

PLANNING APPROVAL STAFF REPORT**Date: May 5, 2011****NAME**

New Cingular Wireless, LLC

LOCATION42 South Hamilton Street
(Southwest corner of South Hamilton Street and Conti Street)**CITY COUNCIL
DISTRICT**

District 2

PRESENT ZONING

B-4, General Business District

AREA OF PROPERTY

1 Lot / 0.4 ± Acre

CONTEMPLATED USE

Planning Approval to allow a temporary cell tower in a B-4, General Business District.

**TIME SCHEDULE
FOR DEVELOPMENT**

Two-week period coinciding with Bayfest and five-week period coinciding with Mardi Gras.

**ENGINEERING
COMMENTS**

Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. Property is located in the X-Shaded Flood Zone. Show Minimum Finished Floor Elevation on Plans. There is to be no fill placed within the limits of the flood plain without providing compensation. Any equipment and buildings shall be at or above Min. FFE and will require Elevation Certificates to be submitted to City's building inspectors.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards.

**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 61-929 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT
COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

REMARKS

The applicant is requesting Planning Approval to allow a temporary cell tower in a B-4, General Business District.

New Cingular Wireless, LLC proposes to place a temporary cell tower or Cell on Wheels (COW) facility on a lease parcel of approximately 1,170 square feet in the rear portion of the subject site. It would improve the coverage in the area during the heavy-demand times of the two-week period coinciding with Bayfest and the five-week period coinciding with Mardi Gras. The facility would be off the site at all other times. The proposed 67' high mast would be located with an equipment pod on a single flat-bed truck and would be un-manned, would not emit noise or glare, and would conform with all federal, state and local building codes and standards.

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.

It is very important to note that the Planning Approval review is site plan specific; therefore *any* future changes to the site plan or to the scope of operations for the church, as approved, by current or future applicants must be submitted for Planning Approval.

As proposed, the project would not generate any additional traffic congestion or parking concerns. The only site considerations involved are the required side and rear setbacks for the tower which are scheduled to be considered for a variance at the May Board of Zoning Adjustment meeting. There are no height restrictions within B-4 districts. The proposed project is within the Church Street East Historic District and has received approval by the Architectural Review Board.

One issue to consider is safety, not only of the equipment, but of surrounding structures and the public. The narrative only indicates that the site will be fenced as "shown in the... photographs". The site plan and elevation drawing indicate that equipment on site will be surrounded by a chain link fence with barbed wire; however, the height of the fence is not indicated. Barbed wire is not permissible in B-4 zoning districts, and thus should be removed from the site plan and elevation. Additionally, the fence height should be at least 8 feet. If the Commission approves this application, plans should be required, and stamped by a qualified engineer, indicating the tie down and stabilizing mechanisms for the mobile tower, and indicating that the tower and equipment can withstand 130 mile per hour winds, the wind-load requirement in the City of Mobile. As previously stated, the equipment should be surrounded by temporary chain link fencing of at least 8 feet high, without barbed wire. This type of fencing is common in the Downtown area during both Bayfest and Mardi Gras.

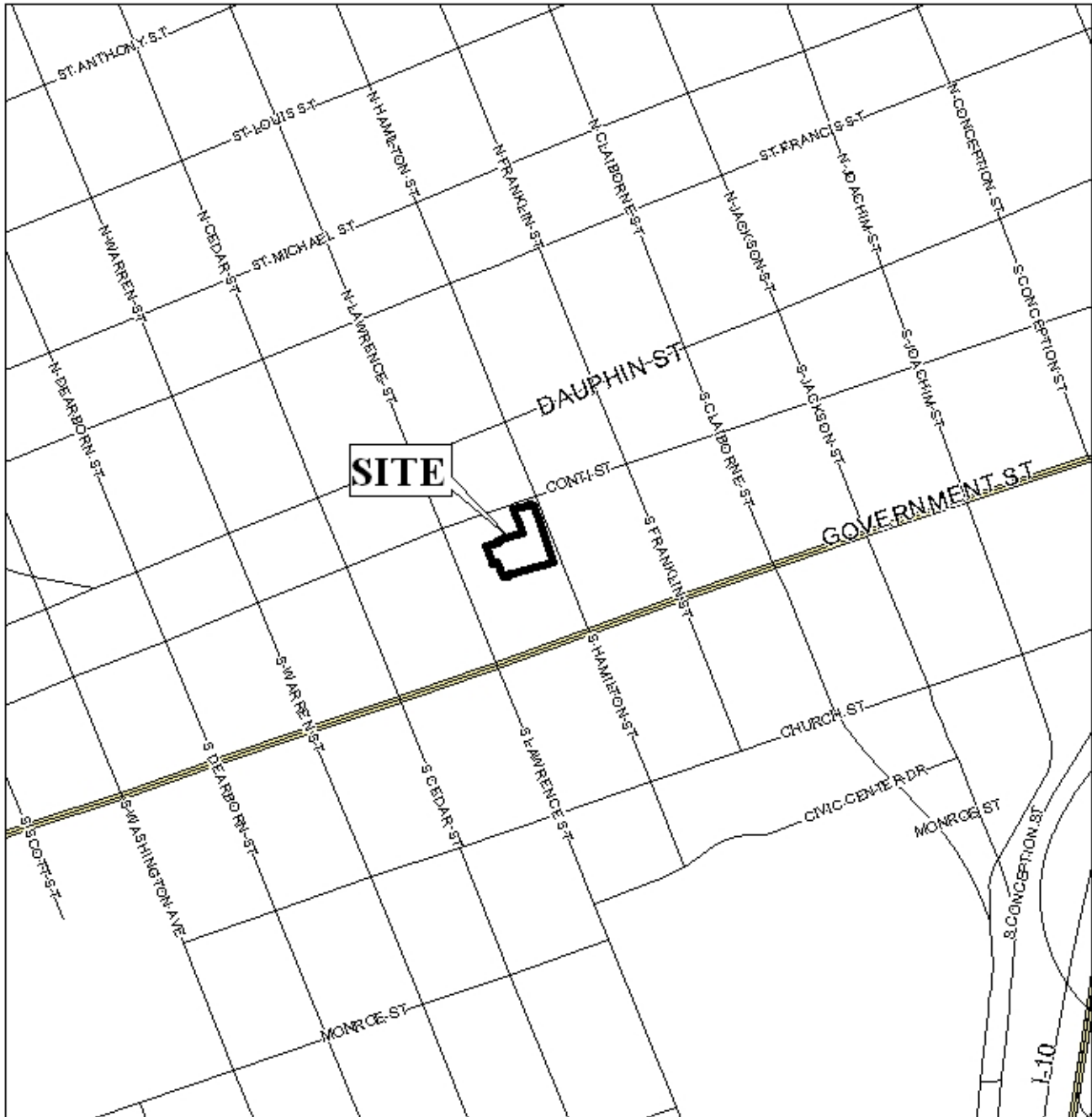
Finally, if this request is approved, each time the tower and equipment are placed on the site, the applicant should obtain a building permit and a zoning inspection to ensure compliance with all conditions place upon the approval. Any building permit will be temporary in nature and the tower and equipment will need to be removed by the end date on the permit, coinciding with the time frames specified previously.

RECOMMENDATION

Planning Approval: Based upon the preceding, this application is recommended for approval, subject to the following conditions:

- 1) the tower only be placed on the site during the two-week period surrounding Bayfest and the five-week period surrounding Mardi Gras, the exact dates to be determined based on the actual date of the event;
- 2) submittal of plans, stamped by a qualified engineer, indicating the tie down and stabilizing mechanisms for the mobile tower, and indicating that the tower and equipment can withstand 130 mile per hour winds;
- 3) construction of a temporary, 8-foot high chain link fence (without barbed wire) around the tower and equipment while the tower and equipment are on site;
- 4) the applicant or operator obtain a building permit and zoning inspection each time the tower and equipment are placed on the site; and
- 5) subject to the Engineering comments: *(Must comply with all storm water and flood control ordinances. Any increase in impervious area in excess of 4,000 square feet will require detention. Any work performed in the right of way will require a right of way permit. Property is located in the X-Shaded Flood Zone. Show Minimum Finished Floor Elevation on Plans. There is to be no fill placed within the limits of the flood plain without providing compensation. Any equipment and buildings shall be at or above Min. FFE and will require Elevation Certificates to be submitted to City's building inspectors).*

LOCATOR MAP



APPLICATION NUMBER 12 DATE May 5, 2011

APPLICANT New Cingular Wireless, LLC

REQUEST Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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LEGEND															
	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

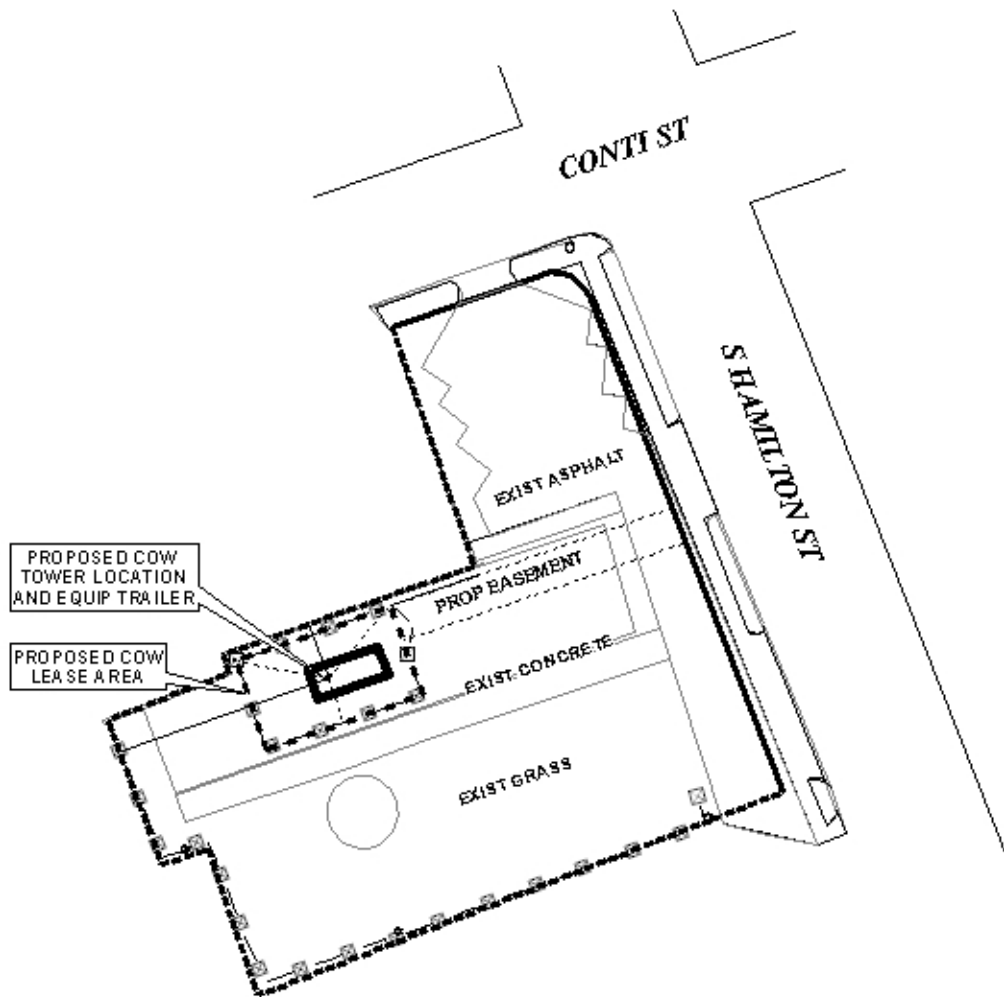


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SITE PLAN

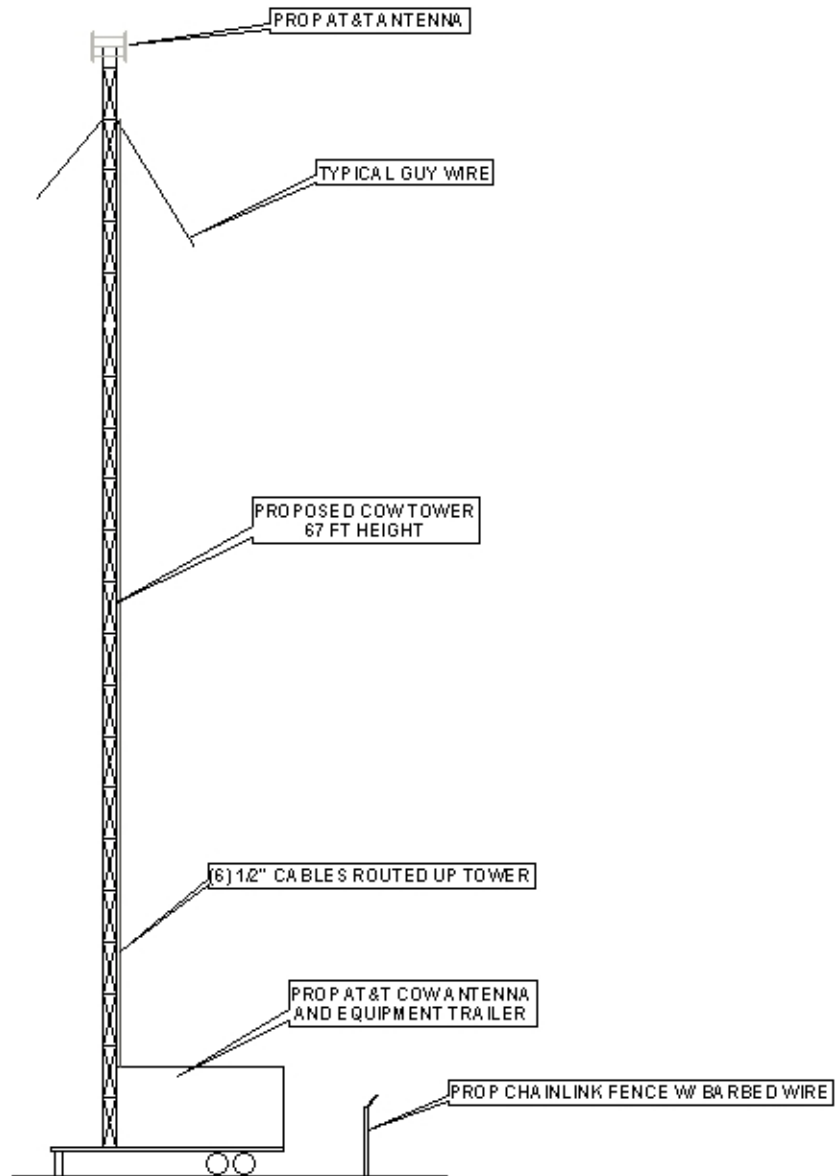


The site plan illustrates the proposed COW tower location, lease area, and easement.

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DETAIL SITE PLAN



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