



## Agenda Item # 5

BOA-SE-002973-2024

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

5575 Commerce Boulevard East

**Applicant / Agent:**

Vertical Bridge REIT, LLC / Mary Palmer, Agent

**Property Owner:**

Midam Properties LLC

**Current Zoning:**

B-5, Office Distribution District

**Future Land Use:**

Light Industry

**Case Number(s):**

6602/6543

**Unified Development Code Requirement:**

- Special Exception to allow a 180-foot high telecommunications facility requiring a Class 4 Permit in a B-5, Office Distribution District

**Board Consideration:**

- Special Exception to allow a 180-foot high telecommunications facility requiring a Class 4 Permit

**Report Contents:**

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. A residence lies south of the site.

APPLICATION NUMBER <u>6602</u> DATE <u>July 8, 2024</u>
APPLICANT <u>Vertical Bridge REIT, LLC / Mary Palmer, Agent</u>
REQUEST <u>Special Exception</u>



NTS

## SITE HISTORY

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The subject site was included in the Mobile Commerce Park Subdivision, Phase 1, Resubdivision of Lot 4, Resubdivision of Lot 3, and Lot 4-B, heard before the Commission on January 3, 2008. Additionally, the site was rezoned from R-1, Single-Family Residential to B-5 in 2009 as part of the 2008 annexation process.

At its meeting on September 7, 2023 the Planning Commission approved a subdivision request for the subject site which positioned Lot 2-B near the southeast corner of the site. Concurrent with this decision, the Board of Zoning Adjustment approved at its September 11, 2023 meeting requests for Special Exception and Lot Size, Height, and Setback Variances to allow a 180-foot high telecommunications facility requiring a Class 4 permit, on a sub-standard lot, with a reduced setback in a B-5 District.

The 2023 Board of Adjustment decision was appealed and is pending before the Circuit Court of Mobile County Alabama. In response to the appeal, and in discussion with the appellant, the Applicant changed the location of the proposed Lot 2-B and filed a new subdivision request which the Planning Commission approved at its June 20, 2024 meeting. The June subdivision moved the location of the proposed tower and Lot 2-B to the North side of the site.

However, as the previously approved Special Exception and Variances were based on the 2023 Subdivision, the applicant has submitted new requests for Special Exception and Lot Size, Height, and Setback Variances to allow a 180-foot high telecommunications facility requiring a Class 4 permit, on a sub-standard lot, with a reduced setback in a B-5 District, corresponding with the changes made to lot configuration approved by the Planning Commission in June.

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

## STAFF COMMENTS

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### Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

- A. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
- B. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
- C. Any and all proposed land disturbing activity within the property will need to 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.
- D. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by 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 180-foot high telecommunications facility requiring a Class 4 permit in a B-5, Office Distribution District. The Unified Development Code (UDC) requires a Special Exception to allow a telecommunications facility requiring a Class 4 permit in a B-5, Office Distribution District.

The proposed lease parcel and the parent parcel are currently vacant, wooded properties. It should be noted that the majority of the surrounding properties are developed with offices and warehouses, with a dwelling in an R-1, Single-Family Residential District to the South. The subject site, and all immediately adjacent properties are zoned B-5, Office Distribution District, with the exception of the dwelling in an R-1, Single-Family Residential District to the South.

Table 64-2-24.1 of the Unified Development Code requires Special Exception for Class 4 Telecommunications Facilities in a B-5 Office Distribution 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

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### 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.

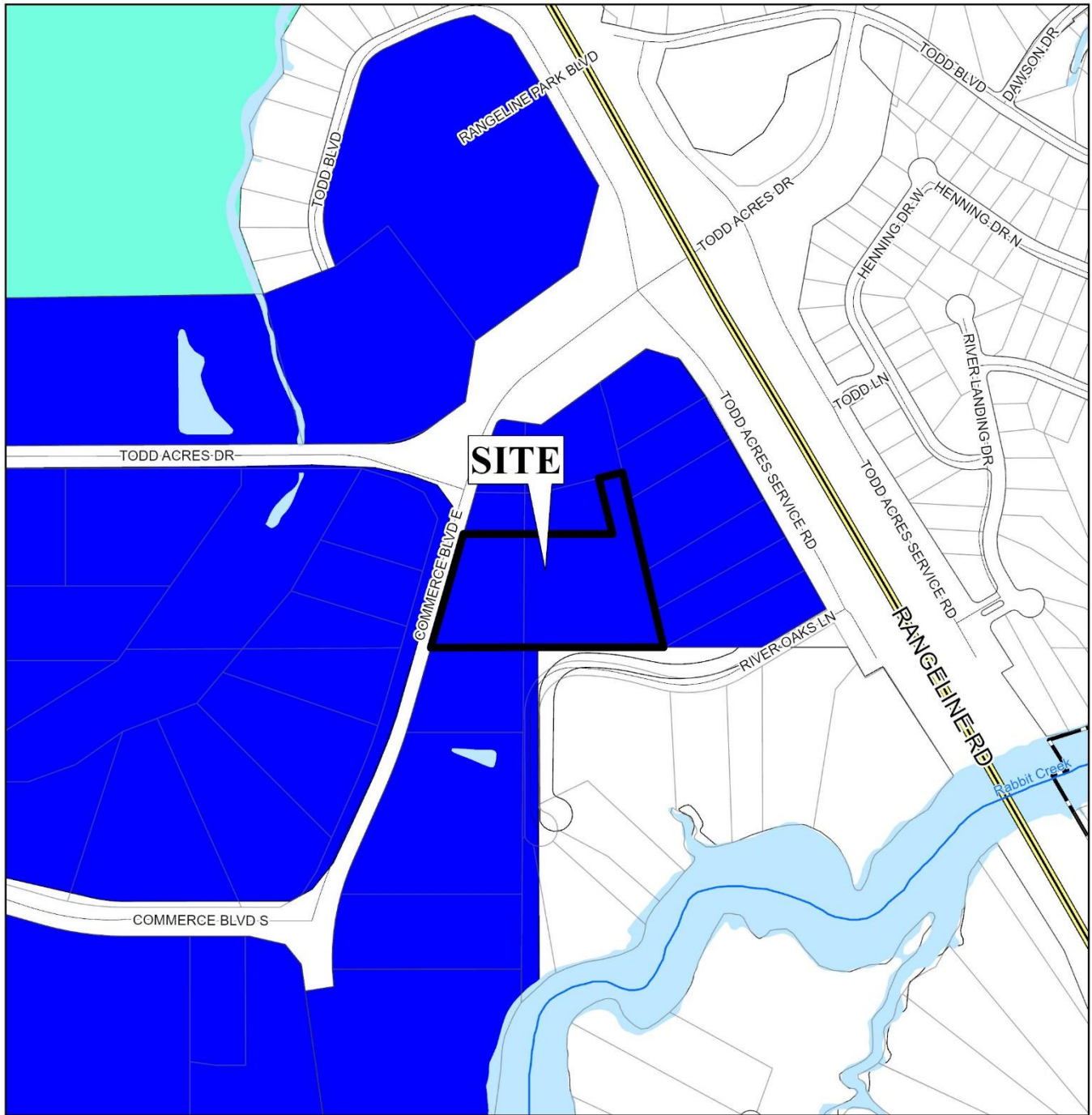
Lastly, Article 5, Section 64-5-11-E.3.(j) states Class 2-4 Telecommunication Facilities must meet all criteria and requirements set forth in Article 4.

### **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.

# LOCATOR ZONING MAP



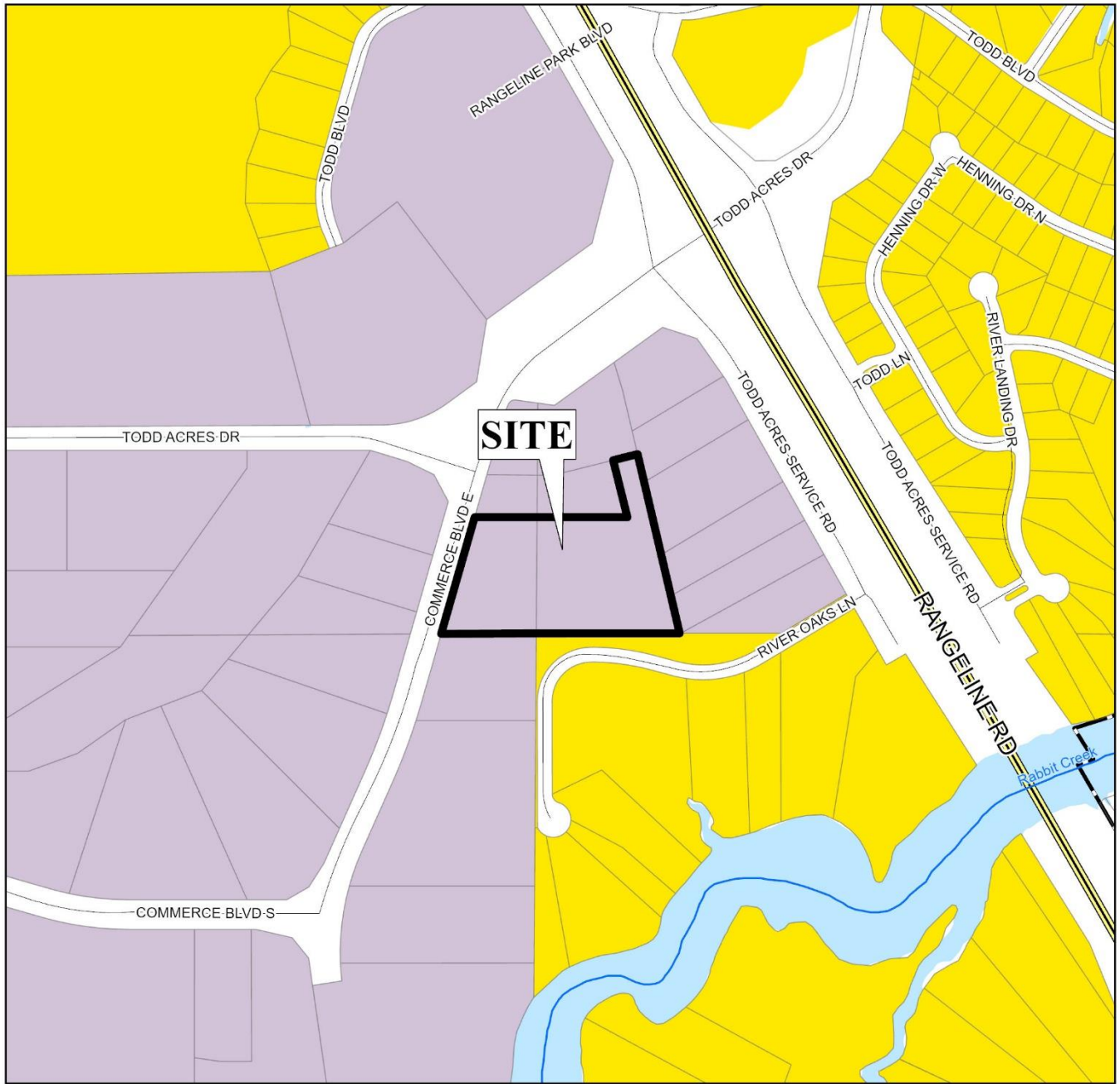
APPLICATION NUMBER 6602 DATE July 8, 2024

APPLICANT Vertical Bridge REIT, LLC / Mary Palmer, Agent

REQUEST Special Exception



# FLUM LOCATOR MAP



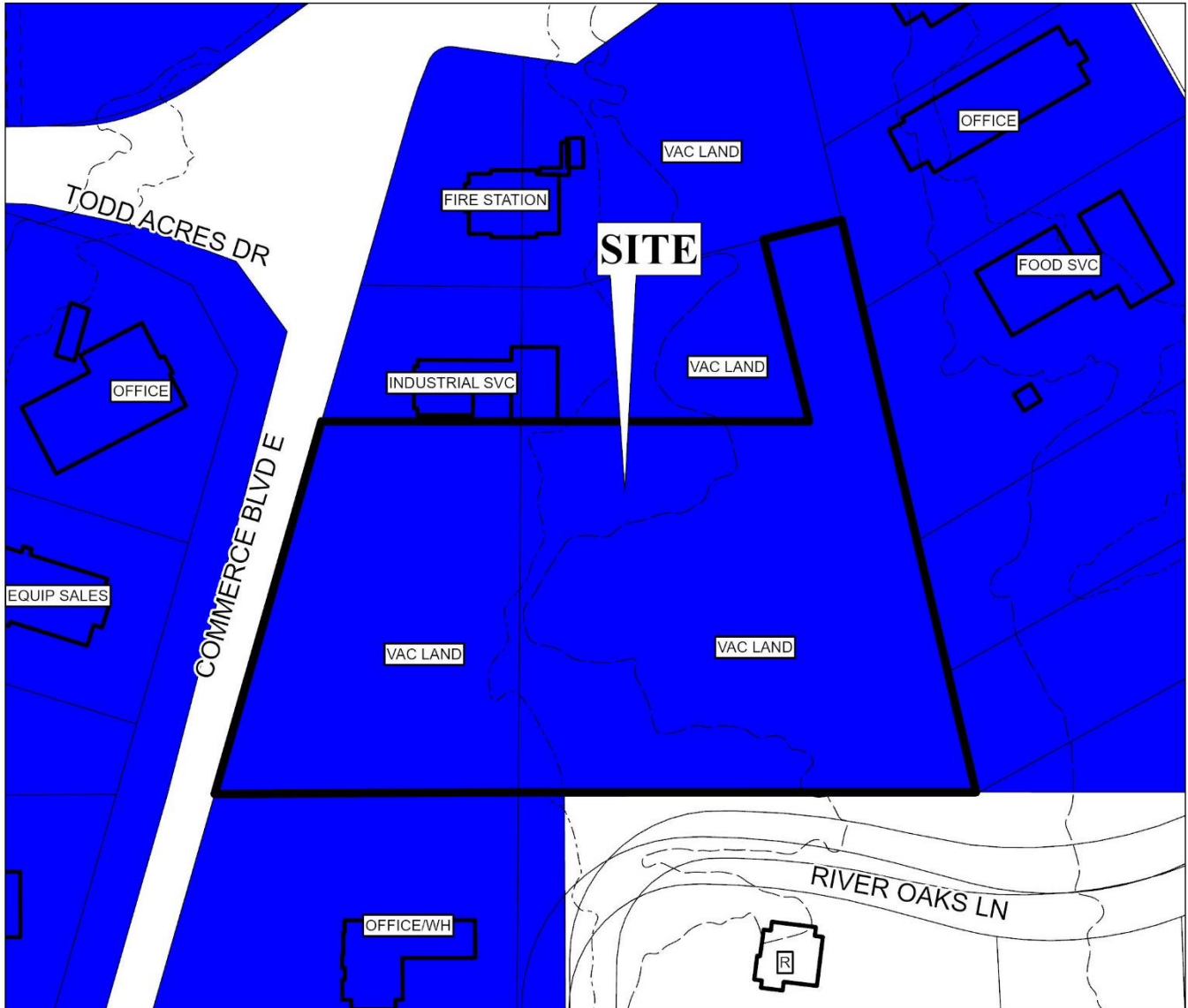
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- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential   | 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       |                    |






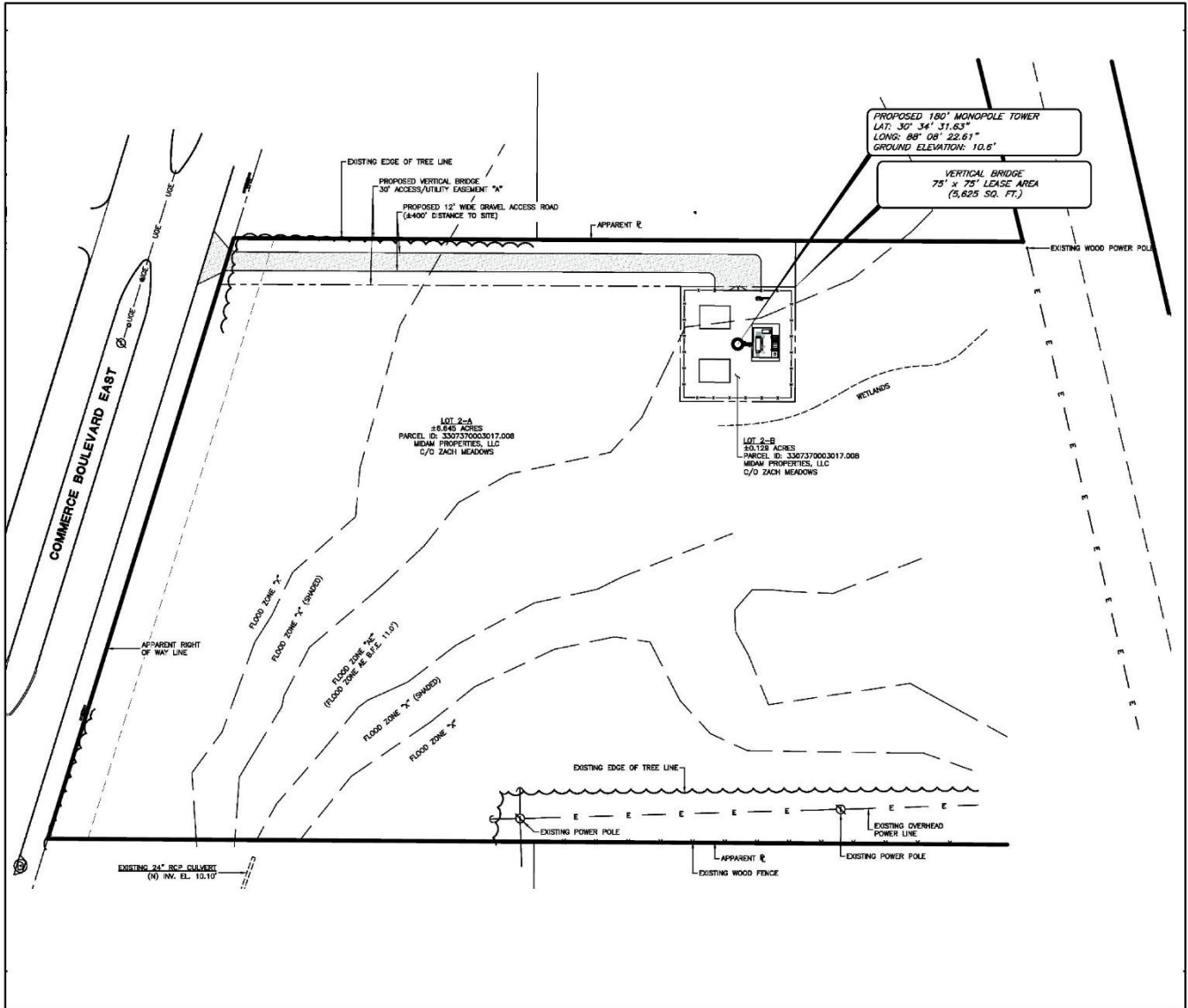
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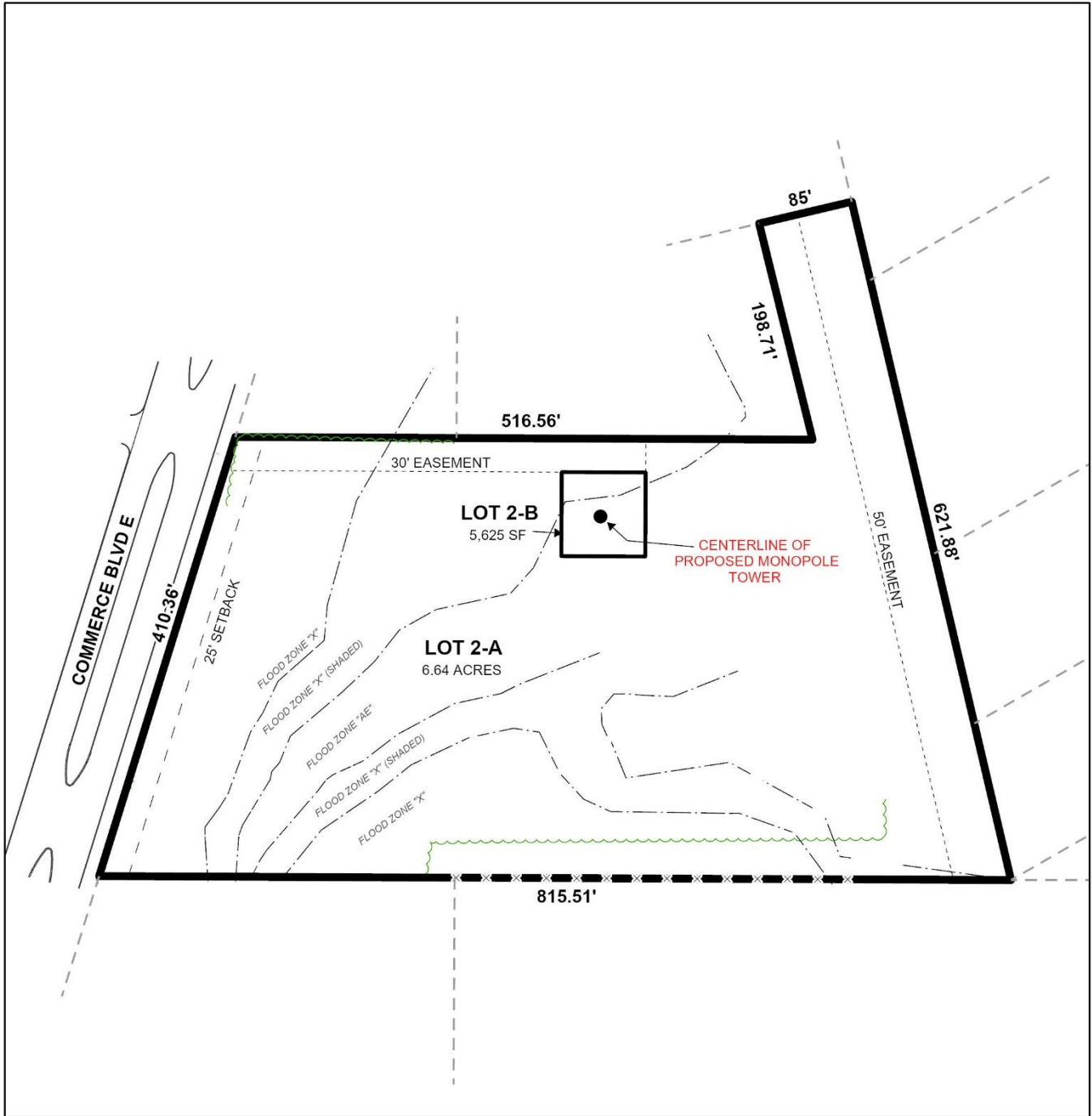
# SITE PLAN



The site plan illustrates the flood zones, easements, and proposed monopole tower.

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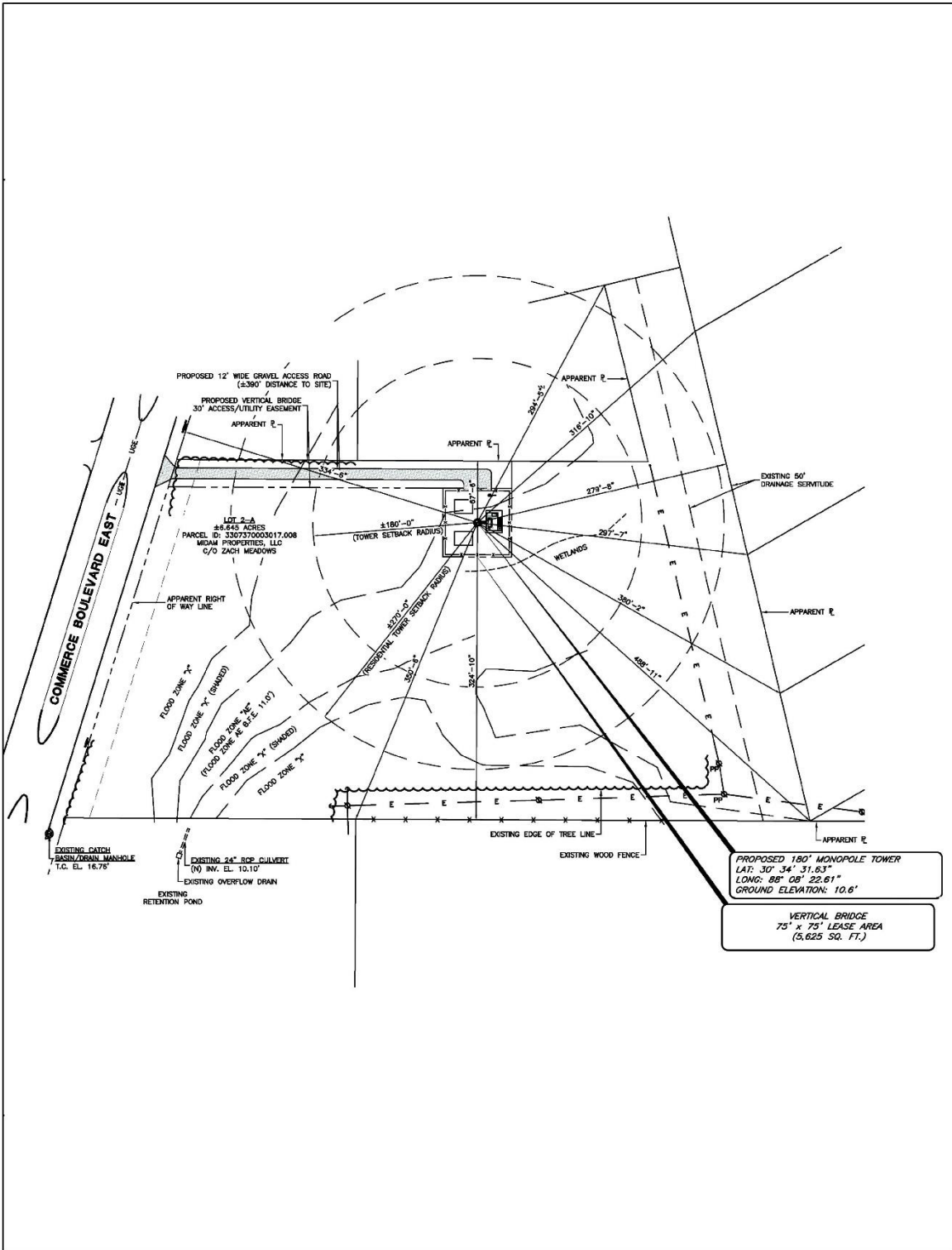
# DETAIL SITE PLAN



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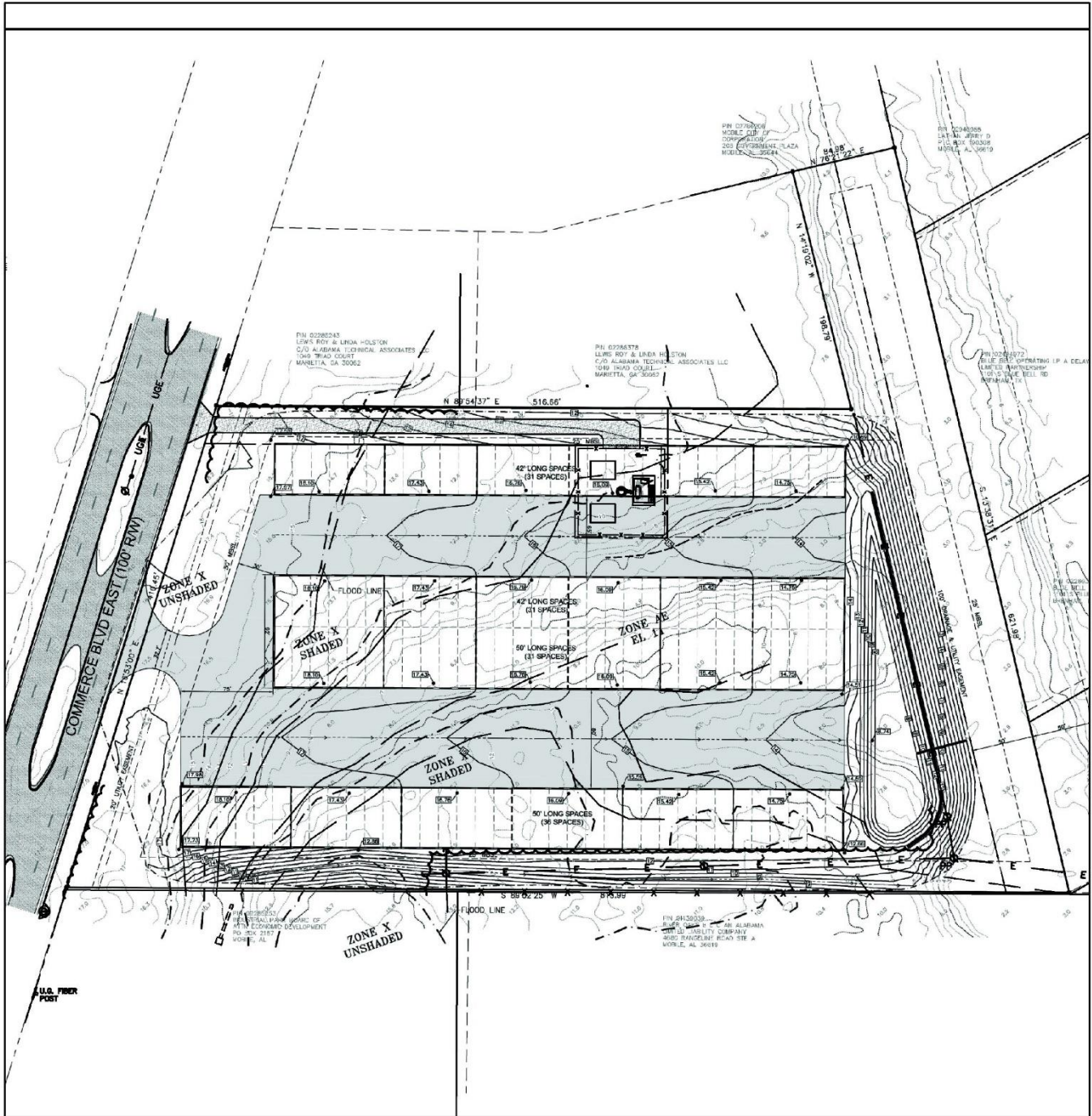


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NTS

# DETAIL SITE PLAN

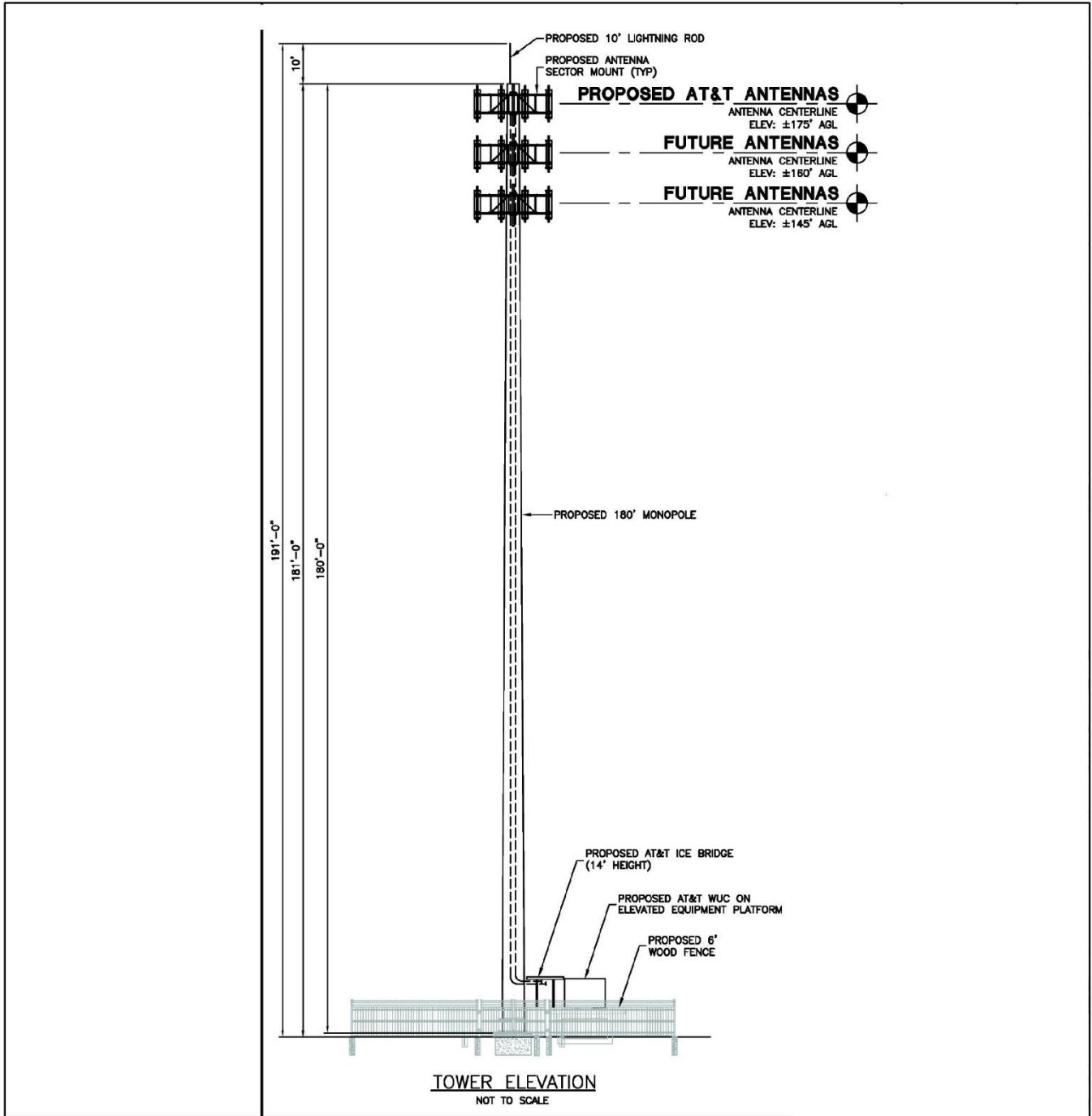


APPLICATION NUMBER 6602 DATE July 8, 2024  
 APPLICANT Vertical Bridge REIT, LLC / Mary Palmer, Agent  
 REQUEST Special Exception





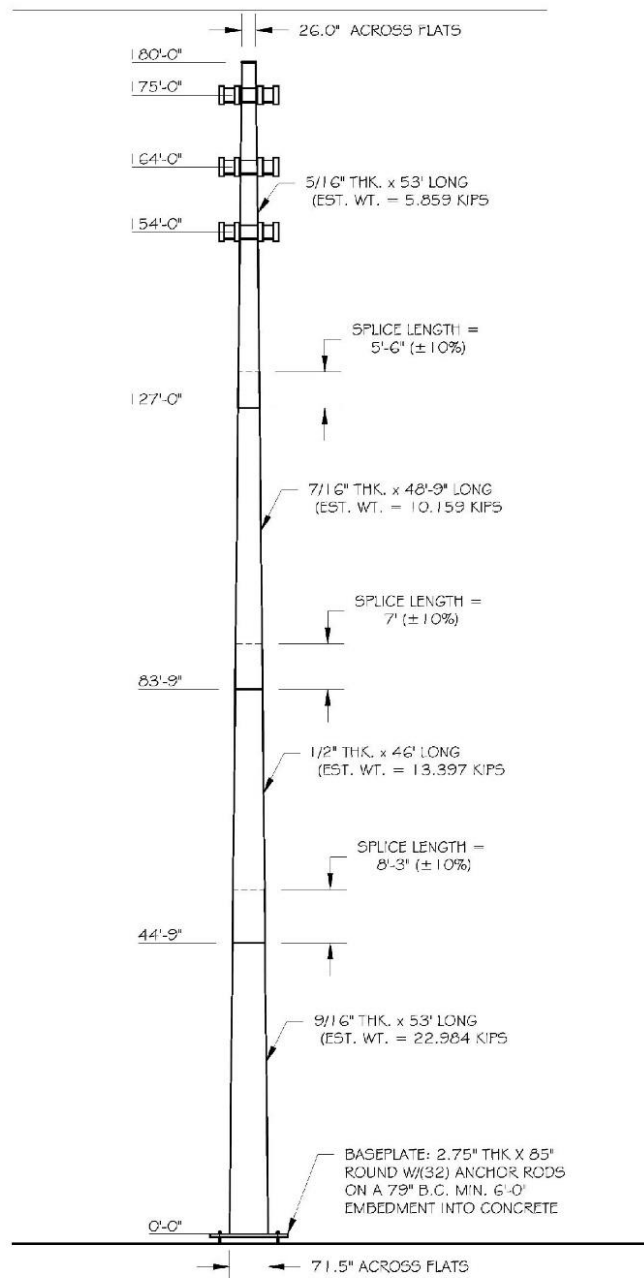
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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED 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)

## LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as "industrial business", where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advanced research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of

those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.