

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 8, 2018**

<b><u>CASE NUMBER</u></b>	6150
<b><u>APPLICANT NAME</u></b>	Alabama Power Company
<b><u>LOCATION</u></b>	151 North Royal Street (Northwest corner of North Royal Street and Saint Louis Street).
<b><u>VARIANCE REQUEST</u></b>	<b>USE:</b> Use Variance to allow the permanent installation of a 160' tall cellular communications tower in the parking lot of a commercial building in a T-6 District within the Downtown Development District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance does not allow cellular communications installations within the Downtown Development District.
<b><u>ZONING</u></b>	T-6 Sub-District.
<b><u>AREA OF PROPERTY</u></b>	0.6± Acres
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No traffic impacts anticipated by this variance request.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2

**ANALYSIS** The applicant is requesting a Use Variance to allow the permanent installation of a 160' tall cellular communications tower in the parking lot of a commercial building in a T-6 District within the Downtown Development District; the Zoning Ordinance does not allow cellular communications installations within the Downtown Development District.

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.

The applicant states:

*The subject site is one of three parcels owned by the Applicant which covers the entire block by Royal Street on the East, St. Lewis Street, on the South, St. Joseph Street on the West and St. Anthony Street on the North. The applicant houses its main operations offices for the southern part of the state at this location. Located on this block is the Applicant's 4 story office building and additional ancillary buildings. In 1975 the Applicant installed a 150 foot lattice tower on the site, adjacent to its buildings, to support its radio network for its linemen and other employees. The tower was subsequently increased to a total height of 160 feet, though the exact timing of that increase is not known.*

*Given the age of the existing tower, and the improvements in materials and technology, the Applicant would like to replace the existing tower with a new tower. The proposed replacement would be an almost identical lattice style tower. Due to the nature of the applicant's operations it is important to have uninterrupted radio service to its linemen and other employees. To remove the existing tower and replace it in the exact location would require the applicant to be without radio service from this location for 4 to 6 weeks. The applicant is requesting approval to allow for a replacement tower to be constructed on the site in the location indicated in the attached drawings, approximately 40 feet to the southeast. The radio equipment for operation of the new tower would be installed or would be transferred over to the new tower. Once the new tower is fully operational, the old tower would be dismantled and removed from the site.*

*It is anticipated that, once the foundation of the new tower has been installed and cured, it will take 4 – 5 weeks, subject to weather, to install the new tower and remove the old. It is anticipated that there will be a three week period within which there will be two towers located on the site. The survey and construction drawings are attached.*

*The location of the new tower will be in the corner of the Applicant's parking lot between two existing buildings. It will be approximately 15 feet from the buildings in order to reduce the visual impact of the tower at lower levels (intended to blend into the buildings behind it). Additionally, Applicant is proposing fencing around the base of the tower to complement the existing fencing surrounding Applicant's parking area. The overall visual impact of the new tower will be very similar to that of the current tower.*

*Applicant is requesting a variance to allow for the replacement of an existing non-conforming tower in the location on the attached drawings.*

As stated, the applicant is seeking approval for an existing cellular communications tower in the Downtown Development District that is 160' in height. Staff could find no record of the approval of the tower or its alterations.

Because the subject site is located in the Downtown Development District, Consolidated Review Committee (CRC) approval will be required.

The tower is currently located between two buildings on site. While similar cellular communication equipment has been approved by the Board of Zoning Adjustment within the Downtown Development District (DDD), such approvals were for equipment placed upon roofs, to be less conspicuous; whereas the application at hand is for two 160' towers (one of which will be removed upon completion of the new tower).

Staff is aware, based on aerial images, that a cellular communications tower has been on site at this location for more than 30 years. Information regarding the height of the tower throughout the years is unavailable. However, the site is also unique in that it is within the DDD, where no provisions within the district's ordinance to allow cellular communication equipment have been provided.

The applicant states no viable, alternative options exist with regards to the height of the tower. Approval of the request, however, may establish a precedent regarding similar equipment to be visible elsewhere in the DDD.

Finally, while additional, similar requests may necessitate the consideration of amending the DDD regulations to include telecommunication equipment, it is seemingly unlikely that such amendments would favor additional telecommunications towers downtown.

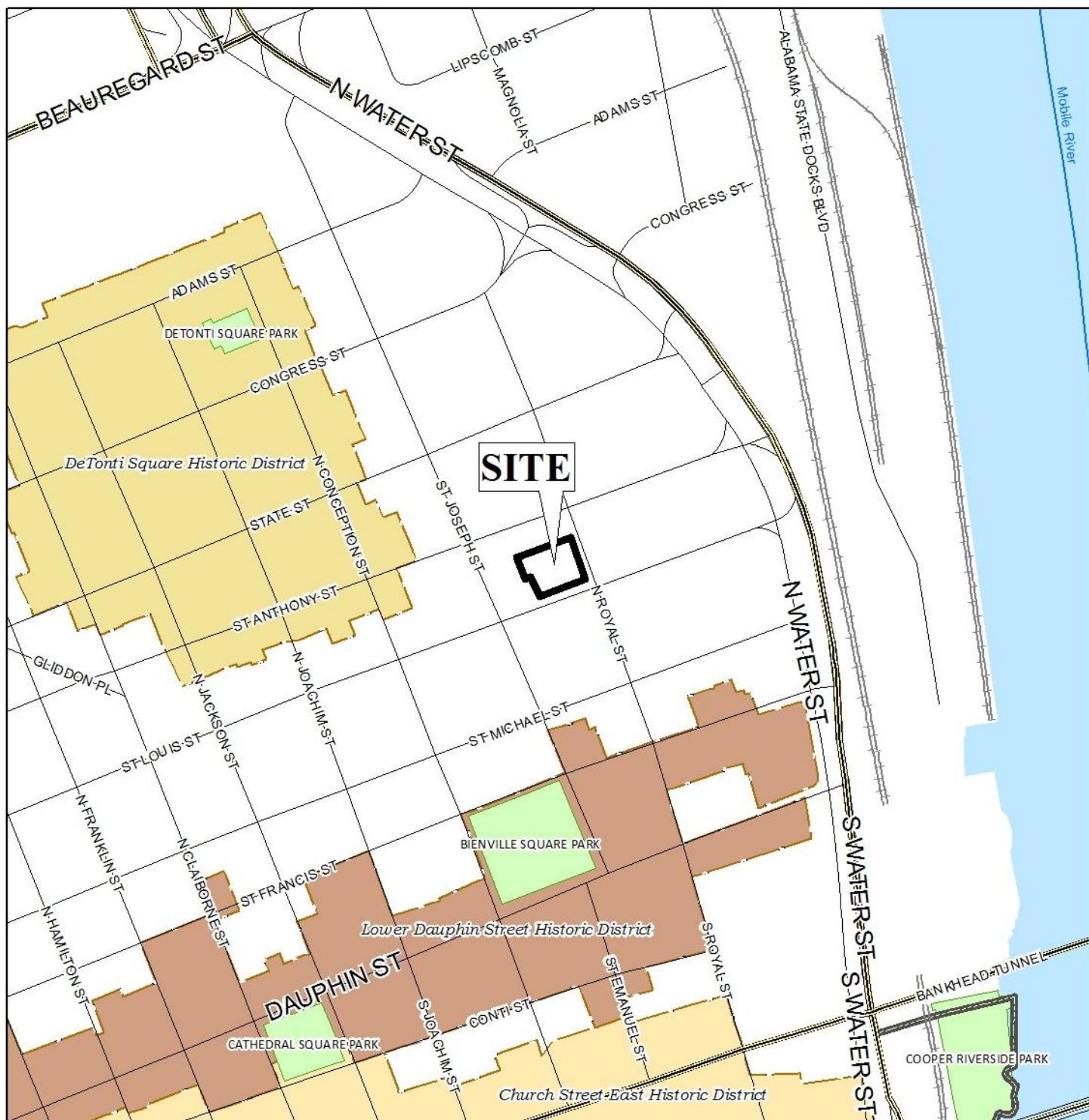
**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to public interest due to critical operations supported by the equipment;
- 2) Special conditions exist, including the need to minimize service interruptions that make the placement of the telecommunications tower necessary;
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the new tower will replace the existing tower, and the existing will be removed, resulting in nearly no change in the site.

Subject to the following conditions:

- 1) CRC approval
- 2) Conformance with all other codes and ordinances

# LOCATOR MAP



APPLICATION NUMBER 6150 DATE January 8, 2018

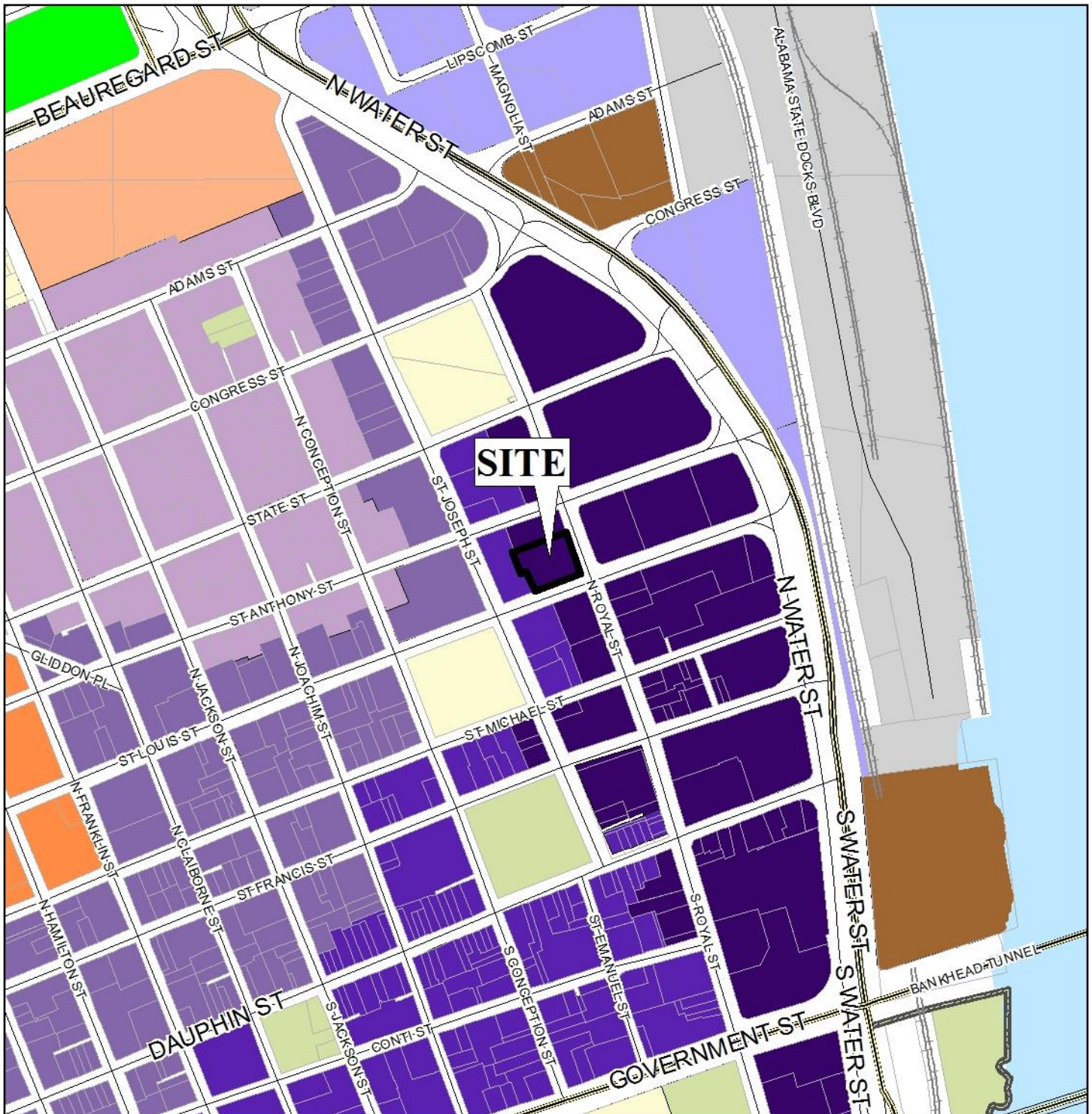
APPLICANT Alabama Power Company

REQUEST Use Variance





# LOCATOR ZONING MAP

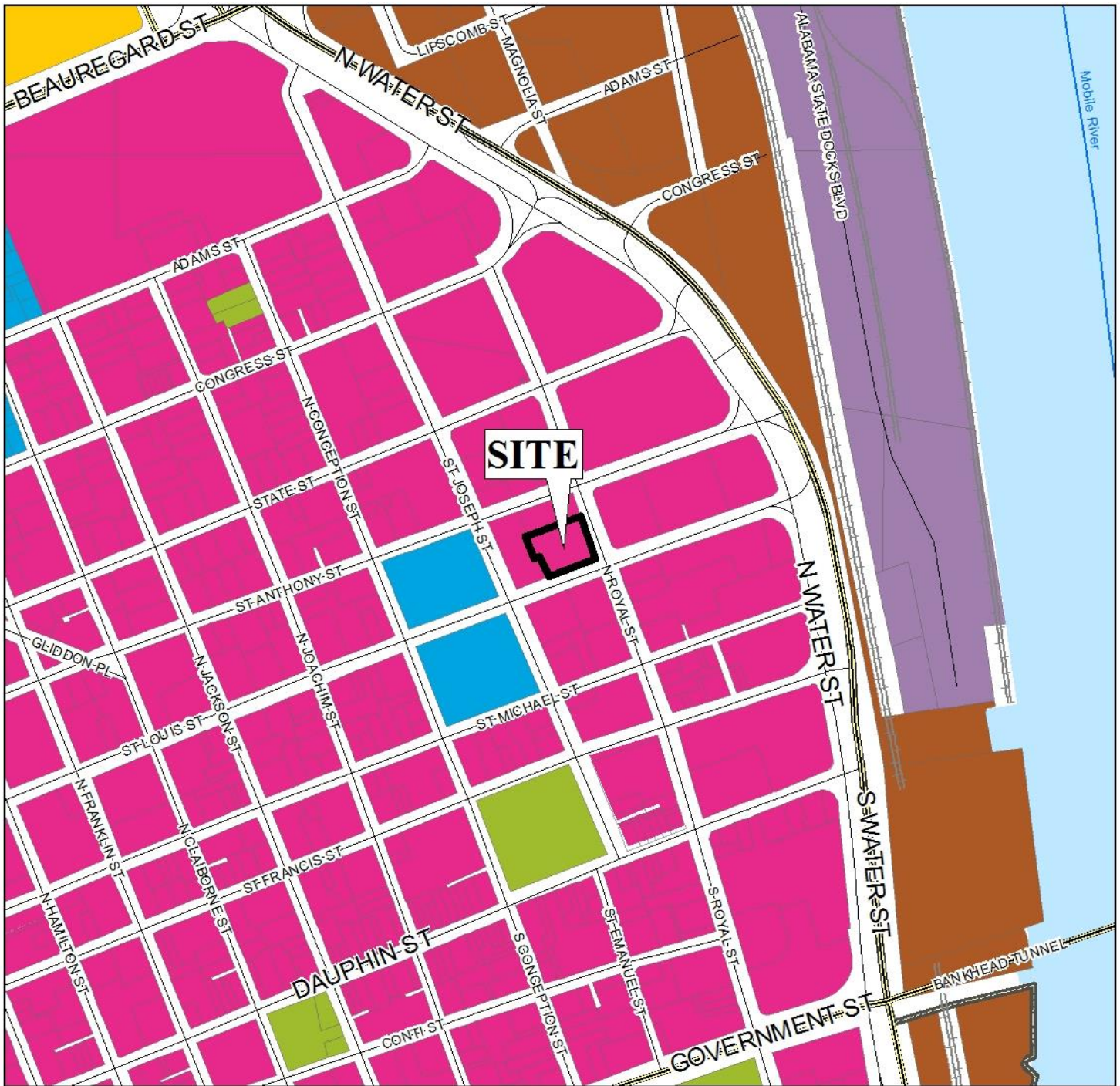


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# FLUM LOCATOR MAP



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APPLICANT Alabama Power Company

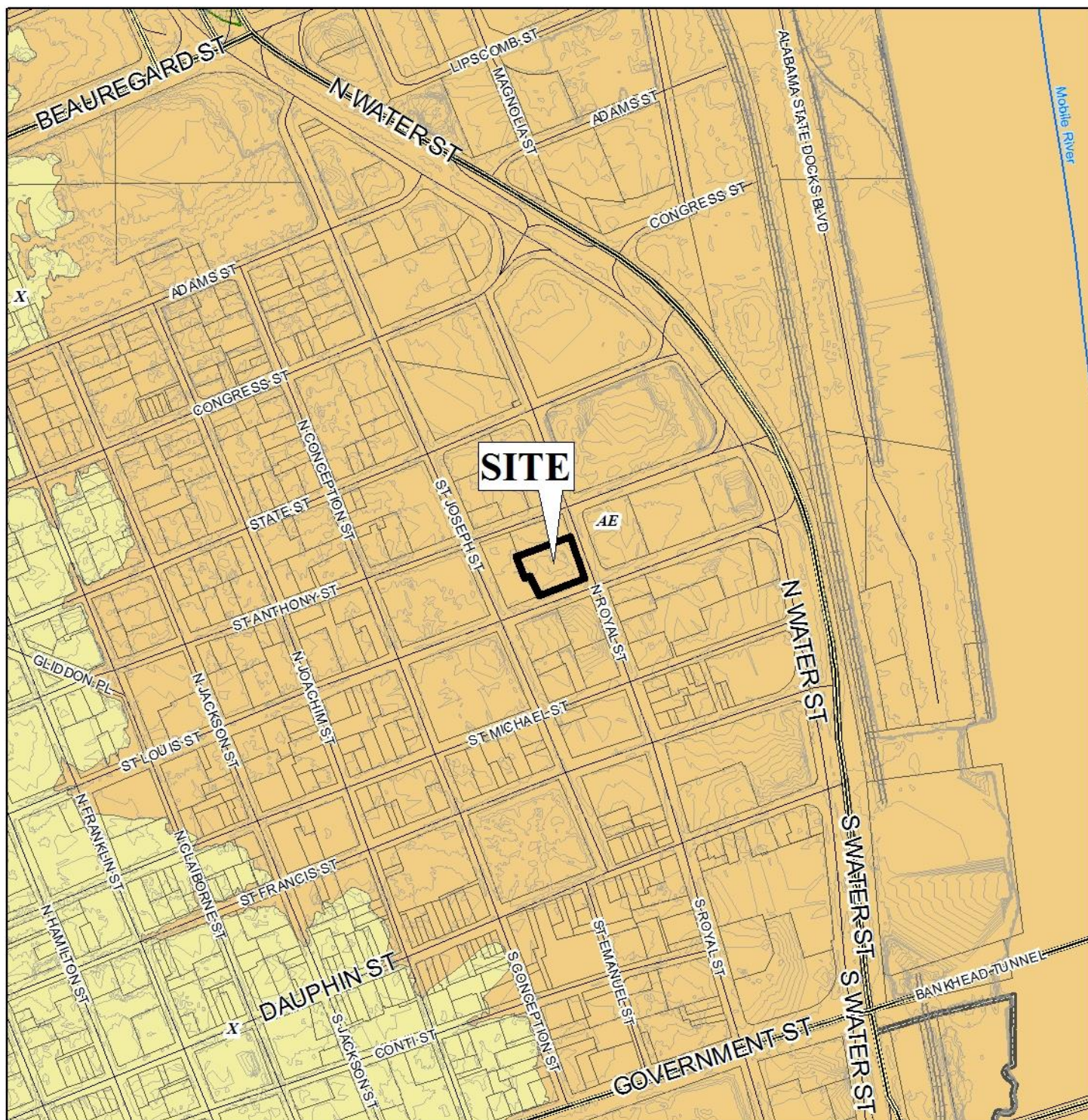
REQUEST Use Variance

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	





## ENVIRONMENTAL LOCATOR MAP



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REQUEST\_\_\_\_\_Use Variance





























The map shows the downtown area of St. Louis, Missouri, with the proposed site highlighted. The site is located on the east side of N Royal St, between St. Joseph St and St. Louis St. The site is a rectangular area outlined in black. Surrounding the site are various buildings and streets. To the north of the site is a large building complex with several 'OFFICE' labels. To the east of the site is another building with an 'OFFICE' label. To the south of the site is a building labeled 'HOTEL' and an 'AUTO PARKING' area. To the west of the site is a building labeled 'COURT HSE'. The map also shows several 'VAC' (vacant) areas and 'PKG GARAGE' (package garage) areas. The streets shown are St. Joseph St, St. Louis St, St. Anthony St, N Royal St, and St. Michael St.

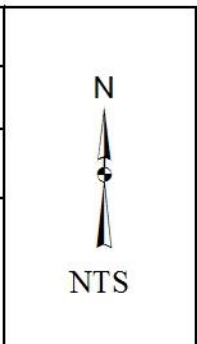
The site is surrounded by commercial units.

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	R-A		R-3		T-B		B-2		B-5		MUN		SD-WH		T5.1
	R-1		R-B		B-1		B-3		I-1		OPEN		T3		T5.2
	R-2		H-B		LB-2		B-4		I-2		SD		T4		T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



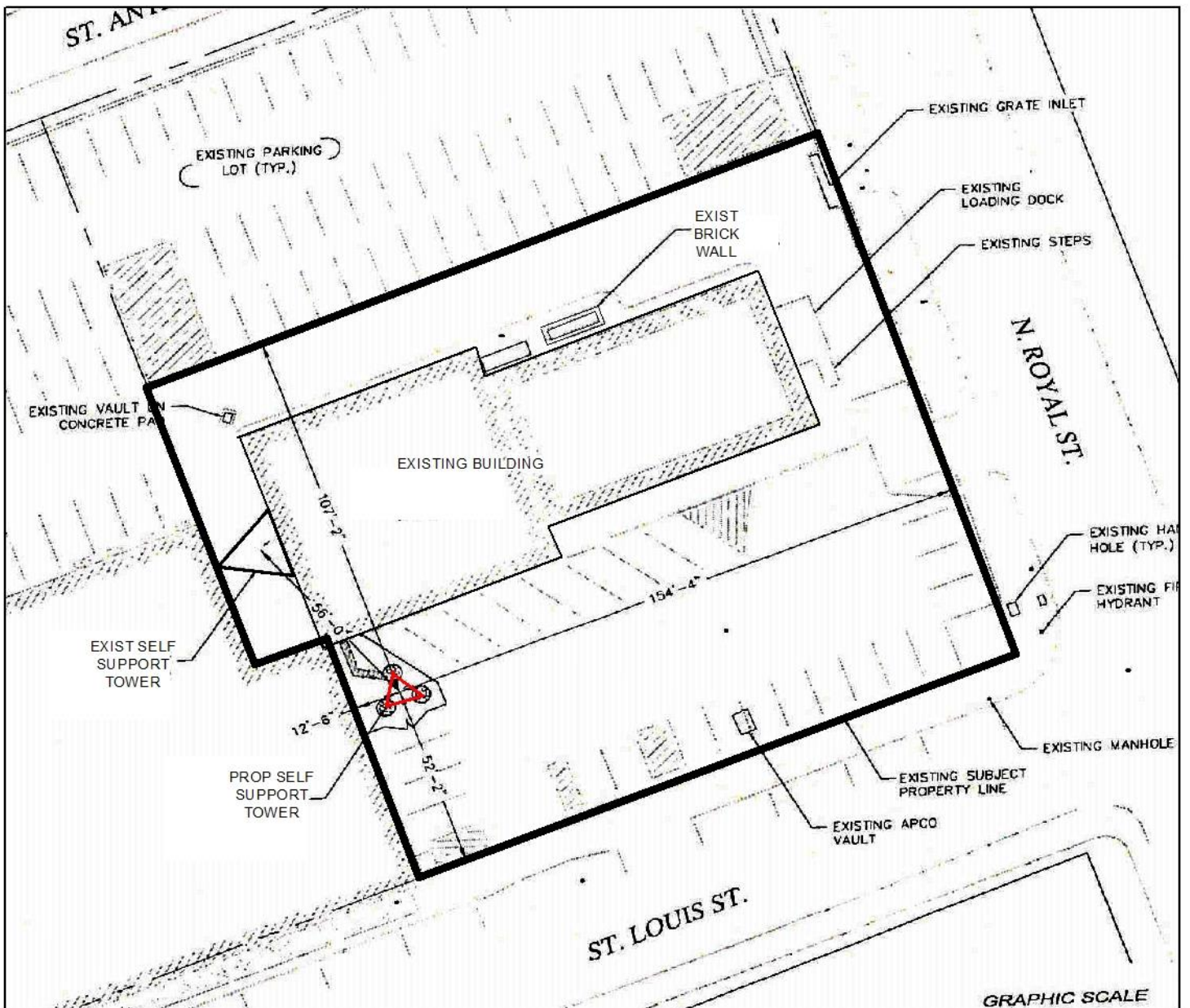
The site is surrounded by commercial units.

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# SITE PLAN



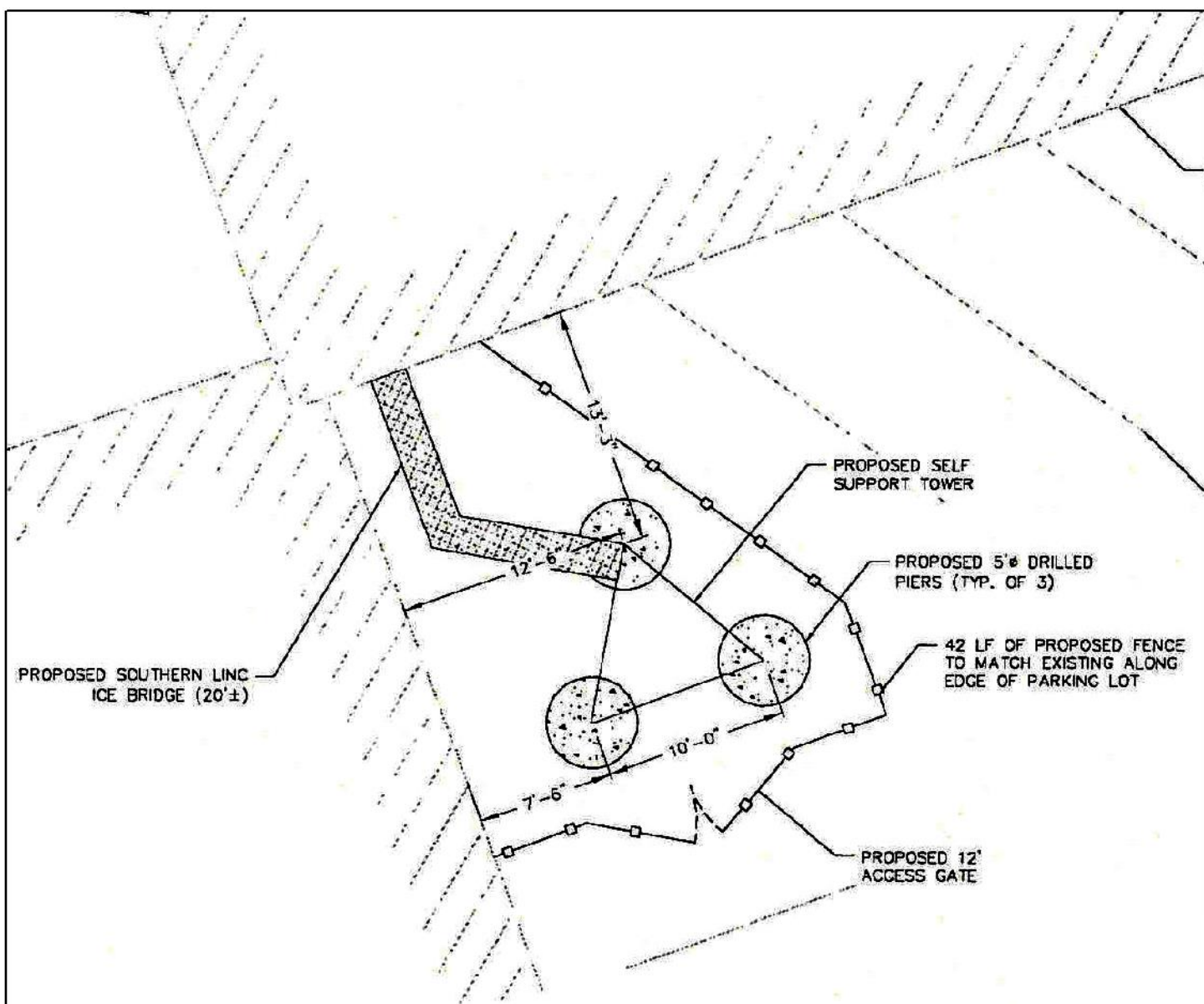
The site plan illustrates the existing building, existing tower, and proposed tower.

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# DETAIL SITE PLAN



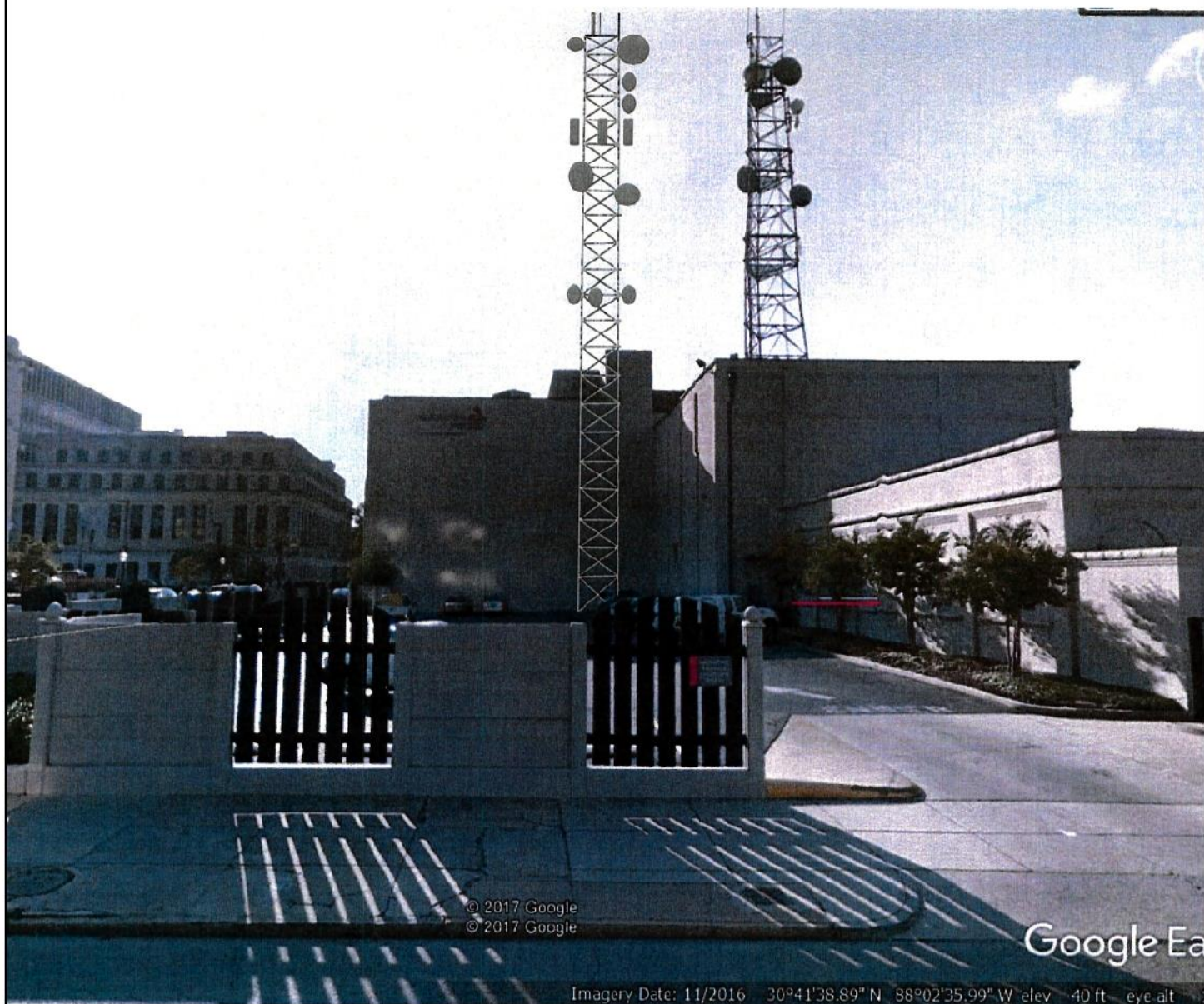
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