

PLANNING APPROVAL STAFF REPORT**Date: June 20, 2019****NAME**

Branch Towers III, LLC

LOCATION3168 Midtown Park South
(North side of Midtown Park South, 335'± East of
Midtown Park West).**CITY COUNCIL
DISTRICT**

District 1

PRESENT ZONING

B-3, Community Business District

AREA OF PROPERTY

2 Lots / 0.89± Acre

CONTEMPLATED USEPlanning Approval to allow a 150' monopole tower with a
10' lightning rod on top in a B-3, Community Business
District.**TIME SCHEDULE
FOR DEVELOPMENT**

Immediately after approvals.

**ENGINEERING
COMMENTS**

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.

5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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 (2012 International Fire Code).

REMARKS

The applicant is requesting Planning Approval to allow a 150' monopole tower with a 10' lightning rod on top in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

Additionally, if the site plan is changed from what is approved by the Planning Commission, a new application for Planning Approval will be required.

Regarding Planning Approval, the general purpose of the Telecommunication 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. Specifically, the purposes of the Ordinance are:

- to regulate the location of towers and telecommunications facilities in the city;
- to protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
- to minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- to promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
- to avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound;
- to ensure that towers and telecommunications facilities are compatible with surrounding land uses; and,
- to facilitate the provision of wireless telecommunications serves to the residents and businesses of the city in an orderly fashion.

The Telecommunications Towers and Facilities Ordinance requires very specific documentation relating to the carrier's service area, and the numbers of potential collocation towers within a ½ mile radius are required to be submitted with the application. Additionally, certain site improvements are required. Such documentation has been provided by the applicant and satisfies the specific application requirements of Section 64-4.J. 4 of the Zoning Ordinance, to include the proposed tower's ability to facilitate collocation of two (2) additional cellular telecommunications carriers.

The applicant states:

T-Mobile USA, Inc. respectfully submits this letter to site a telecommunications tower at 43168 Midtown Park South. The proposed tower is required to provide much needed capacity to our subscribers accessing our mobile services.

T-Mobile Engineering has determined that the existing adjacent T-Mobile sites with site numbers 9MT0104, 9MT125RA, 9MT1005A and 9MT0154A as seen on the enclosed maps, are unable to handle the capacity of our existing users. This increased capacity is resulting in access failures and hinders our customers' ability to place voice calls, E911 calls or access important services. It is very critical for our subscribers to access our network always, especially in an emergency. High congestion and lack of coverage in any given area restricts our customer's ability to access important features due to low throughput and poor signal strength.

We are requesting a tower height of 150'. Any height below 150' will limit the signals ability to transmit farther and provide us with optimum capacity offload as well as in building coverage.

The subject site is bordered by B-3 to the East, North and West, and by B-1, Buffer Business, to the South across Midtown Park South.

The applicant has submitted Tower Height, Setback, Landscape and Tree Planting Variance requests scheduled for the July 8th Board of Zoning Adjustment meeting. Should this Planning Approval request be approved, it should be subject to the Height and Setback Variance requests being approved. Should the Board deny the Height and Setback requests, then the Planning Approval would become a moot point. Should the Board deny the Landscape and Tree Planting Variance request, the site plan should be revised to indicate compliance as required by the Board.

The review for a new tower on a site where one has never been located requires justification for the tower via the provision of documentation that the applicant was unable to collocate on an existing tower or antenna support facility within a one-half mile radius of the proposed site. As the applicant has stated in documentation provided, there are no towers or suitable antenna support structures located within a one-half mile radius of the proposed site. Compliance with the tower's structural requirements of Section 64-4.J.8. of the Zoning Ordinance and current building code is certified by a Professional Engineer licensed in the State of Alabama, per a letter provided by the applicant.

The subject site consists of an existing office building and parking lot with an undeveloped area at the North end of the site. The tower and compound are proposed to be within the undeveloped portion of the site. The site plan submitted indicates the 50' x 50' (2,500 square feet) tower compound/lease area. Access to the compound is indicated to be via a 25' wide access and utility easement across the existing paved driveway and parking lot. A compliant paved parking area/turnaround is indicated connecting the existing parking lot with the tower compound.

The site plan indicates a compliant 8' high wooden privacy fence surrounding the tower facility with two 8'-wide access gates at the end of the turnaround area. No barbed wire fencing is indicated on the site plan and there is a note on the site plan stating that, if barbed wire fencing is proposed, it must be approved by the Director of Build Mobile. This note should be retained on the site plan.

No public sidewalk is indicated on the site plan, and none currently exists along the public street frontage of the site. However, as no work is proposed within the right-of-way in association with the project (i.e., no new curb-cuts), a sidewalk should not be required at this time.

Illumination is prohibited by Section 64-4.J.11. of the Zoning Ordinance unless required by the Federal Aviation Administration (FAA). The applicant should either submit documentation verifying that a tower illumination beacon is required by the FAA, or a note should be placed on the site plan stating that no tower light beacon is allowed.

The applicant has submitted a letter stating that the tower operation will not produce noise levels in excess of the applicable noise standards under Washington Administrative Code (WAC) 173-60, per Section 64-4.J.14 of the Zoning Ordinance. That letter also states that Radio Frequency (RF) Emissions will meet Federal Communications Commission (FCC) regulations, as per Section 64-4.J.15. of the Zoning Ordinance.

All towers and telecommunications facilities are required to be of a camouflage design per Section 64-4.J.16. of the Zoning Ordinance. An engineer's letter indicates such compliance, as well as the tower's ability to accommodate two additional carriers.

The proposed tower compound extends slightly into an Alabama Power Company easement in the Southwest corner of the compound. A note on the site plan states that no shelters or equipment pads are to be placed within this easement, and this note should be retained on the site plan.

Maintenance requirements of the proposed tower are detailed in Section 64-4.J. 15. of the Zoning Ordinance, with which the applicant should maintain compliance. It should be noted, however, that in the event that use of the tower is discontinued, the tower owner shall provide written notice to the City of the intent to discontinue its use or cease operations, along with the date when its use shall be discontinued.

Finally, justification of the Planning Approval request is provided by the applicant inasmuch as their inability to find a suitable tower within a ½ mile radius on which they can collocate their cellular telecommunications equipment. Propagation maps illustrating the need for the tower in the area have also been submitted. The maps indicate the in-fill coverage of the proposed tower within the area. As such, approval of the request would seem appropriate.

RECOMMENDATION

Planning Approval: Based upon the preceding, staff recommends to the Planning Commission the following findings of facts for Approval of the Planning Approval:

- a) the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because it should have no impact on any of those items due to the fact that no new structure is proposed in which persons will live or work;

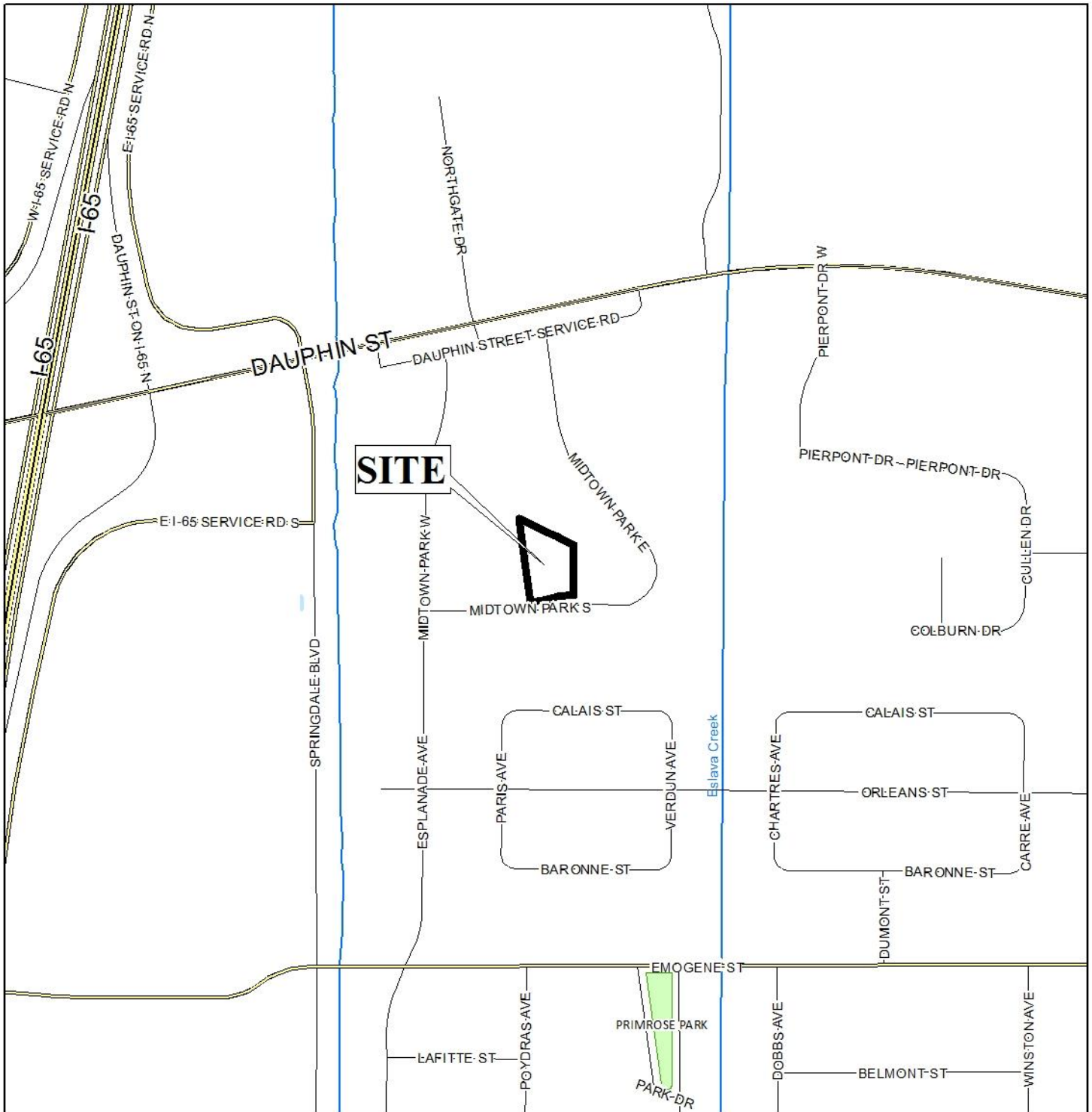
- b) the proposal will not cause undue traffic congestion or create a traffic hazard, because there would not be anyone working or residing at the tower site; and
- c) the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the tower would have no negative impact on the current and allowed uses within the area.

The Approval is subject to the following conditions:

- 1) the tower is limited to a monopole design;
- 2) the approval of Tower Height and Setback Variance requests by the Board of Zoning Adjustment for the proposed tower;
- 3) revision of the site plan to provide compliant landscaping and tree plantings should the Board of Zoning Adjustment deny the Landscaping and Tree Planting Variance requests;
- 4) retention of the note on the site plan stating that, if barbed wire fencing is proposed, it must be approved by the Director of Build Mobile;
- 5) submission of documentation verifying that a tower illumination beacon is required by the Federal Aviation Administration (FAA), or placement of a note on the site plan stating that no tower light beacon is allowed;
- 6) retention of the note on the site plan stating that no shelters or equipment pads are to be placed within the Alabama Power Company easement;
- 7) subject to the Engineering comments: *[1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.];*
- 8) subject to the 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.];*

- 9) subject to the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).]*;
- 10) submittal to and approval by Planning and Zoning of one (1) copy of a revised site plan prior to the submittal for land disturbance and building permits; and
- 11) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5 DATE June 20, 2019

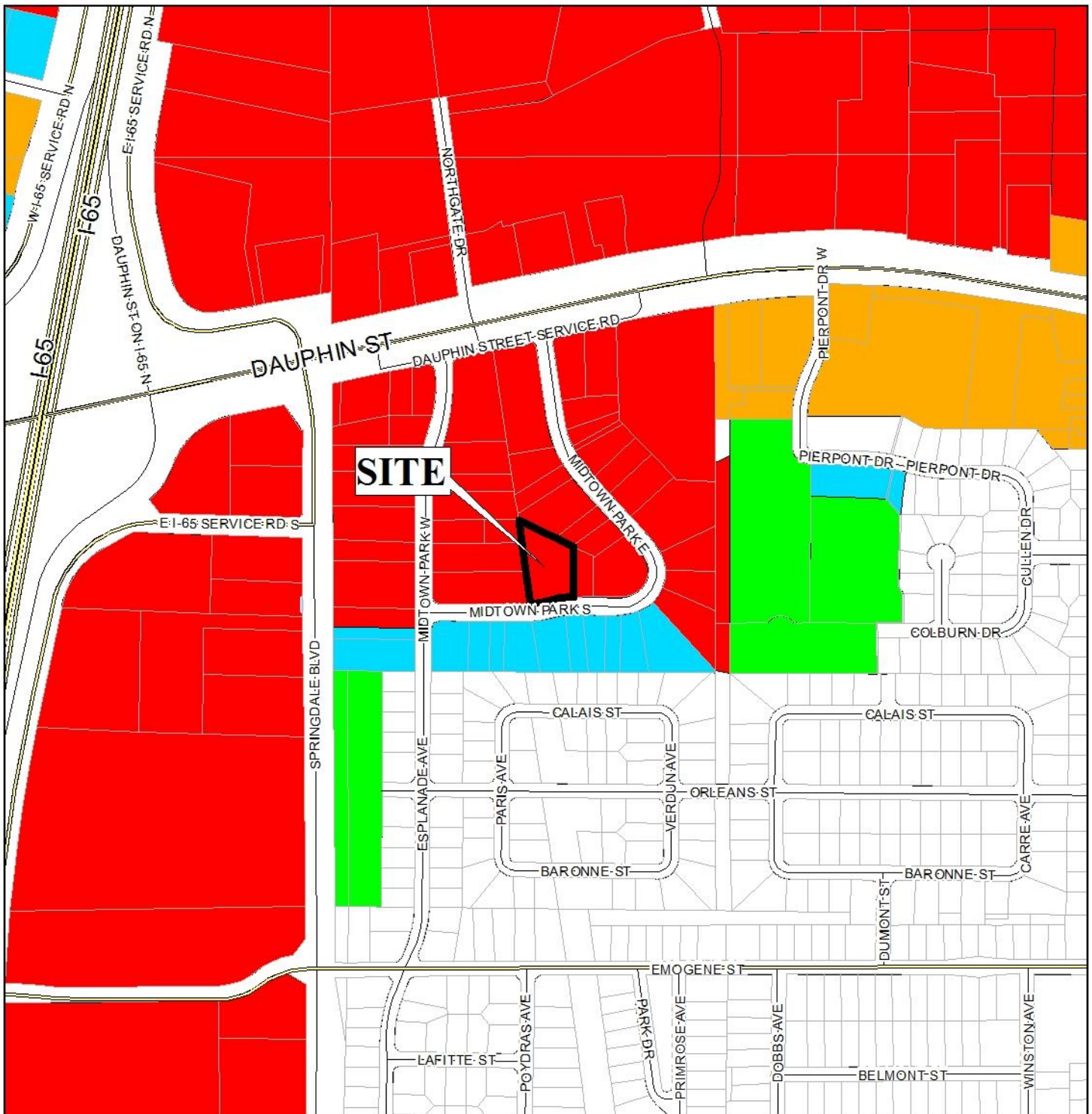
APPLICANT Branch Towers III, LLC

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NTS

LOCATOR ZONING MAP



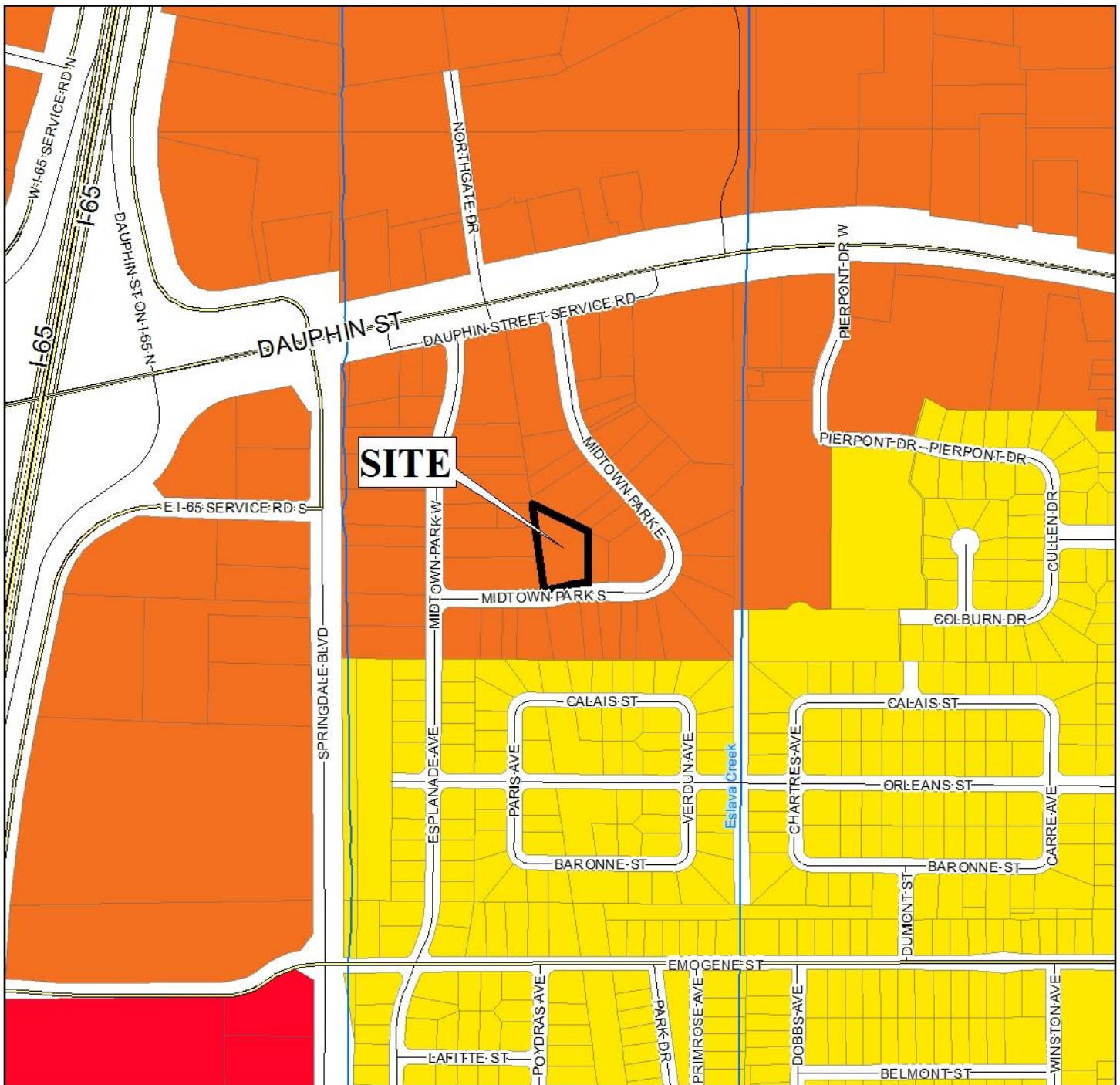
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FLUM LOCATOR MAP



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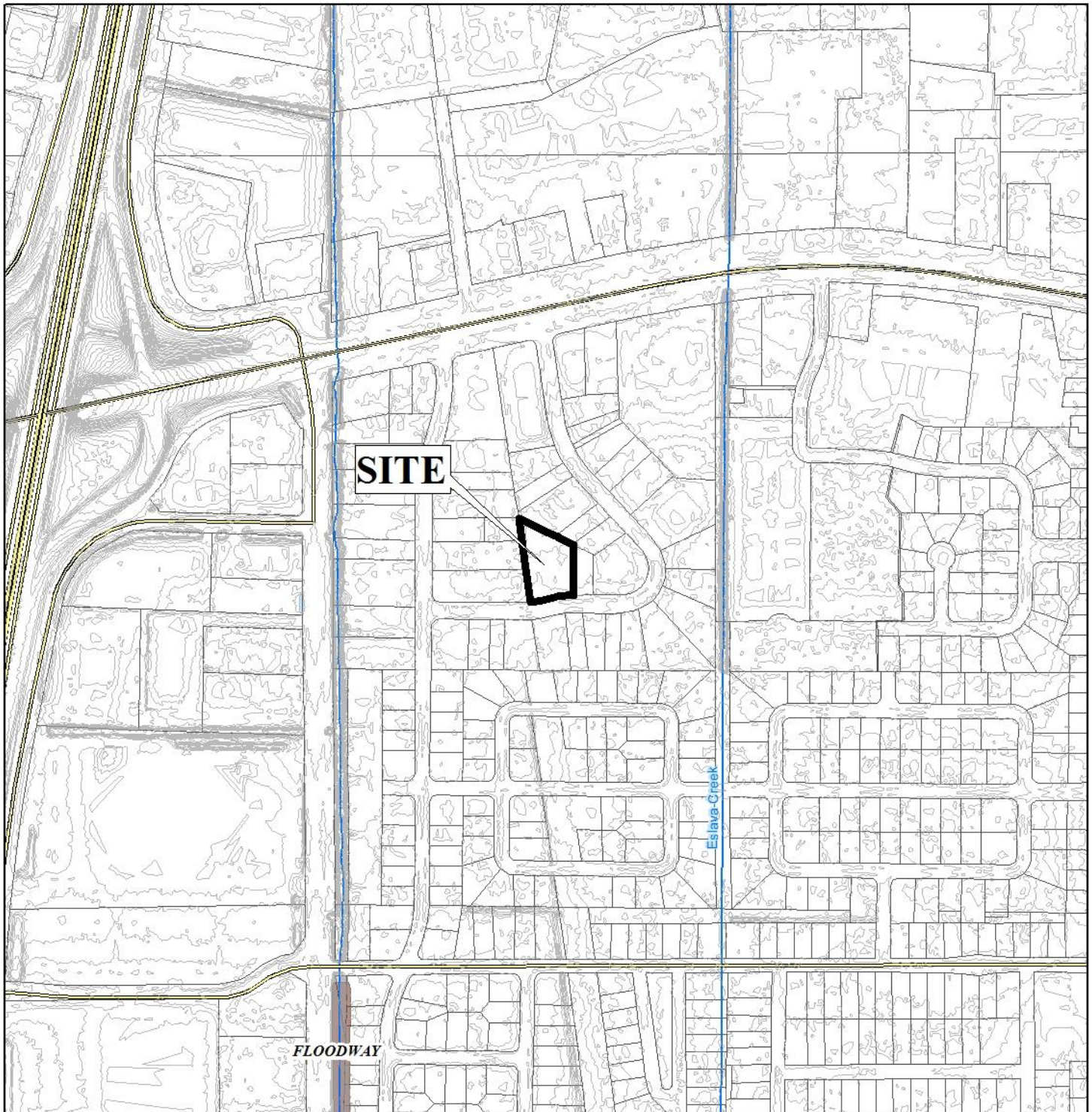
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



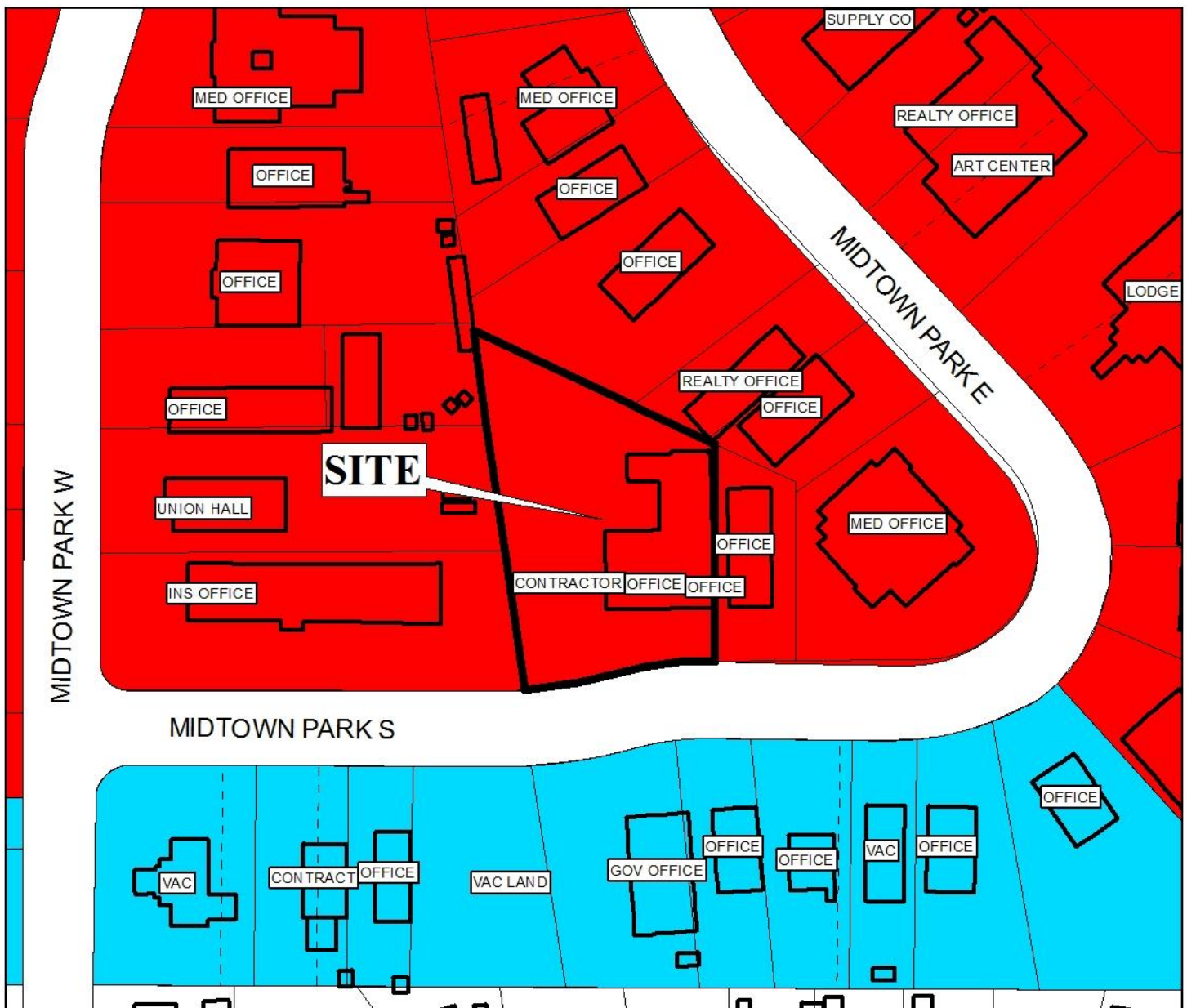
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

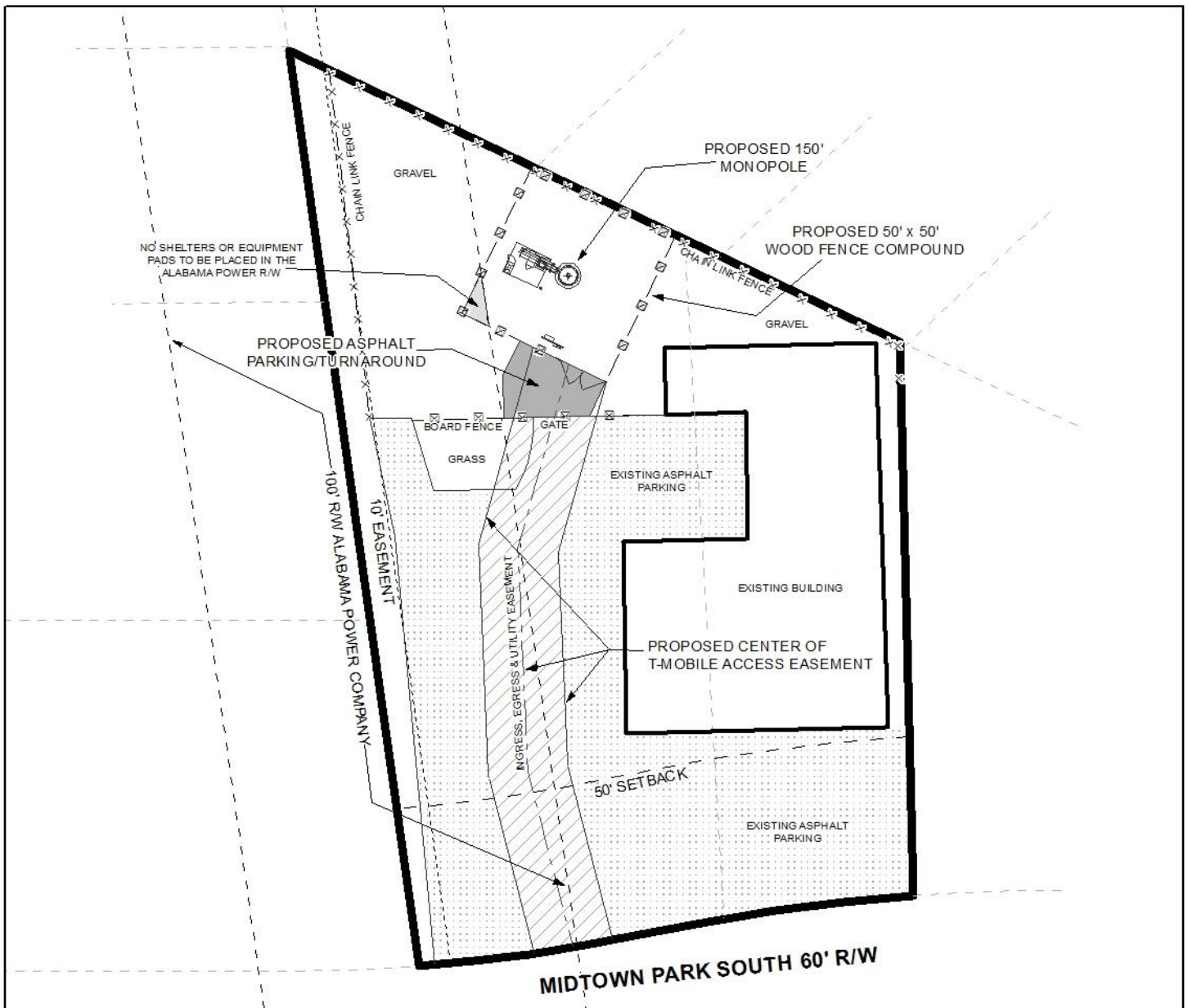
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SITE PLAN



The site plan illustrates the proposed monopole, the proposed fences, proposed parking, the existing building, setbacks and easements.

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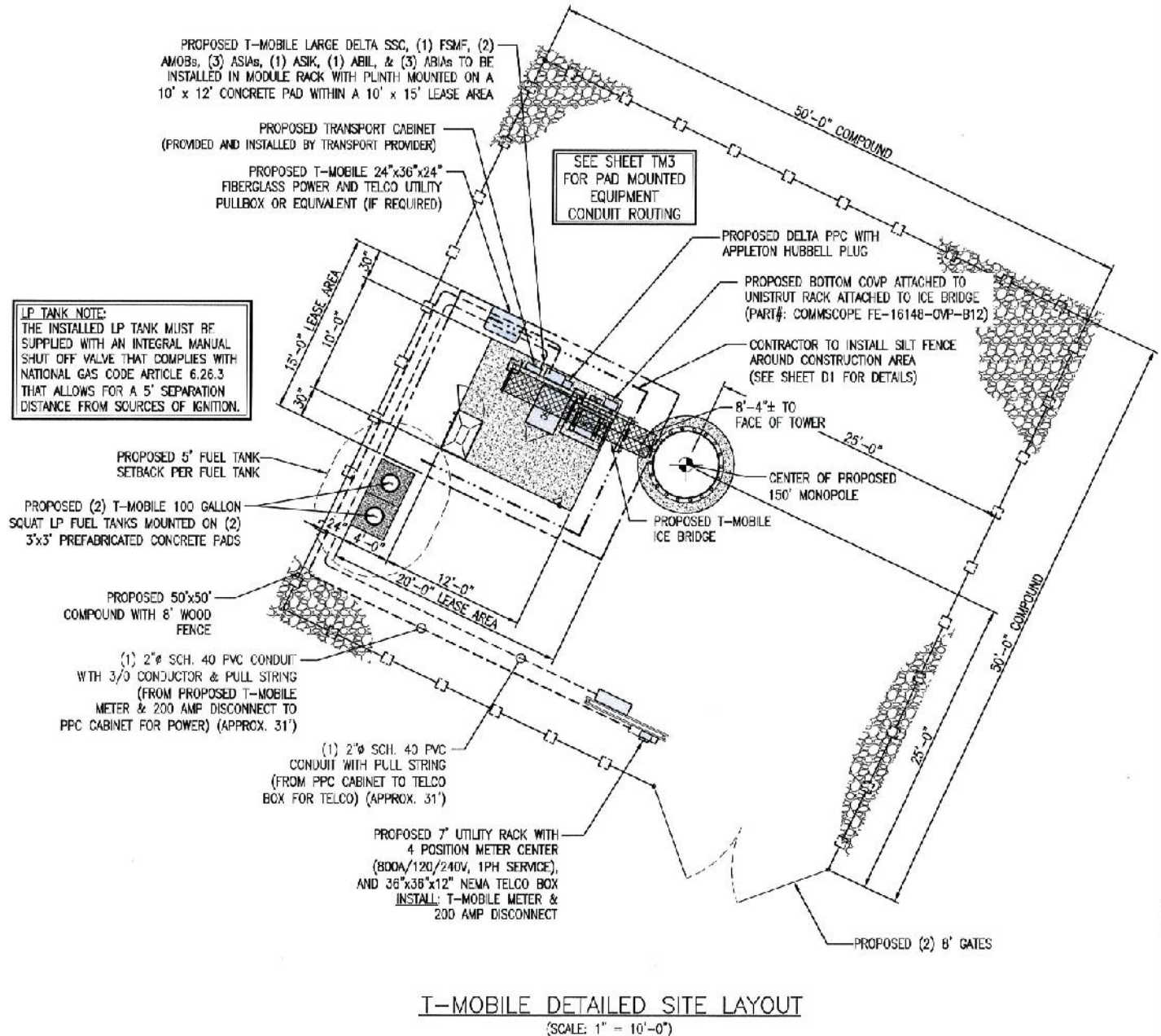
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DETAIL SITE PLAN



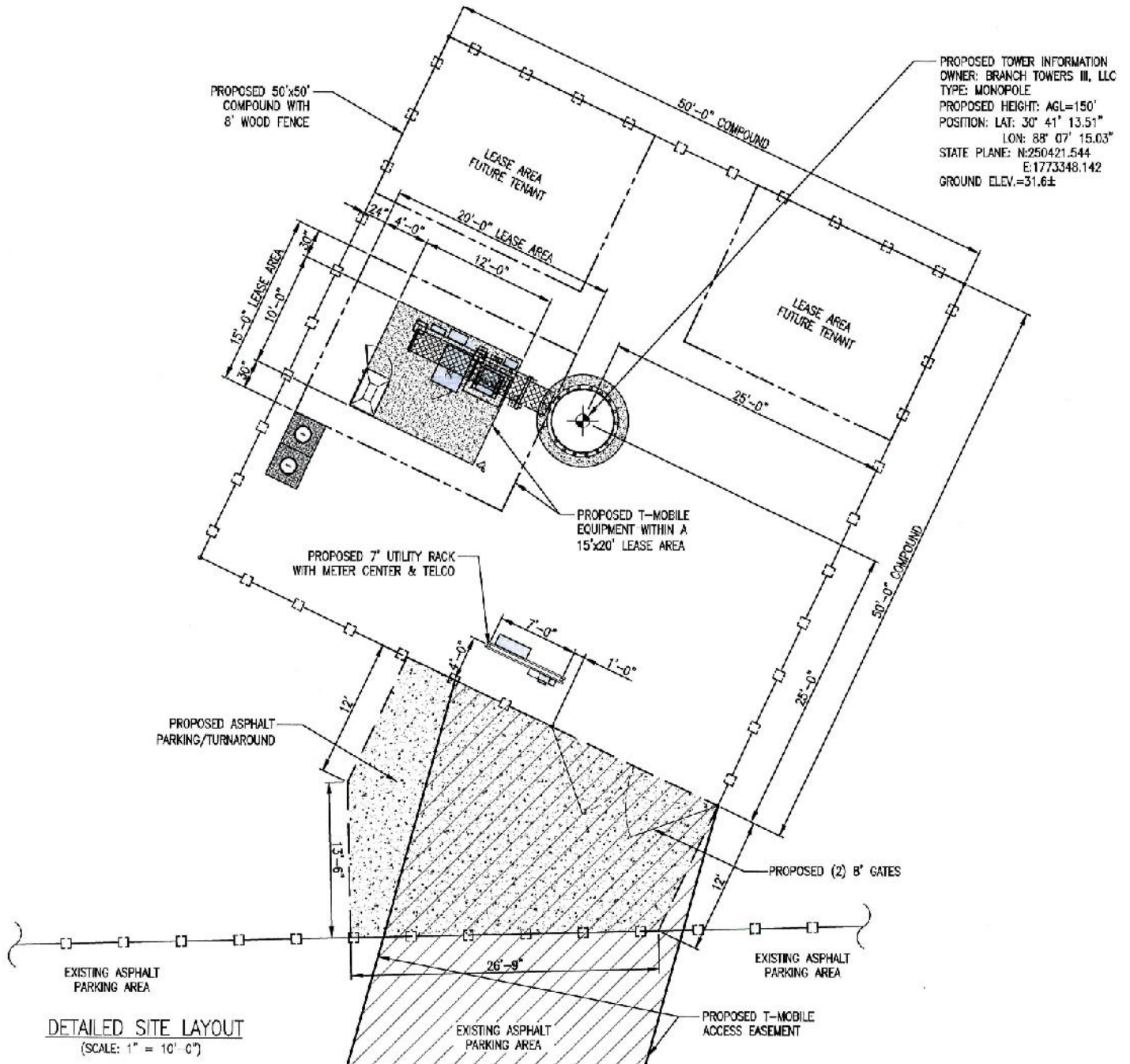
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DETAIL SITE PLAN



APPLICATION NUMBER 5 DATE June 20, 2019

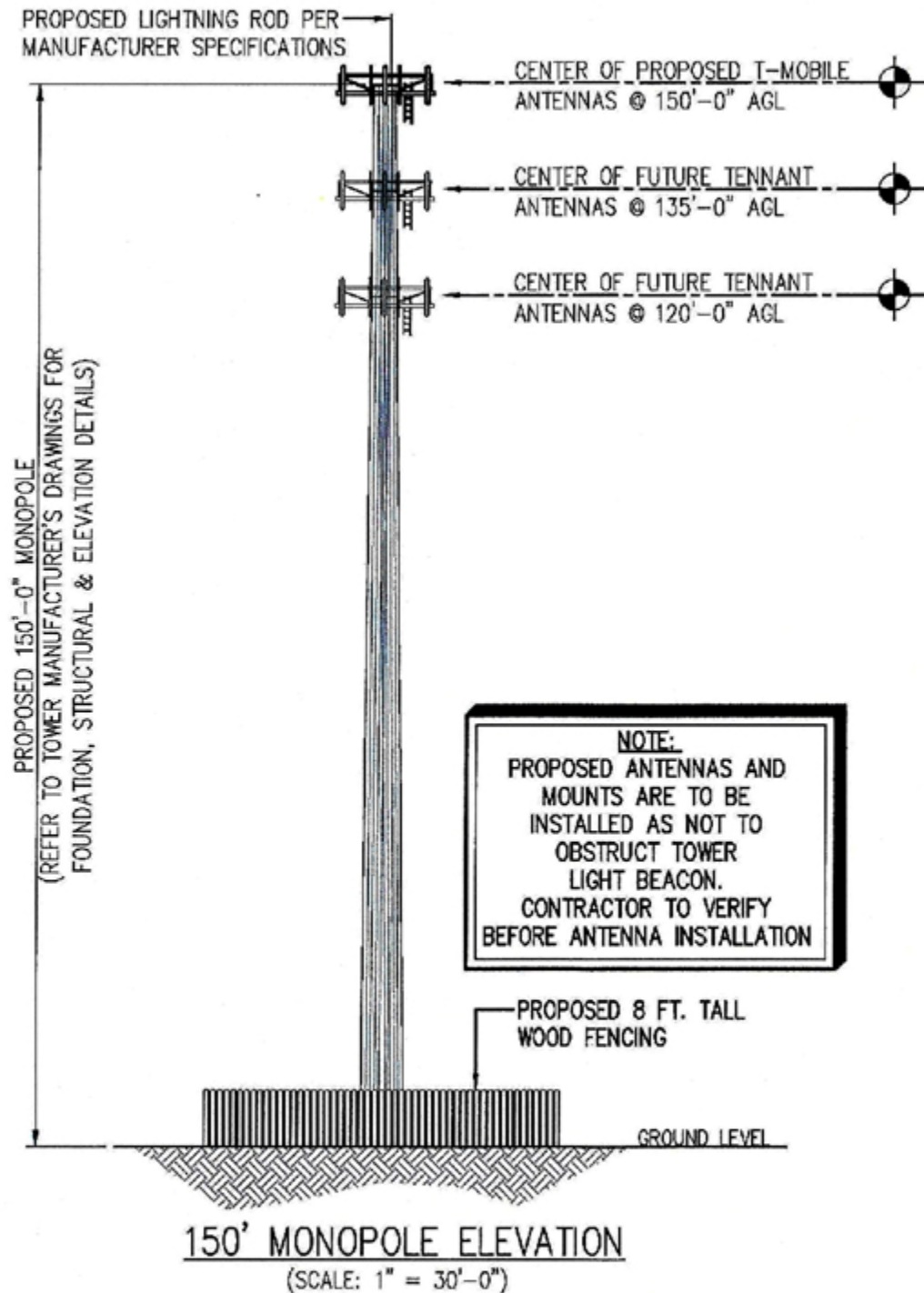
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DETAIL SITE PLAN



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