

CITY OF CENTRAL

BY COUNCILMEMBER WELLS

ORDINANCE NO. 2019-42

AN ORDINANCE TO RE-GRANT A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF A 195 FOOT TALL MONOPOLE COMMUNICATIONS TOWER (14639/14769 WAX ROAD) AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, in Ordinance No. 2018-20, the City of Central approved a Conditional Use Permit for the construction and operation of a 95 foot tall monopole communications tower on property zoned B-3 located north of Wax Road, east of Willowbrook Drive;

WHEREAS, despite the grant of the Conditional Use Permit, the tower was never constructed and the Conditional Use Permit expired;

WHEREAS, New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility has reapplied for the Conditional Use Permit;

WHEREAS, the subject property is in an area made up of both residential and commercial uses;

WHEREAS, the applicant has demonstrated that there is a need for a communications tower in this area to fill a "hole" in cell coverage;

WHEREAS, a public hearing was held on September 26, 2019 before the City of Central Zoning Commission; and

WHEREAS, the Zoning Commission voted to recommend approval of the Conditional Use Permit subject to certain conditions.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:

Section 1. That the property that is the subject of this Ordinance is legally described in Exhibit A attached hereto and made a part hereof.

Section 2. That the subject property is hereby granted a Conditional Use Permit for the construction and operation of 195 foot tall monopole communications tower with a deviation from the 293-foot setback requirement subject to the terms and conditions set forth in this Ordinance.

Such documents and modifications thereto which condition this approval and to which the rezoning is subject are the following:

- A. Site Plant Sheet No. C-1B dated February 22, 2018 revised and stamped by David M. Ackerman, PE on May 23, 2018 by Tower Engineering, Inc.
- B. Landscaping Plan, Sheet No. L-1 dated February 22, 2018, finally revised and stamped by David M. Ackerman, PE on May 23, 2018, by Tower Engineering, Inc.
- C. Topographic Survey of Wax Road Tower Site dated August 7, 2017, last revised September 13, 2017, by Turner Surveys, LLC (Job No. 17-0168A).
- D. Tower Elevation and Antenna Orientation, Sheet No. C-5, dated February 22, 2018, finally revised and stamped by David M. Ackerman, PE on May 23, 2018, by Tower Engineering, Inc. (Job No. 2018-100-1005-001).
- E. Correspondence from Natalie K. Maples, counsel for petitioner, dated August 29, 2019.
- F. Owner shall offer colocation on the tower at commercially reasonable rates.

Section 3: Approval of the Conditional Use Permit is further subject to the following terms and conditions:

- A. Existing vegetation shall be maintained wherever possible to screen the facility.
- B. A 20'x30' concrete apron shall be installed at the access drive from Willowbrook Drive.

Section 2. Conflicts

The specific terms and conditions of this Ordinance shall prevail against prior ordinances of the City to the extent there is any conflict.

Section 3. Severability

If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

Section 4. Effective Date

This Ordinance shall be effective upon publication.

Introduced before the Council on October 8, 2019.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For: Evans, Freneau, McKinney, Moak, Myer, Roy, Wells
Against: None
Absent: None

Adopted this 12th day of November, 2019.

Signed this 15th day of November, 2019.

Delivered to Mayor on the 18th day of November, 2019:



Mark Miley, City Clerk

Approved:



David R. Barrow, Mayor

Received from Mayor on the 18th day of November, 2019:



Mark Miley, City Clerk

Adopted Ordinance published in The Advocate on the 23rd day of November, 2019.