

**ZONING COMMITTEE  
RECOMMENDATION  
July 30, 2008**

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**Rezoning Petition No. 2008-084**

**Property Owner:** Northside Baptist Church

**Petitioner:** Pegasus Tower Company, LTD.

**Location:** Approximately .42 acres located on the north side of Equipment Drive between Jeremiah Road and Mineral Springs Road

**Center, Corridor, or Wedge:** Wedge

**Request:** Inst (CD) SPA, institutional conditional district site plan amendment

**Action:** The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

The type of tower will be monopole;  
The proposed height is 160-feet; and,  
The site will comply with Section 12-108 of the Zoning Ordinance which regulates communication towers.  
The driveway will intersect Equipment Drive perpendicularly through the setback area.  
The parking and driveway will moved outside the buffer area.  
The existing zoning of I-1 (CD).  
The proposed zoning of I-1 (CD) SPA.  
The acreage is 110.95.

**Vote:** Yeas: Allen, Griffith, Howard, Lipton, Randolph, and Rosenburgh

Nays: None

Absent: Johnson

**Summary of Petition**

This petition proposes a site plan amendment to allow the installation of a communication tower and associated ground equipment and facilities.

## **Zoning Committee Discussion/Rationale**

Staff reviewed the request noting that the subject property is zoned Institutional CD. The petition is requesting the installation of a communication tower and the approved site plan does not show the location of a tower. Communication towers are permitted in all zoning districts with prescribed conditions and the site will have to comply with the conditions. Staff pointed out the tower location on the church property.

The outstanding issues have been addressed as noted above. Staff indicated that the petitioner has agreed to move the parking and maneuvering outside of the buffer but the location is not shown on the site plan. The petition is consistent with *North East District Plan* and staff is recommending approval.

## **Statement of Consistency**

Upon a motion made by Commissioner Griffin and seconded by Commissioner Allen the Zoning Committee unanimously found this petition to be consistent with the *Northeast District Plan* and reasonable and in the public interest.

The Commission continued their discussion asking staff to again point out the location of the tower, its size, buffers, and use of adjacent properties. Staff noted that the tower is 160-feet in height and is located the required 120-feet from the adjacent residential property. Within the 120-feet is a 75-foot required buffer. One Commissioner asked how the location of the tower was decided.

The rules were suspended and the Mr. Harold Timmons with Pegasus Towers indicated that the site was chosen based on transmission and connection to the rest of the cellular network and the area chosen by the landowner. The tower is approximately 600-feet away from any residential structure and all residents around the property have been notified of the possible tower location on three occasions. Another Commissioner asked if the tower could be located on the western side of the property new other businesses. Mr. Timmons responded that the primary factor is how the tower will fit in with the existing network. Moving it to the other side of the property does not fit in as well with the network and has more visual impact.

## **Vote**

**Upon a motion made by Commissioner Rosenburgh and seconded by Commissioner Allen the Zoning Committee voted unanimously to recommend APPROVAL of this petition as modified.**

## **Staff Opinion**

Staff agrees with the recommendation of the Zoning Committee.