

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

C05-08-074 - Use: 160' Monopole Cellular Tower

Zoning:	SA (Suburban Agricultural) District
Use Size:	10,000 sq. ft.
Petitioner:	Chris Emmer
Owner:	Mystic Ports, L.L.C.
Location:	Parcel located on the south side of Walker Road, west of LA Highway 59, St. TMS, 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

PHONE #: 985 674-4406
(601) 628-6075



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; SI, T8S, R11E; Ward 4, District 10

ACCESS ROAD INFORMATION
Type:

SITE ASSESSMENT
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 5 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:

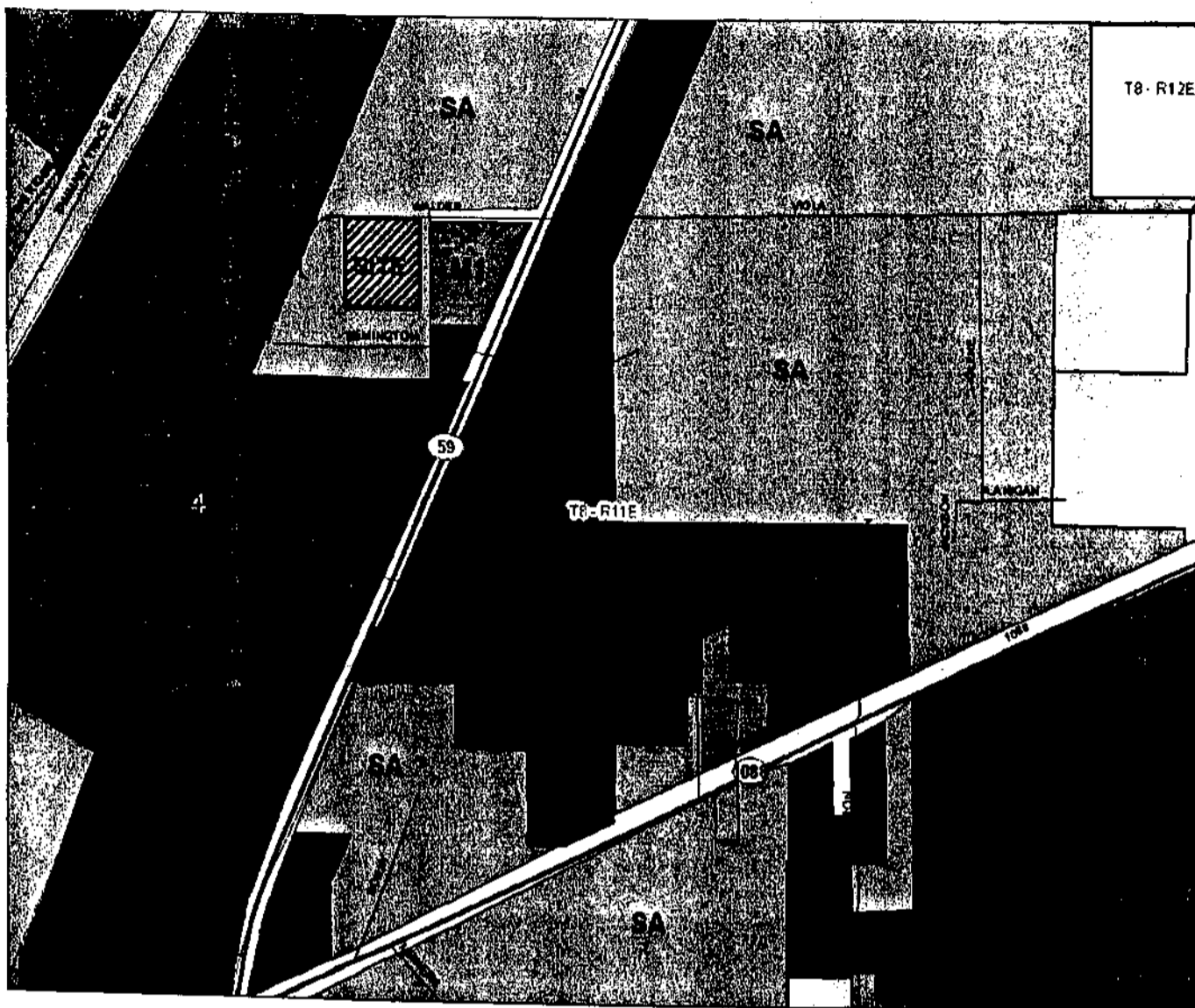
The staff recommends approval of this proposal, subject to all applicable regulations and the following conditions:

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.

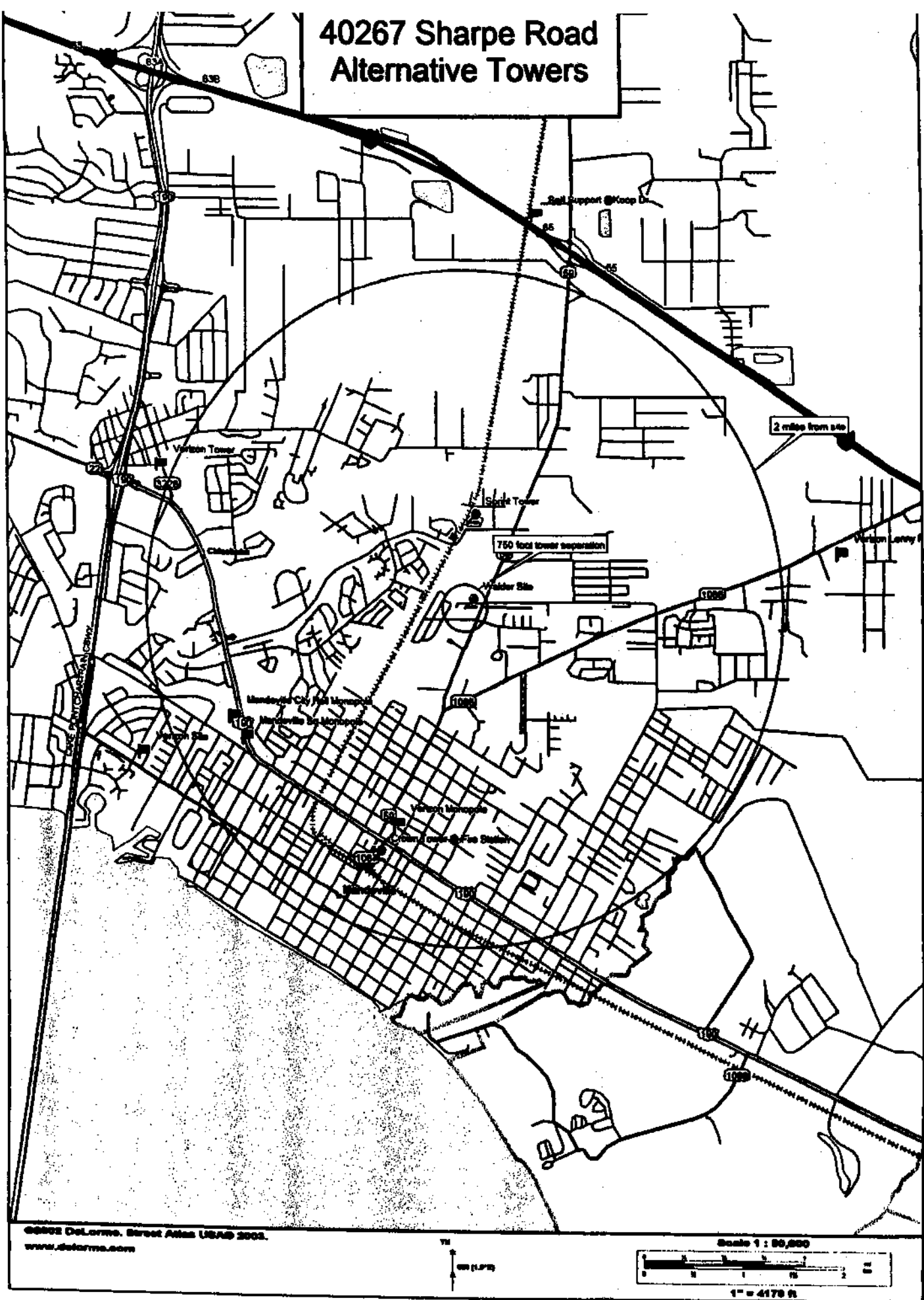
NOTE TO PETITIONER

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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40267 Sharpe Road Alternative Towers



CPOS-08-074

T8S - R11E
ST. TAMMANY PARISH, LOUISIANA

PROPOSED 100' X 100' LEASE AREA:
A CERTAIN PIECE OR PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, STATE OF LOUISIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE APPARENT WESTERLY LINE OF THE PARENT TRACT AND THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF WALKER ROAD, MARKED BY A 1/2 INCH IRON ROD FOUND; THENCE GO N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 66.67 FEET TO A 608' NAIL SET; THENCE CONTINUING N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO A 608' NAIL SET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, GO S00°38'41"E, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING; THENCE GO N89°21'19"E, A DISTANCE OF 100.00 FEET TO A POINT; THENCE GO S00°38'41"E, A DISTANCE OF 100 FEET TO A POINT; THENCE GO S89°21'19"W, A DISTANCE OF 100.00 FEET TO A POINT; THENCE GO N00°38'41"W, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.230 ACRE (10,000 SQUARE FEET), AND IS SUBJECT TO ALL SERVITUDES AND RESTRICTIONS THAT MAY BE OF RECORD.

PROPOSED 20' ACCESS AND UTILITY SERVITUDE:
A CERTAIN PIECE OR PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, STATE OF LOUISIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE APPARENT WESTERLY LINE OF THE PARENT TRACT AND THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF WALKER ROAD, MARKED BY A 1/2 INCH IRON ROD FOUND; THENCE GO N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 66.67 FEET TO A 608' NAIL SET AND THE POINT OF BEGINNING; THENCE CONTINUING N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO A 608' NAIL SET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, GO S00°38'41"E, A DISTANCE OF 230.00 FEET TO A POINT; THENCE GO S89°21'19"E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.106 ACRE (4,600 SQUARE FEET), AND IS SUBJECT TO ALL SERVITUDES AND RESTRICTIONS THAT MAY BE OF RECORD.

PROPOSED 20' UTILITY SERVITUDE:
A CERTAIN PIECE OR PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, STATE OF LOUISIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE APPARENT WESTERLY LINE OF THE PARENT TRACT AND THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF WALKER ROAD, MARKED BY A 1/2 INCH IRON ROD FOUND; THENCE GO N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 66.67 FEET TO A 608' NAIL SET; THENCE CONTINUING N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO A 608' NAIL SET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, GO S00°38'41"E, A DISTANCE OF 100.00 FEET TO A POINT; THENCE GO S89°21'19"E, A DISTANCE OF 100.00 FEET TO A POINT; THENCE GO S00°38'41"E, A DISTANCE OF 100.00 FEET TO A POINT; THENCE GO S89°21'19"E, A DISTANCE OF 11.57 FEET TO THE POINT OF BEGINNING, CONTAINING 0.008 ACRE (276.1 SQUARE FEET), AND IS SUBJECT TO ALL SERVITUDES AND RESTRICTIONS THAT MAY BE OF RECORD.

PARENT TRACT:
A CERTAIN PIECE OR PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, STATE OF LOUISIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT COMMON TO SECTIONS 1, 2 AND 39, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA; THENCE PROCEEDING GO N23°00'00"E, A DISTANCE OF 253.92 FEET TO A POINT; THENCE GO N89°21'19"E, A DISTANCE OF 370.50 FEET TO A 1/2 INCH IRON ROD FOUND AND THE POINT OF BEGINNING; THENCE GO N00°27'41"W, A DISTANCE OF 300.00 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE GO N89°21'19"E, A DISTANCE OF 330.00 FEET TO A 608' NAIL SET; THENCE GO S00°24'14"E, A DISTANCE OF 380.00 FEET TO A POINT; THENCE GO S89°21'19"W, A DISTANCE OF 330.00 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 2.88 ACRES, AND IS SUBJECT TO ALL SERVITUDES AND RESTRICTIONS THAT MAY BE OF RECORD.

GENERAL NOTES:
THE LOCATIONS OF UNDERGROUND AND OTHER UNDETECTABLE UTILITIES SHOWN HEREON HAVE BEEN DETERMINED FROM DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR EXTRACTED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. THE ACCURACY OF THE SURFACE FEATURES OF LOCATIONS ARE SHOWN. EACH AGENCY SHOULD BE CONTACTED TO VERIFY THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATION PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON, INCLUDING PRIOR TO EXCAVATION AND DRIBBLING.
ALL ELEVATIONS SHOWN REFER TO NORTH AMERICAN VERTICAL DATUM (NAVD 83).
B.M. = BENCH MARK, D.L. = ELEVATION
REFERENCE BEACH MARK - SOUTH, D.L. 26.89' N.A.V.D.
SITE BEACH MARK - 608' NAIL SET NEAR NORTH SIDE OF PARCELS OF WALKER ROAD NEAR
NOTE: ALL BEACH MARKS ARE BASED ON REFERENCE SURVEY.
REFERENCE SURVEYS CONDUCTED BY TURNER SURVEYS, LLC
DATED: AUGUST 6, 2004

TURNER SITE ADDRESS: 2130 WALKER ROAD, MANDEVILLE, LA
LEASER: WIRELESS FEDERAL COMMUNICATIONS LP
LESSOR: TURNER SURVEYS, LLC

PROPERTY MAP
WALKER ROAD
WALDER ROAD
TAMMANY TRAIL
LAWSON ROAD
MANDEVILLE

CENTERLINE OF PROPOSED TOWER
LAT: 30°22'58.6" N
LONG: 090°03'08.1" W
GROUND ELEVATION: 24.06 FT

NOTE: DIMENSIONS SHOWN FROM PROPERTY LINE TO TOWER ARE FROM THE FACE OF MONOPOLE

LEGEND:
P.O.B. PROPERTY
WATER VALVE
ANCHOR
TEL. PEDestal
POWER POLE
FENCE
1/2" IRON ROD SET
DIMENSIONS STATED
608' NAIL SET UNLESS
OTHERWISE STATED

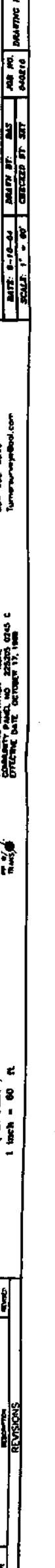
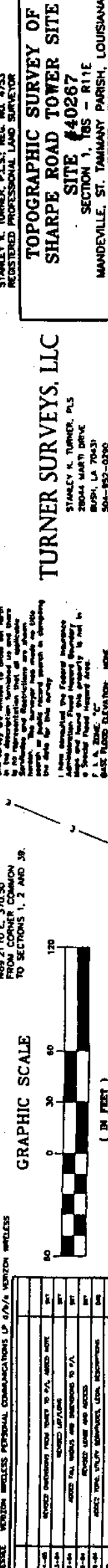
CERTIFICATION:
I, STANLEY K. TURNER, PROFESSIONAL LAND SURVEYOR, NUMBER 4753, REGISTERED PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND SURVEYS AS ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1992 AND IN ACCORDANCE WITH THE REQUIREMENTS OF A SURVEY AS DEFINED THEREIN.

STANLEY K. TURNER
REG. NO. 4753
REGISTERED PROFESSIONAL LAND SURVEYOR

TOPOGRAPHIC SURVEY OF
SHARPE ROAD TOWER SITE
SITE #40267
SECTION 1, T8S - R11E
MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA

DATE: 8-10-04
SCALE: 1" = 60'

TURNER SURVEYS, LLC
STANLEY K. TURNER, P.L.S.
28044 MARIE DRIVE
BUSH, LA 70031
504-850-0300
TurnerSurvey@aol.com



NO.	DESCRIPTION	DATE
11-11-04	PROPOSED ACCESS FROM TOWER TO P.A. AND TO SITE	BT
11-11-04	PROPOSED UTILITY	BT
11-11-04	PROPOSED 20' UTILITY SERVITUDE TO P.A.	BT
11-11-04	PROPOSED LEASE AND ACCESS	BT
11-11-04	PROPOSED 20' UTILITY SERVITUDE, LEAS. RESTRICTIONS	BT
04-11-04	PROPOSED 20' UTILITY SERVITUDE	BT

40267 Sharpe Road
Alternative Towers

