

TOWN OF COLLIERVILLE

New Wireless Communications Facility (WCF) Checklist

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GENERAL DESCRIPTION: Per §151.024(G)(7) if the Zoning Ordinance, Conditional Use Permit (CUP) from the Town is required for new Wireless Communications Facilities (WCFs) before they can be constructed. Certain conditions within the Zoning Ordinance are applicable to a CUP for a new WCF and will be reviewed on a case-by-case basis based upon the information provided.

This checklist is not applicable to structures within public rights-of-way considered Small Wireless Facilities as regulated by §117.120 through 117.128 of the Town Code.

There are two levels of questions asked of any CUP application by the Town:

- the 6-prong “general standards” test, which is applicable for all CUP requests; and
- any applicable “specific criteria” for certain conditional uses, which are in addition to the general criteria. For these uses, the Town will additionally look to see if very specific standards outlined for new WCFs in §151.024 of the Zoning Ordinance. Such standards are related to local concerns such as demonstrating that co-locating isn’t an option, design, setbacks from certain uses and other towers, setbacks from the property line, minimizing off-site impacts.

CUPs require the approval of the Board of Mayor and Aldermen (BMA) based on a recommendation from the Planning Commission (PC). The purpose of the public review is to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities are mitigated, and that any special requirements unique to that use are addressed. In short, the CUP application process for a new WCF occurs through four basic steps, described in this checklist in more detail below:

- **1st Step: Required Pre-Application Conference (with staff)**
- **2nd Step: Staff & Consultant Review**
- **3rd Step: Two Public Reviews (PC recommendation and then BMA consideration)**
- **4th Step: Post-approval Compliance (typically permits and revised drawings)**

Step 1 – Required Pre-Application Conference with Town Staff: A

Pre-application Conference with key staff is required per §151.024(G)(7) for a new WCF. Pre-application Conferences are intended to be a “one-stop shop” for potential applicants to meet with all departments involved in the development process at the same meeting. They can prove to be very beneficial to both the applicant and staff, as the officials responsible directly for the review (Planning, Engineering, Codes, Fire, Public Services, Police, and Parks & Recreation, etc) can be in attendance if requested. The primary purpose of the meeting is for Staff to explain the applicable development processes, permits, and fees pertinent to the project prior to applicants submitting a formal CUP application. These meetings also provide an opportunity for the developer to discuss his/her proposal with Town officials and get their input. Applicable rules and regulations will be discussed as they relate to the proposal, but the Pre-application Conference does not constitute an application nor are any preliminary staff comments binding. In addition to notes from the meeting taken by the Staff, other relevant information will be

Submittal Requirements for a CUP for a New WCF

Staff & Consultant Review Phase:

- Completed general application form (see Preapplication Conference notes for guidance on how to complete form)
- Disclosure of Interest Form (if applicable)
- Electronic version of the entire submittal package (PDF Format - on disk, flash drive, or emailed)
- Cover Letter – Two (2) Copies (see instructions on page 2 for required content)
- Review Fees:
 - \$300 – CUP Review Fee
 - \$2,500 – Wireless Communications Facility Review Fee (in addition to the 3rd party Consultant Review fee)
 - TBD – 3rd party Consultant Review Fee
- Proposed WCF Design & Supporting Documents (see instructions starting on page 2 for required content)
- Other Information that was specifically requested at the Preapplication Conference (recent survey, photographs of the site, etc)

Public Review Phase: Documents provided during the Staff and consultant review phase revised to reflect any comments provided. Such documents include the cover letter and proposed WCF Design & Supporting Documents.

Post-Approval Phase:

- Varies based on the specific request. Consult the notes in the Preapplication Conference and the “Next Steps” in the PC and BMA Staff Reports.
- For some projects, only a building permit is needed to demonstrate compliance. For others, a Final Site Plan and Development Agreement are required.

made available to the applicant at the end of the meeting (applications, checklists, forms, latest fee schedule, submittal calendar, etc). Formal notes are taken during the meeting by staff and emailed to the potential applicant after the meeting for a record of what was discussed. Pre-application Conferences are typically scheduled every Tuesday afternoon from 1:00 pm to 4:00 pm at the Development Department located at Town Hall. Each meeting is usually an hour long. A Pre-application Conference can be scheduled by contacting the Planning Division at 901-457-2360.

Step 2 – Staff & Consultant Review Submittal:

To initiate the formal review process, the applicant must submit a CUP application package according to the submittal requirements of §151.024(G)(7) and according to any directions from the Preapplication Conference.

Independent Consultants: Upon submission of an application for a WCF, the Town Planner may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Town Planner. The consultant(s) shall work at the Town Planner's direction and shall provide the Town Planner such reports and assistance, as the Town Planner deems necessary to review an application.

Balloon Test: The Town Planner may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the Town shall advertise the date, time, and location of this balloon test at least 15 days in advance of the test in a newspaper with general circulation in the town. The Town Planner shall also inform the Planning Commission, Design Review Commission, and Board of Mayor and Aldermen, in writing, of the date, time and location, in advance of the test. The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Town Planner.

Proposed WCF Design & Supporting Documents: For the application to be considered sufficient for review, the submittal requirements of §151.024(G)(7) shall be provided to the Planning Division. Those of an engineering nature, whether civil, electrical, or mechanical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

- **Cover Letter:** Cover letters for CUP applications for a WCF should address, at a minimum, the following:
 - thorough description of the new tower and the subject property,
 - ownership of the subject property and any leases;
 - applicants are required to explain in writing how the proposed use meets the 6-prong general standards test for conditional uses found at §151.024(a), and repeated in the table above; and
 - explain how the proposed use meets the Specific Provisions for Conditional Uses as set forth in §151.024(G)(7). The following factors considered in granting CUP approval for new towers should be clearly explained in the cover letter:
 - tower or antenna height;
 - proximity of the tower or antenna to residential structures and residential district boundaries;
 - nature of uses on adjacent and nearby properties;
 - surrounding topography;
 - surrounding tree coverage and foliage;
 - tower or antenna design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - proposed ingress and egress;
 - the number of co-location commitments for the proposed tower; and

General Criteria (applicable to all CUPs) from § 151.021:

A conditional use permit shall be granted, provided the Board of Mayor and Aldermen, with a recommendation from the Planning Commission, finds that the proposed use:

1. Conforms to all applicable provisions of the zoning district in which it is to be located, unless modified as part of the conditional use application per § 151.310.
2. Conforms to the Footnotes of § 151.021 and the Specific Provisions for Conditional Uses as set forth in § 151.024.
3. Is consistent with the overall character of existing development in the immediate vicinity of the subject property, and will not materially adversely affect other property in the area in which it is located;
4. Is generally consistent with the policies of the Collierville Land Use Plan for the parcel or surrounding neighborhood, including any applicable Small Area Plans;
5. Will not adversely affect a known archaeological, environmental, historical, or cultural resource; and
6. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.

Supplemental Conditions

For New Wireless Communication Facilities, see §151.024

- availability of suitable existing towers, other structures, or alternative technologies not requiring the construction of new towers or structures.
- **Specifications.** Provide specifications for proposed structures and antenna, including description of design characteristics and material.
- **Site Plan:** A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, on-site land uses and zoning, land use plan classification of the site, and all properties within the applicable separation distances set forth in § 151.024(G)(7)(f), adjacent roadways, proposed means of access, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Town Planner may require other information to be necessary to assess compliance with this section.
- **Visual Impact analysis:** The applicant shall provide photo-simulated post-construction renderings of the completed proposed WCF tower, equipment cabinets, and ancillary structures from locations to be determined during a pre-application conference with the Town Planner. The renderings shall, at a minimum, include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures, proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples (if applicable), all mounted on color board no larger than 11" x 17".
- **Landscape Plan:** A landscape plan showing specific landscape materials.
- **Fencing Plan:** Location and method of fencing, and finished color, and, if applicable, the method of camouflage and illumination.
- **Tower Location Map:** A current map, or update for an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the town per § 151.024(G)(5)(b).
- **Co-location Affidavit:** An affidavit by the support structure owner committing the owner and his or her successors to allow shared use of the structure if an applicant agrees in writing to pay any reasonable charge for shared use. In cases where the height of a tower is below the mandatory height standard for co-location, this requirement may be waived.
- **Propagation Maps:** The applicant shall provide copies of color propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.
- **Antenna capacity wind load/ice load:** A report from a structural engineer registered in Tennessee showing that the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI EIA/TIA 222 (latest revision) standards.
- **Separation Distance from Other Towers:** The separation distance from other towers described in the inventory of existing sites submitted (pursuant to division 6 above) shall be shown on an updated map. The applicant shall also identify the type of construction of existing tower(s) and owner/operator of the existing tower(s), if known.
- **Antenna Ownership:** Identification of the owners of all antenna and equipment to be located at the site as of the date of application.
- **Proof of ownership/owner authorization:** Legal description of the subject property and leased parcel (if different). Proof of ownership (deed or title documentation) or a letter of authorization for the application from the owner of the property on which the WCF is proposed to be located.
- **FAA and FCC information:** All applications for permits in Collierville shall be accompanied by a 'determination of no hazard' from the FAA as well as all required FCC permit information.
- **Reduction of visual impact:** Evidence that the applicant has taken reasonable measures to assure that the proposed tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area in accordance with minimum standards of applicable federal and other regulations. Additionally, the applicant shall describe the proposed methods for minimizing the visibility of the proposed facility, including but not limited to all screening, landscaping, cladding materials, and paint color or other treatment samples.



Town of Collierville Permit & Application Center

Consider Applying Online or Using Dropbox: Planning-related permits/development applications can be submitted through the online Permit & Application Center. This solution will allow you to upload PDF versions of the plans and documents, track the status of the permit/application, and much more! If you pay fees online there will be a 3.5% convenience fee. Otherwise, you can mail a check to Town Hall noting the case number and project. See this checklist for what needs to be uploaded. Go to the following link to get started: <https://collierville.portal.iworq.net/portalhome/collierville>. In most cases, paper copies will still be needed of application materials in addition to PDFs submitted online. To avoid coming into Town Hall, feel free to use the green "Development Department Dropbox" on the east side of Town Hall next to the Codes Division entrance. To be able to check on the status of your application and upload PDF revisions later, you will need a "Contractor Code" number that will be assigned when you apply for the first time. For those that submit to the Town often, you will use the same contractor code for all new applications. Please direct questions about submitting online Planning-related applications to planning@colliervilletn.gov or 901-457-2300.

- ❑ *Safety Codes:* Applicant must show that all applicable health, nuisance, fire, and safety codes are met.
- ❑ *Removal of WCF:* Evidence acceptable to the town that the property owner and the WCF owner shall remove, at the property owner's and the WCF owner's cost and expense, the WCF and all equipment and restore the property to a condition substantially similar to that existing before the installation following abandonment of the facility or non-use for a period of 30 months. Such removal shall not, however, include removal of installed landscaping unless approved by the town. Such evidence may be in the form of an executed agreement between the WCF owner and the property owner that is approved by the Town Attorney. Such an agreement shall provide that the agreement may not be terminated without the town's written consent and the agreement shall be enforceable by the town against the property owner and the WCF owner.
- ❑ *Performance Security:* Evidence that the WCF owner has obtained or secured a performance guarantee acceptable to the Town Attorney in an amount of 120% of the estimated cost and expense of removing the telecommunications facility following abandonment of the facility or non-use of the facility for a period of 30 months. All performance guarantees shall authorize the town to obtain the funds secured by the guarantee upon the town's determination that the WCF is abandoned or no use of the facility has been made for a period of 30 months. The amount of such performance guarantee shall be based upon an estimate obtained by the WCF owner that shall be subject to review and approval of the Town Engineer. In the event that the town rejects an estimate as inaccurate, incomplete, or incorrect, the town may obtain, at its cost and expense, an estimate which shall be used for purposes of determining the amount of the performance guarantee. The WCF owner shall take all action necessary to keep such performance guarantee valid and in effect at all times. Expiration of a performance guarantee may, at the option of the town and following notice to the WCF owner, result in the expiration of the town's approval of the WCF facility.
- ❑ *Proof of Insurance:* The applicant shall provide proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damage caused by or arising from the operation and maintenance of WCF.
- ❑ *Suitability of Existing Towers:* A description of the suitability of the use of existing towers, other structures or alternate technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- ❑ *Future Towers or Antennas:* A description of the feasible location(s) of future towers or antennas within the town based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

Step 3 – Public Review Submittal: To initiate the public review process, the applicant must submit, according to the published calendar online, revised versions of the documents submitted during the Staff & Consultant Review Phase that address comments from the Staff and the consultant.

Separate staff reports will be issued by staff for the PC and BMA. These are both public meetings and applicants are required to attend. Applicants may make their own presentations at these meetings, but that is optional. The Project Planner will present the application and the staff recommendation at each public meeting, and the public may speak, as postcards will be sent to the surrounding property owners (within 1,000 feet of the entire subject property regardless of lease area) and to any neighborhood organization registered with the Town making them aware of the meeting details and the request. The notice will depict the entire lot, even though an antenna or tower may be located on a smaller leased area within such lot.

There will be four different scenarios that will occur at the BMA meeting: approval, approval with conditions, disapproval, or deferral. Consult the staff report or post-approval correspondence from the project planner for your "next steps" if approval of the CUP is granted.

Step 4 – Post-Approval Compliance: When CUPs are approved by the BMA, they almost always have conditions associated with them. These conditions run with the land unless otherwise stated and vary based on the specific request. Consult the notes in the Preapplication Conference and the "Next Steps" in the PC and BMA Staff Reports. For some projects, only a building permit is needed to demonstrate compliance. For others, a Final Site Plan and Development Agreement are required.