

**STAFF REPORT**

8

**CASE NUMBER:** S.U.P. 11-218                      **L.U.C.B. MEETING:** December 8, 2011  
**LOCATION:**                      West side of Berryhill Road; +/-214 feet north of Karen Mill Lane  
**COUNCIL DISTRICT:**        District 2; Superdistrict 9  
**OWNERS OF RECORD:**      Wayne and Elizabeth Todd  
**OWNERS/APPLICANTS:**    AT&T Mobility  
**REPRESENTATIVE:**        Telecom Site Management, Inc (Tony Stewart)  
**REQUEST:**                    Cellular Tower  
**LEASED AREA:**              7.31 Acres  
**EXISTING LAND USE & ZONING:**    Conservation Agriculture (CA) District

**CONCLUSIONS:**

1.        The proposed tower will be 150 feet in height.
2.        The proposed tower will be set back approximately 40 feet from the southern property line and approximately 300 feet from the right-of-way of Berryhill.
3.        The applicant has proposed that the leased area for the cell tower be surrounded by a 6-foot chain link fence. Staff recommends that this either be converted to a 6-foot sight-proof wooden fence and maintain the proposed landscaping or a 6-foot vinyl chain link fence with additional landscaping.
4.        As there is no substantial evidence that has been presented that would support a denial of this application, staff recommends approval with conditions, pursuant to the Federal Telecommunications Acts of 1996.

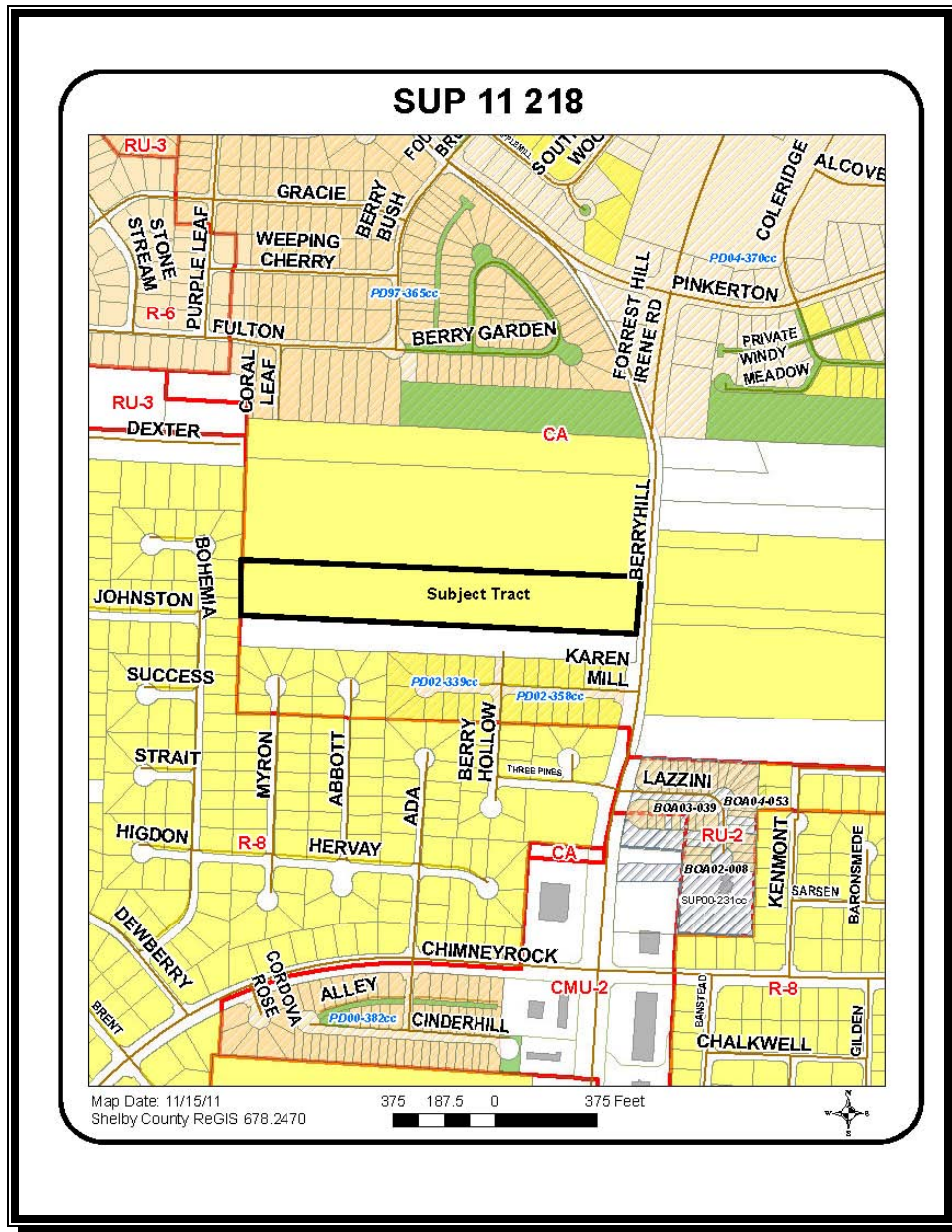
**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with conditions*

**Staff:**    *Brian Bacchus*

**E-mail:**    [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

Zoning-Land Use

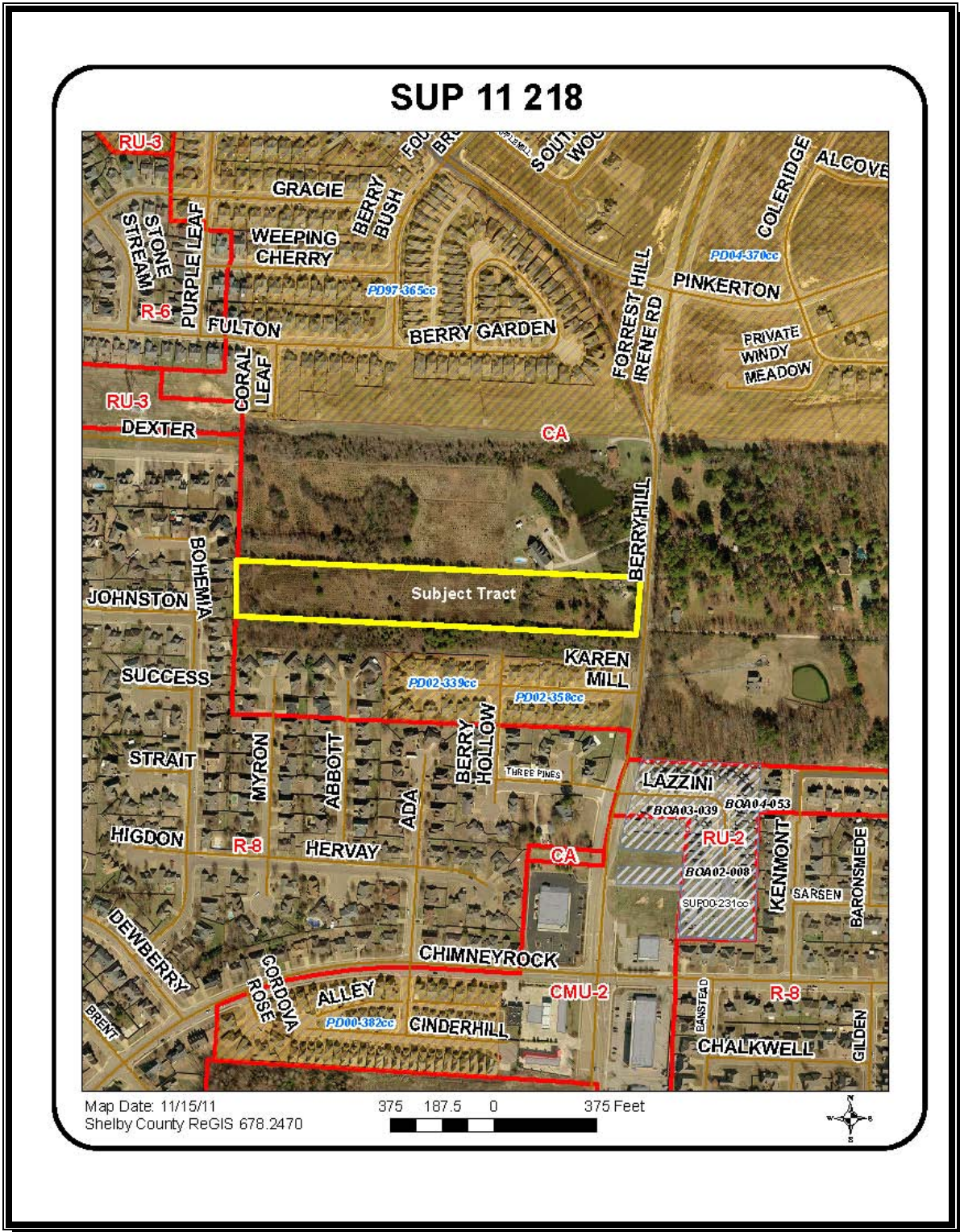


**SURROUNDING LAND USE AND ZONING:**

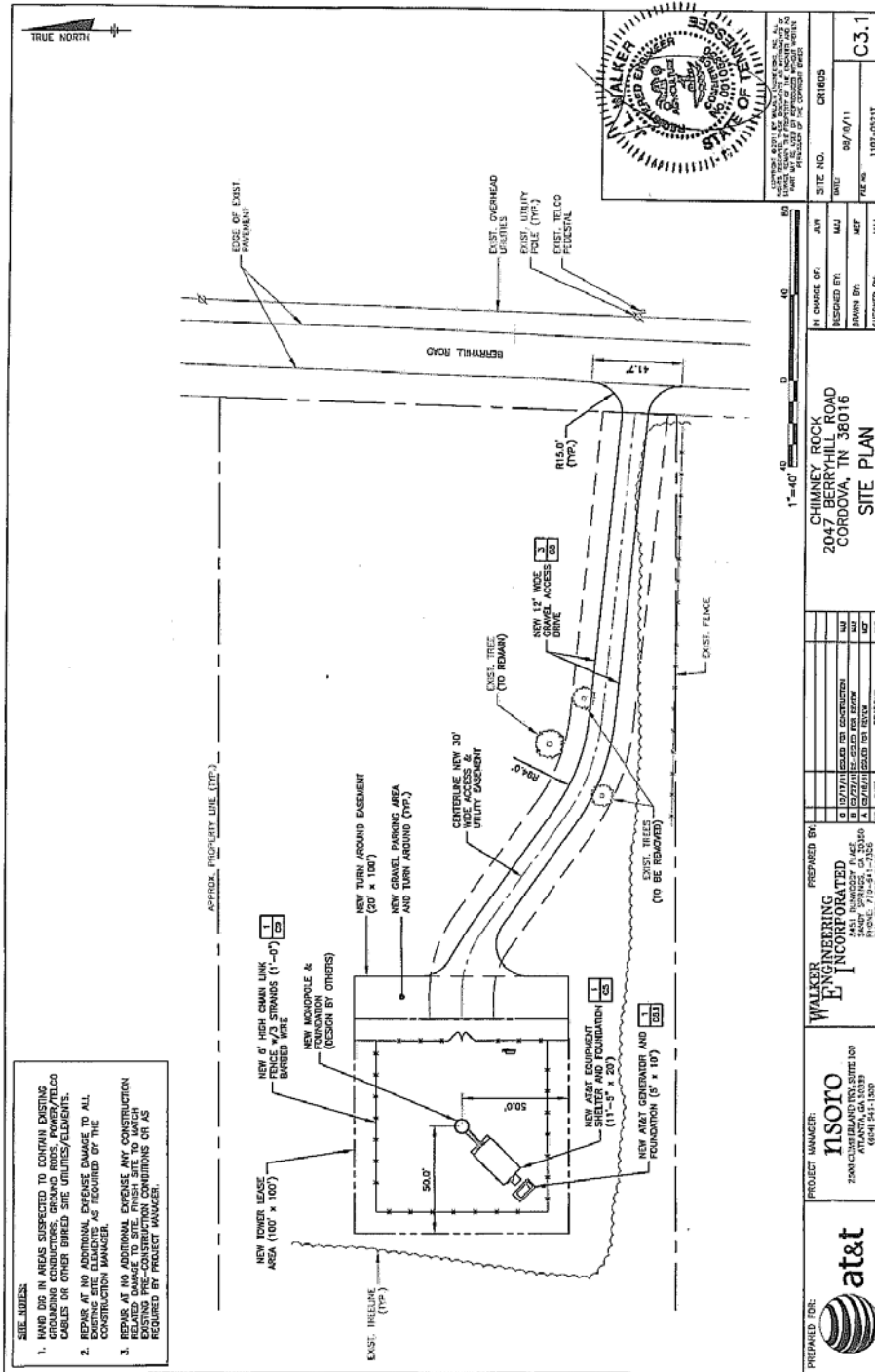
- North:** estate residential; zoned CA
- East:** estate residential; zoned CA
- South:** immediately south: vacant; zoned CA  
Further south: medium-density residential; zoned CA and R-8
- West:** medium-density residential; zoned R-8



Zoning Aerial View



Site Plan



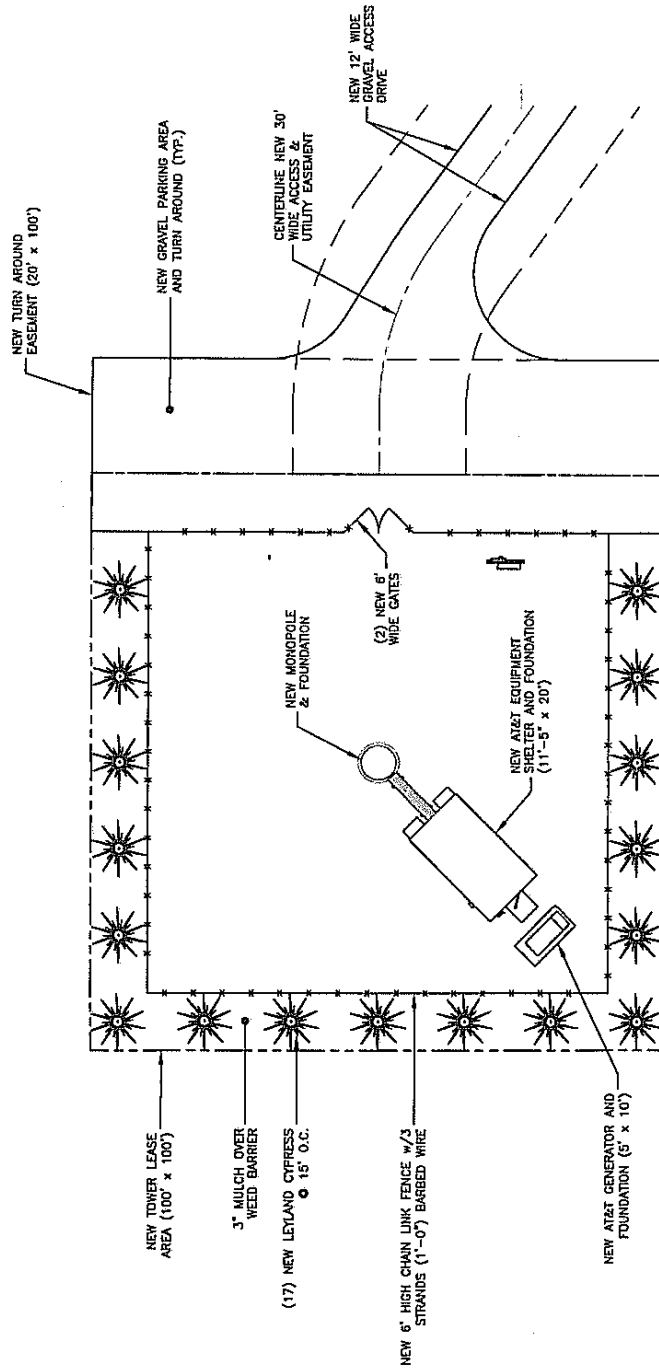
- SITE NOTES:**
1. HAND DIG IN AREAS SUSPECTED TO CONTAIN EXISTING GROUNDING CONDUCTORS, GROUND RODS, POWER/TELECO CABLES OR OTHER BURIED SITE UTILITIES/ELEMENTS.
  2. REPAIR AT NO ADDITIONAL EXPENSE DAMAGE TO ALL EXISTING UTILITIES AS REQUIRED BY THE CONSTRUCTION MANAGER.
  3. REPAIR AT NO ADDITIONAL EXPENSE ANY CONSTRUCTION RELATED DAMAGE TO SITE. FINISH SITE TO MATCH EXISTING PRE-CONSTRUCTION CONDITIONS OR AS REQUIRED BY PROJECT MANAGER.

WALKER ENGINEERING INCORPORATED  
STATE OF TENNESSEE  
REGISTERED PROFESSIONAL ENGINEER  
NO. 2500  
EXPIRES 12/31/2012

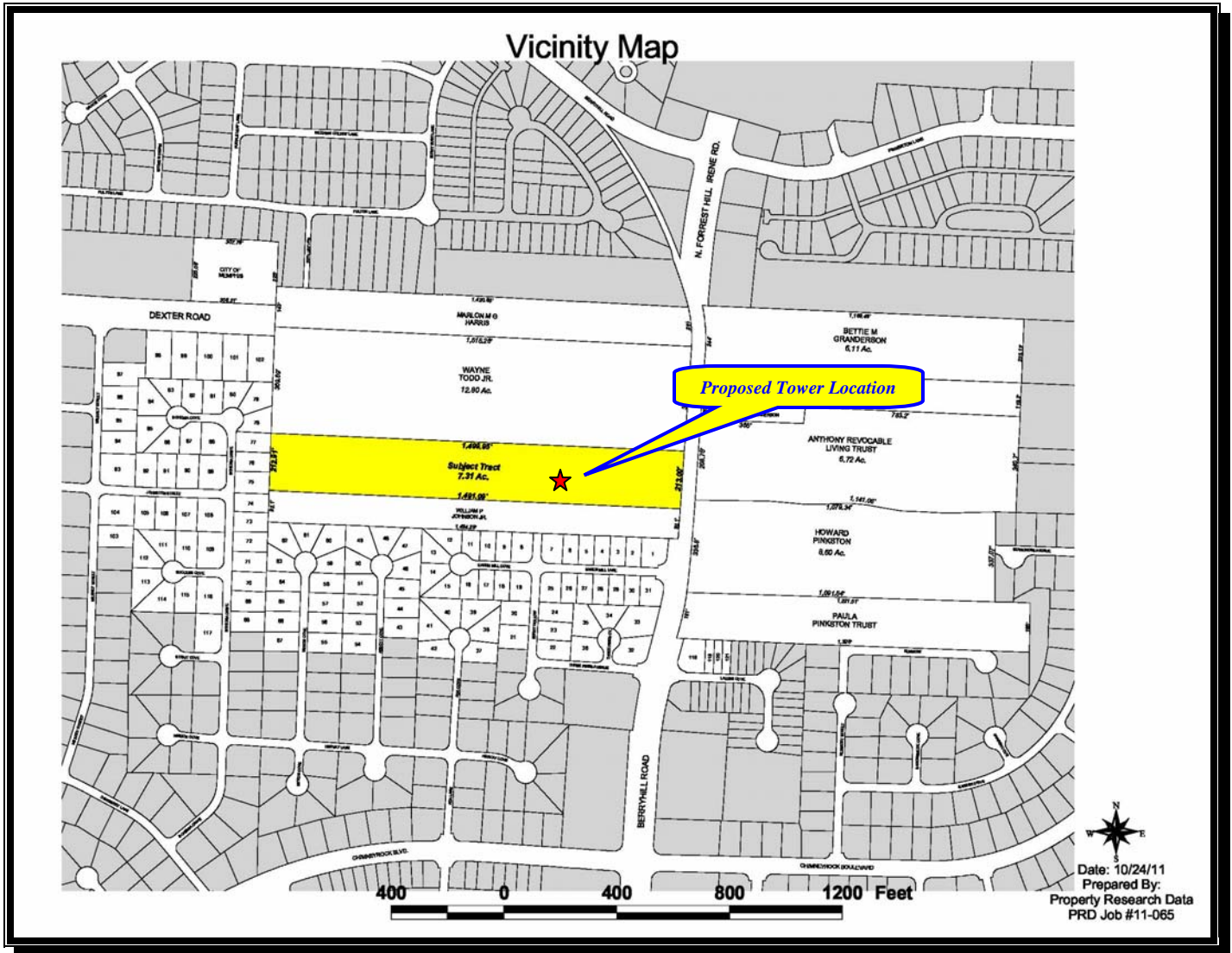
DATE: 09/10/11  
SITE NO.: CR1605  
PROJECT: 1107-0531T  
C3.1

PROJECT MANAGER:	ISOORO	700N CLAYBANK DR, SUITE 100 Cordova, TN 38016 615-341-1320
PREPARED FOR:	at&t	
PREPARED BY:	WALKER ENGINEERING INCORPORATED	4441 RICHMOND PI. #102 Cordova, TN 38016 615-792-587-5156
DESIGNED BY:	ART	
DRAWN BY:	MEF	
CHECKED BY:	MEF	

Detailed Site & Landscape Plans



Vicinity & Ownership Map





***STAFF ANALYSIS:***

***Site Description***

The subject property is a leased area containing 10,000 square feet of approximately 7 acres of vacant land at the west side of Berryhill approximately 1200 feet north of Chimneyrock.

The proposed tower site is a leased area 100'x 100' located approximately 300 feet west of Berryhill Road with an ingress/egress and utility easement thirty (30) feet in width accessing it from Berryhill. The leased area is a total of 10,000 square feet. The application has indicated that this leased area will be surrounded by a chain link fence six (6) feet in height and setback from the south property line a distance of about 40 feet. Staff recommends this chain link fence either be replaced with a sight-proof wood fence or a vinyl-coated chain link fence with additional landscaping than the proposed seventeen (17) Leyland Cypress trees surrounds the cell tower leased area.

***Area Overview***

The surrounding land use and zoning is predominantly large estate residential tracts of land in the Conservation Agricultural (CA) zoning district to the north and east with medium density residential subdivisions in the R-8 zoning district to the west and south. Commercial uses exist at the intersection of Berryhill and Chimneyrock to the south.

***Request vs. Visibility***

The request is for a special use permit to allow the construction of a cell tower 150 feet in height with the ability to support a minimum of four (4) sets of antennae arrays in the Conservation Agricultural (CA) zoning district.

***RECOMMENDATION: Approval with Conditions***

## ***SITE PLAN CONDITIONS:***

A Special Use Permit is hereby authorized to AT&T Wireless to allow Cellular Tower on the property located West side of Berryhill Road; +/-214 feet north of Karen Mill Lane in accordance with the approved site plan and the following supplemental conditions:

- I. Uses Permitted: A CMCS communications tower one-hundred fifty (150') feet in height with the ability to support a minimum of four (4) sets of antennae arrays.
- II. Bulk Regulations:
  - A. The setback from Berryhill Drive right-of-way shall be a minimum distance of 300 feet, as measured from the eastern boundary of the cell tower leased area.
  - B. The setback from the south property line shall be minimum distance of 40 feet, as measured from the southern boundary of the cell tower leased area.
- III. Access & Circulation:
  - A. The design and location of curb cuts shall be subject to review and approval by County Engineer.
  - B. The private drive shall be constructed to provide a curvilinear design a minimum width of twelve (12) feet of gravel surface.
  - C. A gate with fencing and bollards shall be provided at the private drive entrance for unauthorized personnel.
- IV. Landscaping and Screening:
  - A. All landscaping and screening shall be in accordance with the 'Landscape Plan' and installed prior to launch and operation of the tower and equipment.
  - B. Required landscaping shall not be placed on or under any utility easement.
  - C. The leased area shall be surrounded by a sight-proof wooden fence of six feet in height.
- V. Signs:
  - A. No signs shall be allowed, except for the necessary decal sign for displaying the name, address and phone numbers of the owner and operators of the facilities. The decals shall be placed on and outside the fence.
  - B. No temporary or portable signs shall be permitted.
- VI. A CMCS communications tower one-hundred fifty (150) feet in height shall be allowed with the ability to support a minimum of four (4) sets of antennae arrays for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.



## **GENERAL INFORMATION**

**Street Frontage:** Berryhill Road

**Annexation Reserve Area:** Not Applicable; part of City of Memphis

**Zoning Atlas Page:** 1955

**Parcel ID:** 096600 00207

## **DEPARTMENTAL COMMENTS**

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

### **City Engineer:**

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.
2. No objections to this request.
3. This site is located in the Memphis Reserve Area.

### **Sewers:**

4. City sanitary sewers are available at developer's expense.

### **Curbs Cuts/Access:**

5. The County Engineer shall approve the design, number and location of curb cuts.
6. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
7. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.
8. Prior to recording, the following note shall be placed on the plat:  
  
No permit for construction shall be granted for (lot #?/this property) except for the installation of ( a communications tower/an off premise sign). Any other use of this property will require re-recording of the plat, the payment of sewer development fees and the installation of the sewer connection to this property.
9. The width of all existing off-street sewer easements shall be widened to meet current city standards.
10. Required landscaping shall not be placed on sewer or drainage easements.

### **City Fire Division:**

No comments received.

<b>City Real Estate:</b>	No comments received.
<b>City/County Health Department:</b>	The Water Quality Branch & Septic Tank Program have no comments.
<b>City Board of Education:</b>	No comment.
<b>Construction Code Enforcement:</b>	No comments received.
<b>Memphis Light, Gas and Water:</b>	No comments received.
<b>Bell South:</b>	No comments received.
<b>Memphis Area Transit Authority (MATA):</b>	No comments received.
<b>OPD-Regional Services:</b>	No comments received.
<b>OPD-Plans Development:</b>	No comments received.
<b>Memphis Park Commission:</b>	No comments received.
<b>Cordova Leadership Council:</b>	No comments received.
<b>Fisherville Civic Club:</b>	No comments received.