



Appeal #5

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

CP05-08-074 - Use: 160' Monopole Cellular Tower

Zoning:	SA (Suburban Agricultural) District
Use Size:	10,000 sq. ft.
Petitioner:	Chris Emmer
Owner:	Mystic Porte, L.L.C.
Location:	Parcel located on the south side of Walker Road, west of LA Highway 59, S1, 188, 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,

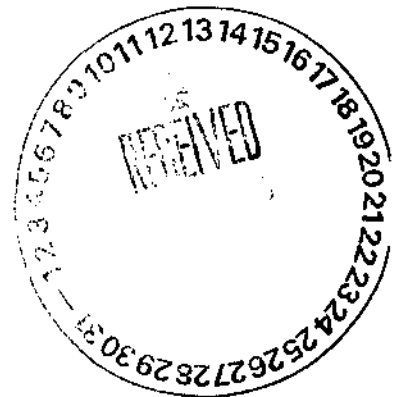
PLEASE PRINT NAME, MAILING ADDRESS AND PHONE NUMBER BELOW

SIGNATURE

(SIGNATURE)

Sam Ethridge Jr.
1081 White Tail Dr
Mandeville La 70448

PHONE #: 985 674-4406
(604) 628-6075



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

ACCESS ROAD INFORMATION

Type:

SITE ASSESSMENT

Road Surface:

Condition:

LAND USE CONSIDERATIONS

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
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:

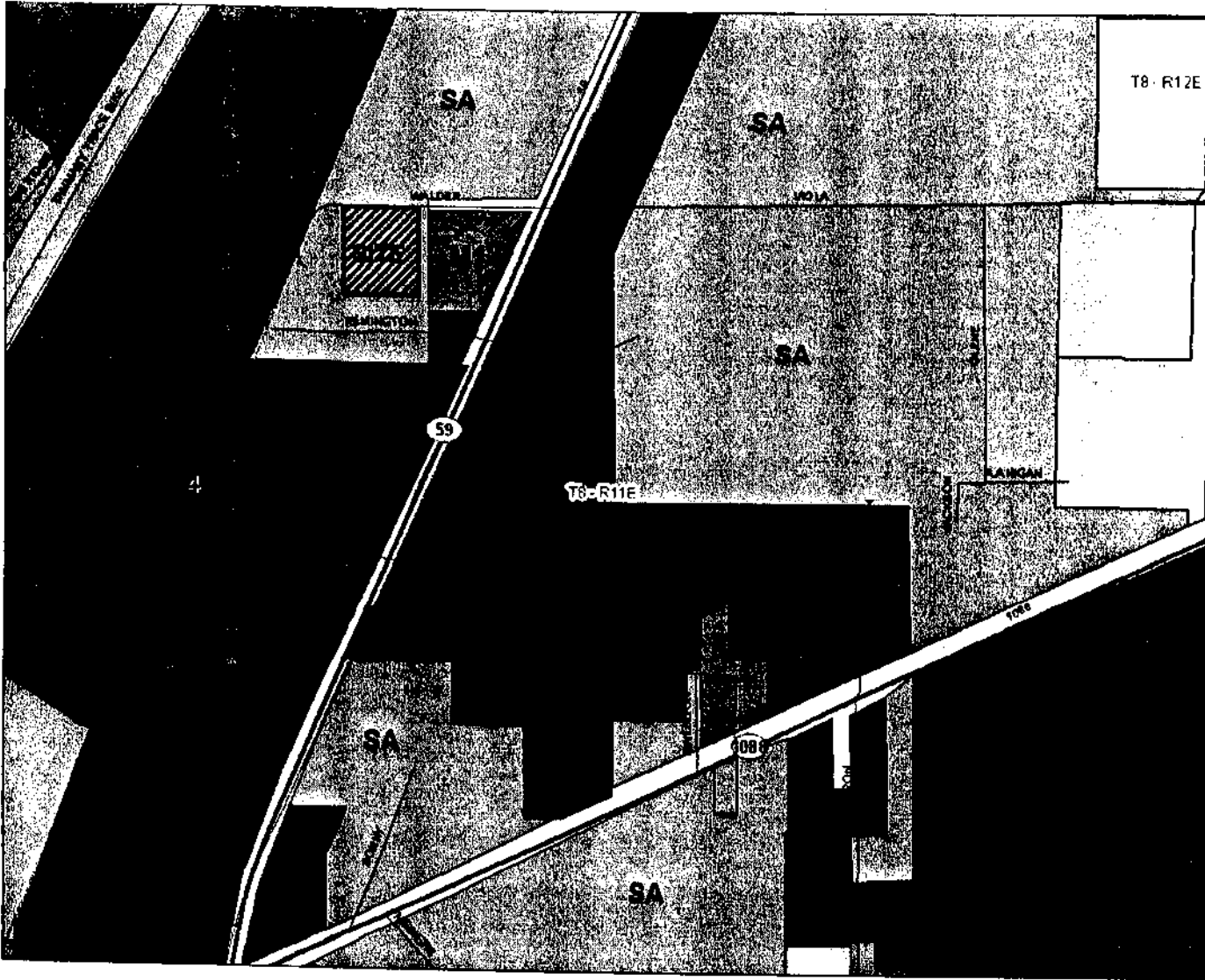
The staff recommends approval of this proposal, subject to all applicable regulations and the following conditions:

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.

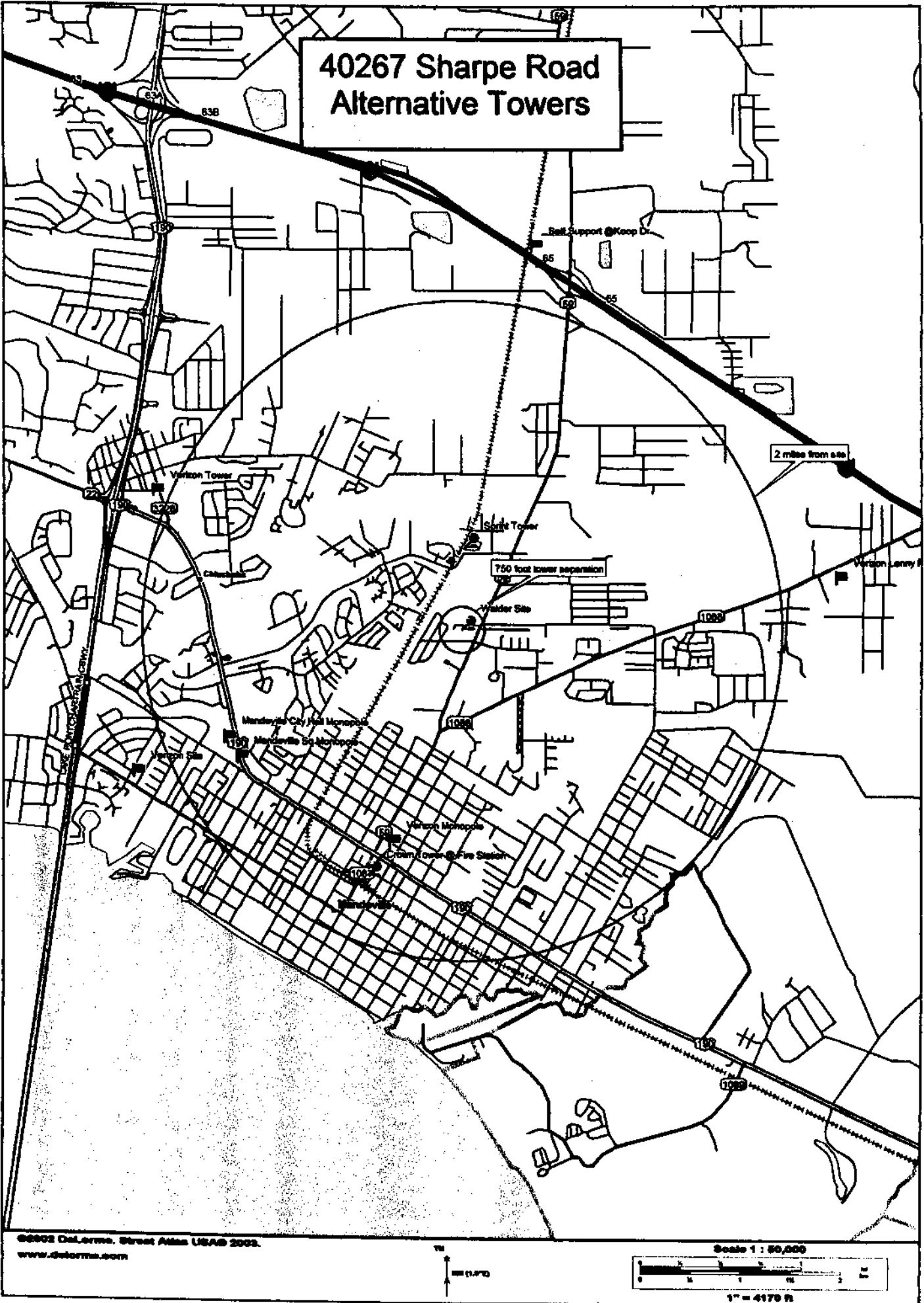
NOTE TO PETITIONER

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

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 604 NAIL SET; THENCE CONTINUING N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, GO A DISTANCE OF 20.00 FEET TO A 604 NAIL SET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, GO A DISTANCE OF 500'38.41"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 100.00 FEET TO A POINT; THENCE GO N00°38'41"W, A DISTANCE OF 100.00 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 0.230 ACRES (10,000 SQUARE FEET), AND IS SUBJECT TO ALL SERVICEDS AND RESTRICTIONS THAT MAY BE OF RECORD.

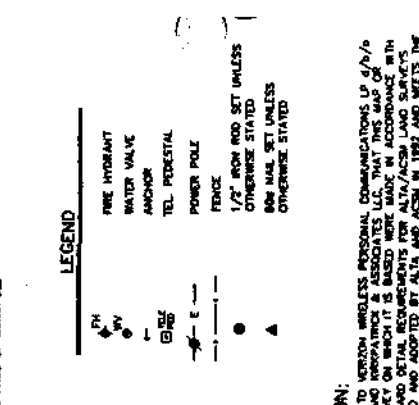
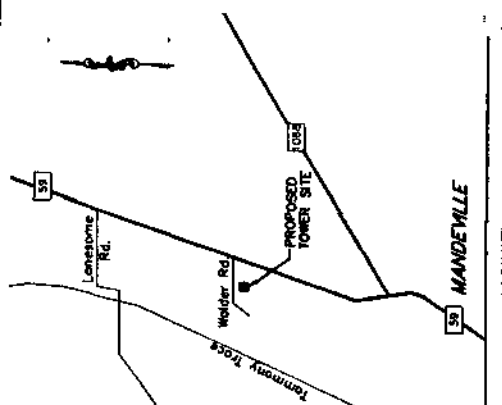
PROPOSED 20' ACCESS AND UTILITY SERVIDE:
 A CERTAIN PIECE OR PARCEL OF LAND LOCATED IN SECTION 1, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, STATE OF LOUISIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE INTERSECTION OF THE APPARENT WESTERLY LINE OF THE PARENT TRACT AND THE 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 604 NAIL SET; THENCE CONTINUING N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, GO A DISTANCE OF 20.00 FEET TO A 604 NAIL SET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, GO A DISTANCE OF 500'38.41"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 100.00 FEET TO A POINT; THENCE GO N00°38'41"W, A DISTANCE OF 100.00 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 0.106 ACRES (4,600 SQUARE FEET), AND IS SUBJECT TO ALL SERVICEDS AND RESTRICTIONS THAT MAY BE OF RECORD.

PROPOSED 20' UTILITY SERVIDE:
 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 604 NAIL SET; THENCE CONTINUING N89°21'19"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, GO A DISTANCE OF 20.00 FEET TO A 604 NAIL SET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, GO A DISTANCE OF 500'38.41"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 100.00 FEET TO A POINT; THENCE GO N00°38'41"W, A DISTANCE OF 100.00 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 0.006 ACRES (276.1 SQUARE FEET), AND IS SUBJECT TO ALL SERVICEDS 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 38, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA; THENCE REPORTEDLY GO N23°00'00"E, A DISTANCE OF 2933.92 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°24'14"W, A DISTANCE OF 390.00 FEET TO A 1/2 INCH IRON ROD FOUND; THENCE GO N89°21'19"E, A DISTANCE OF 330.00 FEET TO A 604 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 SERVICEDS AND RESTRICTIONS THAT MAY BE OF RECORD.

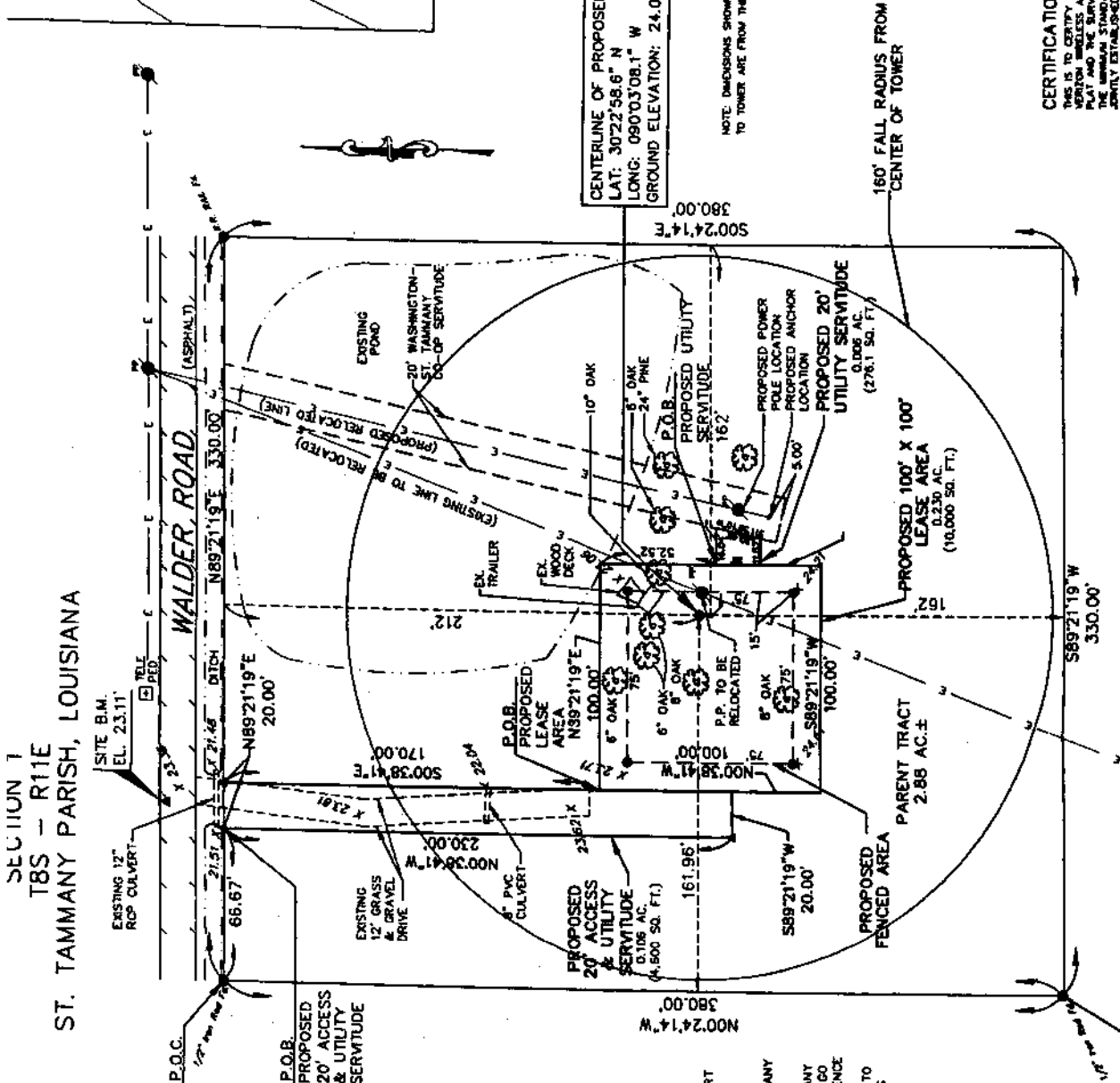
GENERAL NOTES:
 THE LOCATIONS OF UNDERGROUND AND OTHER NONVISIBLE UTILITIES SHOWN HEREON HAVE BEEN DETERMINED FROM DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR EXTRACTED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FURTHER SURFACE FEATURES OF LOCATIONS ARE SHOWN, THE ACTUAL NONVISIBLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY SHOULD BE CONTACTED RELATIVE TO THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATION PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON, INCLUDING PRIOR TO EXCAVATION AND DRIBING.
 ALL ELEVATIONS SHOWN REFER TO NORTH AMERICAN VERTICAL DATUM (NAVD 83).
 E.L.M. = BENCH MARK, D.L. = ELEVATION, D.L. 20.97' N.A.V.D.
 BITE BENCH MARK = 604 NAIL SET POSITIONED AT THE INTERSECTION OF WALKER ROAD NEAR THE CORNER COMMON TO SECTIONS 1, 2 AND 38, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA.
 NOTE: ALL BEARINGS ARE BASED ON REFERENCE BEARING.
 REFERENCE SURVEY'S SURVEY BY WALSH-PARK, INC. DATED AUGUST 8, 2004.

TOPOGRAPHIC SURVEY OF SHARPE ROAD TOWER SITE
 SITE #40267
 SECTION 1, T8S - R11E
 MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA
 DATE: 8-10-04
 DRAWN BY: BMS
 CHECKED BY: STJ
 SCALE: 1" = 60'
 SHEET NO. 1
 DRAFTING NO. 1



CERTIFICATION:
 THIS IS TO CERTIFY TO VERIZON WIRELESS PERSONAL COMMUNICATIONS LP (V/W) THAT THIS MAP OF THE TOWER SITE AND PROPERTY LINE, THAT THIS MAP OF THE TOWER SITE AND PROPERTY LINE, WAS MADE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF A REGISTERED PROFESSIONAL LAND SURVEYOR. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF A REGISTERED PROFESSIONAL LAND SURVEYOR. THE ACCURACY REQUIREMENTS OF A SURVEY AS NOTED THEREON.

Stanley K. Turner
 STANLEY K. TURNER, P.L.S., REG. NO. 4789
 REGISTERED PROFESSIONAL LAND SURVEYOR



TURNER SURVEYS, LLC
 STANLEY K. TURNER, PLS
 28044 MARI DRIVE
 BOUSA, LA 70031
 504-942-0290
 Turnersurveys@aol.com

The Servitudes and Restrictions shown on this map are limited to those set forth in the plat of the servitudes and restrictions to be represented on this map. The servitudes and restrictions are shown on this map for information only. The servitudes and restrictions are not to be used for any other purpose. The servitudes and restrictions are not to be used for any other purpose. The servitudes and restrictions are not to be used for any other purpose.

I have acknowledged the Federal Insurance and Compensation Act of 1980, which requires that a surveyor be licensed in the State of Louisiana. I am a Licensed Professional Land Surveyor in the State of Louisiana. My license number is 4789. I have read and understand the contents of this map and the servitudes and restrictions shown thereon. I have signed this map and the servitudes and restrictions shown thereon. I have signed this map and the servitudes and restrictions shown thereon.

P.O.B. IS REPORTED TO BE N23°00'00"E, 2933.92; N89°21'19"E, 370.50 FROM CORNER COMMON TO SECTIONS 1, 2 AND 38.

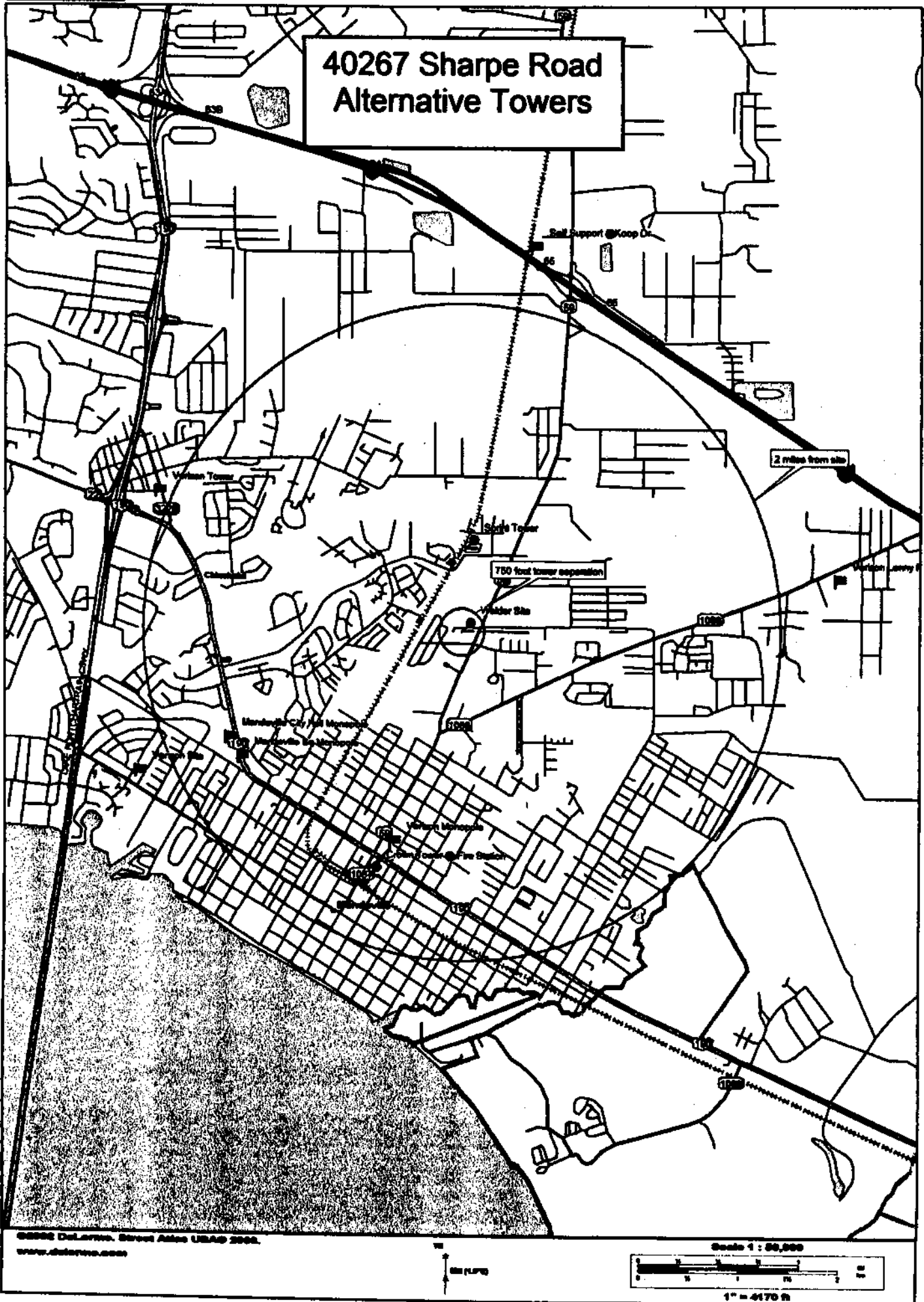
GRAPHIC SCALE
 0 30 60 120
 (IN FEET)
 1 inch = 60 ft.

NO.	DATE	REVISIONS
01	08-10-04	REVISED DRAWING FROM TOWER TO P.L. SERVED NOTE
02	08-10-04	REVISED UTILITY
03	08-10-04	ADDED FENCE AND DIMENSIONS TO P.L.
04	08-10-04	REVISED LEASE AND ACCESS
05	08-10-04	REVISED UTILITY SERVIDE, UTILITY, UNDERGROUND
06	08-10-04	REVISED

DELORME

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Alternative Towers**



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