

Appeal # 1

THE PETITIONER OR ANY AGGRIEVED PERSON HAS TEN (10) DAYS TO APPEAL THE DECISION OF THE ZONING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING. A COPY OF THE APPEAL REQUEST IS PROVIDED BELOW.

z.c. approved 8/3/05

APPEAL REQUEST

DATE: 8/12/05

CPOS 08-074 - Vac. 160' Monopole Cellular Tower

Zoning:	SA (Suburban Agricultural) District
Use Size:	10,000 sq. ft.
Petitioner:	Chris Emmer
Owner:	Mystic Port, L.L.C.
Location:	Parcel located on the south side of Wakler Road, west of LA Highway 59, S1, T8S, R11E, Ward 4, District 10
Council District:	10

We are hereby appealing to the St. Tammany Parish Council at its next appropriate regular scheduled meeting on the above referenced matter of an adverse decision of the St. Tammany Parish Zoning Commission.

This letter shall serve as official notice to put the above referenced matter on the Parish Council agenda.

Sincerely,

PLEASE PRINT NAME, MAILING ADDRESS AND PHONE NUMBER BELOW

SIGNATURE 

(SIGNATURE)
Sam Ethridge Jr.
1081 White Tail Dr
Mandeville La 70448

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CONDITIONAL USE PERMIT STAFF REPORT

Date: July 25, 2005
CASE NO.: CP05-08-074
Posted: 07/15/05

Meeting Date: August 3, 2005
Determination: Approved with staff comments

PETITIONER: Chirs Emmer
OWNER: Mystic Porte, L.L.C.
PROPOSED USE: 160' Monopole Cellular Tower
PREVIOUS/CURRENT USE: Vacant
SQ. FT. OF USE: 10,000 sq. ft.
ZONING CLASSIFICATION: SA (Suburban Agricultural) District
LOCATION: Parcel located on the south side of Walder Road, west of LA Highway 59; Sl, T8S, R11E; Ward 4, District 10

ACCESS ROAD INFORMATION

SITE ASSESSMENT

Type: Road Surface: Condition:

LAND USE CONSIDERATIONS

Surrounding Land Use and Zoning:

Direction	Land Use	Zoning
North	Undeveloped	SA (Suburban Agricultural) District
South	Undeveloped	SA (Suburban Agricultural) District
East	Commercial	M-1 (Light Industrial) District
West	Single Family Residential	A-4 (Single Family Residential) District

Existing development? No

Multi occupancy development? No

STAFF COMMENTS:

Petitioner is requesting a Conditional Use permit for a 160' Monopole Cellular Tower. The site is located on the south side of Walder Road, west of LA Highway 59. Verizon Wireless Radio Frequency Engineers determined that a new telecommunication facility was needed to provide service coverage in the vicinity of Hwy 59 between its junction with Sharp Road & Hwy 1088. This location was selected based on the poor service provided by existing Verizon Wireless facilities surrounding the area, which results in the dropped of calls and ineffective attempts to make calls inside and outside buildings in the surrounding areas. The applicants have conducted an analysis of potential co-location sites within a two-mile radius of the proposed site but have concluded that none of these 3 sites would meet their coverage objectives because they are either too far south of the target area or (in the case of an existing Sprint monopole) the available mounting height would be inadequate.

As required, statement, prepared by a professional registered engineer licensed to practice in the State of Louisiana, has been submitted, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the Building Code and any associated regulations and describes the tower's capacity.

The proposed 160 foot tower is in compliance with the Federal Aviation Administration regulations and with the rules and regulations of the other federal and state agencies that regulate the tower sitting, design and construction. The tower is also in compliance with the current radio frequency emissions standards of the Federal communications Commission. The tower will not interfere with any public safety communications and the usual and customary transmission or reception of radio and television services enjoyed by the adjacent residential and non-residential properties. In fact, the tower is prepared to offer adequate space on the proposed 160 foot monopole for other wireless service providers. The tower also meets all the Parish setback requirements.

Finally, a 6' opaque screen will be provided as required. No additional landscaping will be required considering that the site is surrounded by existing vegetation and large trees. Only the access and the proposed fenced area, as shown on the plan will be cleared.

STAFF RECOMMENDATIONS:

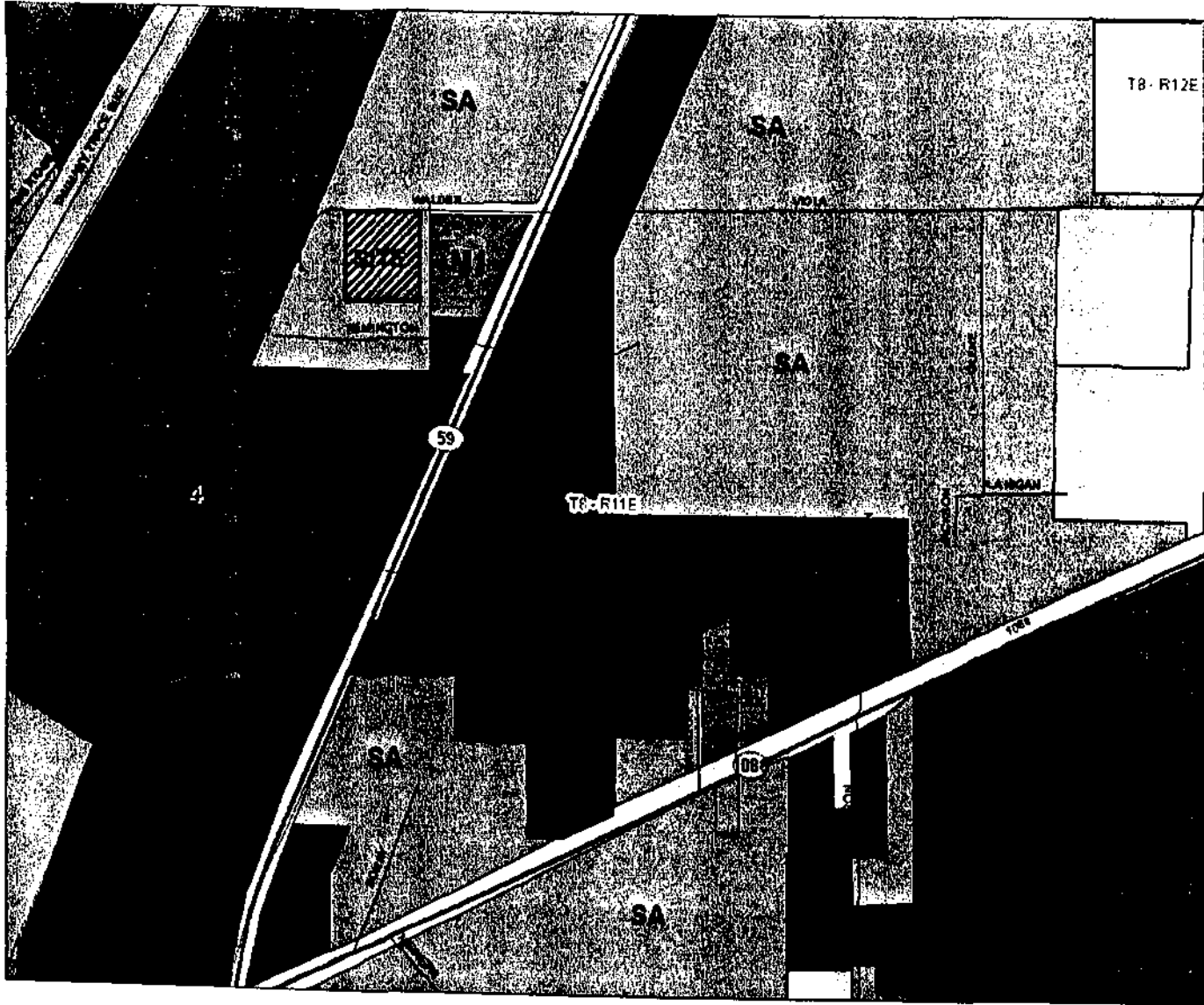
The staff recommends approval of this proposal, subject to all applicable regulations and the following conditions:

1. The property owner shall be responsible for the maintenance and the replacement of the required plant material.
2. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
3. No portion of the tower shall be used for advertising.
4. The tower shall be constructed of galvanized metal or metal painted in a color that is harmonious with the surrounding environment.
5. The tower shall be in compliance with the FCC, the FAA, and any other relevant state or federal regulatory agency.
6. All abandoned or unused tower facilities shall be removed by the tower owner/operator within one-hundred eighty (180) days of the cessation of use
7. A statement shall be provided and signed by a registered engineer certifying the tower's capacity to support a minimum of three users.
8. The proposal shall meet Parish requirements for obstruction lighting.

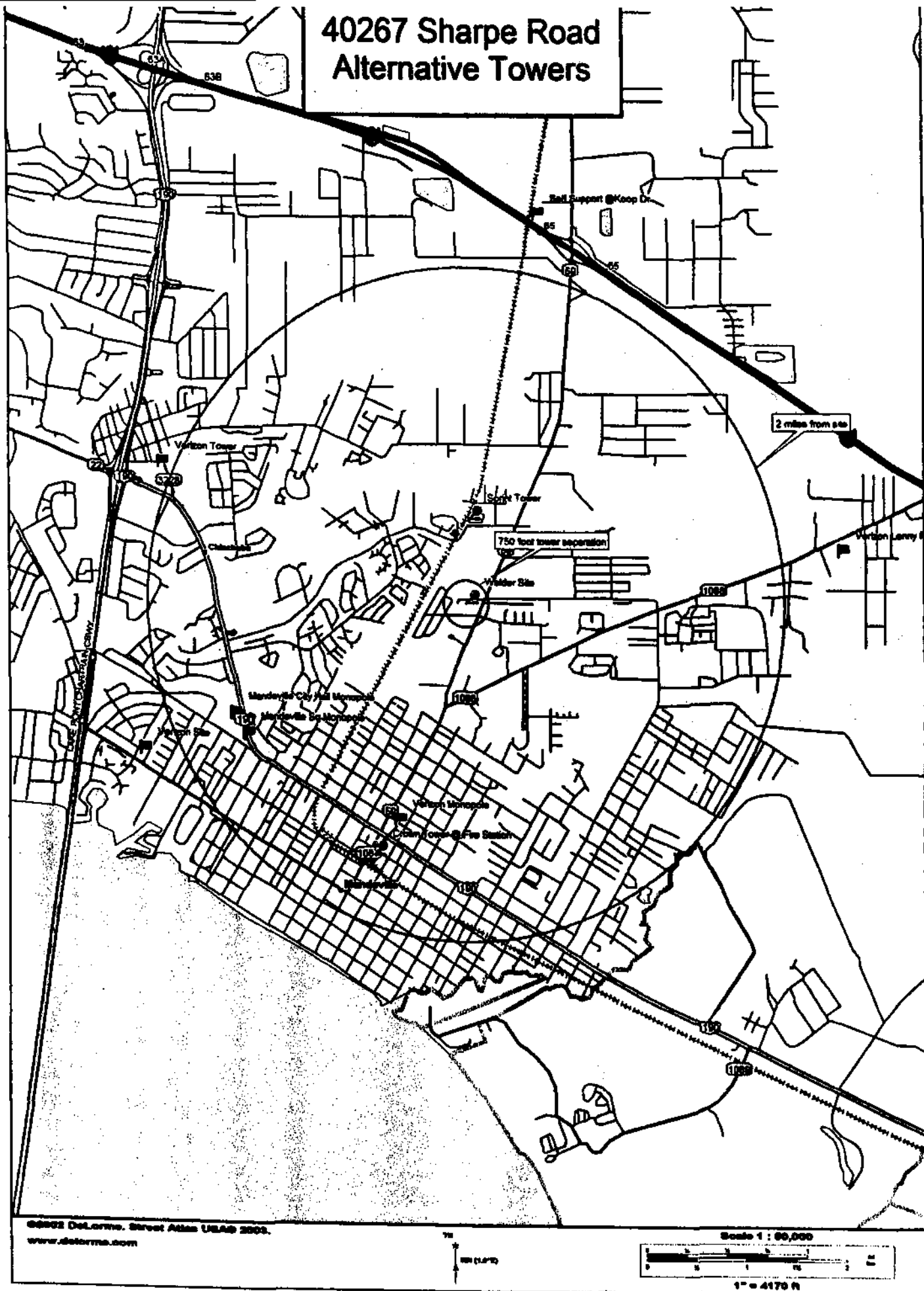
NOTE TO PETITIONER

There is a 10 day appeals period following the Zoning Commission decision. If the request is approved, permits will not be issued until this 10 day period has elapsed. The petitioner shall have one year to obtain the appropriate building permits or occupy the site from the date of approval of the St. Tammany Parish Zoning Commission, unless otherwise stipulated by the St. Tammany Parish Zoning Commission.

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CPOS-08-074

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