

HOLDOVER

APPLICATION NUMBER

5369

A REQUEST FOR

**USE, HEIGHT, SETBACK, BUFFER SEPARATION, AND
ACCESS/MANEUVERING SURFACE VARIANCES TO ALLOW THE
CONSTRUCTION OF A 150' MONOPOLE TELECOMMUNICATIONS
TOWER, SETBACK 25' FROM A LEASE PARCEL LINE, SETBACK 25' FROM
RESIDENTIALLY ZONED PROPERTY, WITH A GRAVEL DRIVE AND
PARKING; TELECOMMUNICATIONS TOWERS ARE ALLOWED ONLY IN
COMMERCIAL DISTRICTS WITH PLANNING APPROVAL OR INDUSTRIAL
DISTRICTS BY RIGHT, THE MAXIMUM ALLOWBLE HEIGHT IS 35', A 150'
TOWER MUST BE SETBACK 150' FROM A LEASE PARCEL LINE, A
MINIMUM SEPARATION OF 225' (150% OF THE TOWER HEIGHT) IS
REQUIRED FROM RESIDENTIALLY ZONED PROPERTY, AND
ACCESS/MANEUVERING AREAS FOR TOWERS MUST BE ASPHALT,
CONCRETE, OR AN APPROVED ALTERNATIVE PAVING SURFACE, IN AN
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

2801 KNOLLWOOD DRIVE

(East side of Knollwood Drive, 575'± North of Brierfield Lane)

APPLICANT

T-MOBILE

AGENT

DAVID WILKINS

OWNER

FAITH BAPTIST CHURCH

BOARD OF ZONING ADJUSTMENT

OCTOBER 2006

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ANALYSIS APPLICATION 5369

Date: October 2, 2006

The applicant is requesting Use, Height, Setback, Buffer Separation, and Access/ Maneuvering Surface Variances to allow the construction of a 150' Monopole Telecommunications Tower, setback 25' from a lease parcel line, setback 25' from residentially zoned property, with a gravel drive and parking; telecommunications towers are allowed only in commercial districts with Planning Approval or industrial districts by right, the maximum allowable height is 35', a 150' tower must be setback 150' from a lease parcel line, a minimum separation of 225' (150% of the height of the tower) is required from residentially zoned property, and access/maneuvering areas for towers must be asphalt, concrete, or an approved alternative paving surface, in an R-1, Single-Family Residential District.

The applicant states that there are no commercial sites in the area and that this site differs from others because it is for public use (a church) and is much larger than other properties. It is stated that a height variance is required because of the height of the structure required for the proposed use and the topography. It is further stated that the variance for the access road surface and parking will greatly reduce storm water runoff, and that this property is different from others in the search area because it is the only one where a site could be leased that provided the greatest buffer and separation. It is further stated that there are no towers or usable structures within ½ mile of the proposed site.

The proposed general site is a large piece of property consisting of almost five acres. The tower compound is proposed to be located directly adjacent to R-1, Single-Family Residential zoning and use, and the tower is proposed to be 25' from such. With respect to the applicant's statement that this was the only site in the search ring which provided the greatest buffer and separation, it would seem that on a five acre piece of property, a location which would afford a buffer separation greater than 25' from residential property could be found. With respect to the request to have a gravel access/maneuvering surface for the access drive because it would minimize storm water runoff, proper drainage and storm water control measures would minimize such concerns.

The applicant has not submitted all of the documentation as required in Section 64-4-J-4-4 of the Zoning Ordinance. The applicant is required to submit written documentation that they have (1) made diligent, but unsuccessful efforts for a minimum of forty-five (45) days prior to the submission of the application to install or collocate the Telecommunications Facilities on Towers or usable Antenna Support Structures owned by the City and other persons located within one-half mile radius of the proposed tower site; or (2) written, technical evidence from an engineer that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another tower or usable antennae support structure located at the proposed site in order to meet the coverage requirements of the Applicant's wireless communications system.

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The applicant states this tower site is needed to improve mobility coverage as well as in-building coverage in the service area, and their current services do not meet these coverage objectives. The applicant states that a 150-foot monopole tower designed to serve three cellular service providers would provide such coverage.

The Telecommunications Towers and Facilities Ordinance establishes specific criteria for granting setback, buffer separation and height variances. The Ordinance states that a modification to the setback requirement should be considered in situations where “the only alternative is to locate the tower at another site which poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land.”

In evaluating applications for telecommunication towers, the submission of propagation maps illustrating the existing and proposed coverage is a vital part of application. The applicant has not submitted propagation maps illustrating the need for a tower in the area or documentation illustrating that the tower will be engineered to provide co-location for other carriers (structure illustrates three carriers). The applicant has not submitted an affidavit from a radio frequency engineer stating that there are no usable existing antenna support structures within a ½ mile radius of the proposed site location, and that a tower must be located at the coordinates in order to meet the applicant’s coverage requirements.

The applicant must submit information illustrating a need for coverage in the area, and there are concerns regarding the proposed location of the tower. Furthermore, as stated previously the overall site is quite large (5± Acres), and there could be other locations within the site that would comply with the buffer separation requirements (distance to residential property) of the Ordinance.

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.

The intent of the Telecommunications Section of the Zoning 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.

As stated previously, the proposed location of the tower is within the separation buffer setback which is intended to buffer residential neighborhoods from the tower; therefore, there are concerns as to how this tower placement would impact the residential character of the surrounding neighborhood and to the possible re-location of the tower within the existing development which would meet the separation buffer requirements of the

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Ordinance. As variances are site plan specific, it is recommended that this application be heldover to allow the applicant to work with the property owner to possibly site the tower out of the required separation buffer setback and to include the existing development on the site plan.

Revised for the September meeting:

Subsequent to the August Board meeting, the applicant submitted the required affidavit from a radio frequency engineer concerning the lack of other suitable sites within the coverage area, and a network coverage map. However, the site plan is being revised to illustrate an alternative tower location and church facilities, but has not yet been submitted. It is, therefore, recommended that this application be held over in order that the revised site plan can be submitted.

Revised for the October meeting:

After the September Board meeting, the applicant submitted a revised site plan relocating the tower toward the Northwest; approximately 190 feet West of the rear (East) property line, and approximately 133 feet South of the North property line. The dimensions of the lease compound are still 50 feet by 50 feet. Proposed vehicular access is via a 12-foot wide gravel drive from the middle East edge of the existing parking lot, turning Southeast, and connecting to the South side of the compound. No parking area is shown to be provided for a service vehicle. The new location still requires all variance elements as originally submitted (use, height, setback, buffer separation, and access/maneuvering).

The applicant has already illustrated that there is a hardship in locating other suitable tower sites within the coverage area and has substantially revised the tower location to reduce the impact on neighboring residentially zoned and used properties. However, the applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship with respect to the gravel access/maneuvering surface variance request. It is simply the applicant's desire to provide a 12' wide drive, without parking, and a gravel surface.

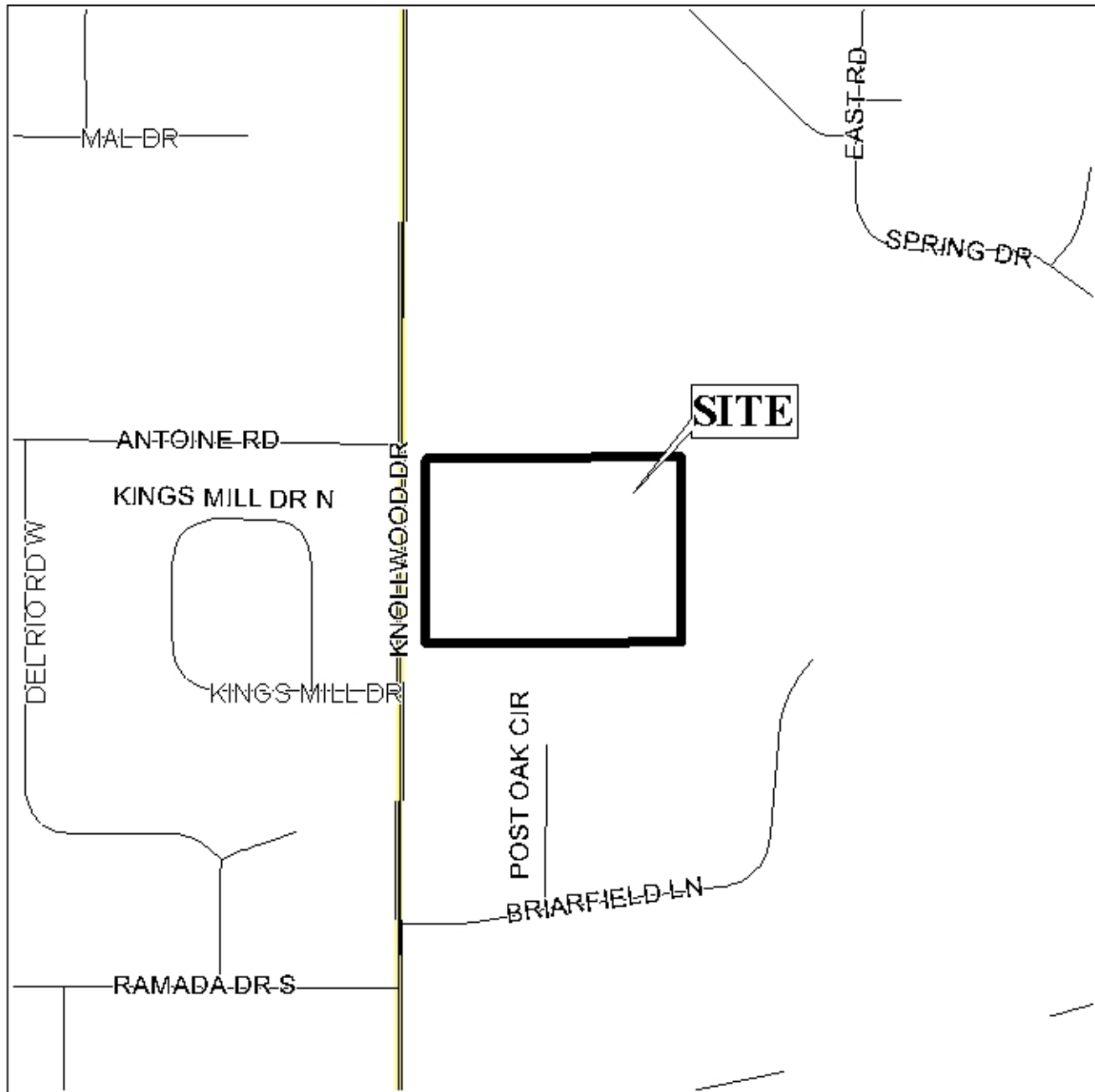
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RECOMMENDATION 5369

Date: October 2, 2006

Based upon the preceding, it is recommended that the variances for substandard access/maneuvering and a gravel surface be denied, and that the use, height, setback, and buffer separation requests be approved, subject to the following conditions: (1) the paving of the 12' drive and parking space as required by the Ordinance; (2) full compliance with landscaping and tree planting requirements of the Ordinance for the lease parcel (to be coordinated with and approved by Urban Forestry); (3) full compliance with all municipal codes and ordinances, including, but not limited to, the Telecommunications Towers and Facilities requirements of the Ordinance; (4) that the applicant submit a Certificate of Insurance naming the City of Mobile as an additional insured; and (5) the provision of an engineer's certification regarding the collocation capability of the tower.

LOCATOR MAP



APPLICATION NUMBER 5369 DATE August 7, 2006

APPLICANT T-Mobile

REQUEST Use, Height, Setback, Buffer Separation, Access/Maneuvering Surface Variances



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units

APPLICATION NUMBER 5369 DATE August 7, 2006

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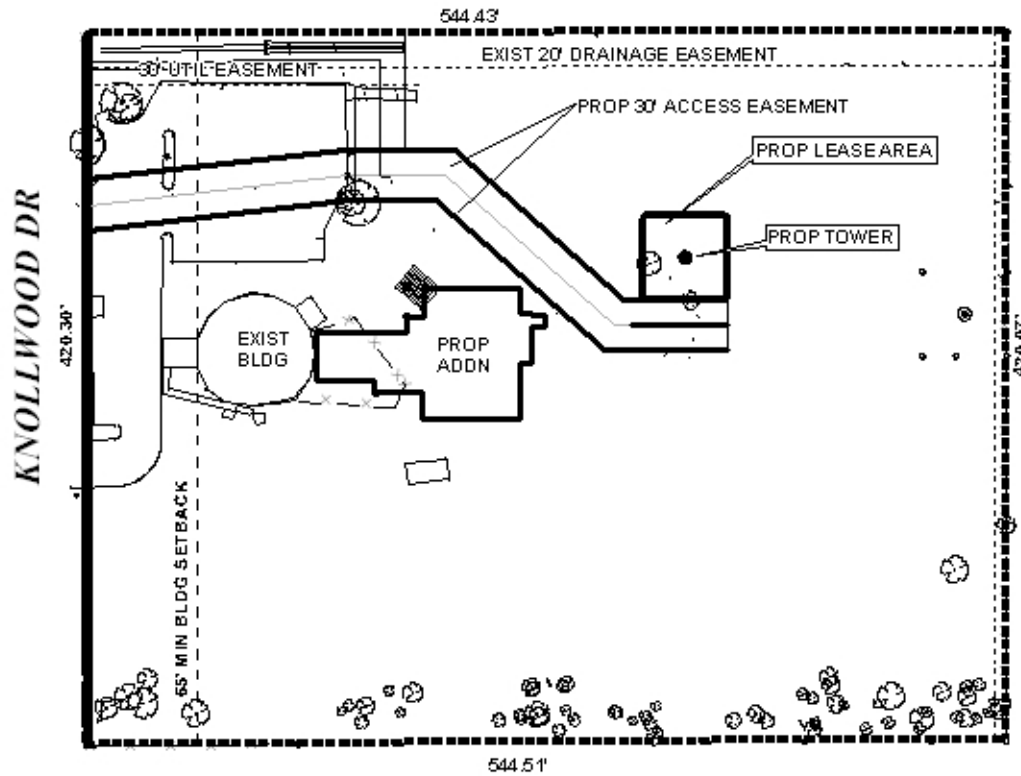
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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SITE PLAN



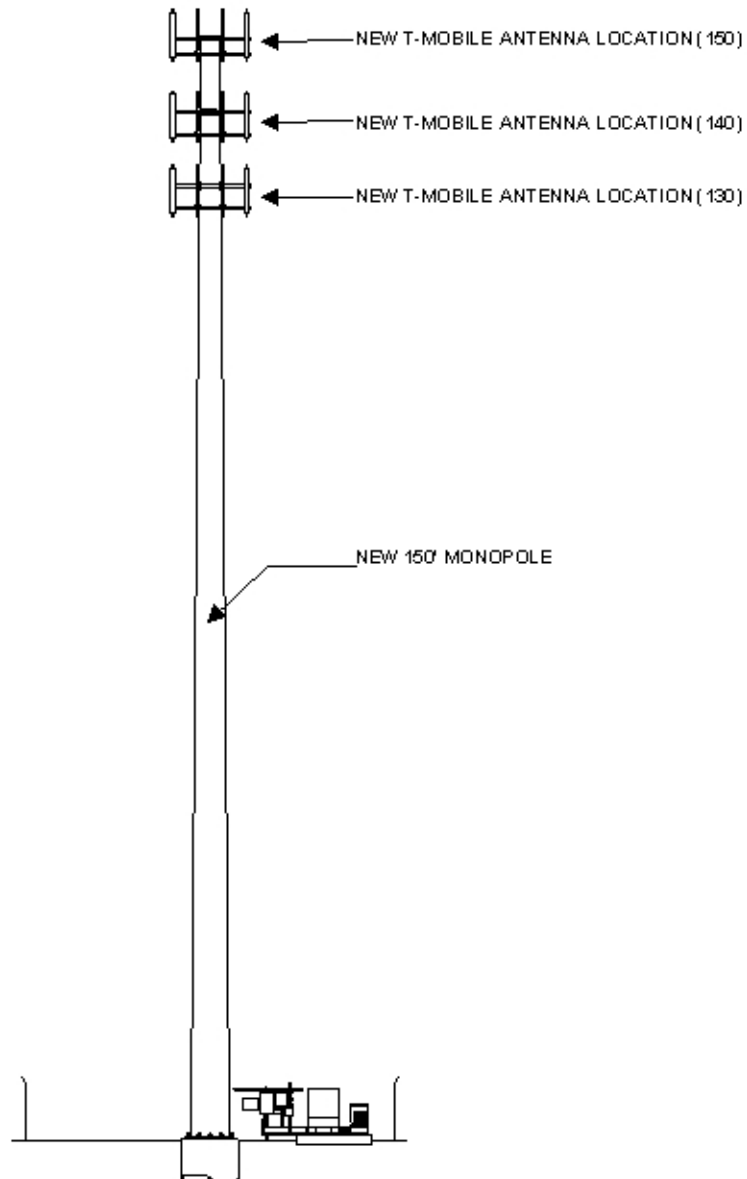
The site plan illustrates the proposed tower, easement, and lease area

APPLICATION NUMBER 5369 DATE October 2, 2006
 APPLICANT T-Mobile
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DETAIL SITE PLAN



APPLICATION NUMBER 5369 DATE August 7, 2006

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