

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 11, 2011****CASE NUMBER**

5689

APPLICANT NAME

Pegasus Tower Company, LLC

LOCATION568 Western Drive
(East side of Western Drive, 60'± South of Crichton Street)**VARIANCE REQUEST****SURFACE:** Surface Variance to allow a gravel accessway at a monopole communications tower site in an I-1, Light Industry District.**PARKING RATIO:** Parking Ratio Variance to allow no designated parking space at a monopole communications tower site in an I-1, Light Industry District.**ZONING ORDINANCE
REQUIREMENT****SURFACE:** The Zoning Ordinance requires accessways to be paved with asphalt, concrete, or an approved alternative parking surface on a tower site in an I-1, Light Industry District.**PARKING RATIO:** The Zoning Ordinance requires a minimum of one parking space on a tower site in an I-1, Light Industry District.**ZONING**

I-1, Light Industry

AREA OF PROPERTY

4,200 Square Feet (lease compound)

**TRAFFIC ENGINEERING
COMMENTS**

If any improvements are planned for the existing driveway, please bring it up to current standards, i.e. 24' wide with 20' radii. The parking lot must maintain current standards, i.e. the aisles must be 24' wide and the parking stalls must be at least 18' by 9'. If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting Surface and Parking Ratio Variances to allow a gravel accessway and no designated parking space at a monopole

communications tower site in an I-1, Light Industry District; the Zoning Ordinance requires accessways to be paved with asphalt, concrete or an approved alternative surface and also requires a minimum of one parking space on the tower site in an I-1, Light Industry District.

The applicant proposes to construct a 140' high monopole telecommunications tower within a 60' by 70' lease compound in the Southeast corner of the subject site with access via a proposed 30' utility and access easement from Western Drive. Although there is an existing 148' monopole tower within approximately 225' on the adjacent property to the South at 550 Western Drive, structural stress level analysis of that tower indicates that it has insufficient capacity to accept further antenna collocations. Therefore, the applicant proposes a new tower on the subject site. Telecommunications towers are allowed by right to a height of 180' in an I-1 district, and property line setbacks are equal to the underlying setbacks for the district, in this case zero or 5'-plus off the property line, which the proposed tower meets. The proposed tower also meets the minimum separation buffer distance from residential properties and the landscaping requirement. Only the access and parking are indicated to be noncompliant; therefore, this variance request.

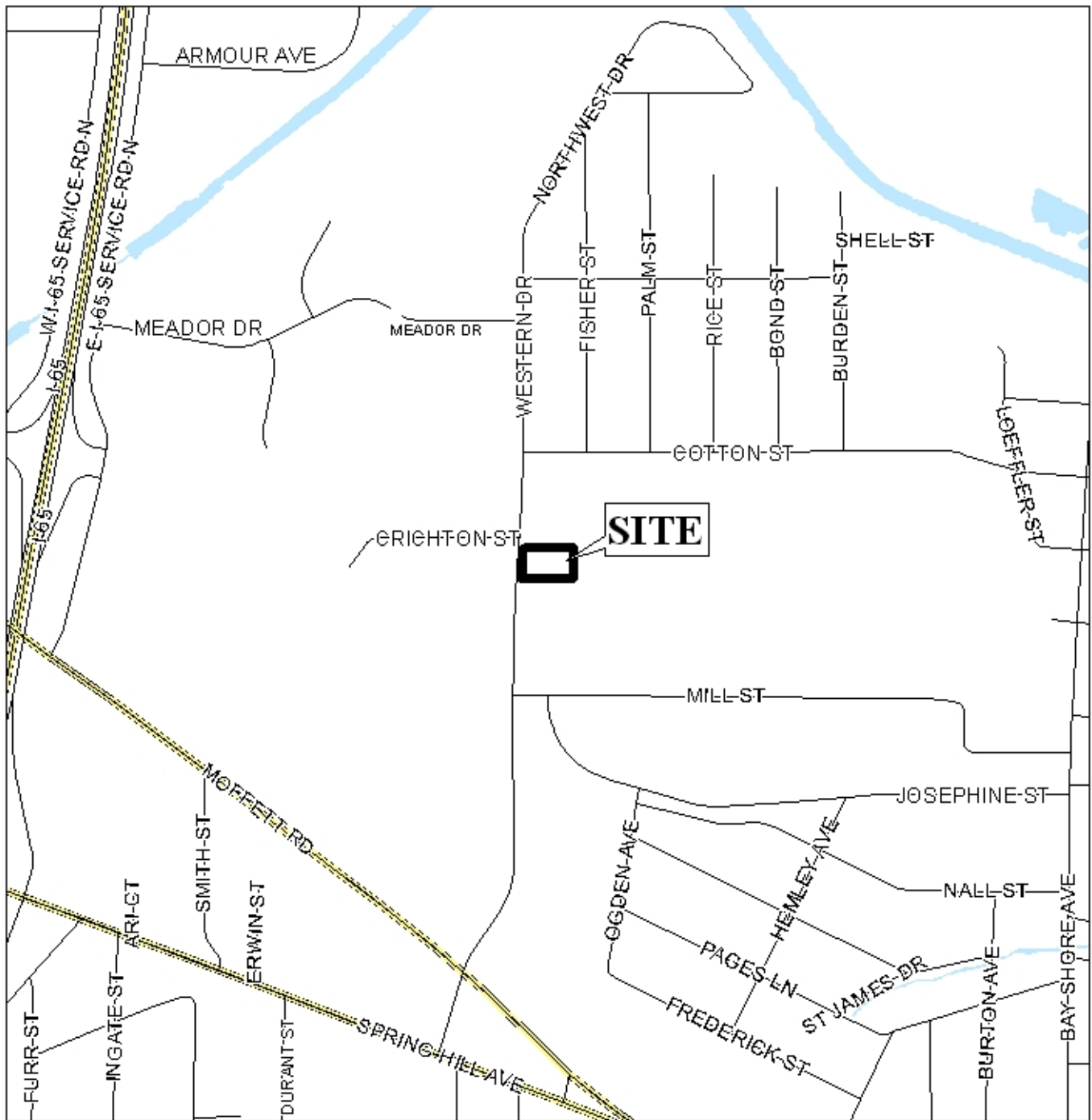
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

As the applicant did not submit any evidence that a literal enforcement of the Zoning Ordinance will result in an unnecessary hardship with regard to the requirement for paved access and parking, and the fact that the parent property affords sufficient undeveloped area outside the compound to provide compliant parking, the Board should consider this application for denial.

RECOMMENDATION: Based on the preceding, this application is recommended for denial.

LOCATOR MAP



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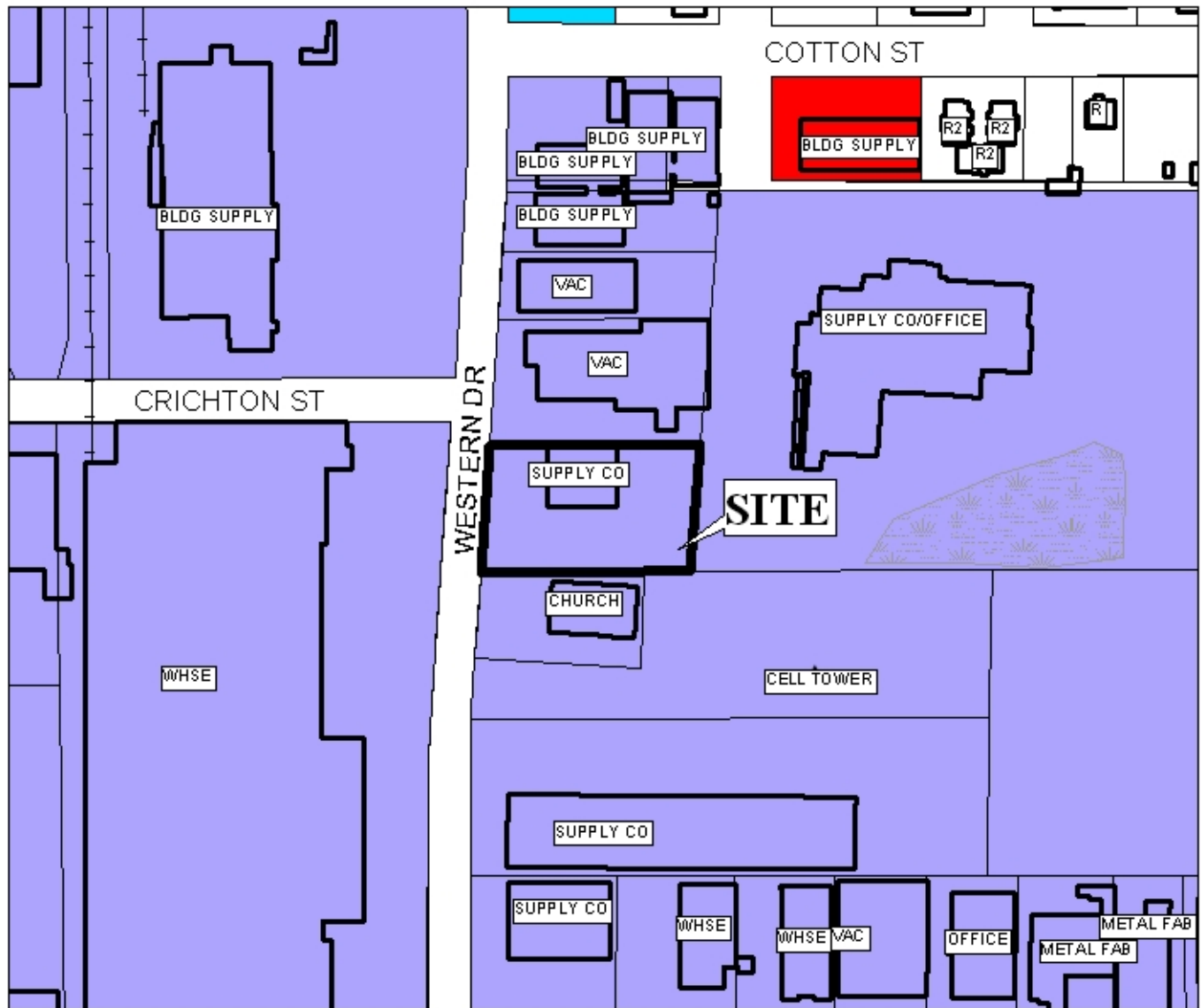
REQUEST Height, Surfacing and Parking Ratio Variances



NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial land use.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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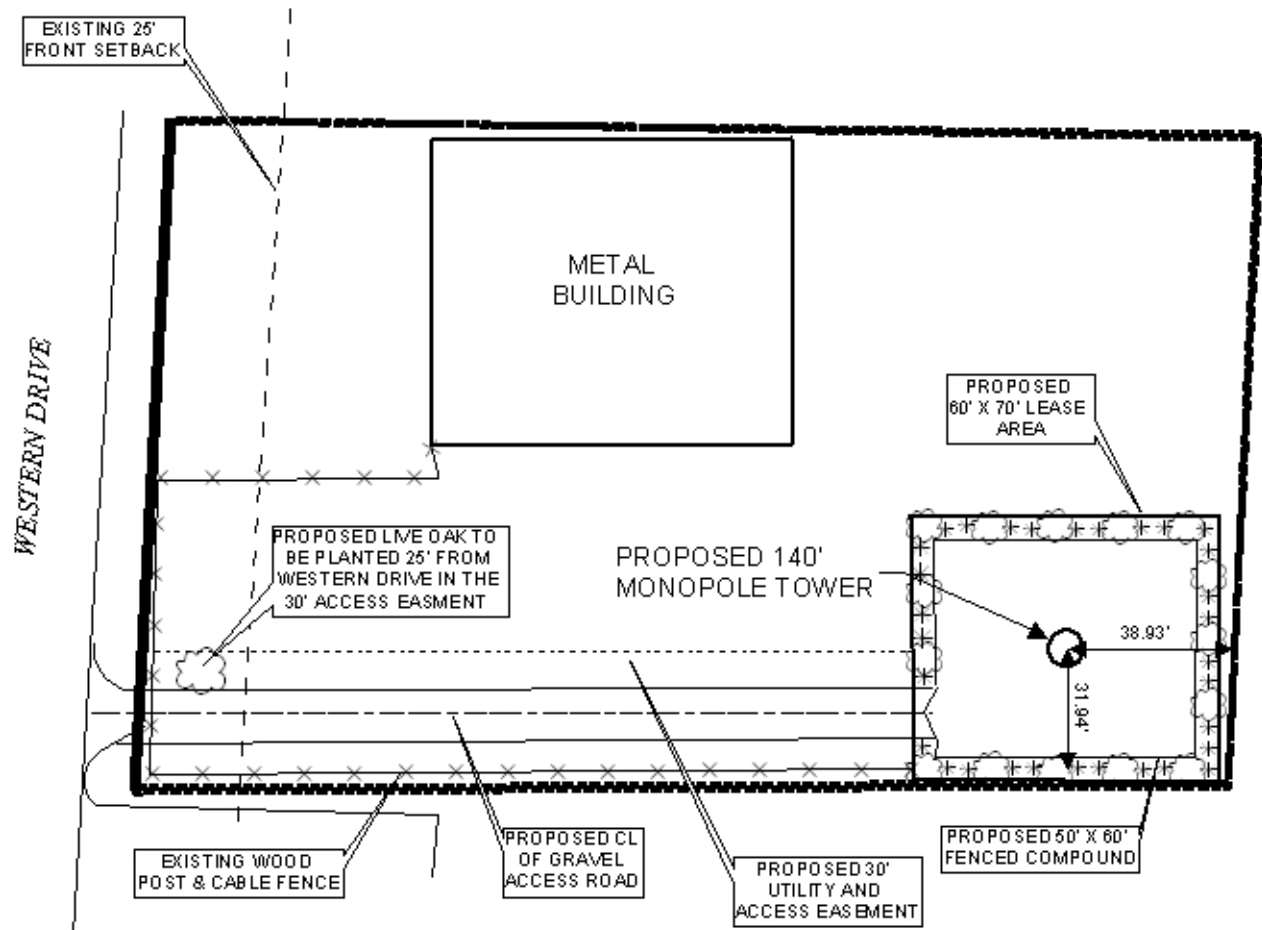
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SITE PLAN



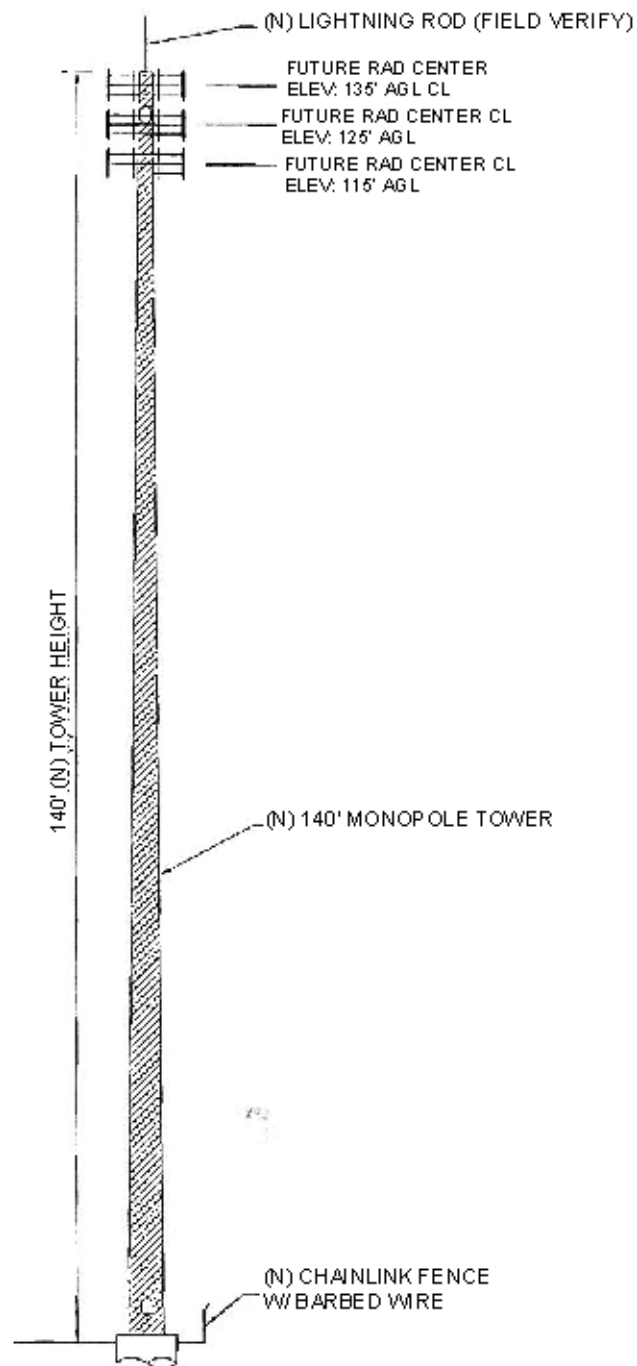
The site plan illustrates easements, setbacks, and proposed improvements.

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DETAIL SITE PLAN



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