

**PLANNING APPROVAL****Date: November 1, 2018****NAME**

American Tower Corporation

**LOCATION**721 Oak Circle Drive West  
(East side of Oak Circle Drive West, 350'± North of Cottage Hill Road).**CITY COUNCIL  
DISTRICT**

District 5

**PRESENT ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1 Lot / 0.4± Acre

**CONTEMPLATED USE**

Planning Approval to amend a previously approved Planning Approval to allow a communications tower in a B-2, Neighborhood Business District.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None given.

**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. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in

- the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. 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.
  6. 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 amend a previously approved Planning Approval to allow a communications tower in a B-2, Neighborhood Business District. A previous Planning Approval in 1997 allowed a 150' monopole tower on the site.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the recently 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.

The 1997 Planning Approval allowed for a 150' monopole tower. The applicant now proposes to replace the existing tower with a 154' high monopole tower approximately 15' West of the current tower's location, and extend the current compound to the West by 10'. Since this would be a change to the previously approved tower height, a new Planning Approval is required.

The applicant states:

*The improvements for the project at the address above include the construction of a 154' tall monopole tower on the same property as an existing wireless communications facility that includes a 154' tall monopole with supporting guyed wires.*

*After completion of the installation of the new tower and reconfiguring of the ground and antenna equipment on the site, the old tower and its guyed wires will be removed.*

*Upon completion of this project, there will be no conspicuous change in the character, use or function of the facility.*

It should be noted that the applicant refers to the existing tower as being 154' high. However, the 1997 Planning Approval allowed for a 150' high tower, as did the associated Height Variance.

The applicant has submitted a Tower Height Variance to amend the previously approved Tower Height Variance to allow the higher tower which is scheduled for the November 5<sup>th</sup> Board of Zoning Adjustment meeting. Should this Planning Approval request be approved, it should be subject to the Tower Height Variance also being approved.

Section 64-4.J.(Telecommunications towers and facilities)20.(Existing towers)a.(4) states "A tower which is being rebuilt to accommodate the collocation of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this article.

*However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this article, such setback requirement may be waived to allow the tower to be rebuilt in its exact previous location, or within a twenty-five-foot radius of the previous location.”* As the proposed tower’s location would be 15’ West of the existing tower, such relocation is allowed by right. And as the applicant has submitted an engineer’s letter stating that the existing tower is no longer suitable due to structural limitations, and as the existing tower will remain in use until the proposed tower is completed, the setback requirements would be impossible to meet. Therefore, the tower may be relocated as in the normal allowances. In this instance, the Planning Approval is required only for the increase in the tower height to 154’ from the previously approved 150’ height. The site plan revision is allowed without a new Planning Approval due to the tower’s relocation within the 25’ radius of its existing location.

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. However, in this instance, the proposed tower is basically considered a “drop-and-swap” and the Planning Approval pertains only to the height increase. As technical data was provided in order for the Planning Approval of the existing tower, and as it has possibly been in place 4’ above its 150’ approved height, the allowance of the proposed 154’ height for the replacement tower would seem in order. The applicant has provided technical data from a structural engineer that the tower meets the structural requirements of the Zoning Ordinance and current Building Code.

The site plan submitted indicates the tower relocation and the expanded compound to enclose the tower. The existing paved access drive and parking space will remain unchanged. No landscaping or tree planting plan is provided; however, staff has determined that no new landscaping or tree plantings will be required. The site plan indicates barbed wire atop the chain link fence around the compound. It should be noted that barbed wire fencing is not allowed in B-2 Districts. Therefore, the site plan should be revised to remove all barbed wire fencing or documentation should be provided to verify such is required by FCC regulations. In either event, the compound should be enclosed by an 8’ high wooden privacy fence.

In light of the fact that a Height Variance request must also be approved, should the Board of Zoning Adjustment deny that request, then the need for the Planning Approval would become a moot point.

## **RECOMMENDATION**

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

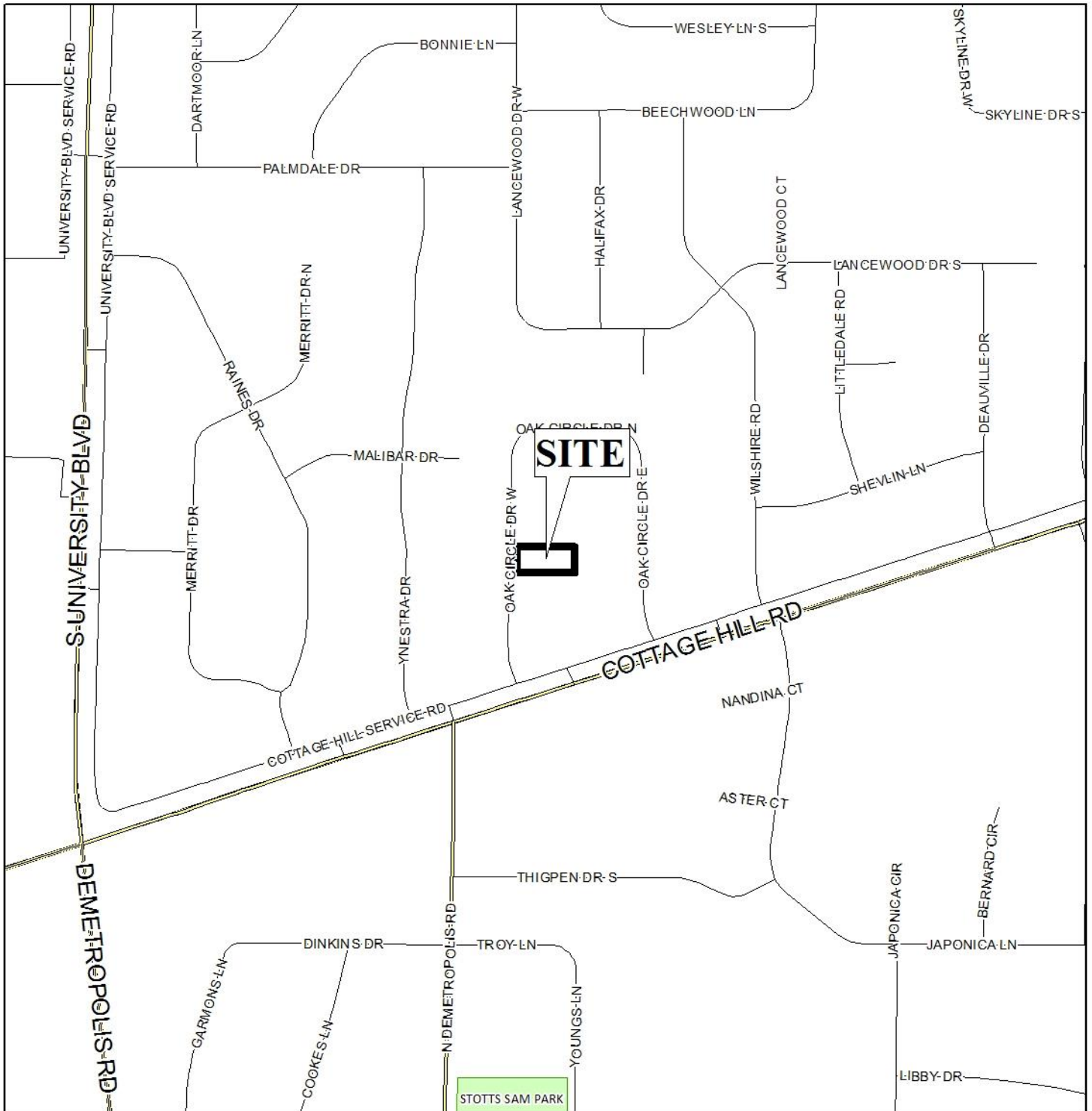
- a) the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because it should have no impact on any of those items due to the fact that no new structure is proposed in which persons will live or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

The Approval is subject to the following conditions:

- 1) revision of the site plan to remove all barbed wire fencing, or provision of documentation to verify such is required by FCC regulations;
- 2) revision of the site plan to provide an 8' high wooden privacy fence around the tower compound;
- 3) subject to the Board of Zoning Adjustment approval of the associated Height Variance request;
- 4) 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. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 5. 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. 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.];*
- 5) 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.];*
- 6) submittal to and approval by Planning and Zoning of two (2) copies of a revised site plan prior to the submittal for land disturbance and building permits; and
- 7) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 10 DATE November 1, 2018

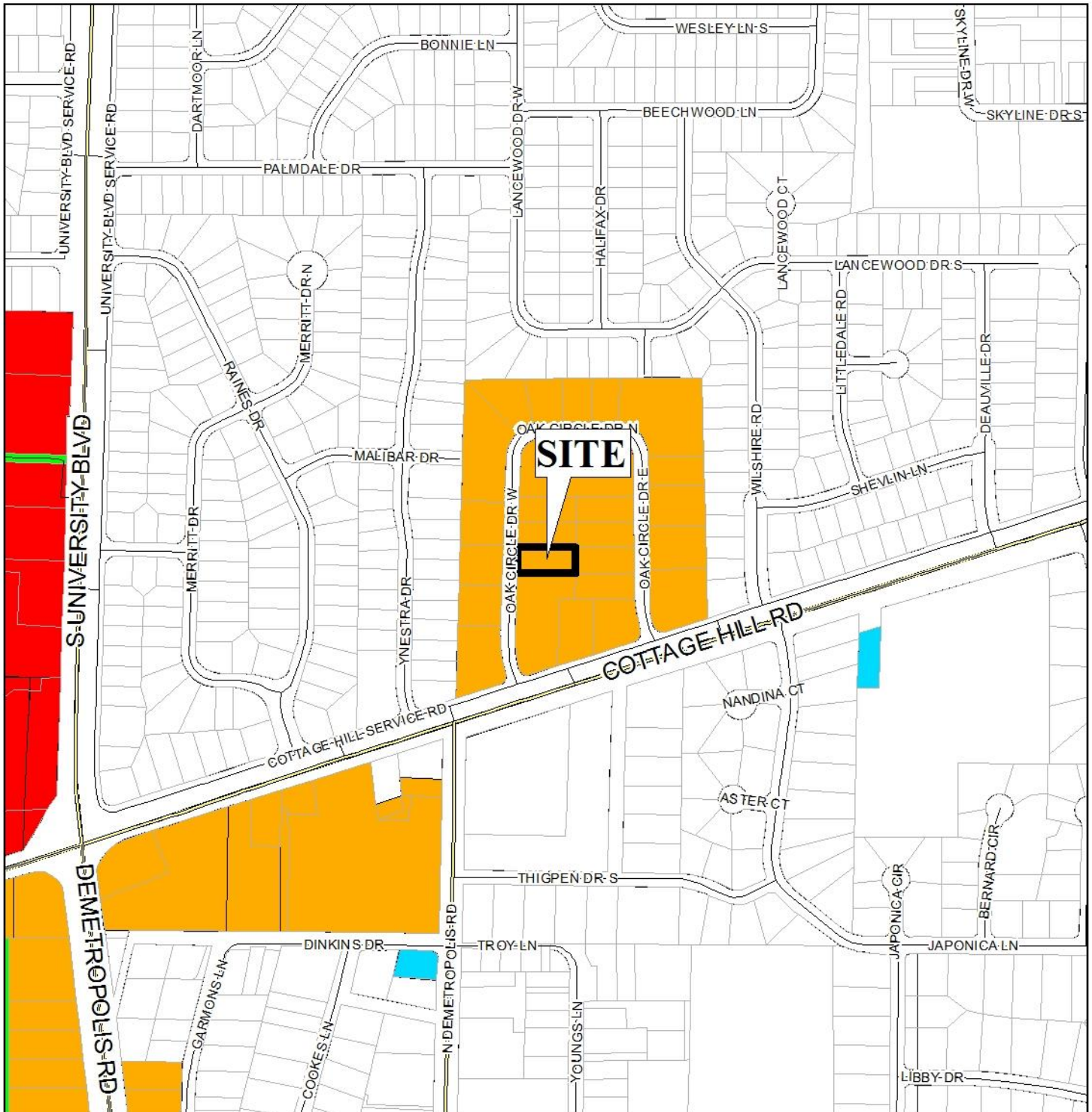
APPLICANT American Tower Corporation

REQUEST Planning Approval



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# LOCATOR ZONING MAP



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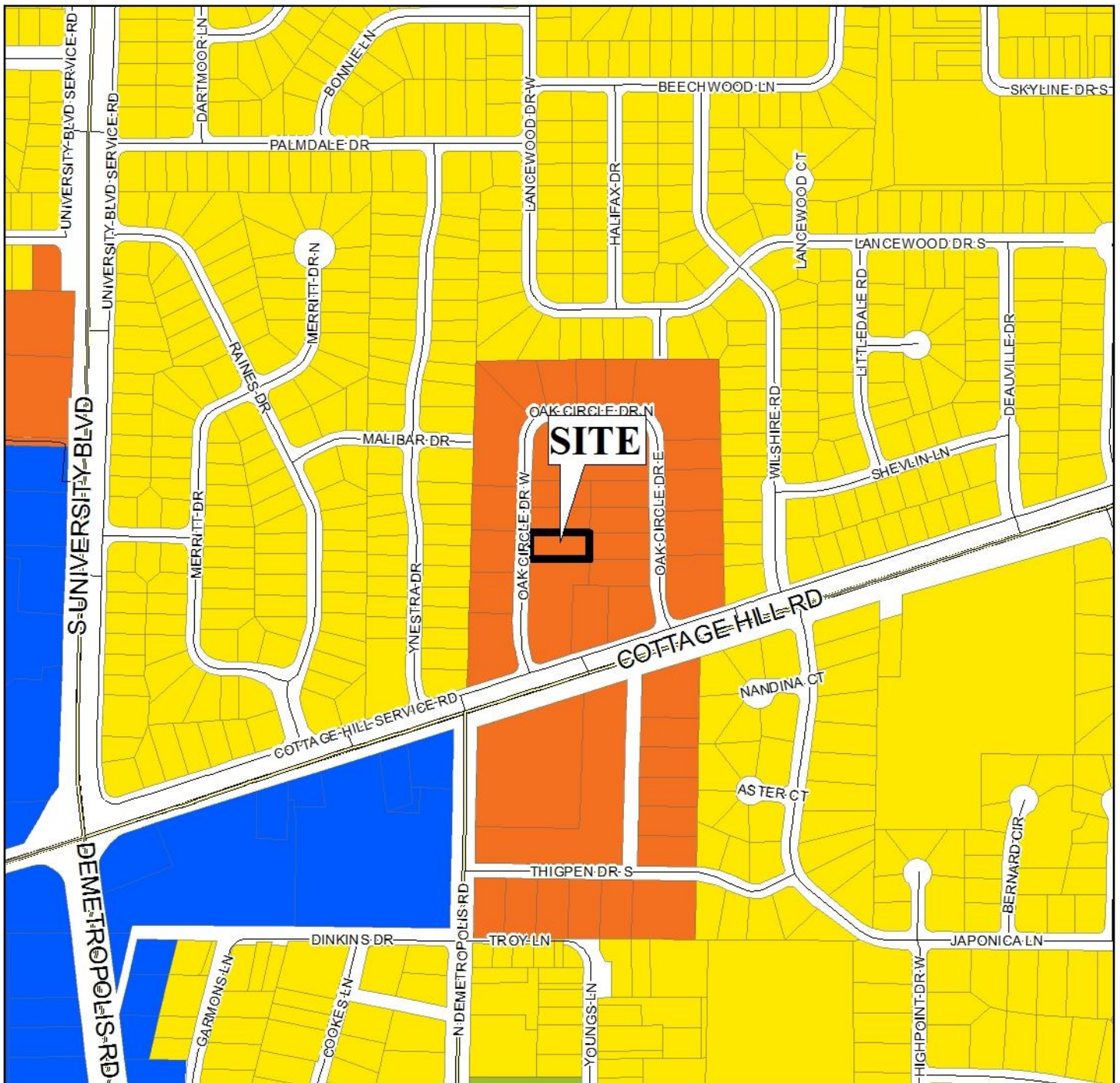
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# FLUM LOCATOR MAP



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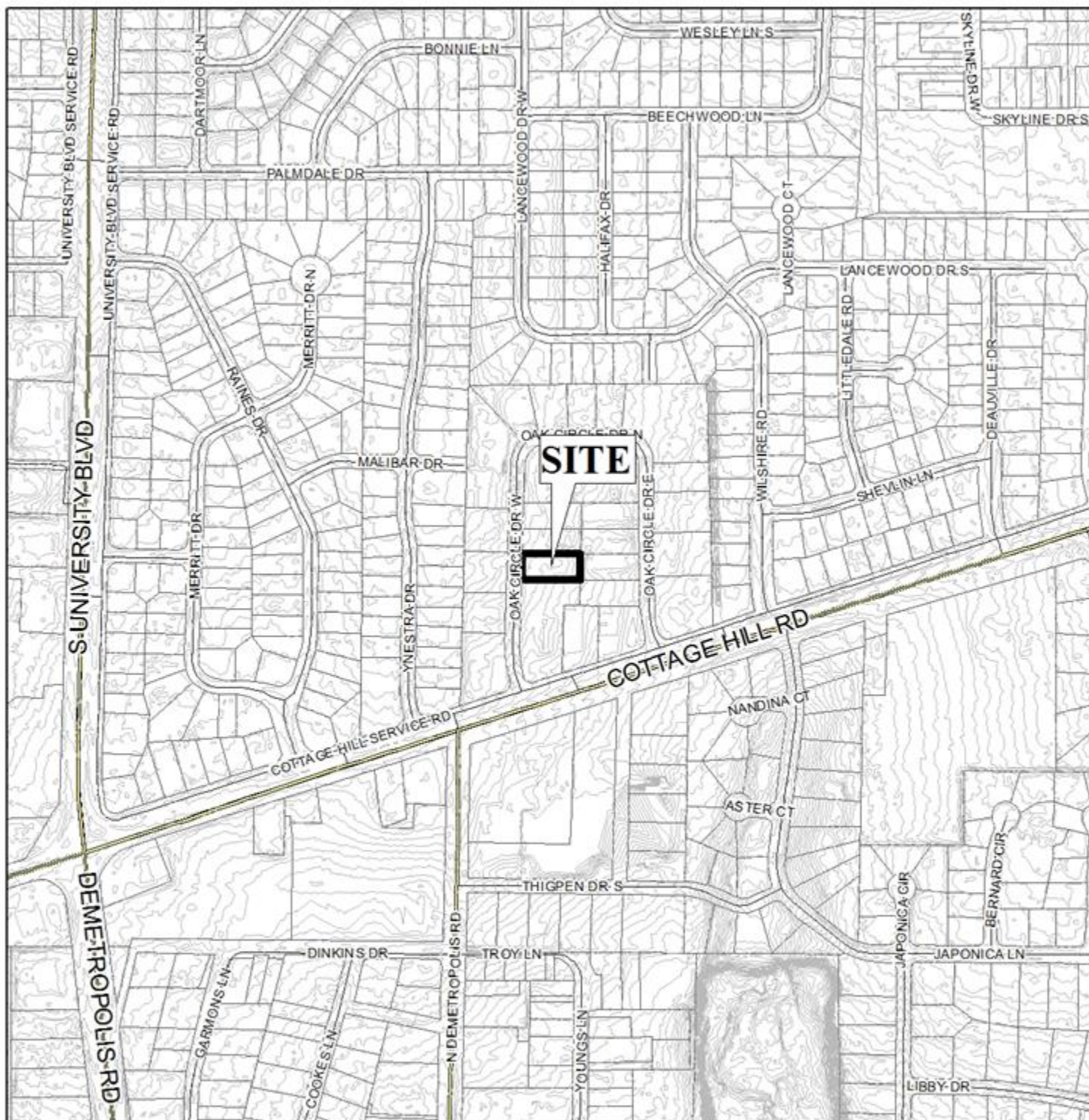
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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





# ENVIRONMENTAL LOCATOR MAP



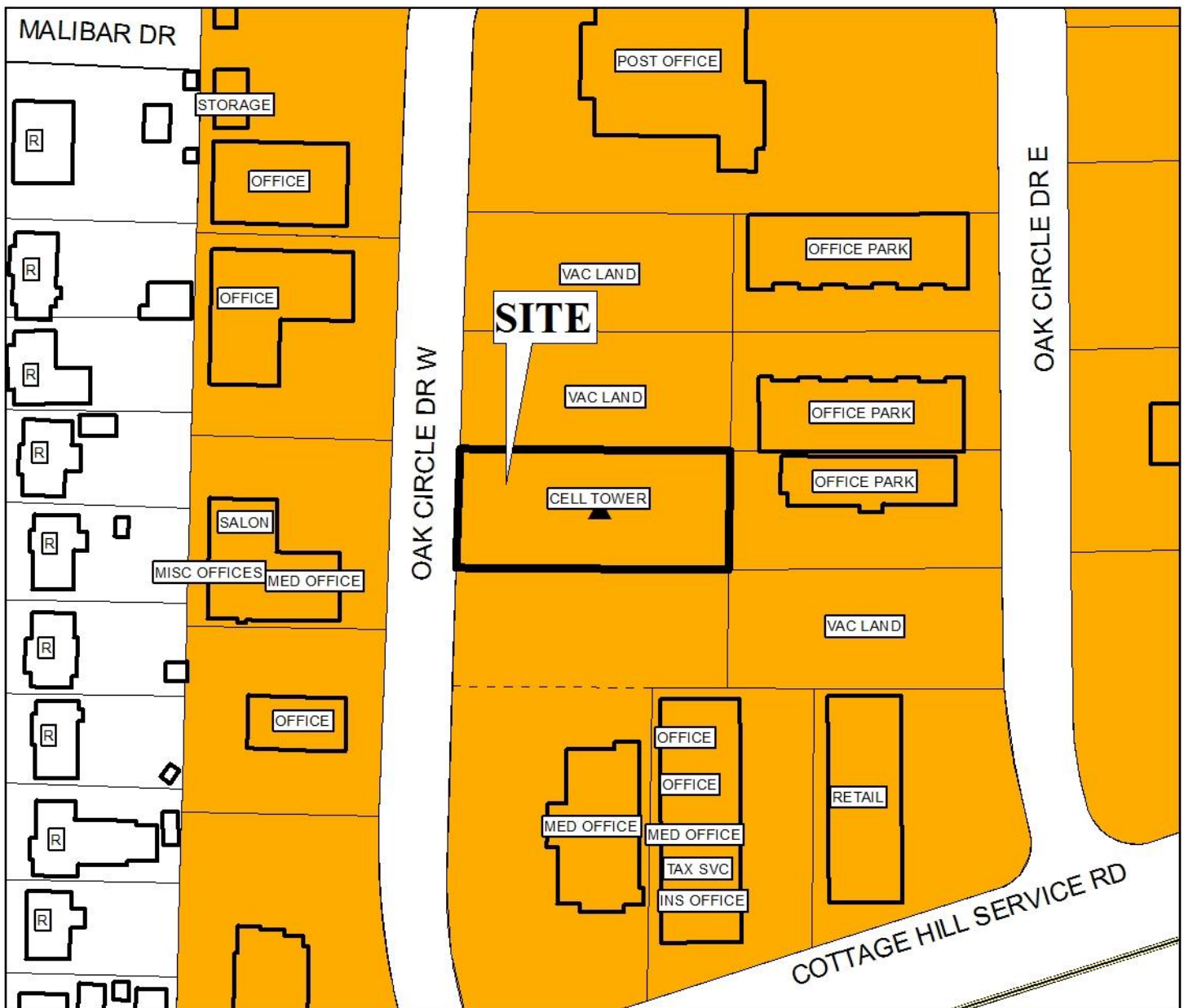
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residential units are located to the west.

APPLICATION NUMBER 10 DATE November 1, 2018

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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. Residential units are located to the west.

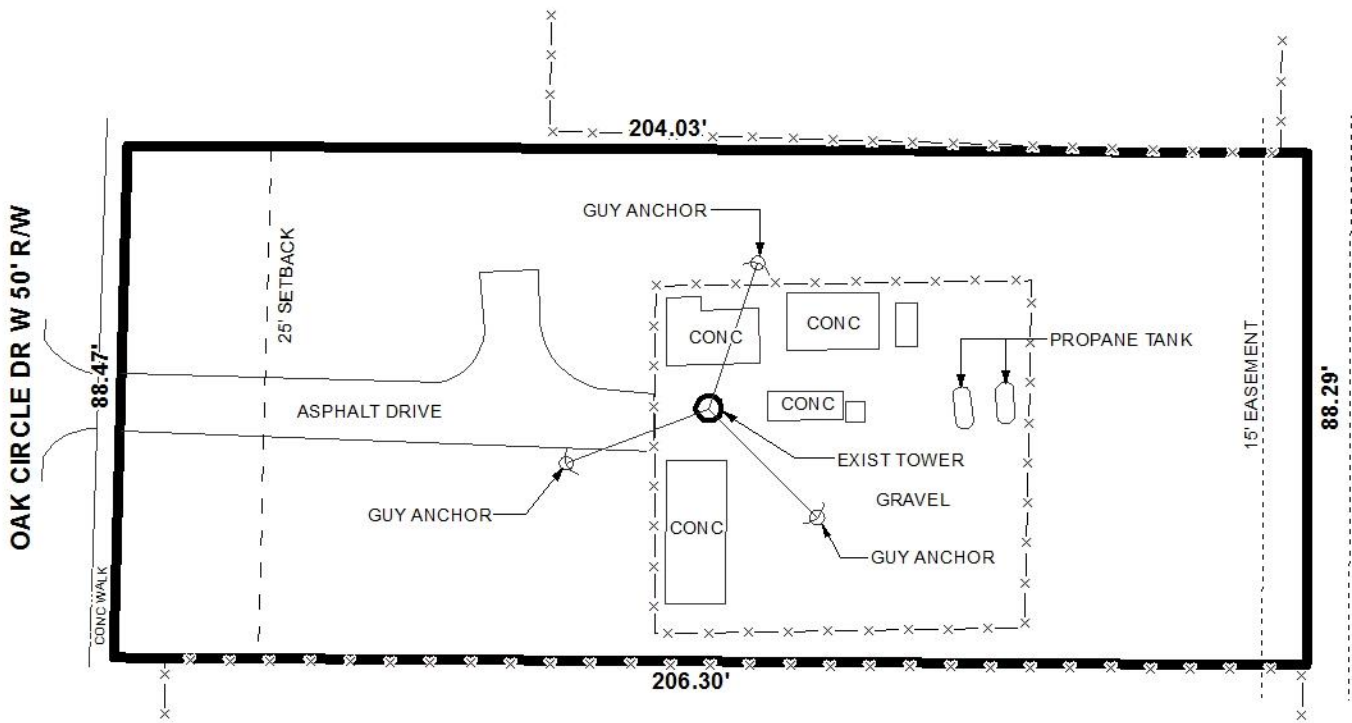
APPLICATION NUMBER 10 DATE November 1, 2018

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# EXISTING SITE PLAN



The site plan illustrates the existing tower, asphalt drive, setback, and easement.

APPLICATION NUMBER 10 DATE November 1, 2018

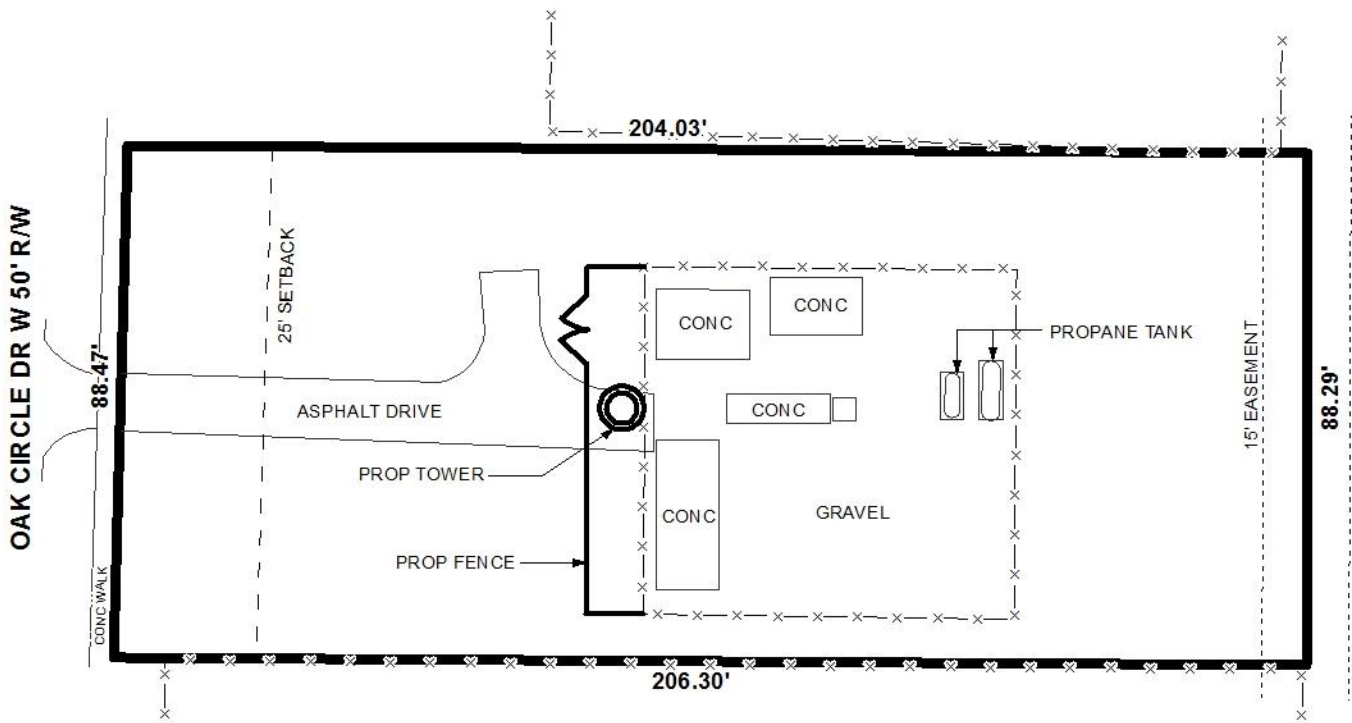
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# PROPOSED SITE PLAN



The site plan illustrates the proposed tower, proposed fence, asphalt drive, setback, and easement.

APPLICATION NUMBER 10 DATE November 1, 2018

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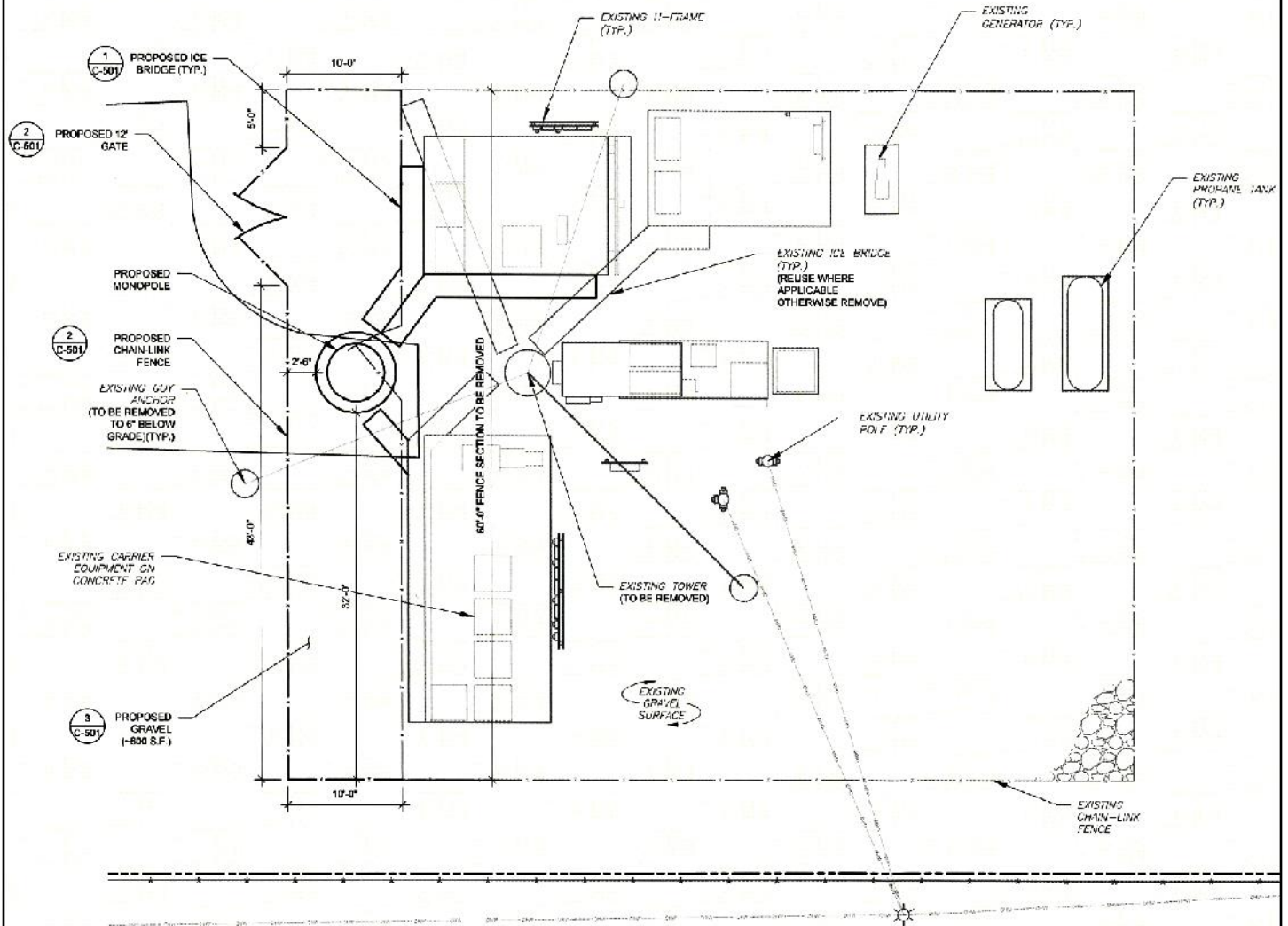
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# DETAIL SITE PLAN



APPLICATION NUMBER 10 DATE November 1, 2018

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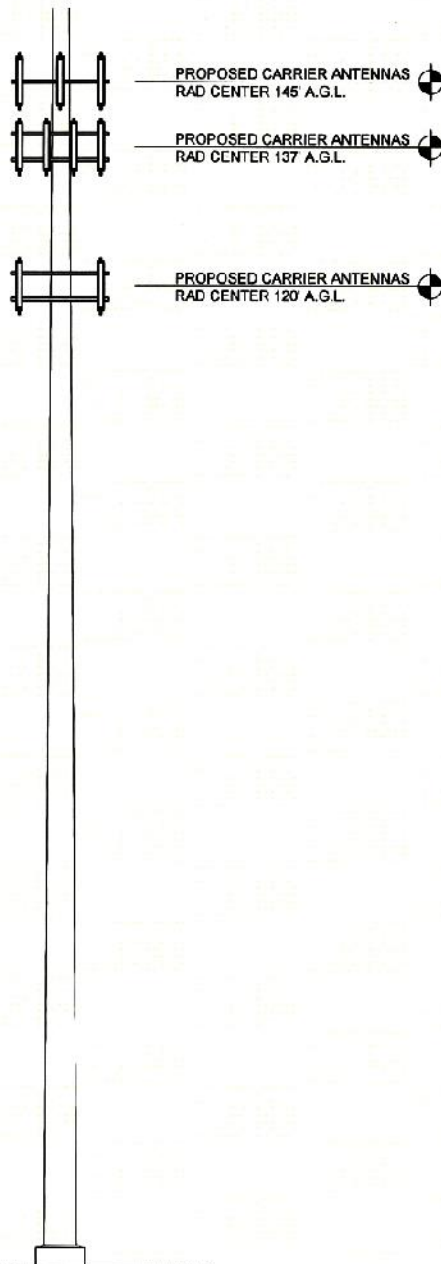


# DETAIL SITE PLAN

TOP OF PROPOSED TOWER  
ELEV. 337.0' AMSL  
ELEV. 154' A.G.L.

TOWER NOTE:

1. NO LIGHTING IS REQUIRED BY FAA.



PROPOSED TOWER ELEVATION

SCALE: NOT TO SCALE

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