

PLANNING APPROVAL STAFF REPORT**Date: September 15, 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. Must comply with all City of Mobile ROW code and ordinance requirements. Any work performed in the right of way will require a right of way permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer

**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 modification to the conditions imposed with the Commission's granting of Planning Approval on May 5, 2011, 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.

The applicant wishes to remove the condition which required "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."

As the Planning Approval was previously approved by the Commission, and the original staff recommendation was for approval, the merits of the request itself can be considered a moot point. The purpose of this application, as previously stated, is simply to remove a condition of approval that the Commission placed on the approval based on the staff recommendation.

The applicant states in the revised request that "[a]fter significant research in trying to locate tie down and stabilizing mechanisms to fulfill this condition, we are unable to meet this requirement." The applicant did not provide any evidence to support this claim, such as a letter from a licensed engineer with the engineer's stamp on it. As the applicant did not provide any documentation to back up their claim that they unable to meet the condition, the application should be heldover until the applicant can provide sufficient documentation that the condition, indeed, cannot be complied with.

Additionally, this site is located in a flood zone, and, as per the City's Floodplain Manager, a flood evacuation plan must also be submitted whenever the mobile tower is set up. As such, the evacuation plan should also be provided with the engineering documentation.

RECOMMENDATION

Based upon the preceding, the application is recommended for Holdover until the October 20, 2011, meeting, with documentation due to the Planning Section by Wednesday, September 21, 2011, to address the following:

- 1) submittal of evidence, such as a letter from a licensed engineer (including the engineer's stamp), stating that compliance with condition "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" is not possible and why it is not possible; and
- 2) submittal of a flood evacuation plan acceptable to the City of Mobile Floodplain Manager.

LOCATOR MAP



APPLICATION NUMBER 18 DATE September 15, 2011

APPLICANT New Cingular Wireless LLC

REQUEST Planning Approval



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

APPLICATION NUMBER 18 DATE September 15, 2011

APPLICANT New Cingular Wireless LLC

REQUEST Planning Approval

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

NTS



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

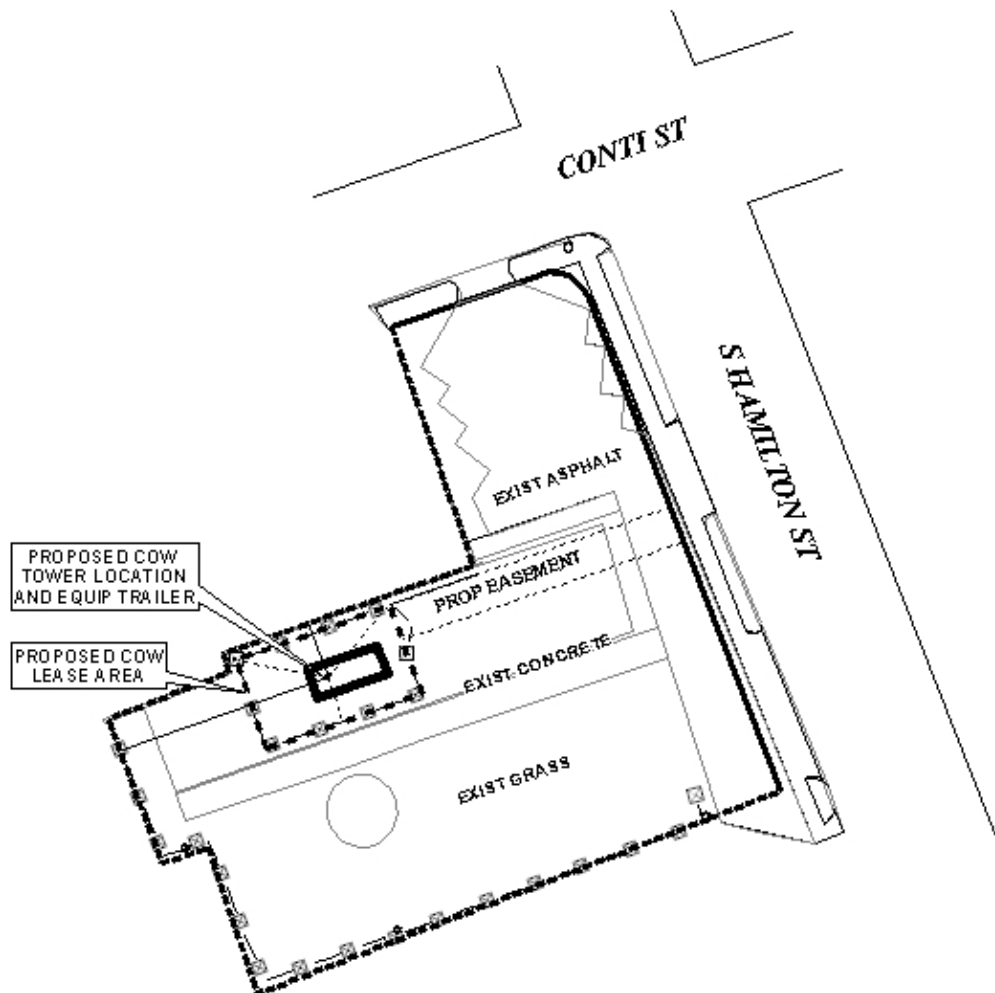
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SITE PLAN



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

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