



Agenda Item # 1

BOA-003295-2025

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

750 Congress Street

Applicant / Agent:

Crown Castle (Mary Palmer/Andy Rotenstreich,
Agent)

Property Owner:

Mobile County Board of Health

Current Zoning:

T-4 Sub-District of the Downtown Development
District

Future Land Use:

Downtown

Case Number(s):

6664/6423

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) requires new Class 4 telecommunications towers to be setback on all sides a distance equal to the height of the tower.

Board Consideration:

- Site Variance to allow reduced setbacks for a new 184-foot tall Class 4 telecommunications tower in a T-4 Sub-District of the Downtown Development District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	5
Exhibits	6

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER 6664 DATE May 5, 2025
 APPLICANT Crown Castle (Mary Palmer/Andy Rotenstreich, Agent)
 REQUEST Site Variance



SITE HISTORY

On December 4, 1997, the site was granted a Planning Approval to allow a 180-foot monopole telecommunications tower, which replaced a 180-foot guyed tower.

On January 22, 2009, the site was included in a two-lot Subdivision, which was recorded in Probate Court.

In January 2014, the City Council rezoned the site from B-4 to T-4, with the adoption of the Downtown Development District (DDD).

On November 1, 2021, the site obtained a Use Variance to replace the existing 180-foot monopole telecommunications tower with a new 180-foot monopole telecommunications tower, as the DDD did not allow for any telecommunications facilities. The variance approval was allowed to expire, with no work being done.

STAFF COMMENTS

Engineering Comments:

No comments on the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting.

Traffic Engineering Comments:

No comments.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the International Fire Code (IFC).

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in Appendices B and C of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the International Residential Code (IRC) functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the International Fire Code, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

The applicant has requested a Site Variance to allow reduced setbacks for a new 184-foot tall Class 4 telecommunications tower in a T-4 Sub-District of the Downtown Development District; the Unified Development Code (UDC) requires new Class 4 telecommunications towers to be setback on all sides a distance equal to the height of the tower.

The complete application and supporting documents are available via the link on page 1.

As stated previously, the site was granted a Use Variance approval in November 2021, which was allowed to expire. With the adoption of the Unified Development Code (UDC) in 2023, the site no longer requires a Use Variance to allow a new Class 4 telecommunications tower to replace the existing tower. However, per Appendix A, Section 8, Table A-8.2 Use Table of the UDC, Class 4 telecommunications facilities (towers) must comply with the requirements of the Unified Development Code (UDC), Article 4, regarding telecommunications facilities.

UDC Article 4, Section 64-4-9.G.20.(a)(3) allows existing towers to be replaced, subject to compliance with setback requirements.

UDC Article 4, Section 64-4-9.G.7.(f) states the following regarding tower setbacks:

- (f) Setback requirements for Towers shall be measured from the base of the Tower to the line of the lease parcel on which it is located. All Towers shall be Setback as follows:*
 - (1) For I-1, I-2, ML and MH districts, the Setback shall be on all sides a distance equal to the underlying Setback requirement for the particular zoning district.*
 - (2) For B-1, B-2, LB-2, B-3, B-4, B-5, CW and MM districts, the Setback on all sides shall be a distance equal to the height of the Tower.*

After consultation with legal counsel, it was determined that a T-4 sub-district would be similar to the requirements for (f)(2), which requires “the Setback on all sides shall be a distance equal to the height of the Tower.”

The proposed tower will be 180-feet tall (184-feet including a lightning rod), and will be less than 109-feet from the existing lot lines, thus the need for reduced setbacks.

The request was reviewed by the Consolidated Review Committee (CRC) in August 2024, and the applicant was advised of the setback requirement, hence the application at hand. The site is not located in a historic district.

The applicant states that in order to upgrade the existing technologies, additional equipment is required to be placed on the tower. As there are concerns regarding structural integrity as a result of the increased load on the tower, the applicant is proposing to replace the existing tower with a tower better able to handle the technological upgrades needed.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

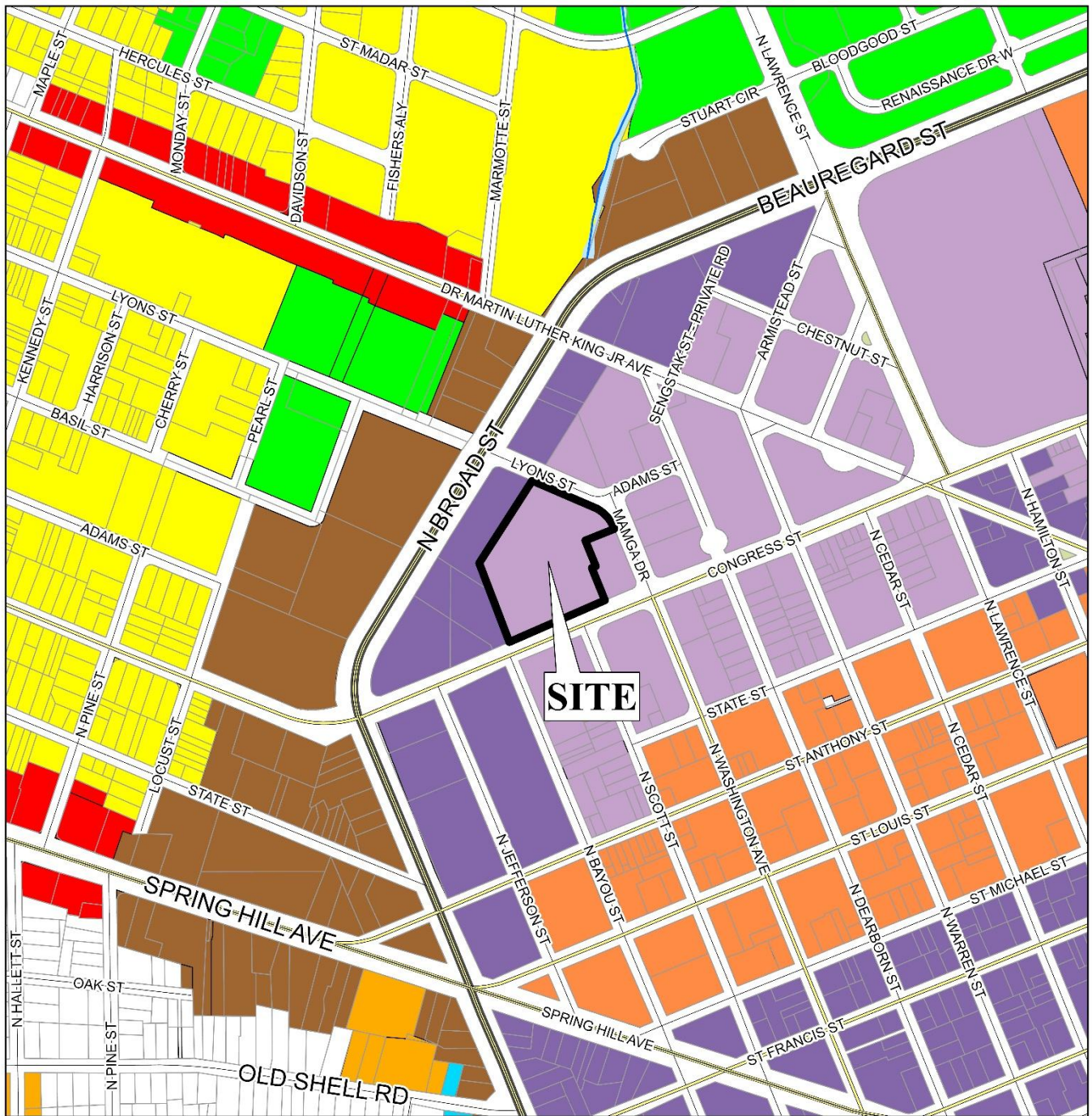
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- A. The variance **will not** be contrary to the public interest;
- B. Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C. The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

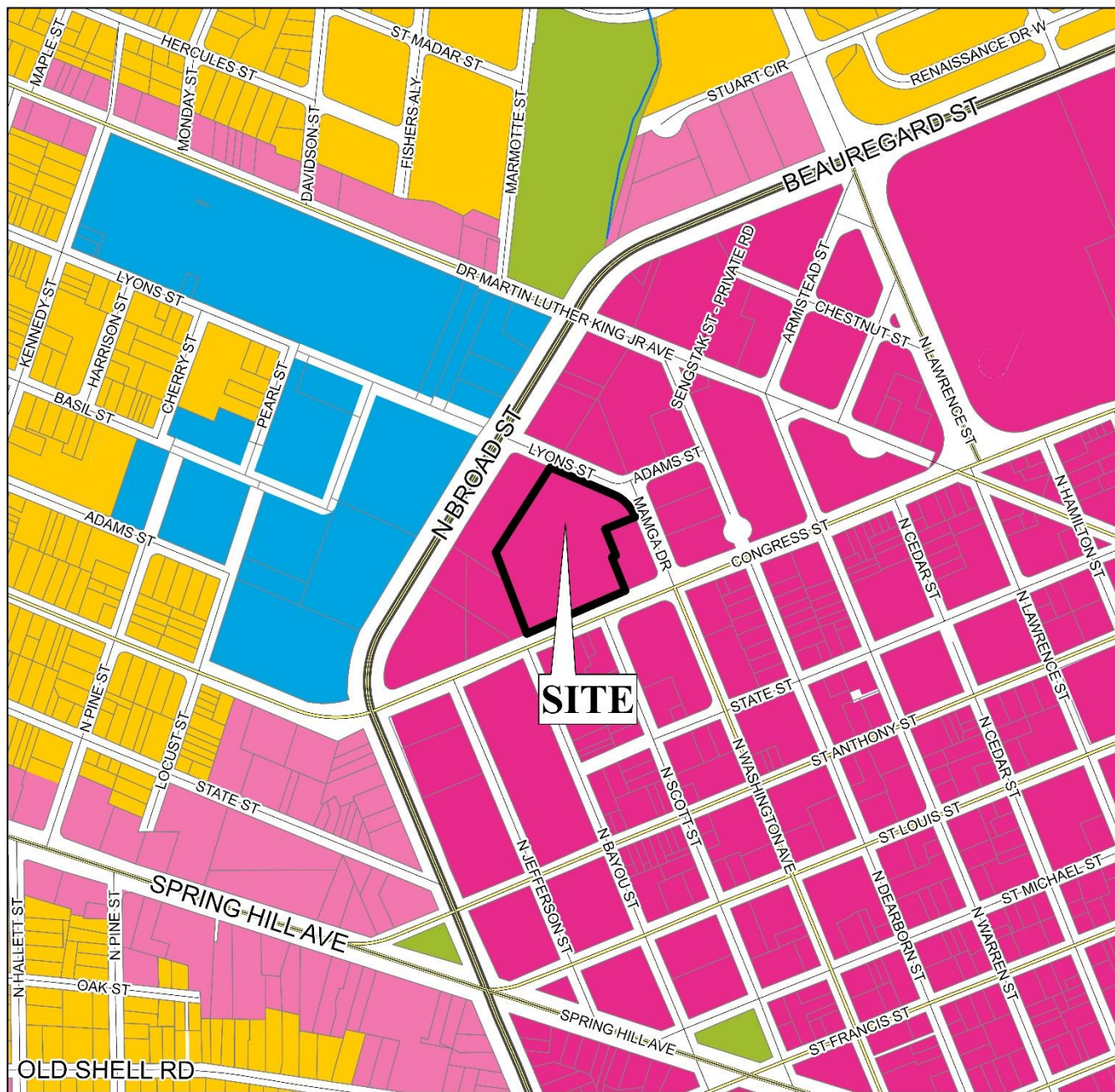
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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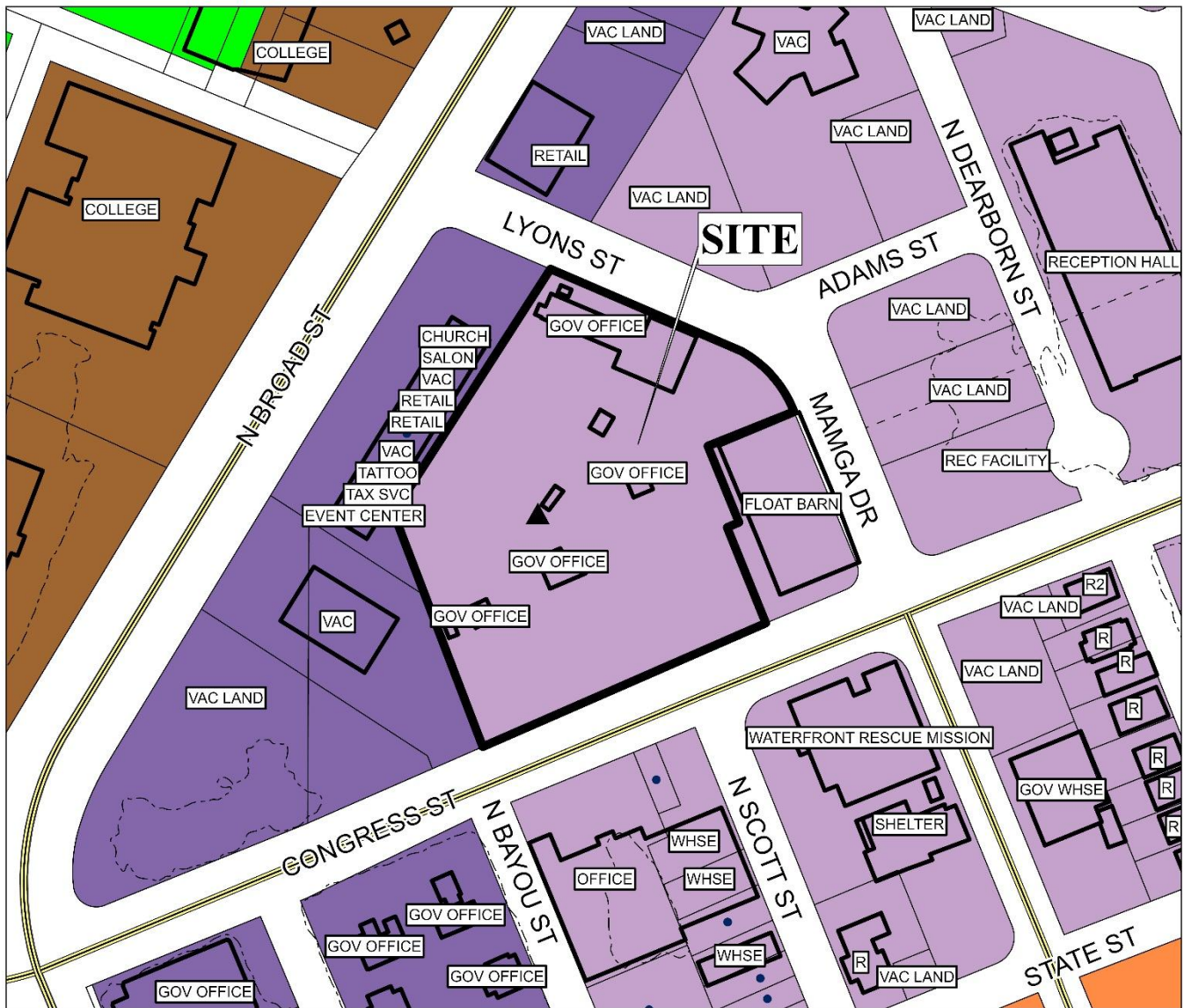
APPLICANT Crown Castle (Mary Palmer/Andy Rotenstreich, Agent)

REQUEST _____ Site Variance

- Low Density Residential
 Neighborhood Center - Traditional
 Light Industry
 Water Dependent
- Mixed Density Residential
 Neighborhood Center - Suburban
 Heavy Industry
- Downtown
 Traditional Corridor
 Institutional
- District Center
 Mixed Commercial Corridor
 Parks, Open Space



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN

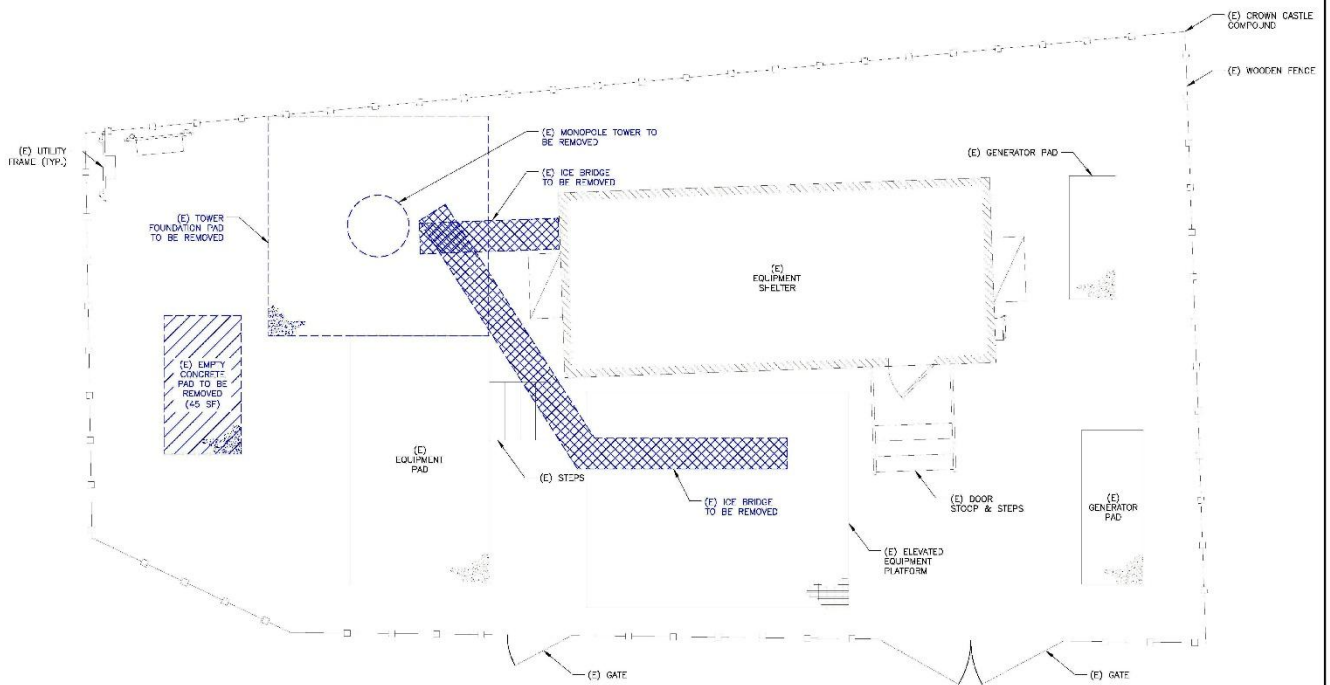


The site plan illustrates the proposed tower placement and current buildings.

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REQUEST <u>Site Variance</u>	



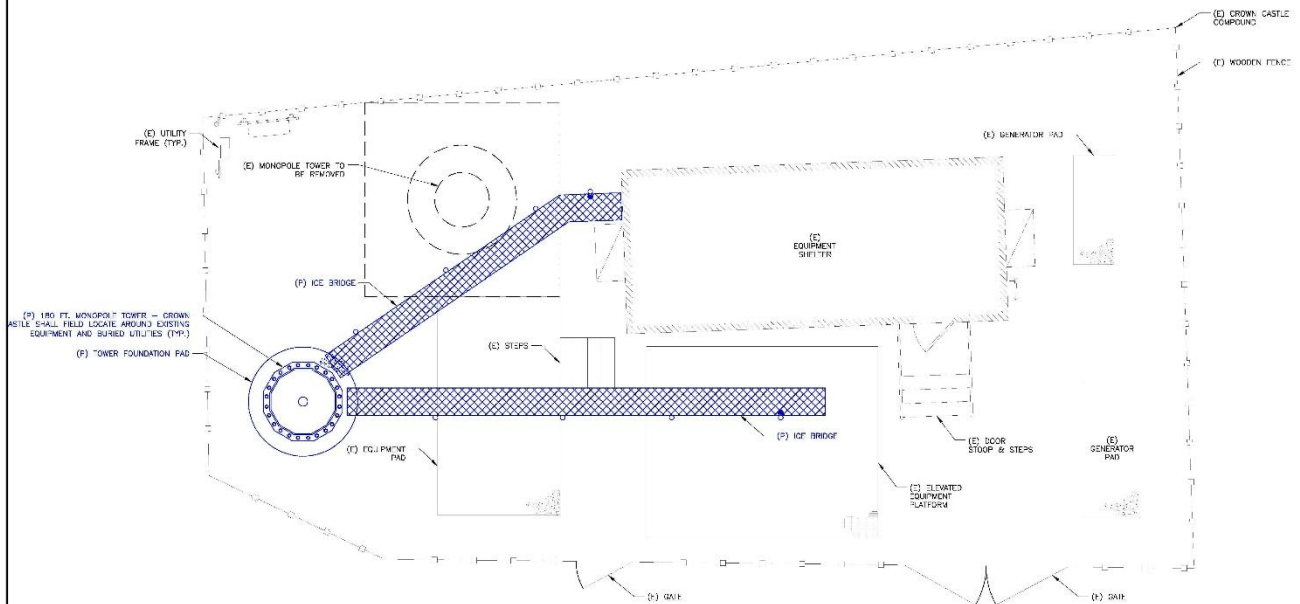
EXISTING SITE PLAN



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PROPOSED SITE PLAN



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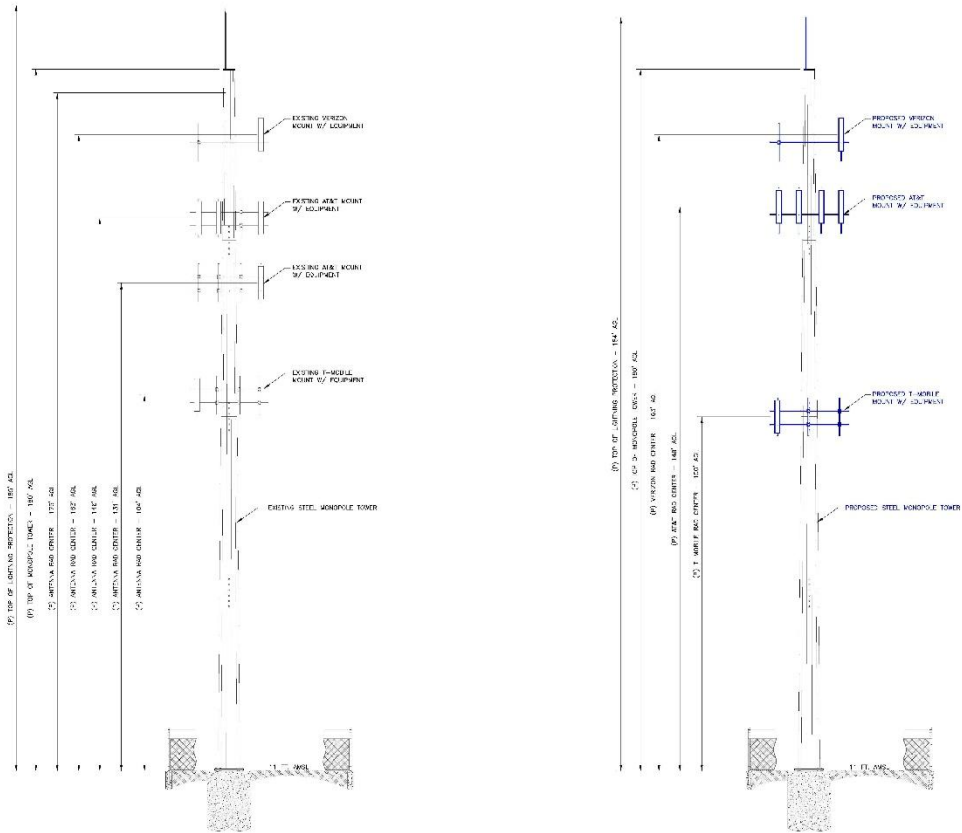
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REQUEST_____Site Variance



NTS

DETAIL SITE PLAN



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REQUEST Site Variance



ZONING DISTRICT CORRESPONDENCE MATRIX			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■		■	■	■					□		
HISTORIC BUSINESS	H-B			■			■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. GENERAL	TCD						■							□		
DOWNTOWN DEV. DDD	T-6			■										□		
DOWNTOWN DEV. DDD	T-5.1			■			■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■			■							□		
DOWNTOWN DEV. DDD	T-4			■			■		□					□		
DOWNTOWN DEV. DDD	T-3			■			■							□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■					■			○	□	○	
GEN. BUSINESS	B-4			■						■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



DOWNTOWN (DT)

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the City's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 du/ac); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7, active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.