

**MOBILE CITY PLANNING COMMISSION MINUTES**  
**MEETING OF OCTOBER 2, 2014 - 2:00 P.M.**  
**AUDITORIUM, MOBILE GOVERNMENT PLAZA**

**Members Present**

Mr. James (Jay) F. Watkins, Chairman  
Mr. John Vallas  
Ms. Shirley Sessions  
Ms. Libba Latham (PJ)  
Mr. Allan Cameron (S)  
Mr. Thomas Doyle  
Mr. Nick Amberger (AO)  
Mr. P. Nigel Roberts

**Members Absent**

Mr. Carlos Gant, Vice Chair  
Ms. Jennifer Denson (S), Secretary  
Mr. Levon Manzie (CC)  
Ms. Sujin Kim  
Mr. Don Hembree (PJ)

**Urban Development Staff Present**

Bert Hoffman,  
Planner II  
Carla Davis,  
Planner II  
David Daughenbaugh,  
Urban Forestry Coordinator  
Jessica Watson  
Secretary II

**Others Present**

Doug Anderson,  
Assistant City Attorney  
George Davis,  
City Engineering  
Marybeth Bergin,  
Traffic Engineering  
Billy Roach  
Fire-Rescue Department

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who did not participate in voting unless otherwise noted.

**ROLL CALL:**

Mr. Watkins stated the number of members present constituted a quorum and advised all attending of the policies and procedures pertaining to the Planning Commission.

**HOLDOVERS:**

1. **East side of Farver Lane at the West terminus of Jackson Drive**  
County  
**SUB2014-00096**  
**Mills Family Division Subdivision**  
**Number of Lots / Acres:** 3 Lots / 3.2± Acres  
**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying

The Chair announced the application had been recommended for holdover and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Watkins, with second

by Mr. Vallas to hold the matter over until the October 16, 2014 meeting, with revisions due by October 6, 2014 to address the following:

- 1) documentation should be provided to indicate if the site is connected to public or private water and sanitary sewer; and
- 2) a revised preliminary plat should be submitted reducing the number of lots or increasing the lot sizes to comply with Section V.D.2. of the Subdivision Regulations.

The motion carried unanimously.

2. **WITHDRAWN**

**1962, 2000 and 2008 Dr. Martin Luther King Jr. Avenue**

Northeast and Southeast corners of Dr Martin Luther King Jr. Avenue, extending to the West side of Vine Street.

Council District 2

**A. SUB2014-00098 (Subdivision)**

**Emmanuel Subdivision**

**Number of Lots / Acres:** 3 Lots / 3.3± Acres

**Engineer / Surveyor:** Frank A. Dagley & Associates, Inc.

**The Chair announced the application had been withdrawn by the applicant.**

**B. ZON2014-01690 (Planned Unit Development)**

**Emmanuel Subdivision**

Planned Unit Development Approval to allow multiple buildings on a single building site and off-site parking.

**The Chair announced the application had been withdrawn by the applicant.**

**C. ZON2014-01689 (Planning Approval)**

**Emmanuel Subdivision**

Planning Approval to allow the expansion of an existing church school in a R-1, Single-Family Residential District.

**The Chair announced the application had been withdrawn by the applicant.**

3. **1925 Snow Road South**

(East side of Snow Road, 3/10± mile North of Jeff Hamilton Road).

County

**SUB2014-00089**

**Amelia Lake Subdivision, Phases 1-2**

**Number of Lots / Acres:** 47 Lots / 21.0± Acres

**Engineer / Surveyor:** Preble-Rish, LLC

Mr. Vallas recused himself from discussion and voting on the matter.

The Chair announced the application had been recommended for approval. He added if anyone wished to speak on the matter they should do so at that time.

Steve Pumphrey, Preble-Rish, spoke on behalf of the developer. He stated that he spoke with some of the surrounding neighbors before the meeting and it was clear that their intent was to pursue with trying to get the connection of the neighborhoods waived. He noted that in the beginning it was something that they would have considered; but since then the Fire Department has informed him that if they do not make the connection they will be required to sprinkle all of the homes within this development because there are more than 30 lots.

The following people spoke in reference to the matter:

- Chris Tracy, Resident of Holly Branch;
- Bryan Stout, President of the Homeowners Association of Holly Branch;
- Vonseal Cunningham, Resident of Holly Branch;
- Terry Hardin, 1775 Holly Branch Ct;

They made the following points in reference to the application:

- A. feels as if the developer can create two entrances to this development;
- B. there are already two ways to access each home in the development due to the circular shape;
- C. Holly Branch entrance does not need increased traffic flow;
- D. discussed the character of Holly Branch neighborhood and does not want that to change;
- E. feels uncomfortable about the connection to Amelia Lakes;
- F. believes it is doubtful that the fire code will be enforced;
- G. supports the Amelia Lakes development;

Hearing no further opposition or discussion, a motion was made by Ms. Sessions, with second by Mr. Amberger to approve the above referenced matter, subject to the following conditions:

- 1) **Provision of a connection to Redberry Drive, as required by Section V.B.1.**

- of the Subdivision Regulations;
- 2) Revision of the Final Plat to depict dedication along Snow Road, to Mobile County, sufficient to provide 50' as measured from centerline;
  - 3) Revision of the lot size information and 25' minimum building setback line on the Final Plat to reflect dedication;
  - 4) Placement of a note on the Final Plat stating no future subdivision of Lot 43 until the existing driveway is paved and improved as a street to Mobile County Engineering Standards;
  - 5) Placement of a note on the Final Plat stating that all common and detention areas shall be maintained by the property owners;
  - 6) Placement of a note on the Final Plat stating that all proposed streets must be built to Mobile County Engineering standards and be accepted by Mobile County prior to the signing of the Final Plat;
  - 7) Placement of a note on the Final Plat stating that the site is limited to one curb-cut to Snow Road and all proposed lots are limited to one curb-cut each, with the size, design and location to be approved by Mobile County Engineering and conform to AASHTO standards;
  - 8) Placement of a note on the Final Plat stating that no permanent structures can be placed in any easement;
  - 9) Placement of a note on the Final Plat stating: *(The approval of all applicable federal, state and local environmental agencies regarding flood zones and wetlands, would be required prior to the issuance of any permits or land disturbance activities.);*
  - 10) Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);*
  - 11) Placement of a note on the Final Plat stating: *(This site is located in the County, and therefore any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.);*
  - 12) Placement of a note and compliance with Fire 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. 2009 International Fire Code Appendix D Fire Apparatus Access Roads. Section D107 One- or Two-Family Residential Developments. D107.1 One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. Exceptions: 1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required. 2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect*

- with future development, as determined by the fire code official.); and*
- 13) Placement of a note on the Final Plat and compliance with Engineering Comments: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.).*

The motion carried unanimously with Mr. Vallas recusing.

**NEW SUBDIVISION APPLICATIONS:**

4. **3961 Spring Hill Avenue**  
(South side of Spring Hill Avenue, 265'± West of North McGregor Avenue).  
Council District 7  
**SUB2014-00111**  
**Sheridan Subdivision**  
**Number of Lots / Acres:** 1 Lot / 1.0± Acre  
**Engineer / Surveyor:** Don Williams Development

Ms. Latham recused herself from discussion and voting on the matter.

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Mr. Vallas, with second by Mr. Doyle to approve the above referenced matter, subject to the following conditions:

- 1) retention of the dedication to provide 50 feet from center line;
- 2) placement of the lot size in square feet and acres;
- 3) placement of a note on the plat stating that the site is limited to the existing curb cut, with the size, design and location to be approved by Traffic Engineering, and to comply with AASHTO standards;
- 4) depiction of the 25-minimum building setback;
- 5) compliance with Engineering comments *(The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings*

*and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Add a note to the Plat stating that 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. Revision of the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. Show and label each and every Right-Of-Way and easement. Provide and label the monument set or found at each subdivision corner. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. Provide the Surveyor's Certificate and Signature. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. Add a note that sidewalk is required to be repaired along the frontage of the LOT, at time of development. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.);*

- 6) *compliance with Traffic Engineering comments (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 7) *compliance with 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).);*
- 8) *compliance with Fire 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.); and*
- 9) *completion of the Subdivision process prior to any application for permits.*

The motion carried unanimously with Ms. Latham recusing.

5. **1717 Alba Avenue**  
(North terminus of Alba Avenue).  
Council District 3  
**SUB2014-00108**  
**Kluge Place Subdivision**  
**Number of Lots / Acres:** 1 Lot / 0.3± Acre  
**Engineer / Surveyor:** William K. Kluge, PLS

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Genevieve Dardeau, 1721 Alba Ave, spoke on her own behalf. She stated that she needed clarification on what this application is trying to do.

Mr. Watkins responded that they are creating a one lot subdivision; they are making a metes-and-bounds description a legal lot of record, which means they are putting it on a Subdivision plat and recording that plat in Probate Court.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Mr. Amberger to waive Section V.D.1. and V.D.3. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **labeling of the right-of-way width of Abba Avenue to coincide with the right-of-way width adjacent to the property;**
- 2) **revision of the plat to depict the 25-foot minimum building setback line as required by Section V.D.9. of the Subdivision Regulations;**
- 3) **retention of the lot size in acres and in square feet or the furnishing of a table on the Final Plat providing the same information;**
- 4) **placement of a note on the Final Plat stating that the lot is limited to the existing curb-cut, with any changes to the size, design, and location to be approved by Traffic Engineering, and conform to AASHTO standards;**
- 5) **placement of a note on the Final Plat stating that approval of all applicable federal, state, and local agencies is required for endangered, threatened, or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;**
- 6) **placement of a note on the Final Plat stating that approval of all applicable Federal, state and local agencies is required for wetland and floodplain issues, if any, prior to the issuance of any permits or land disturbance activities;**
- 7) **compliance with Engineering comments: *"The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. B. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 27 - #89) the Lot will receive historical credit of impervious area towards storm water detention requirement per the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. Coordinate with City Engineering Department staff to***

*establish the exact amount prior to the submittal of the Land Disturbance Permit application. C. Add a note to the Plat stating that 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. D. Show and label the MFFE (Minimum Finished Floor Elevation) for LOT 1. E. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. F. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. G. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature."*

- 8) **compliance with Traffic Engineering comments:** *"Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards."*
- 9) **compliance with 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)."*
- 10) **compliance with Fire 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."*

The motion carried unanimously.

**6. 800 Schillinger Road North**

North side of Zeigler Boulevard, 635'± East of Schillinger Road North  
County

**SUB2014-00105**

**Zeigler Corners Subdivision Phase 2, The Resubdivision of Lot 2**

**Number of Lots / Acres:** 2 Lots / 7.3± Acres

**Engineer / Surveyor:** McCrory and Williams, Inc.

Mr. Vallas recused himself from discussion and voting on the matter.

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

William Wiggins, resident of Ashford Estates, spoke in reference to the application. He stated that he would like to know what is going on with this property.

Mr. Watkins responded that the applicant is dividing the property into two legal lots. They are not asking for any zoning changes.

Hearing no opposition or further discussion, a motion was made by Mr. Amberger,

with second by Ms. Latham to waive Section V.D.3. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) Placement of a note on the Final Plat stating that no future subdivision of Lot 2A until additional frontage on a paved private or public street is provided;
- 2) Retention of the 25' minimum building setback line and lot size information on the Final Plat;
- 3) Revision of the vicinity map to reflect the site boundaries on the Final Plat;
- 4) Placement of a note on the Final Plat stating no permanent structures can be placed or erected within any easement;
- 5) Placement of a note on the Final Plat limiting Lot 2A to 1 curb-cut to Zeigler Boulevard and Lot 2B to 2 curb-cuts to Zeigler Boulevard, with the size, design and location to be approved by Mobile County Engineering and conform to AASHTO standards;
- 6) Placement of a note on the Final Plat stating: *(The approval of all applicable federal, state and local environmental agencies regarding creeks and wetlands would be required prior to the issuance of any permits or land disturbance activities.);*
- 7) Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);*
- 8) Placement of a note on the Final Plat stating: *(This site is located in the County, and therefore any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.);*
- 9) Placement of a note and compliance with Fire 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.);* and
- 10) Placement of a note on the Final Plat and compliance with Engineering Comments: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.).*

The motion carried unanimously with Mr. Vallas recusing.

7. North side of Leytham Road, 505'± West of Maurice Poiroux Road  
County  
**SUB2014-00106**  
**Newsome Family Division Subdivision**  
**Number of Lots / Acres:** 2 Lots / 3.9± Acres  
**Engineer / Surveyor:** Polysurveying Engineering – Land Surveying

The Chair announced the application had been recommended for denial. He added if anyone wished to speak on the matter they should do so at that time.

Matt Orrell, Polysurveying, spoke on behalf of the applicant. He stated that his applicant is trying to divide this property to allow his daughter to live on ½ of the property.

Hearing no opposition or further discussion, a motion was made by Mr. Vallas, with second by Ms. Sessions to waive Section V.D.1. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **No additional subdivision of Lot 2 until adequate frontage on a compliant public or private street is provided;**
- 2) **Depiction of the 25-foot minimum building setback line on the Final Plat;**
- 3) **Each lot is limited to one curb-cut to Leytham Road, with the size, design and location to be approved by Mobile County Engineering;**
- 4) **Placement of a note on the Final Plat stating: *(Any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations.);***
- 5) **Placement of a note on the Final Plat stating: *(Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.);* and**
- 6) **Placement of a note on the Final Plat and compliance with Engineering Comments: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits.);***

The motion carried unanimously.

8. **5 and 6 Spring Hill Court**

(South and East terminus of Spring Hill Court)

Council District 7

**SUB2014-00107**

**Springhill Court Subdivision, Resubdivision of Lots 5 & 6**

**Number of Lots / Acres:** 2 Lots / 0.7± Acre

**Engineer / Surveyor:** Byrd Surveying, Inc.

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Ms. Sessions, with second by Ms. Latham to waive Section V.D.14. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that each lot is limited to one curb cut to Spring Hill Court, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards;**
- 2) **retention of the labeling of each lot with its size in acres and square feet, or the furnishing of a table on the Final Plat providing the same information;**
- 3) **retention of the 25' minimum building setback line on each lot;**
- 4) **placement of a note on the Final Plat stating that no structure shall be built within any recorded easement;**
- 5) **placement of a note on the Final Plat stating that development of this site must be undertaken in compliance with all local, state, and Federal regulations regarding endangered, threatened or otherwise protected species;**
- 6) **subject to the Engineering comments:** *[The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045), latest edition. C. Add a note to the Plat stating that 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. D. Show and label each and every existing easement. E. Provide and label the monument set or found at each subdivision corner. F. Add a signature*

*block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. G. Provide the Surveyor's Certificate and Signature. H. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. I. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. J. Any areas receiving drainage from a public street will require a drainage easement; the width and alignment of any required easement shall be coordinated with, and approved by, the City Engineer. K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];*

- 7) *subject to the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 8) *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 61-929 and City Code Chapters 57 and 64)]; and*
- 9) *subject to the 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.)*

The motion carried unanimously.

**9. 9850 Lancaster Road**

(West side of Lancaster Road, 1.5± mile South of Laurendine Road).

County

**SUB2014-00110**

**Two Lancaster Estates Subdivision**

**Number of Lots / Acres:** 2 Lots / 3.5± Acres

**Engineer / Surveyor:** Stewart Surveying, Inc.

The Chair announced the application had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Ms. Latham, with second by Mr. Doyle to waive Section V.D.1. of the Subdivision Regulations and to approve the above referenced matter, subject to the following conditions:

- 1) **placement of a note on the Final Plat stating that each lot is limited to one curb cut to Lancaster Road, with the size, location and design to be approved by Mobile County Engineering and conform to AASHTO standards;**

- 2) retention of the 25' minimum building setback line along Lancaster Road on the Final Plat;
- 3) retention of the labeling of the lot sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) retention of the lot numbers and "Two Lancaster Estates" on each lot on the Final Plat;
- 5) retention on the Final Plat of the note stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 6) placement of a note on the Final Plat stating that the approval of all applicable federal, state and local environmental agencies would be required prior to the issuance of any permits or land disturbance activities;
- 7) retention on the Final Plat of the note stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations;
- 8) retention on the Final Plat of the note stating that development of each lot will be designed to comply with the storm water detention and drainage facilities of the City of Mobile storm water and flood control ordinances;
- 9) subject to the Engineering comments: *(Must comply with the Mobile County Flood Damage Prevention Ordinance. Development shall be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. New public roads shall be constructed and paved to standards for County Maintenance, and accepted by Mobile County, while new private roads shall be constructed and paved to minimum County or Subdivision Regulation standards, whichever are greater.); and*
- 10) subject to the 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.)*

The motion carried unanimously.

**GROUP APPLICATIONS:**

10. **6311 Cottage Hill Road**  
(South side of Cottage Hill Road, 320'± West of Lloyds Lane).  
Council District 6

**A. SUB2014-00109 (Subdivision)**

**Knollwood Subdivision**

**Number of Lots / Acres:** 2 Lots / 0.3± Acre

**Engineer / Surveyor:** SMW Engineering Group, Inc.

The Chair announced the applications did not have a formal recommendation from Staff. However, conditions were provided should the Commission consider the application for approval. The Chair stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Andy Rotenstreich spoke on behalf of AT&T and on behalf of the property owner AllSource Mortgage Company. He stated that they were in agreement with all of the conditions that Staff provided. Mr. Rotenstreich noted that along with him at the meeting was Sean Van Meter, a RF Engineer with AT&T, GiGi Armbricht, a Director of External Affairs with AT&T, and David Ackridge, head of IT with the Mobile County Public School System.

They made the following points in favor of the application:

- A. this piece of property is one of the few pieces of commercial property in the search ring;
- B. it is also the only wooded piece of property in the search ring;
- C. it will located between a Rite Aid to the East and a Hardees and Taco Bell to the west;
- D. the R-1 just to the north is a cemetery;
- E. they feel as if they have done their homework in finding a location where they can hide the look of the tower as much as possible;
- F. they are proposing the single pole design;
- G. it will not be a tower with guide wires coming off it;
- H. it will be just a little taller than a power pole;
- I. the tower will not be lighted, it will not omit noise, odor or dust;
- J. there is a significant gap in coverage primarily along Cottage Hill Road;
- K. the Crown location would not meet their design requirements;
- L. the Community Center would do very little for the tower since it is so close to the Burns Middle School site;
- M. there are 3,480 households within the footprint of the proposed tower;
- N. those households translate into 7,866 actual people who could positively

- affected by the tower;
- O. the tower will be co-locatable;
- P. having poor cell coverage is a public safety issue, since roughly 70% of all 911 call come from cell phones;
- Q. by the end of 2014 only 19% of household will even have a landline;
- R. according to the South Alabama Regional Planning Commission over 26,000 cars pass through the intersection of Hillcrest and Cottage Hill Road every 24 hours;
- S. that intersection is infamous for the number of dropped calls;
- T. Mobile County Public School System has started a bring your own device policy;
- U. Cell phones are a part of our lives and without connectivity they are nothing but a power weight.

Mr. Watkins asked Mr. Van Meter if they had done any modeling in what the difference in coverage would be if the proposed tower was lowered from 150 feet to 120 feet.

Mr. Van Meter responded that lowering the tower will decrease the signal footprint. He stated that last time they were before the Commission they lowered the tower to 135 feet and it does decrease the footprint. They would be willing to discuss again about lowering the tower.

Mr. Vallas asked what changes have been made from this application from the previous application.

Mr. Rotenstreich stated that they have turned on some the proposed sites that they had a year ago, and it has showed them that they truly need this site at this location. He noted that he felt as if it as strengthened their argument even more.

Ms. Session questioned what kind of impact the tower would have on nearby schools even if it was lowered.

Mr. Rotenstreich responded that it would still be able to reach the schools.

The following people spoke in opposition to the matter:

1. James Hyde, 6304 Muir Woods Drive N;
2. Roy Mosley, Muir Woods resident;
3. William Finnegan, 6317 Muir Woods Drive S;
4. B.J. Lyons, McFadden, Lyons & Rouse;

They made the following points against the application:

- A. a cell tower would be an eyesore;

- B. the cell tower is about three times the height of any of the trees in the area;
- C. there are other cell phone carrier options in the area that residents can choose from;
- D. believes that maintenance on the tower would happen at night and interrupt the residents sleep;
- E. concerned about lighting strikes to the tower;
- F. the cemetery located in front of the proposed site is not on the National Registry, but it should be;
- G. several nearby local property owners would be happy to have cell phone tower on their property;
- H. this is the same application that was denied by this Commission on January 16 of this year;
- I. cell towers will decrease home values.

In rebuttal, Mr. Rotenstreich addressed some of the concerns regarding relocating the tower. The issue that they are having if they move the tower any south they will be in residential zoning. The City of Mobile's Zoning Ordinance does not allow cell towers in an R-1 district.

Mr. Watkins asked if there is a provision in the tower ordinance that allows variance through the Board of Adjustment in an R-1, R-2 or R-3 area.

Mr. Hoffman responded that the ordinance states that the Board of Adjustment may waive or modify the requirements for the development of towers, which is Section J4, the maximum height of towers, setbacks, the separation or buffer requirements, fencing, landscaping, access and buildings.

Mr. Anderson asked that the Chair make a motion to go into Executive Session.

A motion was made by Ms. Latham, with second by Ms. Session to go into Executive Session to discuss privileged communication with Mr. Anderson.

The motion carried unanimously.

Mr. Watkins asked that after the Executive Session if there were any further questions by Commissioners.

Mr. Doyle asked Mr. Anderson for clarification that the only engineering data that the Commission had been presented has been by AT&T proving the need for this tower.

Mr. Anderson stated that was his understanding. There was a report that Mr. Lyons provided from Don Williams Engineer. But, from a legal evidence view point it should not be considered because it is not from a licensed engineer and it is not stamped with any engineer certificate. Mr. Williams was a civil engineer not a

communications engineer.

Hearing no further opposition or discussion, a motion was made by Mr. Amberger, with second by Mr. Cameron to tentatively approve the above referenced matter, subject to the following conditions:

- 1) revision of the plat to include items required as per Section IV.C. of the Subdivision Regulations;
- 2) retention of the lot identifications on the Final Plat;
- 3) retention of the labeling of each lot with its size in square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 5) subject to the Engineering Comments: *[The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer: A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with the of the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention will be required for future addition(s) and/or land disturbing activity. C. Add a note to the Plat stating that 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. D. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. E. Show and label each and every Right-Of-Way and easement. F. Provide and label the monument set or found at each subdivision corner. G. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. H. Provide the Surveyor's Certificate and Signature. I. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. J. Add a note that sidewalk is required to be constructed along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. K. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.];*
- 6) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to*

*AASHTO standards.);*

- 7) **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 61-929 and City Code Chapters 57 and 64)];*
- 8) **subject to the 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.);*
- 9) **submission and approval of two (2) copies of a revised Planning Approval site plan to Planning, indicating all conditions of its approval, prior to the submission of plans for construction or the signing of the Final Plat; and**
- 10) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**B. ZON2014-01876 (Planning Approval)**

**Knollwood Subdivision**

Planning Approval to allow a 150' cell tower in a B-2, Neighborhood Business District

The Chair announced the applications did not have a formal recommendation from Staff. However, conditions were provided should the Commission consider the application for approval. The Chair stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no further opposition or discussion, a motion was made by Mr. Amberger, with second by Mr. Cameron to tentatively approve the above referenced matter, subject to the following conditions:

- 1) **the maximum height of the tower and associated antennae is limited to 140';**
- 2) **revision of the site plan to indicate an 8' high wooden privacy fence around the equipment compound as required by the Chart of Permitted Uses of the Zoning Ordinance;**
- 3) **revision of the site plan to eliminate the barbed wire fencing atop the wooden privacy fence around the equipment compound, the submission of documentation from the Federal Communications Commission verifying that the barbed wire fencing is required, or the approval of a Fence Variance by the Board of Zoning Adjustment;**
- 4) **revision of the site plan to indicate compliant tree plantings within the tower lot, to be coordinated with the Planning Division of the Urban Development Department;**
- 5) **obtaining of all necessary tree removal permits from Urban Forestry**

- prior to any land disturbance activities;
- 6) subject to the Board of Zoning Adjustment approving the associated Height, Setback and Residential Buffer Variance requests prior to any land disturbance activities;
  - 7) placement of a note on the site plan stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
  - 8) subject to the Engineering comments: *[A Land Disturbance permit will be required for any land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045), latest edition. Storm water detention may be required.]*;
  - 9) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.)*;
  - 10) 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 61-929 and City Code Chapters 57 and 64).]*;
  - 11) subject to the 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.)*;
  - 12) submission and approval of two (2) copies of a revised site plan to Planning, indicating all conditions of approval, prior to the submission of plans for construction or the signing of the Final Plat; and
  - 13) full compliance with all municipal codes and ordinances.

The motion carried unanimously.

**11. 1651 Schillinger Road North**

(West side of Schillinger Road North, 35'± South of Tara Drive).  
County

**A. SUB2014-00112 (Subdivision)**

**LHRP 2 Commerical Park Subdivision**

**Number of Lots / Acres:** 2 Lots / 8.3± Acres

**Engineer / Surveyor:** Richard Patrick

The Chair announced the applications had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Ms. Sessions, with second by Ms. Latham waived Sections V.D.1. of the Subdivision Regulations and to

approve the above referenced matter, subject to the following conditions:

- 1) retention of the lot sizes in square feet and acres, or provision of a table on the Final Plat with the same information;
- 2) retention of the 25' minimum building setback for both lots;
- 3) placement of a note on the Final Plat limiting the development to one shared curb cut to Schillinger Road North, with said curb cut to be located on the proposed Lot 2, with the size, design, and location of the curb cut to be approved by Mobile County Engineering and confirm to AASHTO standards;
- 4) placement of a note on the Final Plat stating that the development will be designed to comply with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances, and requiring submission of certification from a licensed engineer certifying that the design complies with the storm water detention and drainage facility requirements of the City of Mobile storm water and flood control ordinances prior to the issuance of any permits. Certification is to be submitted to the Planning Section of Urban Development and County Engineering;
- 5) placement of a note on the Final Plat stating that any lots which are developed commercially and adjoin residentially developed property must provide a buffer, in compliance with Section V.A.8. of the Subdivision Regulations; and
- 6) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

The motion carried unanimously.

**B. ZON2014-01889 (Vacation Request)**

**Lance & Terri Hankinson**

Vacation Request to vacate existing ingress & egress, utility drainage and detention Easements

The Chair announced the applications had been recommended for approval and stated the applicant was agreeable with the recommendations. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or discussion, a motion was made by Ms. Sessions, with second by Ms. Latham to approve the above referenced matter, subject to the following conditions:

- 1) submission of seven (7) copies of the LHRP Commercial Park Subdivision plat as recorded in Mobile County Probate Court; and
- 2) completion of the vacation process prior to the signing of the Final Plat.

The motion carried unanimously.

**12. 2643 Bear Fork Road**

(East side of Bear Fork Road, 1.3± mile North of Moffett Road).

Council District 1

**A. SUB2014-00113 (Subdivision)**

**Townsend Family Division Subdivision**

**Number of Lots / Acres: 2 Lots / 5.0± Acres**

**Engineer / Surveyor: Polysurveying Engineering – Land Surveying**

The Chair announced the applications had been recommended for denial. He added if anyone wished to speak on the matter they should do so at that time.

Matt Orrell, Polysurveying, spoke on behalf of the applicant. He stated that they would like to request a holdover on this application.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Doyle to hold the matter over until the November 6<sup>th</sup> meeting at the applicant's request.

The motion carried unanimously.

**B. ZON2014-01884 (Planning Approval)**

**Townsend Family Division Subdivision**

**Planning Approval to allow an existing mobile home in a R-1, Single-Family Residential district.**

The Chair announced the applications had been recommended for denial. He added if anyone wished to speak on the matter they should do so at that time.

Hearing no opposition or further discussion, a motion was made by Mr. Watkins, with second by Mr. Doyle to hold the matter over until the November 6<sup>th</sup> meeting at the applicant's request.

The motion carried unanimously.


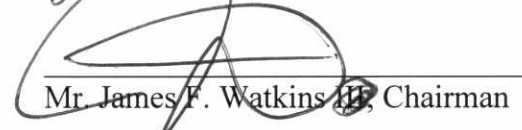
**PLANNING COMMISSION**

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**OTHER BUSINESS:**

**APPROVED:** January 15, 2015

  
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Ms. Jennifer Denson, Secretary  
\_\_\_\_\_  
Mr. James F. Watkins III, Chairman  
  
/jpw