

APPLICATION NUMBER

5092

A REQUEST FOR

**HEIGHT, SETBACK AND BUFFER SEPARATION
VARIANCES TO ALLOW A 41 FOOT FLAGPOLE
ROOFTOP TELECOMMUNICATIONS TOWER; THE
MAXIMUM HEIGHT OF AN ANTENNA LOCATED ON AN
ANTENNAE SUPPORT STRUCTURE IS 20', TO ALLOW
89' OAH, TO ALLOW A 10' SETBACK FROM THE
PROPERTY LINE AND A BUFER SEPARATION OF 25'
FROM RESIDENTIAL PROPERTY; A MAXIMUM
HEIGHT OF 45' IS ALLOWED, A MINIMUM SETBACK
OF 41' IS REQUIRED FROM THE PROPERTY LINE AND
A MINIMUM BUFFER SEPARATION OF 200' IS
REQUIRED FROM RESIDENTIALLY ZONED PROPERTY
IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT**

LOCATED AT

1509 GOVERNMENT STREET

(South side of Government Street, 100' + East of Tuttle Avenue, extending to the East
side of Tuttle Avenue, 50' + North of Church Street, and North side of Church Street,
100' + East of Tuttle Avenue)

APPLICANT AGENT

FAULK & FOSTER O/B/O LOUISIANA UNWIRED LLC

OWNER

CCM INVESTMENTS, LLC

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2002

The applicant is requesting Height, Setback and Separation Buffer Variances to allow the construction of a 41' Flagpole Rooftop Telecommunications Tower, the maximum allowable height of an antenna located on an Antennae Support Structure is 20', to allow 89' overall height, to allow a 10' setback from the property line and a buffer separation of 25' from residential property; a maximum height of 45' is allowed, a minimum setback of 41' is required from the property line and a minimum buffer separation of 200 feet is required from residentially zoned property in a B-2, Neighborhood Business District.

The applicant states that the existing building at 1509 Government Street is insufficient in height to provide a stand alone antenna attachment. An extension to the building elevation above natural grade is necessary in order to facilitate radio frequency propagation to the intended recipients. The flagpole structure will be mounted to the rooftop of the existing building, extending an additional forty-one feet (41') above the overall height of the existing structure.

The applicant also states that the improvement to the existing five-story office building would be the installation of a stealth-design flagpole telecommunications tower. The flagpole tower will be used as an antenna mount support for wireless telephone signal transmission and reception. The proposed structure will accommodate antennas for the applicant and two (2) additional wireless telecommunications providers.

The general purpose of the Telecommunications Towers and Facilities Ordinance is to regulate the placement, construction and modification of Towers and Telecommunications Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Mobile.

In November 2001, the Board denied a 120-foot flagpole tower approximately one block to the East (the Recycle Center site). This application requests a 41-foot flagpole on top of an existing office building, and the overall height from grade to the top of the pole will be 89-feet.

There is a major distinction to be made between this request and the one heard by the Board in November. The previous application requested a 120-foot free-standing flagpole; this flagpole will be 41-feet tall, and 89-feet from grade. Additionally, flagpoles on top of buildings are not uncommon. However, with regard to the actual profile of the flagpole structure, the antennae are located on the outside of the pole. This design negates the concept of a stealth design for telecommunication towers. Recently the Board approved a flagpole tower at Murphy High School and all antennae must be located within the flagpole structure. The flagpole at this site should have all antennae located within the flagpole as well, as it is located on and will be highly visible from Government Street. Furthermore, a flag is not illustrated on the submitted rendering;

however, a flag that is proportional to the overall height of the flagpole should be required.

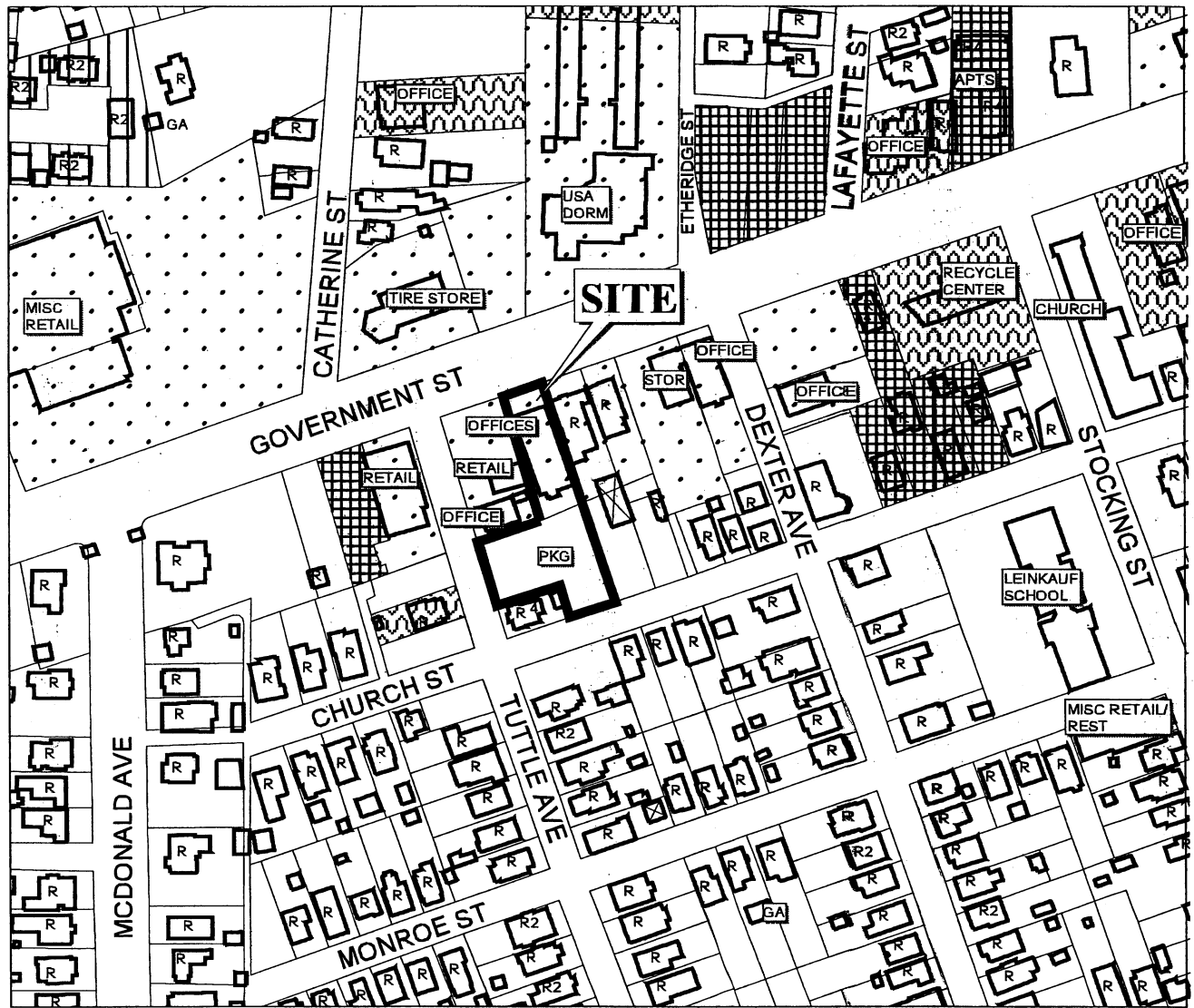
An additional issue is placement of the antennae structure. The site is located on Government Street and is located between two historic districts; and the applicant proposes to locate the structure at the Southeast corner of the building. This location would be extremely visible from the residential development to the South, and as previously stated, flagpoles on top of office buildings are somewhat typical, thus the structure should be located on the front of the building; specifically the Northeast corner. Additionally, as this building is not new, the submission of documentation from an engineer stating that the building (antennae support structure) will adequately support the proposed flagpole and associated telecommunication structure, should be required.

The intent of the Telecommunications Ordinance is to regulate the construction of towers, such that adequate coverage is available to service providers while maintaining the character of an area and protecting nearby residential properties, as well as encouraging collocation on existing antennae support structures, and manage the number of towers to avoid a proliferation of towers on the landscape.

Planning Approval was granted by the Planning Commission at its January 24th meeting.

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) the removal of the tower, at the owner's expense, if the tower ceases operation for two years or more; 2) that the design of the tower be limited to a flagpole, with all antennae located within the flagpole structure; 3) that a flag of proportionate size with the overall flagpole structure be located on the flagpole and maintained in good repair; 4) that the flagpole be relocated to the Northeast corner of the building; 5) the submission of documentation from an engineer stating that the building (antennae support structure) will adequately support the proposed flagpole and associated telecommunication structure 6) full compliance with the landscaping and tree planting requirements of the Ordinance 7) the submission of all documentation and certifications as required by the Telecommunications Towers and Facilities Ordinance, prior to the issuance of any permits; and 8) the provision of a Certificate of Insurance naming the City of Mobile as an additional insured.

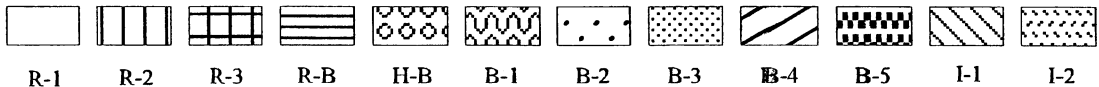
BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



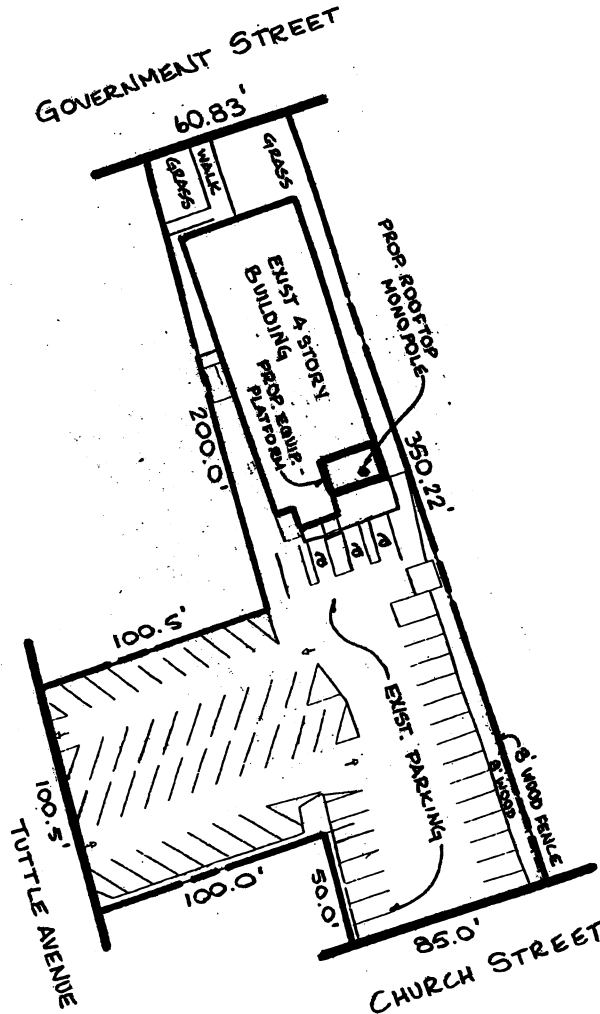
Located to the West and North of the site are miscellaneous retail and offices.
Located the the East and South of the site are single and multiple family residential dwellings.

APPLICATION NUMBER 5092 DATE February 4, 2001
APPLICANT Faulk & Foster o/b/o Louisiana Unwired, LLC
REQUEST Height, Setback, and Buffer Separation Variance

LEGEND



SITE PLAN

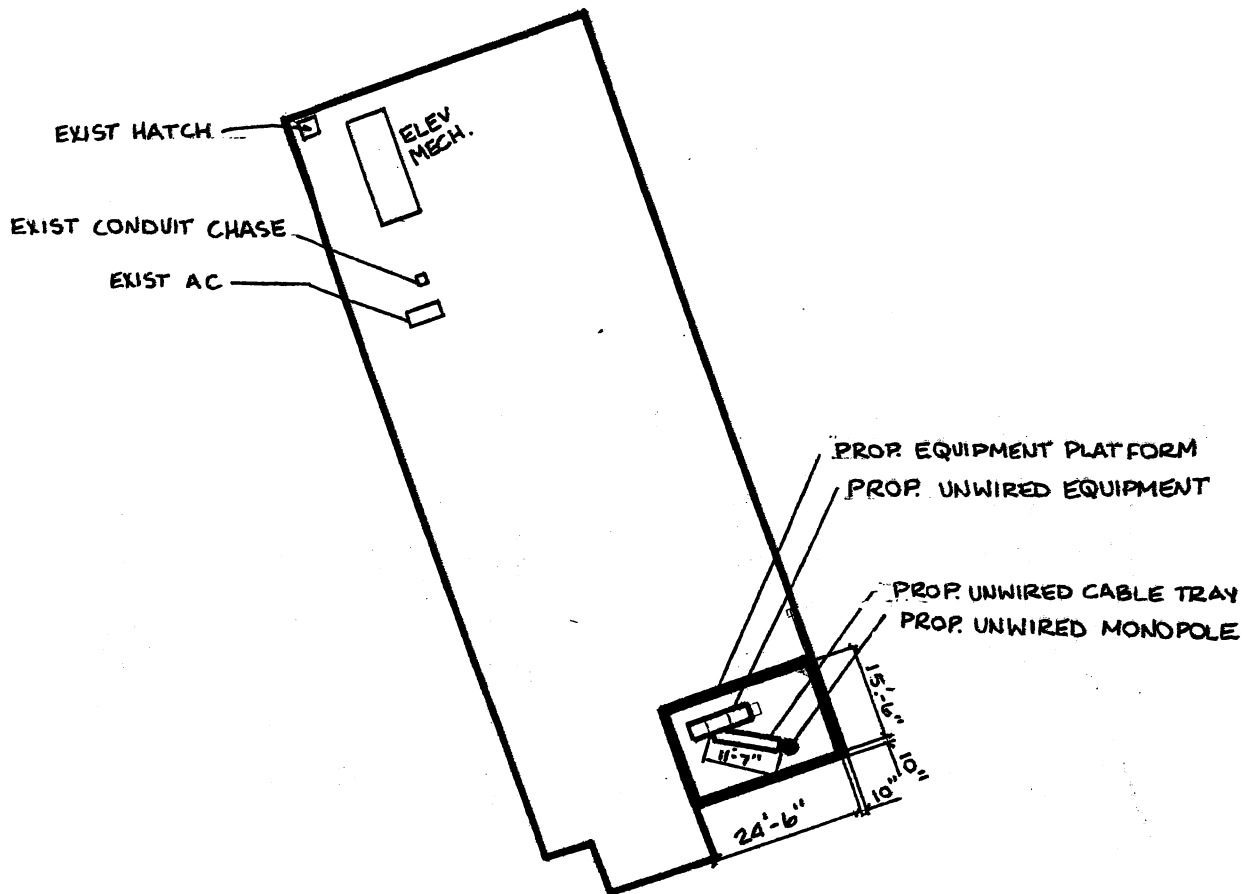


The site is located on the South side of Government Street, 100' East of Tuttle Avenue, extending to the East side of Tuttle Avenue, 50' North of Church Street, and the North side of Church Street, 100' East of Tuttle Avenue. The plan illustrates the existing building and parking, along with the proposed monopole location.

APPLICATION NUMBER 5092 DATE February 4, 2002
 APPLICANT Faulk & Foster o/b/o Louisiana Unwired, LLC
 USE/REQUEST Height, Setback, and Buffer Separation Variances



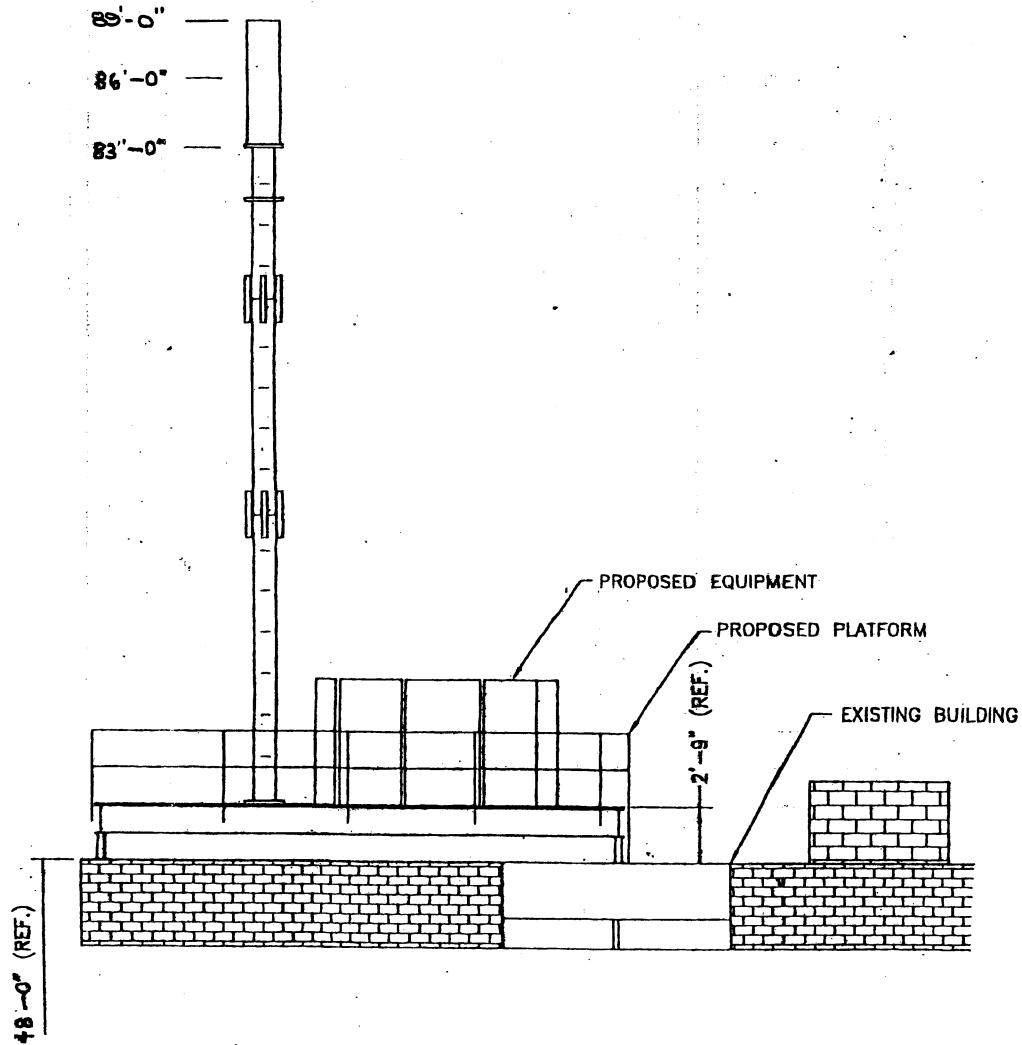
DETAIL SITE PLAN



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TOWER ELEVATION



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