



## Agenda Item # 3

BOA-SE-002504-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

100 North Franklin Street

**Applicant / Agent (as applicable):**

DISH Wireless LLC (Alexandra Vassar, Agent)

**Property Owner:**

AT&T Communications

**Current Zoning:**

T-5.1 Sub-District of the Downtown Development District

**Future Land Use:**

Downtown

**Case Number(s):**

6518

**Unified Development Code (UDC) Requirement:**

The following are the applicable code requirements in a T-5.1 Sub-District of the Downtown Development District:

- Special Exception to allow Class 2 Communication Facility

**Board Consideration:**

The following Special Exception is requested:

- To allow the placement of a Class 2 Communication Facility.


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. A residence lies south of the site.

APPLICATION NUMBER <u>    6518    </u> DATE <u>    June 5, 2023    </u>	 NTS
APPLICANT <u>    DISH Wireless, LLC/Alexandra Vassar, Agent    </u>	
REQUEST <u>    Special Exception Variance    </u>	

## SITE HISTORY

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The site has no history of variance applications before the Board of Adjustment.

## STAFF COMMENTS

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### Engineering Comments:

No comments.

### 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 within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

### Planning Comments:

The applicant has requested a Special Exception to allow Class 2 Communications Equipment to be placed in a T-5.1 Sub-District of the Downtown Development District (DDD).

Per Section 10.B.4.(c) of Appendix A of the UDC, rooftop equipment is required to be located in such a way that they are not visible from the street; the proposed equipment complies with this requirement. While there is existing rooftop equipment at this location, there is no existing telecommunications equipment at this site.

The request was review by the Consolidated Review Committee (CRC), and the applicant was advised that the proposed equipment complies with the requirements of the DDD, subject to the obtaining of Special Exception approval, hence the application at hand. The site is not located in a historic district.

The applicant states that the subject site is needed, as there are no other buildings or towers of sufficient height to serve their needs. The subject structure is 123-feet tall.

## SPECIAL EXCEPTION CONSIDERATIONS

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### Standards of Review:

- Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- (c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
  - (1) Any applicable development standards in Article 3; and
  - (2) Any applicable use regulations in Article 4.
- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
  - (1) In making this determination, the Board of Adjustment shall consider:

- a. The location, type and height of buildings or structures;
  - b. The type and extent of landscaping and screening;
  - c. Lighting;
  - d. Hours of operation; or
  - e. Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
  - (i) The site is designed to minimize the impact on storm water facilities;
  - (j) The use will be adequately served by water and sanitary sewer services;
  - (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
  - (l) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states; that when considering a Special Exception application, the following should also be considered:

- The City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

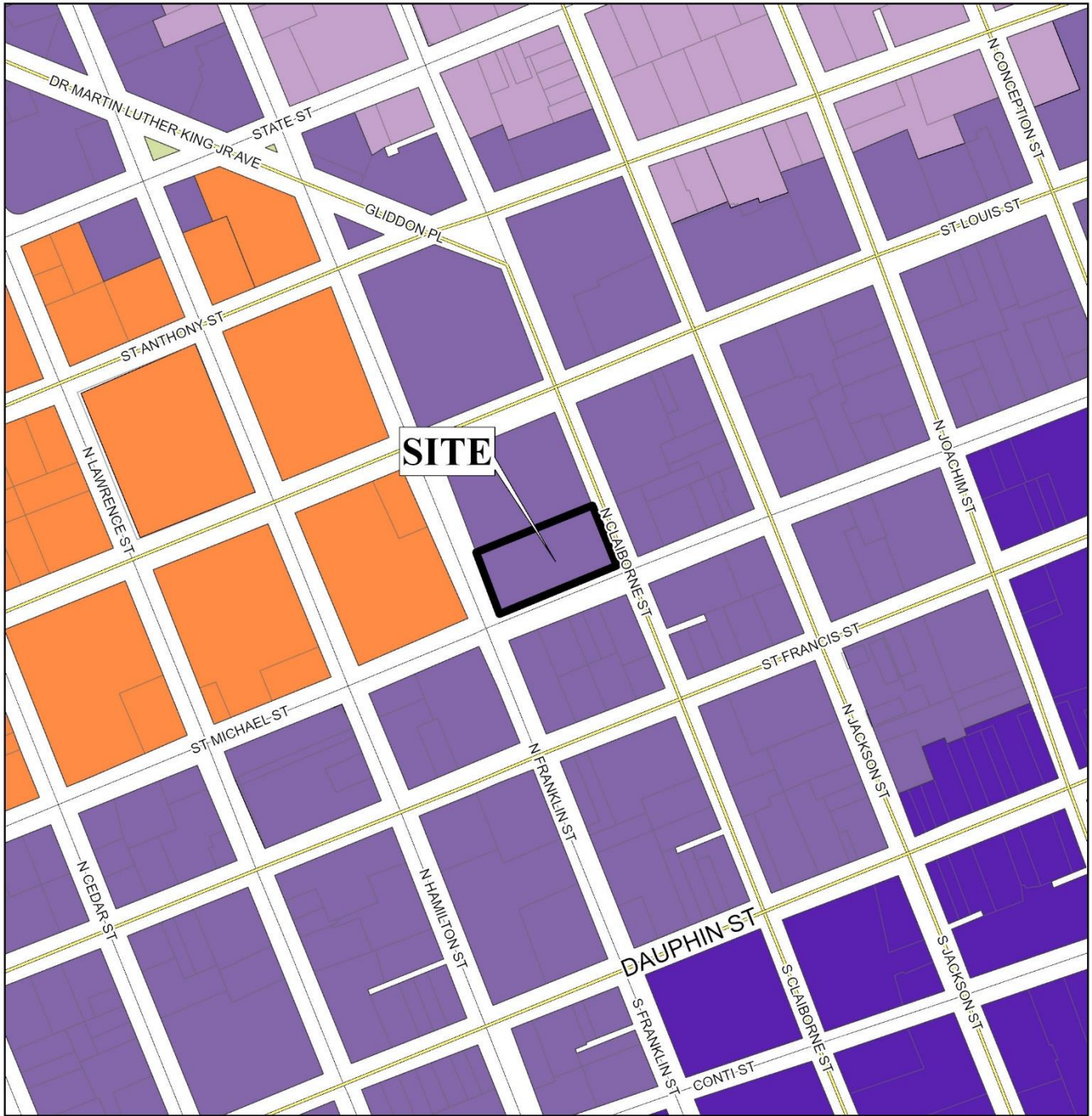
## Considerations:

Based on the requested Special Exception application, the Board should consider the following findings of fact for approval or denial of the request:

- 1) The proposed use **is / is not** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- 2) The proposed use at the proposed location **shall / shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- 3) The proposed use **will / will not** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- 4) The proposed use **is / is not** consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- 5) The proposed use **is / is not** compatible with the character of the neighborhood within the same zoning district in which it is located.
- 6) The proposed use **will / will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

- 7) The proposed use **will / will not** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- 8) The site **is / is not** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- 9) The site **is / is not** designed to minimize the impact on storm water facilities.
- 10) The use **will / will not** be adequately served by water and sanitary sewer services.
- 11) The use **is / is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- 12) The use **will / will not** be detrimental or endanger the public health, safety or general welfare.

# LOCATOR ZONING MAP



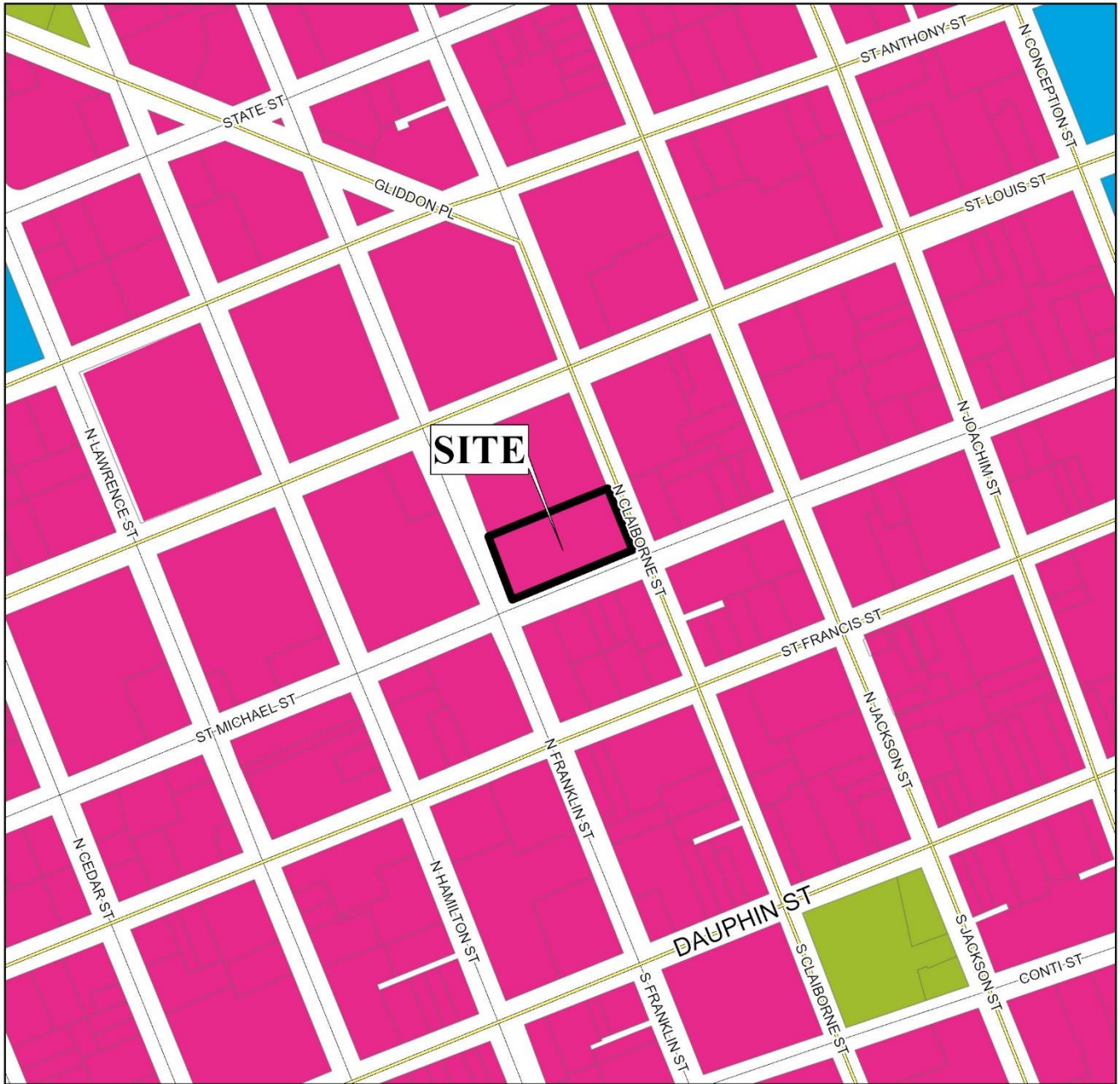
APPLICATION NUMBER 6518 DATE June 5, 2023

APPLICANT DISH Wireless, LLC/Alexandra Vassar, Agent

REQUEST Special Exception Variance



# FLUM LOCATOR MAP



APPLICATION NUMBER 6518 DATE June 5, 2023

APPLICANT DISH Wireless, LLC/Alexandra Vassar, Agent

REQUEST Special Exception Variance

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



NTS



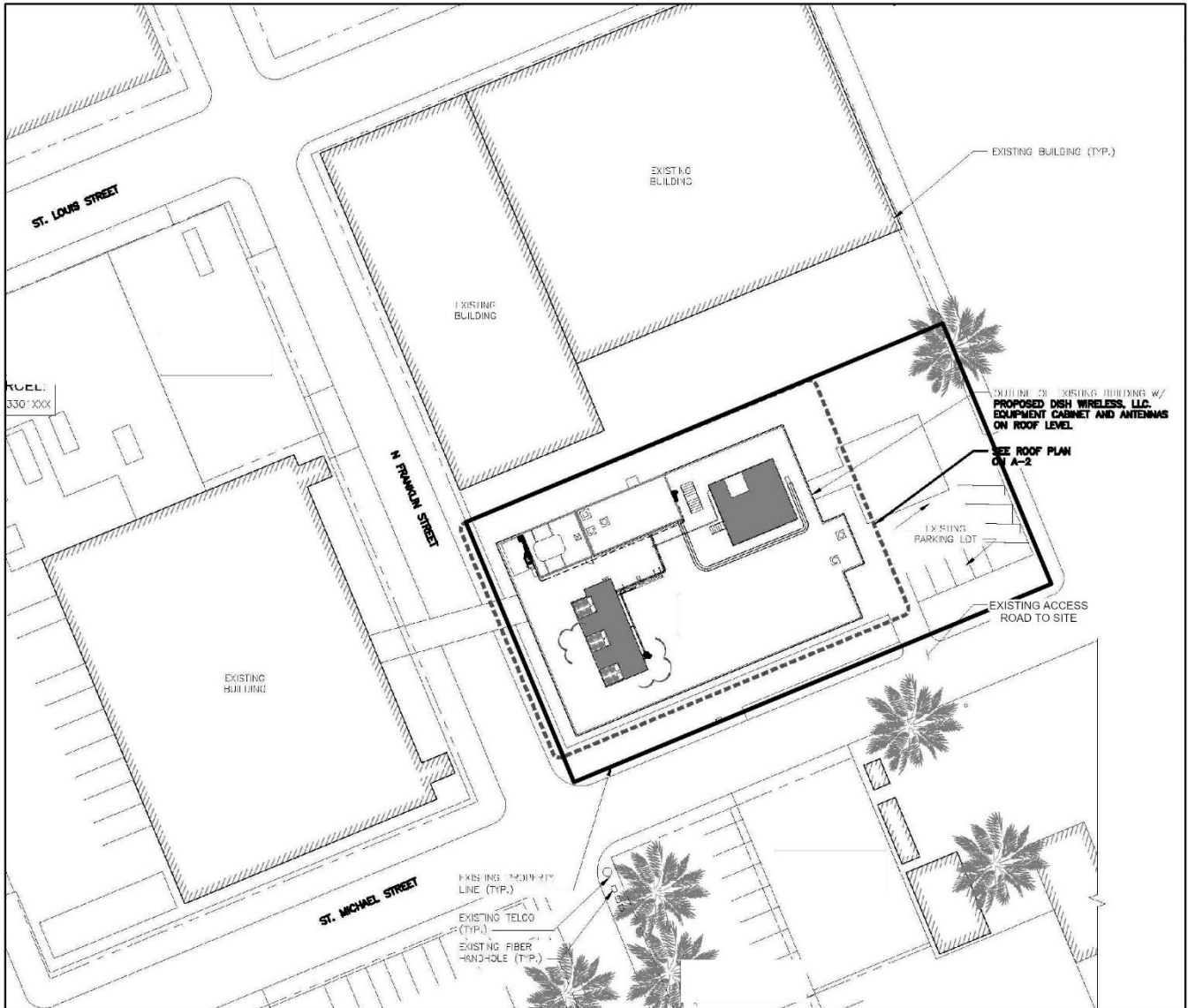
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




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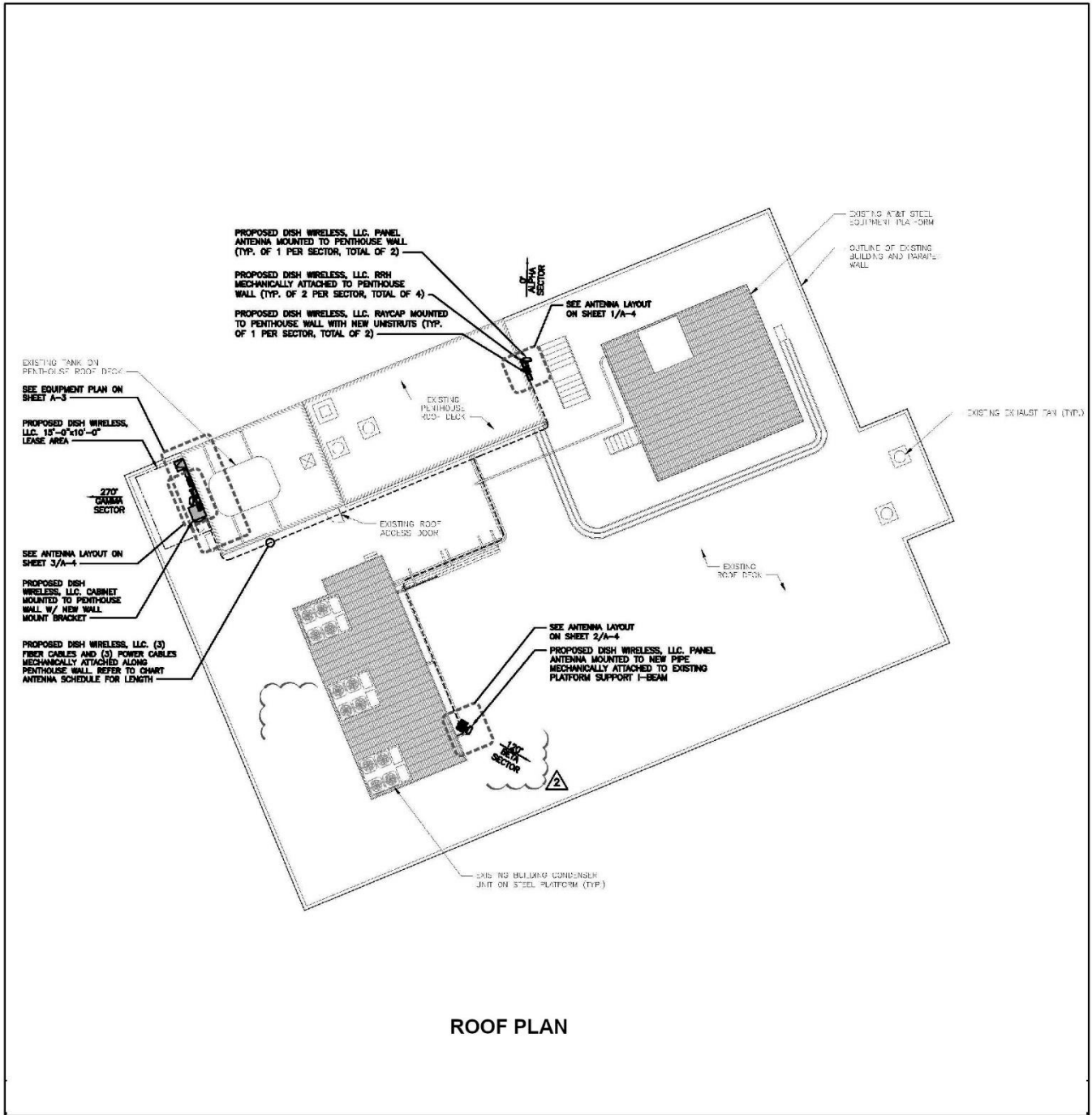
# SITE PLAN



The site plan illustrates the building, and proposed roof equipment and antennas.

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APPLICANT <u>  DISH Wireless, LLC/Alexandra Vassar, Agent  </u>	
REQUEST <u>  Special Exception Variance  </u>	

# DETAIL SITE PLAN



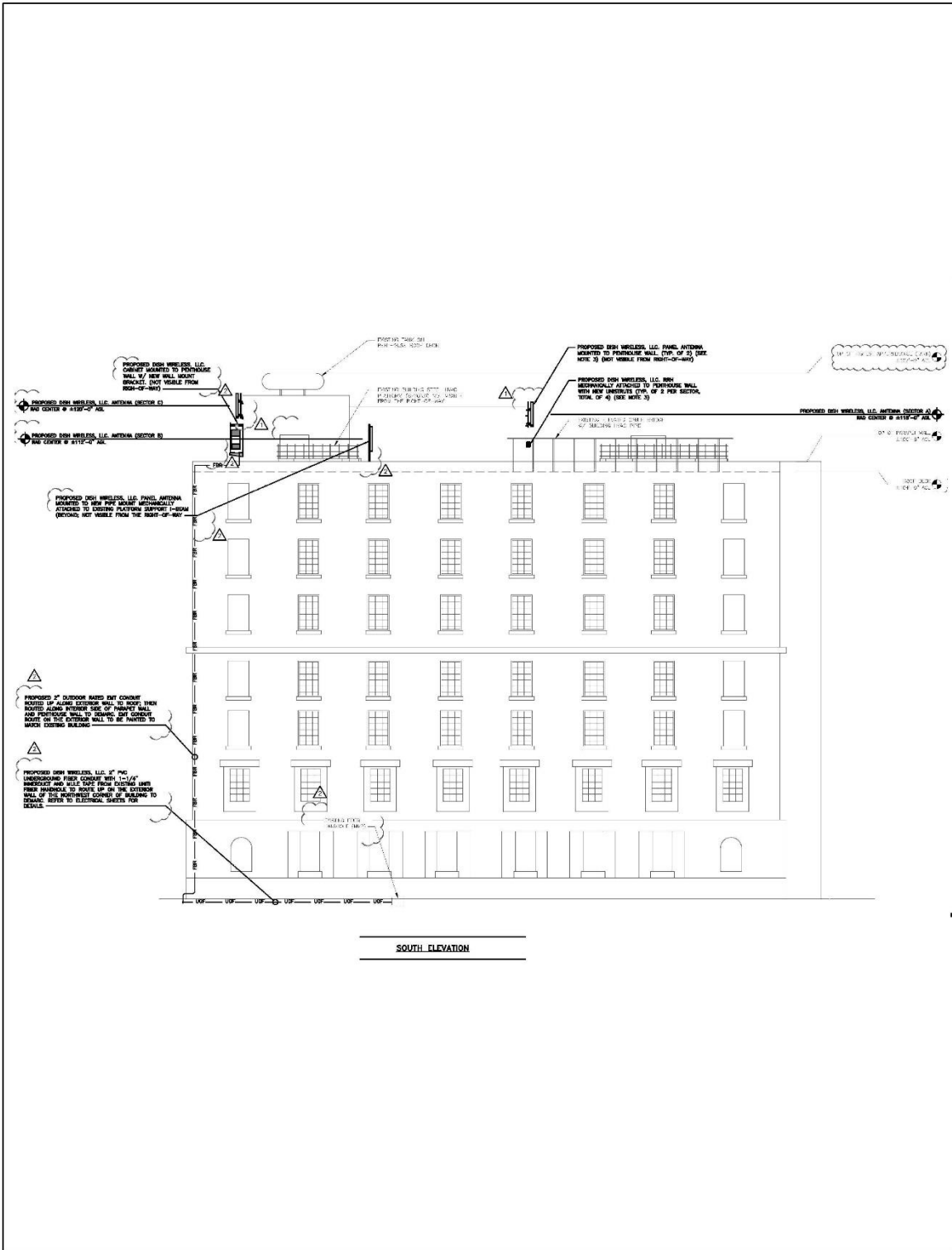
ROOF PLAN

APPLICATION NUMBER <u>6518</u> DATE <u>June 5, 2023</u>
APPLICANT <u>DISH Wireless, LLC/Alexandra Vassar, Agent</u>
REQUEST <u>Special Exception Variance</u>

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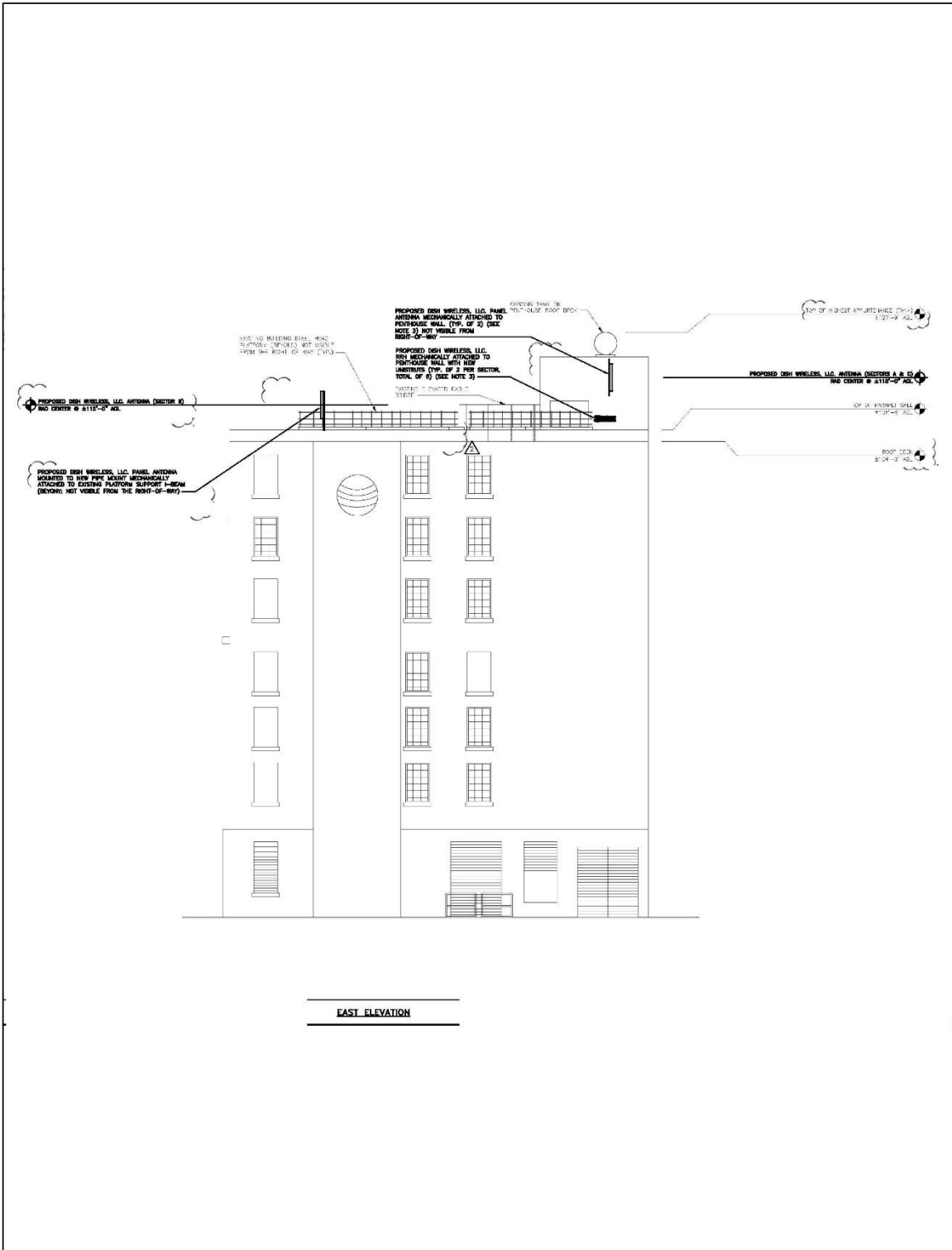
# DETAIL SITE PLAN



SOUTH ELEVATION

APPLICATION NUMBER	6518	DATE	June 5, 2023	N ↑ NTS
APPLICANT	DISH Wireless, LLC/Alexandra Vassar, Agent			
REQUEST	Special Exception Variance			

# DETAIL SITE PLAN



EAST ELEVATION

APPLICATION NUMBER	6518	DATE	June 5, 2023	
APPLICANT	DISH Wireless, LLC/Alexandra Vassar, Agent			
REQUEST	Special Exception Variance			