



Agenda Item # 1 - HOLDOVER

BOA-SE-003135-2024

View additional details on this proposal and all application materials using the following links:

[Applicant Materials for Consideration](#)

DETAILS

Location:

2400 Dubose Street

Applicant / Agent:

Vertical Bridge REIT, LLC / Mary Palmer, Agent

Property Owner:

K & T Brothers, LLC

Current Zoning:

B-3, Community Business Urban District

Future Land Use:

Traditional Mixed-Use Corridor

Case Number(s):

6634

Unified Development Code Requirement:

- Special Exception approval to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban District.

Board Consideration:

- Special Exception to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units to the west, and commercial units to the east.

APPLICATION NUMBER <u>6634</u> DATE <u>January 6, 2025</u>	 NTS
APPLICANT <u>Vertical Bridge REIT, LLC / Mary Palmer, Agent</u>	
REQUEST <u>Special Exception</u>	

HOLDOVER COMMENTS

The application was heldover by the Board of Adjustment at its December 2, 2024 meeting to allow the applicant additional time to provide staff necessary information required by Unified Development Code Article 4, Section 64-4-9.G.6.(d) about potential co-location sites.

The applicant has submitted a letter from a Radio Frequency Engineer which provides justification for the new tower, as well as reasons that existing towers are not suitable for co-location.

HOLDOVER CONSIDERATIONS

Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 64-5-11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- (c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
 - (1) Any applicable development standards in Article 3; and
 - (2) Any applicable use regulations in Article 4.

- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
 - (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
 - (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- (1) In making this determination, the Board of Adjustment shall consider:
- a. The location, type and height of buildings or structures;
 - b. The type and extent of landscaping and screening;
 - c. Lighting;
 - d. Hours of operation; or
 - e. Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
 - (i) The site is designed to minimize the impact on storm water facilities;
 - (j) The use will be adequately served by water and sanitary sewer services;
 - (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
 - (l) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5, Section 64-5-11-E.2. states; that when considering a Special Exception application, the following should also be considered:

The City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

Lastly, Article 5, Section 64-5-11-E.3.(j) states Class 2-4 Telecommunication Facilities must meet all criteria and requirements set forth in Article 4.

Considerations:

Based on the requested Special Exception application, if the Board considers approving the application, the following findings of fact must be present:

- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements,

public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- C) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- D) The proposed use **is** consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- E) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- G) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- H) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- I) The site **is** designed to minimize the impact on storm water facilities.
- J) The use **will** be adequately served by water and sanitary sewer services.
- K) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use **will not** be detrimental or endanger the public health, safety or general welfare.

SITE HISTORY

There have been no Planning Commission or Board of Zoning Adjustment applications associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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 (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The applicant has requested a Special Exception to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban District. The Unified Development Code (UDC) requires a Special Exception to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban District.

The proposed lease parcel and the parent parcel are currently vacant properties. It should be noted that there are dwellings in an R-1, Single-Family Residential District to the West, and commercial businesses to the East and South along South Wilson Avenue zoned B-3, Community Business Urban District. The North property line of the subject site is the City of Mobile City Limit border, and properties to the North of the site are located within the City of Prichard.

Table 64-2-24.1 of the Unified Development Code requires Special Exception for Class 4 Telecommunications Facilities in a B-3, Community Business Urban District. The applicant has submitted the required information regarding the Special Exception request, and a link to those documents can be found on page 1 of this report.

SPECIAL EXCEPTION CONSIDERATIONS

Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

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- (p)** The proposed use is consistent with all applicable requirements of this Chapter, including:
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- (s)** The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
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 - a.** The location, type and height of buildings or structures;
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 - e.** Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (t)** The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- (u)** The site is designed to minimize the impact on storm water facilities;
- (v)** The use will be adequately served by water and sanitary sewer services;
- (w)** The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (x)** The use will not be detrimental or endanger the public health, safety or general welfare.

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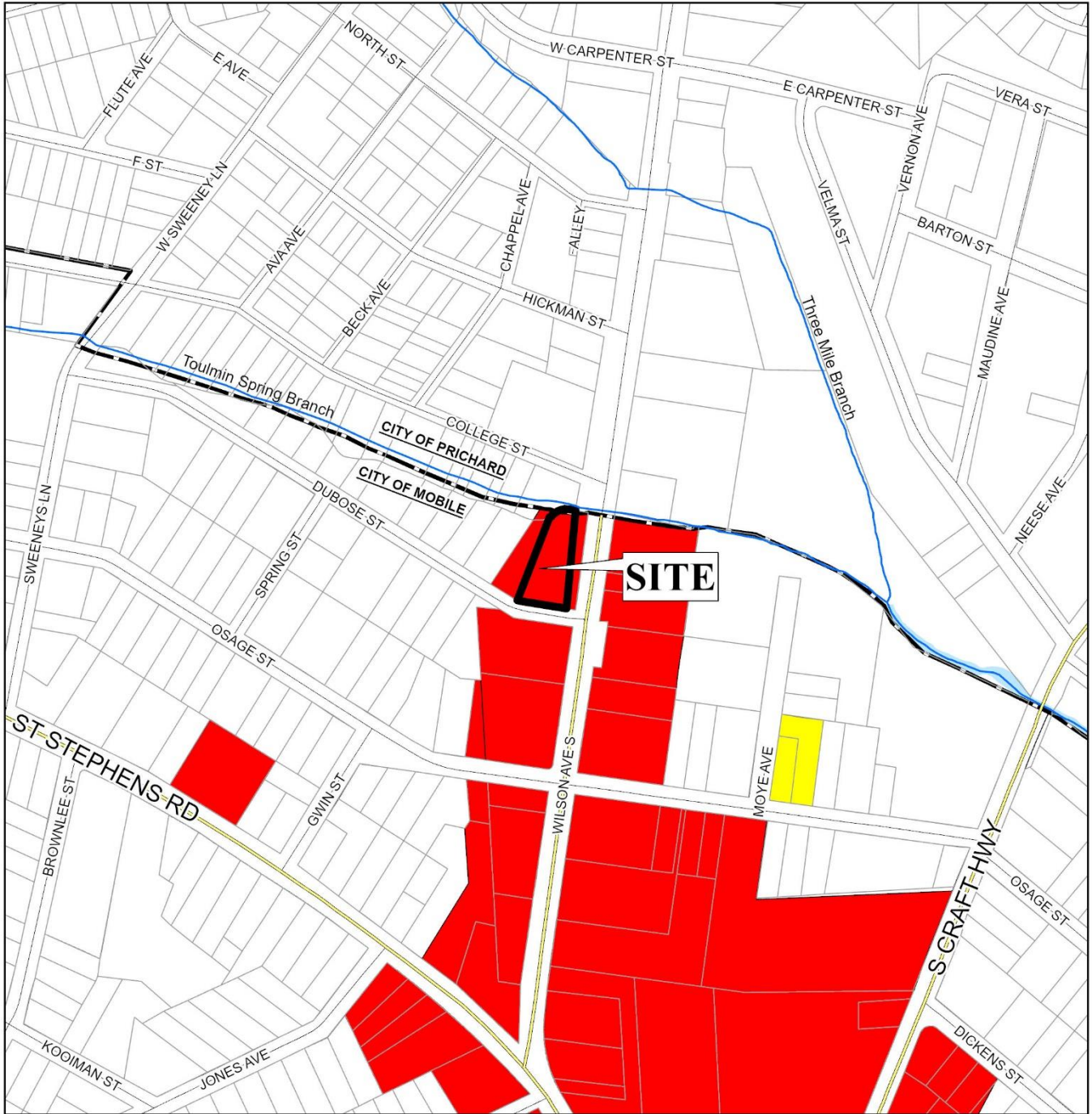
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Considerations:

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LOCATOR ZONING MAP



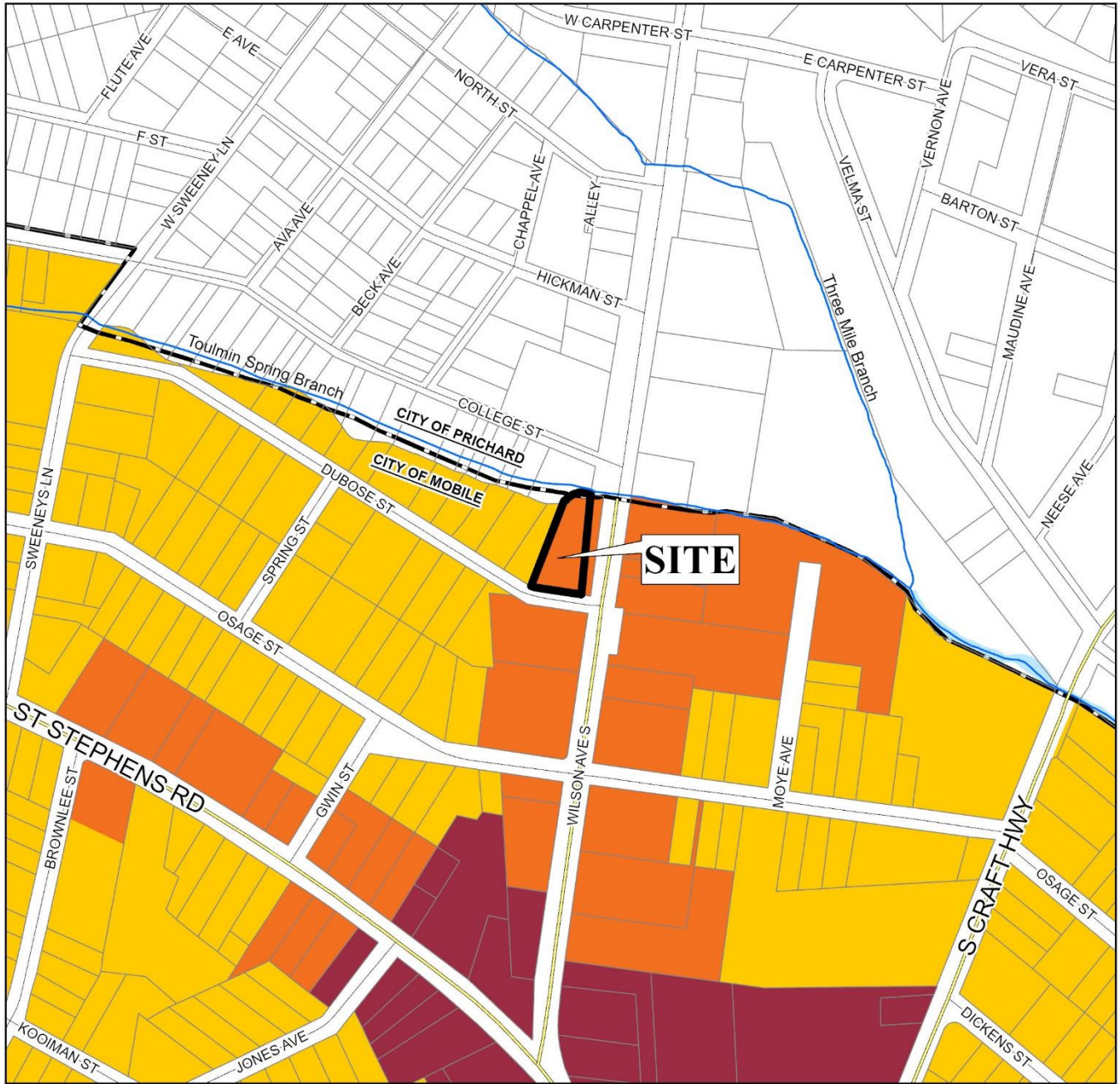
APPLICATION NUMBER 6634 DATE January 6, 2025

APPLICANT Vertical Bridge REIT, LLC / Mary Palmer, Agent

REQUEST Special Exception



FLUM LOCATOR MAP



APPLICATION NUMBER 6634 DATE January 6, 2025

APPLICANT Vertical Bridge REIT, LLC / Mary Palmer, Agent

REQUEST Special Exception

- | | | | |
|---|---|---|--|
| ■ 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 | |



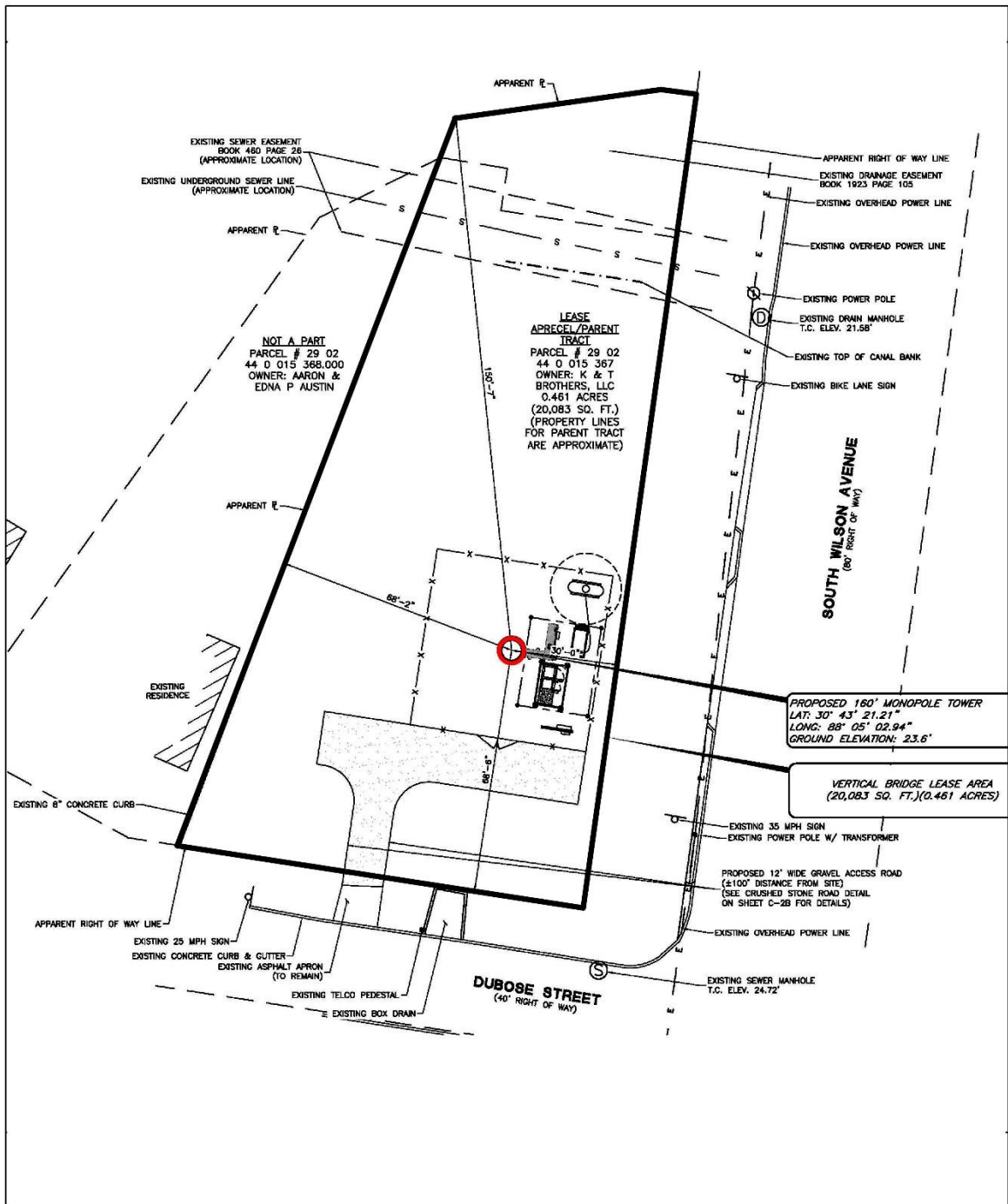
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, and commercial units to the east.

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<table style="width: 100%; font-size: small;"> <tr> <td style="width: 10%;">R-A</td><td style="width: 10%;">R-3</td><td style="width: 10%;">B-1</td><td style="width: 10%;">B-2</td><td style="width: 10%;">B-5</td><td style="width: 10%;">ML</td><td style="width: 10%;">I-2</td><td style="width: 10%;">OPEN</td><td style="width: 10%;">T-3</td><td style="width: 10%;">T-5.2</td> </tr> <tr> <td>R-1</td><td>R-B</td><td>T-B</td><td>B-3</td><td>CW</td><td>MH</td><td>PD</td><td>SD</td><td>T-4</td><td>T-6</td> </tr> <tr> <td>R-2</td><td>H-B</td><td>LB-2</td><td>B-4</td><td>MM</td><td>I-1</td><td>MUN</td><td>SD-WH</td><td>T-5.1</td><td></td> </tr> </table>			R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2	R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6	R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	
R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2																							
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6																							
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1																								

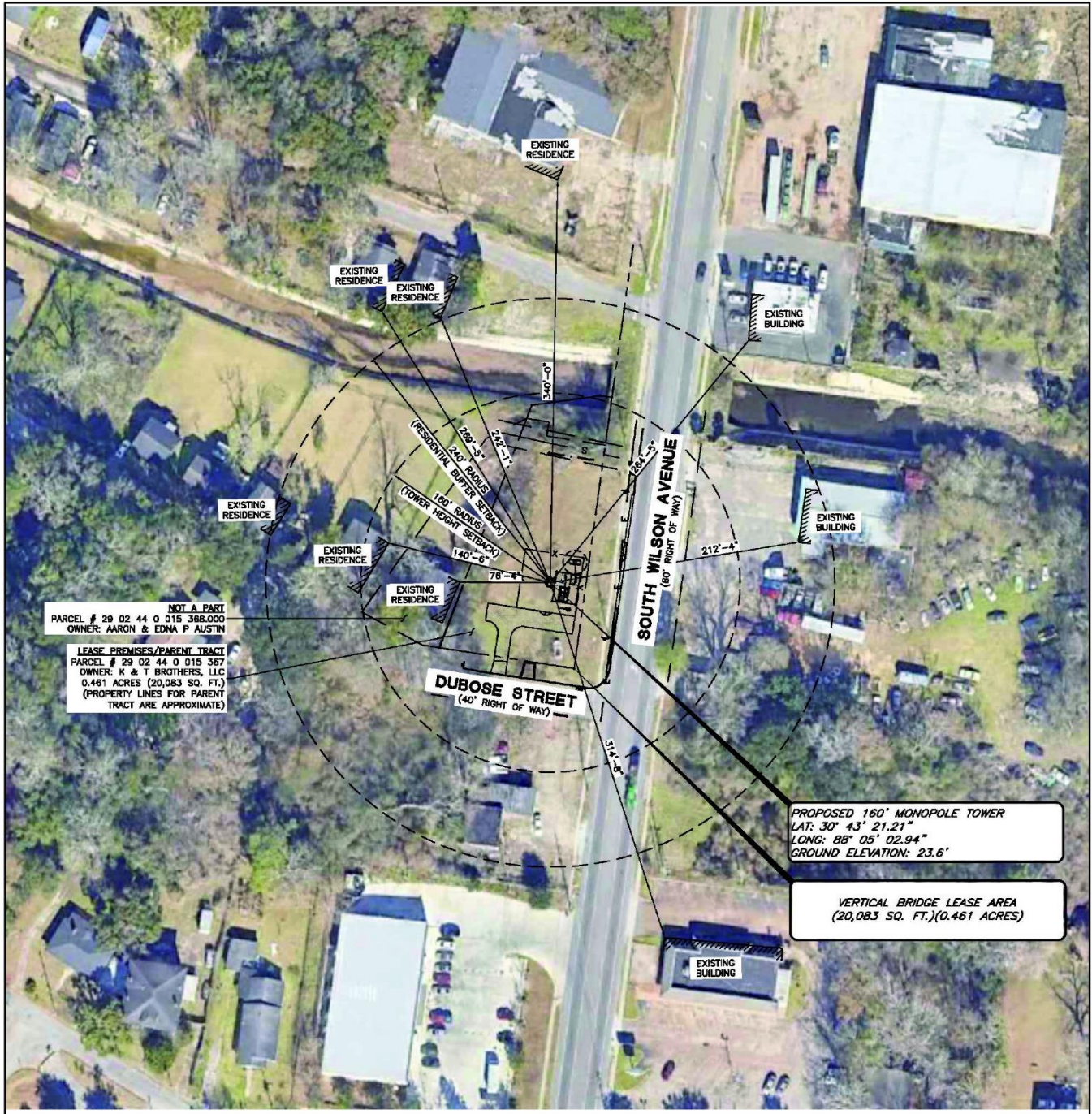
SITE PLAN



The site plan illustrates the proposed monopole tower and existing easements.

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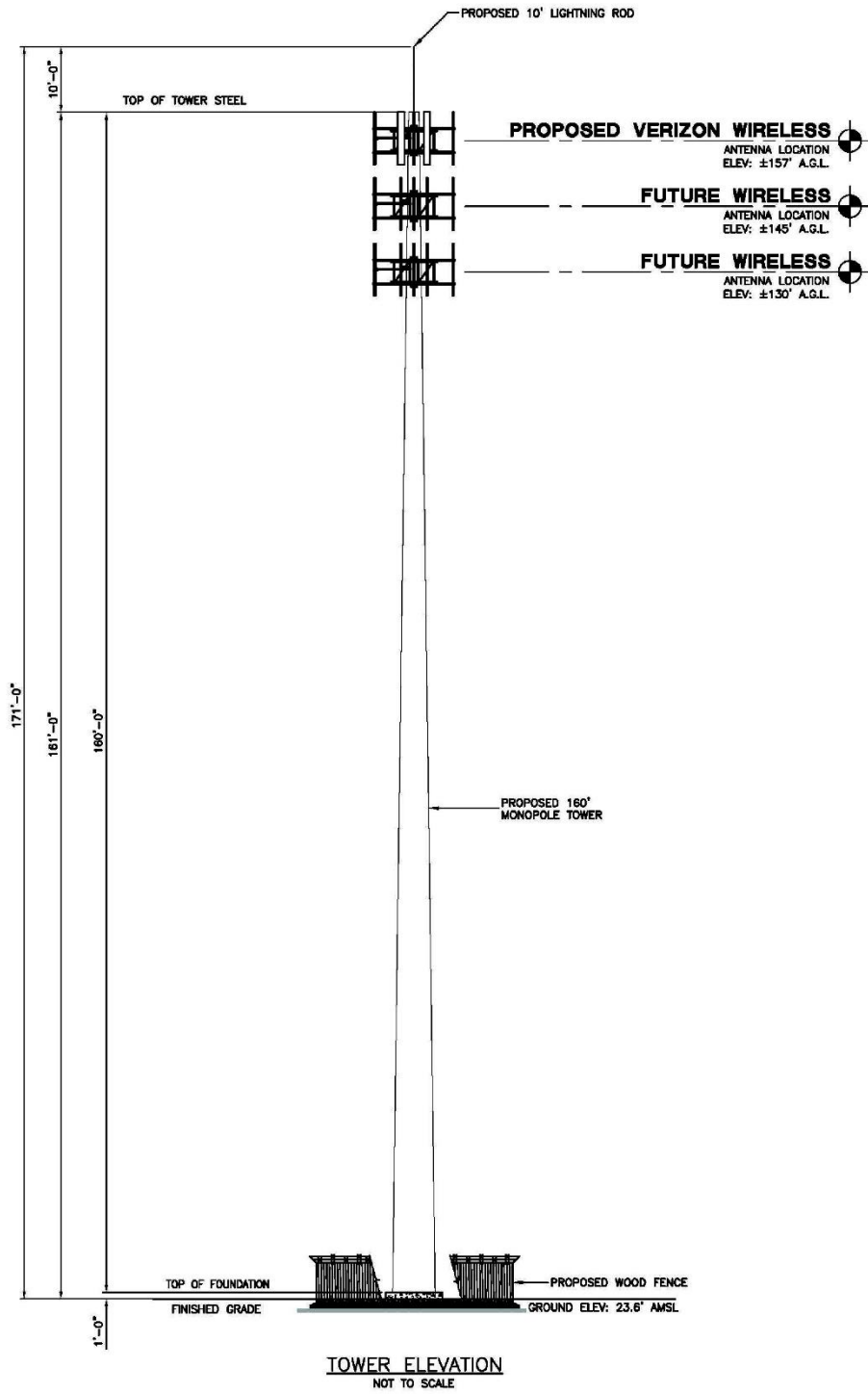
DETAIL SITE PLAN



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DETAIL SITE PLAN



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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRLU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□	□	□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.