OF RECORD: Gregory and Flo Weaver

APPLICANT: SBA Network Services, LLC (Jason Laskey)

REPRESENTATIVE: Shawn Massey

REQUEST: Cellular Communications Tower (150' Tall – Flush Mounted Design)

AREA: 5.2 Acres

EXISTING LAND USE & ZONING: A residential dwelling in the Argicultural (AG) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

APPROVAL WITH CONDITONS

CONCLUSIONS:

- 1.The subject site is heavily wooded along its west and north boundaries and there are significant individual trees and stands of trees between the cell tower compound and Billy Maher Road.
2. The cell tower and compound are located just north of the approximate center of the site. At this location it is well set back from the street and abutting residential uses. The mature tree cover and use of flush mounted antennae will further limit the visibility of the site.
3. Two lots to the south of this site is a Planned Development with a projected north-south public street. The Final Plat for that P.D. has not been recorded at this time. Once a development plan for the lots that abut this site has been recorded, that will be the most appropriate time to re-review the siting of this tower and its possible re-location.

ADDENDUM

This item is being returned to the Memphis and Shelby County Land Use Control Board because the Public Notice Sign was not posted ten days or more prior to the July 8, 2010 meeting as required by the Zoning Ordinance.

In addition, we have received comments from an abutting Neighborhood Association, see below. We received these comments the day of the July Board meeting but due to the activity of the day did not actually see them until after the Hearing on this item had concluded.

Spring Lake H.O. Assn:

Hi. I am the President of the Spring Lake Home Owners Association. As a group of approximately 100 homeowners, we OPPOSE the cell tower installation at the above location.

Please note that we received only ONE notice through the Association post office box, but none of the homeowners received individual notices through the mail about the meeting on Thursday.

Also, the notice was not given with much advance notice, because of July Fourth holiday and "Snail Mail" process.

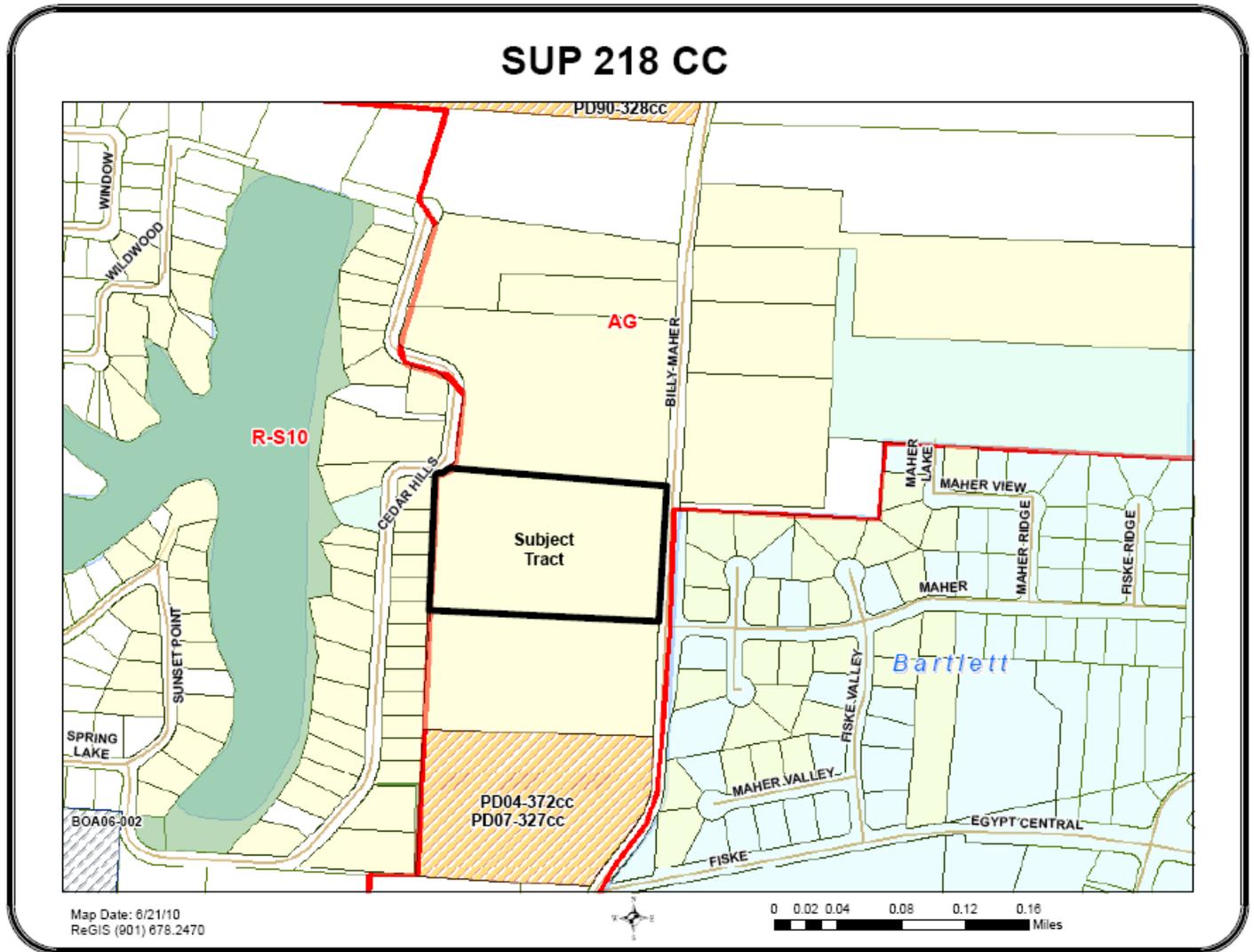
Please note our concern for such a LARGE obstruction (ten stories?) Although that piece of property is zoned agricultural, this is a growing residential area. The aerial view will show subdivisions immediately front and back of the cell tower area.

Please respond to this email, so I know our opinion was noted at the meeting.

Sincerely,

Mr. Kim Shumate
Spring Lake Homeowners Association

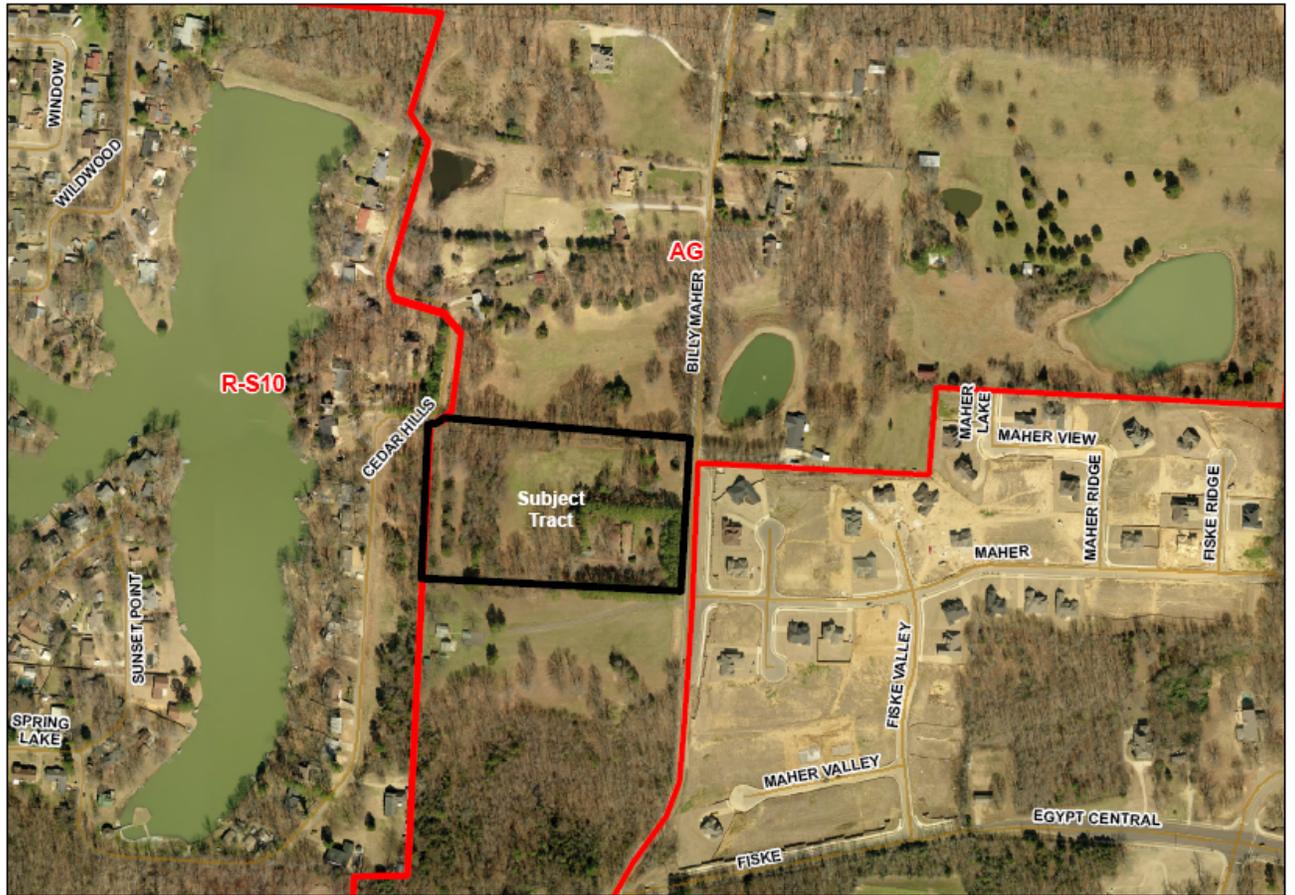
LAND USE AND ZONING MAP



SURROUNDING USES AND ZONING:

- North:** A residential dwelling on a large lot in the Agricultural (AG) District
- East:** A residential subdivision under construction in Bartlett
- South:** A residential dwelling on a large lot in the Agricultural (AG) District
- West:** Residential dwellings in the Single Family Residential (R-S10) District

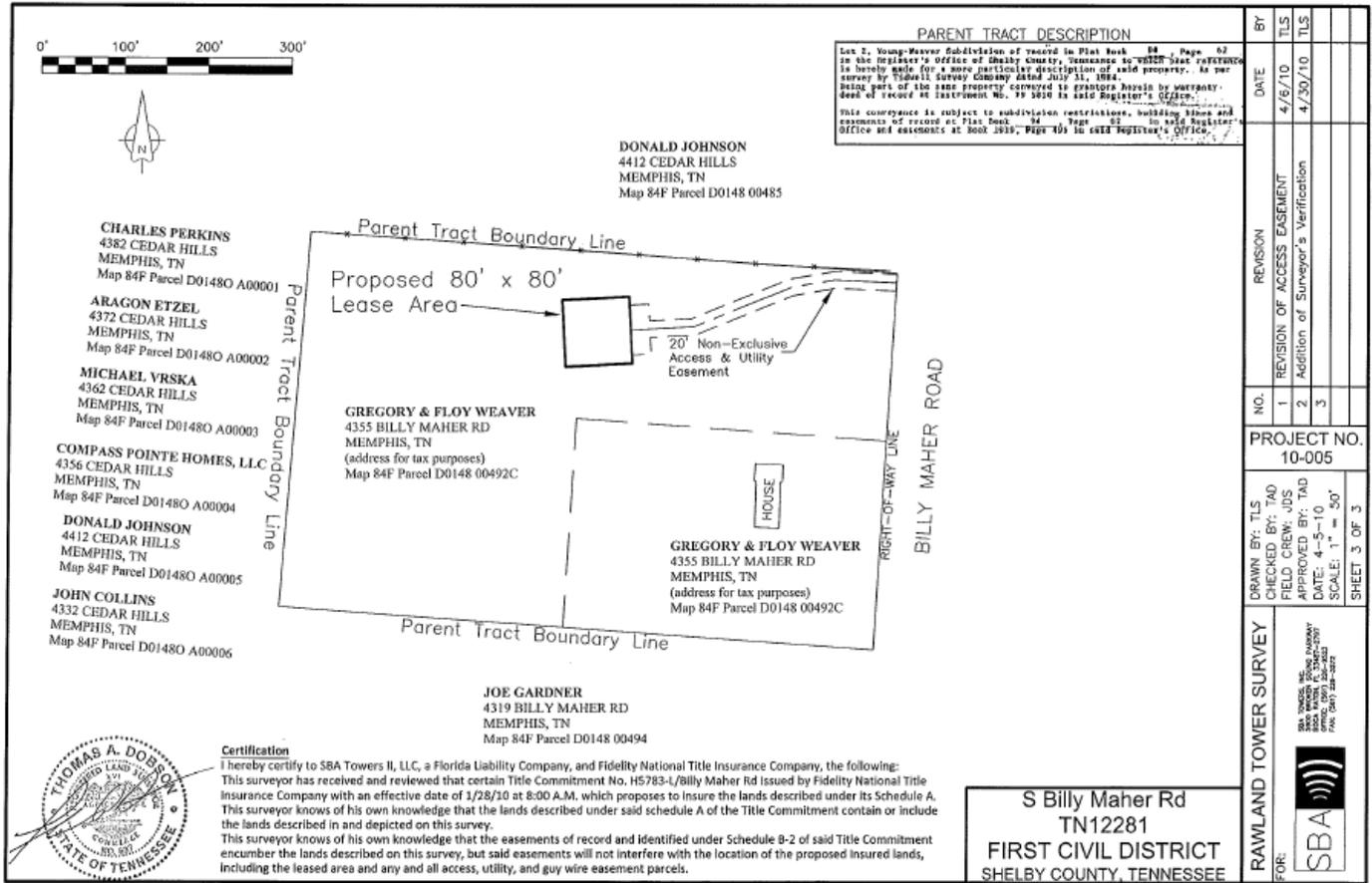
SUP 218 CC



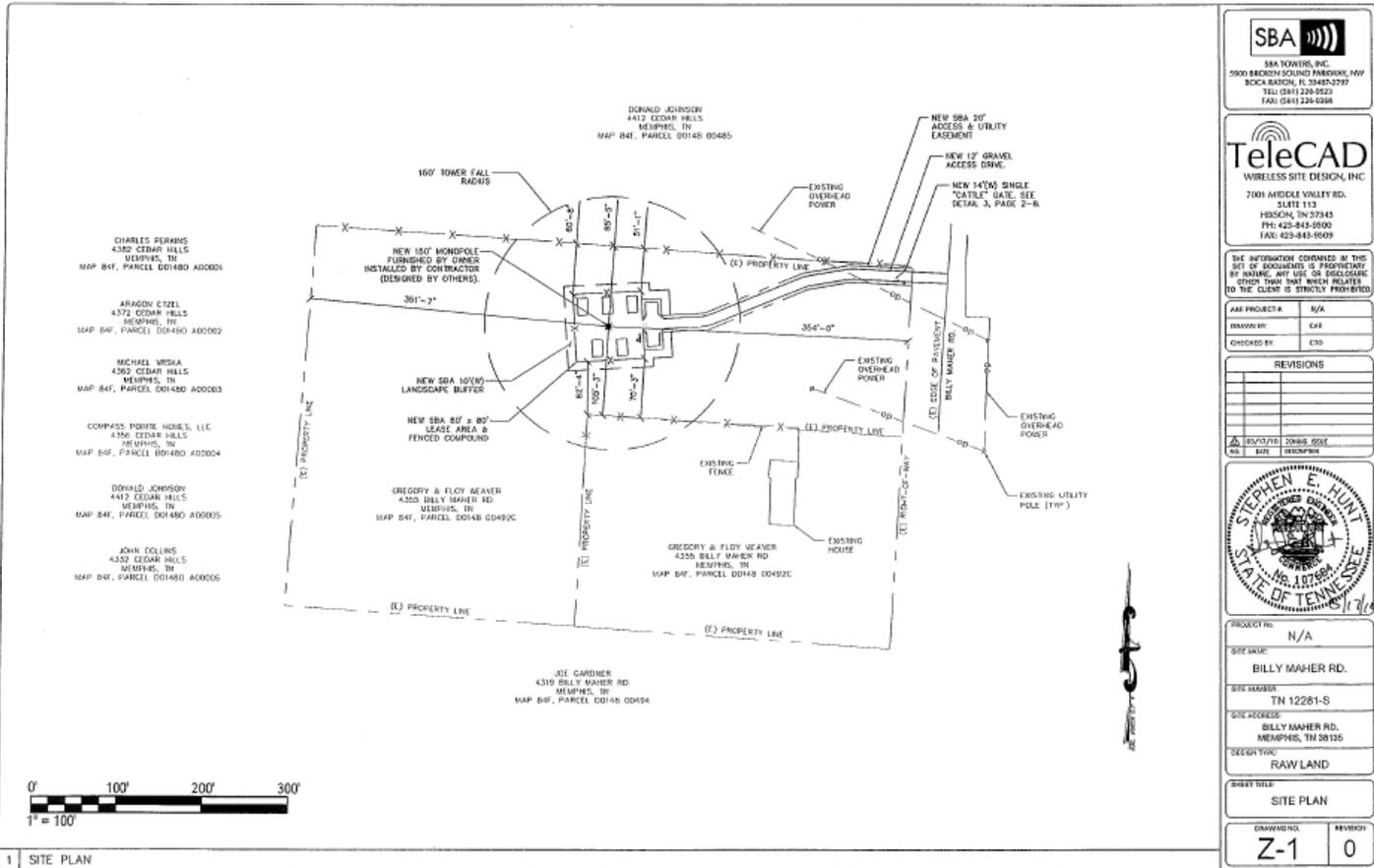
Map Date: 6/21/10
ReGIS (901) 878.2470



0 0.02 0.04 0.08 0.12 0.16
Miles



Boundary Survey



SBA 

SBA TOWERS, INC.
5900 BAYVIEW SOUND PARKWAY, NW
BOCA RATON, FL 33487-2797
TEL: (561) 238-8523
FAX: (561) 238-5268

TeleCAD
WIRELESS SITE DESIGN, INC.
7001 MIDDLE VALLEY RD.
SLATE 113
HICKORY, TN 37348
PH: 423-843-5500
FAX: 423-843-5509

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JOB PROJECT # N/A
DESIGNED BY CFB
CHECKED BY CFB

REVISIONS	
NO.	DESCRIPTION

REVISED ZONING CODE
No. 100 DISCREPANCY

STEPHEN E. HUNT
REGISTERED PROFESSIONAL ENGINEER
NO. 10788-A
STATE OF TENNESSEE
1/7/10

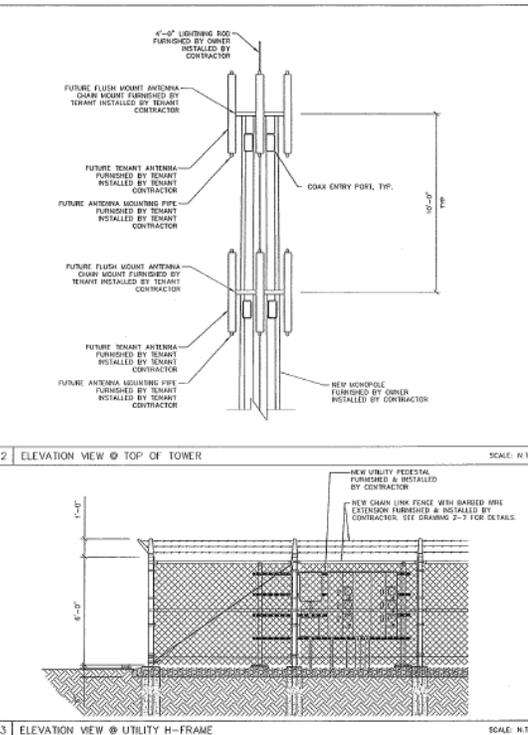
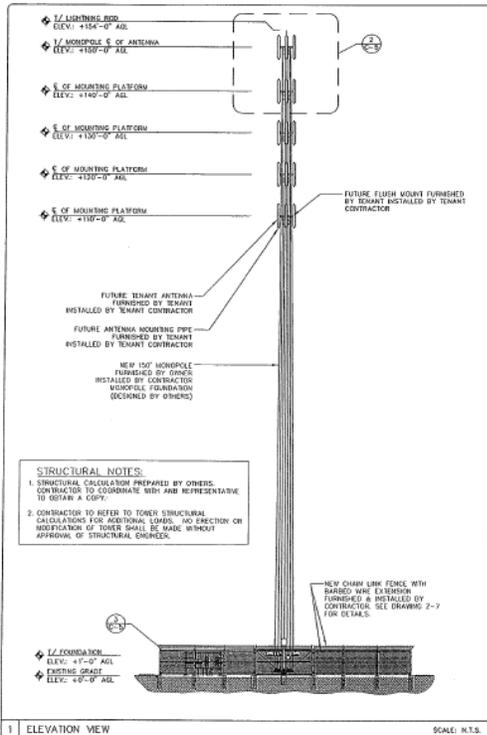
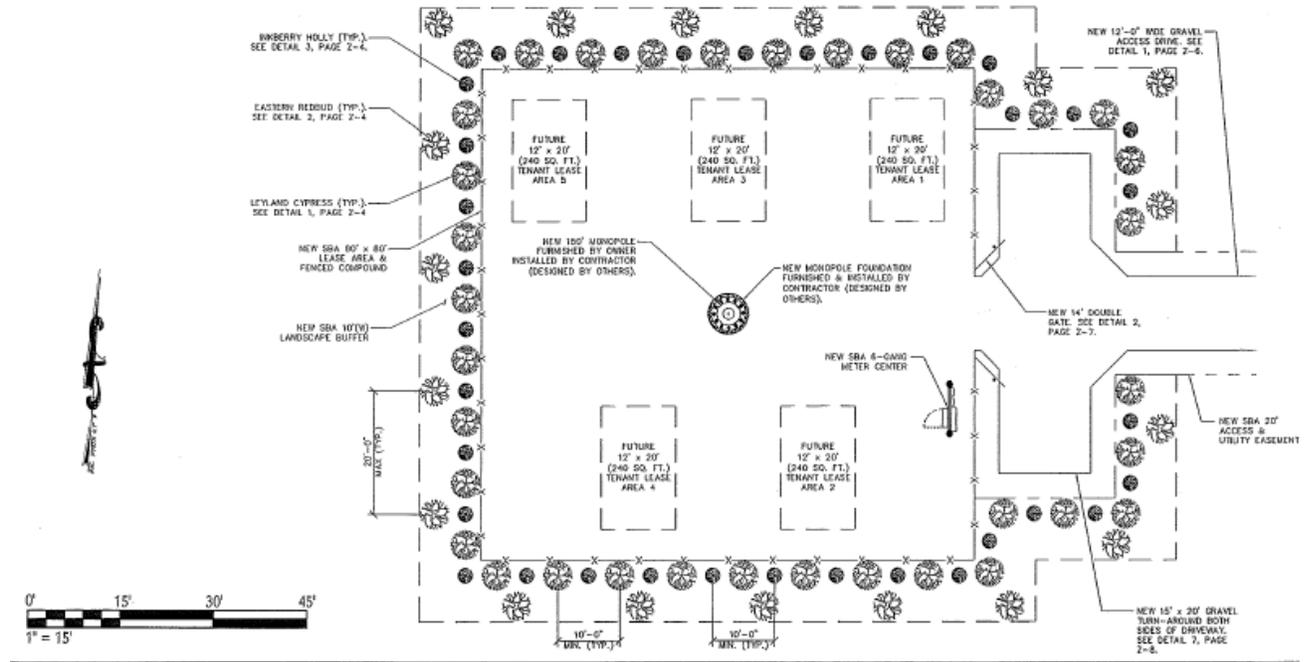
PROJECT NO. N/A
SITE NAME: BILLY MAHER RD.
SITE ADDRESS: TN 12281-S
SITE ADDRESS: BILLY MAHER RD. MEMPHIS, TN 38135
DESIGN TYPE: RAW LAND

SHEET TITLE: SITE PLAN

DRAWING NO.	REVISION
Z-1	0

Site Plan

Landscape Plan



<p>SBA TOWER, INC. 3600 BRIDGEMAN SCHOOL PARKWAY, NW ROCK HAVEN, IA 51450 TEL: (515) 226-9017 FAX: (515) 226-9000</p>							
<p>WIRELESS SITE DESIGN, INC. 7001 MIDVILLE VALLEY RD. SUITE 113 HERRISON, TN 37343 PH: 423-843-9500 FAX: 423-843-9500</p>							
<p>THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY TO THE CLIENT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN.</p>							
<p>DATE PROJECT: N/A DRAWN BY: CAC CHECKED BY: CIO</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION			
NO.	DATE	DESCRIPTION					
<p>PROJECT: N/A SHEET NO: BILLY MAHER RD. SITE NO: TN 12261-0 SHEET NO: BILLY MAHER RD., MEMPHIS, TN 38155 DESIGN TYPE: RAW LAND</p>							
<p>SITE ELEVATIONS</p> <table border="1"> <tr> <th>DRAWING NO.</th> <th>REVISION</th> </tr> <tr> <td>Z-5</td> <td>0</td> </tr> </table>		DRAWING NO.	REVISION	Z-5	0		
DRAWING NO.	REVISION						
Z-5	0						

Tower and Compound Elevation

STAFF ANALYSIS

General Location and Site Characteristics:

The subject property is located on the west side of Billy Maher Road in the Raleigh Area of Shelby County. This property lies between the City Limits for Memphis and Bartlett. The centerline of Billy Maher separates Bartlett from Shelby County.

The subject property is a 7.3 acre site that contains one residential dwelling which in the southeast corner of the site nearest to Billy Maher. The site for the cell tower and equipment compound is located in the center of the overall property. At this location, the center of the tower is approximately 350 feet from the east and west boundary lines and just over 95 feet from the north property line.

The subject site is heavily wooded along its west and north boundaries and there are significant individual trees and stands of trees between the cell tower compound and Billy Maher Road.

Review of Request:

The request is to erect a Cellular Communication Tower with a height of 150 feet. The tower is designed as a mono-pole with flush mounted antennas.

The access drive is located at the northwest corner of the property and is designed to meander so that there is no direct view from the drive to the tower compound. The design of the drive will also preserve some of the mature trees on this site.

The drawings for the tower compound show two rows of vegetative screening. The outermost row includes Eastern Redbud Trees. The inner row includes Leyland Cypress and Inkberry Holly. With the density of the planting screen and the existing tree cover, the staff is comfortable with recommending that the security fencing be composed of either a six foot tall, sight proof wooden fence with cap; or a six foot tall, chain link fence with green or black vinyl coating.

The only negative comment about the site plan is that one of the support drawings shows a barbed wire fence to add security for the equipment. The Office of Planning and Development cannot support that addition to the site plan.

Siting of the Tower on the Property

As indicated previously, the tower is located just north of the approximate center of the site. At this location it is well set back from the street and abutting residential uses. The mature tree cover and use of flush mounted antennae will further limit the visibility of the site.

The subject site is one of four continuous lots on this side of Billy Maher Road that is greater than six acres in area. These sites are ripe for re-development as residential subdivisions. However, the nearest platted residential subdivision on this side of Billy Maher Road is approximately ¼ of a mile away. Approximately two parcels to the south of the subject property is the site of an approved Planned Development, St. Elizabeth's Planned Development. The approved site plan includes Commercial and Office uses nearest to Billy Maher Road and single family residential uses to the west. A north- south public street is proposed in the center of this site. If this plat is recorded, and the road extended it would be on an alignment that will run very near if not right through the cell tower compound.

Without a recorded development plat for the properties that abut this site, it would be guess work to try to prescribe a better location at this time. Once subdivision activity occurs on this site or on the abutting sites to the north and south, that will be the time to re-evaluate the tower compound's location.

Recommendation: Approval with Conditions

SITE PLAN CONDITIONS:

S.U.P. 10-218 CC

A Special Use Permit is hereby granted to SBA Towers II, LLC to allow the erection of a Cellular Communications Tower on property identified as 4355 Billy Maher Road, Assessors ID D014800492C subject to an approved site plan and the conditions listed below.

1. Maximum height of tower 150 feet (height does not include lightning rods).
2. Tower shall be designed for flush mounted antennae.
3. The drive serving the tower compound shall be constructed with asphalt for the first 50 feet west of the existing Billy right of way.
4. The proposed gate nearest the right of way shall be setback a minimum of 25 feet from the right of way.
5. Security fencing for the compound may include a 6-foot tall sight proof wooden fence with cap or a 6 foot tall, vinyl coated chain link fence (black or green color).
6. Barbed wire is not permitted.
7. The applicant shall take every precaution to protect any tree from damage during the installation of the tower, tower compound, and service drive.
8. The removal of any tree that is 10 inches in caliper shall require the filing of a Notice of Intent and a plan for replacement of the loss that is acceptable to the OPD.

GENERAL INFORMATION:

Street Frontage: Billy Maher ---- +/- 451 Feet

Planning District: Raleigh-Bartlett

Census Tract: 206.41

Annexation Reserve Area: Memphis

Zoning Atlas Page: 1645

Parcel ID: D0148 00492C

Zoning History: The Agricultural (AG) zoning designation for this area dates to 1960.

DEPARTMENTAL COMMENTS

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

City Engineer: No comment.

County Engineer:

Driveway will require 50 feet of asphalt to keep gravel off public needs, minimum driveway culvert size is 15 inches.

City Fire Division: No comment.

County Fire Department: No comments received.

City Real Estate: None.

County Real Estate: No comments received.

City/County Health Department: The Water Quality Branch & Septic Tank Program has no comments.

City Board of Education: No comment.

County Board of Education: No comments received

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services.
 - All commercial developers must contact MLGW's Builder Services at 901-367-3343 to initiate the utility installation process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell South / Millington Telephone:

No comments received

Memphis Area Transit Authority (MATA):	No comments received.
OPD-Regional Services:	No comments received.
OPD-Plans Development:	
Division of Park Services:	No comments received.
County Conservation Board:	No comments received.
County Sheriff:	No comments received.
Neighborhood Associations:	
<i>Spring Lake HOA</i>	<i>See comments on Page 2</i>