

**PLANNING APPROVAL &  
SUBDIVISION STAFF REPORT****Date: January 2, 2014****NAME**

Knollwood Subdivision

**SUBDIVISION NAME**

Knollwood Subdivision

**LOCATION**6311 Cottage Hill Road  
(South side of Cottage Hill Road, 320'± West of Lloyds Lane)**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

2 Lots / 5.6± Acres

**CONTEMPLATED USE**

Planning Approval to allow a 150' cell tower in a B-2, Neighborhood Business District, and Subdivision approval to create two legal lots of record from an existing lot of record.

**TIME SCHEDULE  
FOR DEVELOPMENT**

None Given

**ENGINEERING  
COMMENTS**

**Subdivision:** The following comments should be addressed prior to acceptance and signature by the City Engineer: a. Provide all of the required information for a SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. d. Add a signature block for the Owner (notarized), Surveyor, City Engineer, County Engineer, Planning Commission and Traffic Engineer. e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Provide a written legal description for the proposed subdivision lot with matching bearing and distance labels.

**Planning Approval:** No comments.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance with location and numbers of trees to be coordinated with Urban Forestry. *Full compliance with landscaping and tree requirements of the Zoning Ordinance with location of all trees to be planted on applicant's property.*

**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.

**MAWSS****COMMENTS**

MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until a Capacity application is approved by Volkert Engineering, Inc.

**REMARKS**

The applicant is requesting Planning Approval to allow a 150' cell tower in a B-2, Neighborhood Business District, and Subdivision approval to create two legal lots of record from an existing lot of record.

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 hazards, 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 plans, as approved, by current or future applicants must be submitted for Planning Approval review.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

It should be noted that the applicant has submitted Height, Setback, Residential Buffer Separation and Tree Planting Variance requests scheduled to be heard at the November 4<sup>th</sup> Board of Zoning Adjustment meeting.

The applicant is seeking Planning Approval to allow a cellular communications tower at the subject location. Cell towers are allowed in B-2 districts with Planning Commission Approval.

The purpose of the Telecommunications Ordinance is: to protect residential areas and land uses from potential adverse impact of Towers and Telecommunications Facilities; to minimize adverse visual impact of Towers and Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques; to promote and encourage shared use/collocation of Towers and Antenna support Structures as a primary option rather than construction of additional single-use Towers; to avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound; to ensure that Towers and Telecommunications Facilities are compatible with surrounding land uses; and to facilitate the provision of wireless telecommunications services to the residents and businesses of the City in an orderly fashion.

To this end, the Tower and Telecommunications Facility Ordinance requires very specific documentation relating to the carrier's service area and the number of potential co-locatable towers within a ½ mile radius to be submitted with the application; as well as specific buffers from residential properties; and certain site improvements be made.

The applicant has submitted documentation as required by Section 64-4.J.4.f. of the Zoning Ordinance pertaining to tower development relating to inability to collocate on other towers, structural integrity of the tower, the tower posing no safety risks, existing wireless telecommunications network, and collocation capabilities.

The project consists of the construction of a 150' high monopole cellular communications tower to better service in-building coverage. The tower would be centered within a 75' by 75' lease parcel which is to be made a legal lot of record via the associated Subdivision. Adjacent properties to the East and West of the site are in commercial use. Approximately 43' to the North of the proposed tower is a cemetery, and approximately 145' to the South is a single-family residential subdivision. The tower height, lease parcel setback and residential buffer separation are the subjects of the above-referenced variance requests, as well as relief from the tree planting requirements of the Zoning Ordinance. Access to the tower site is via an existing recorded 25' non-exclusive reciprocal easement for ingress and egress from Cottage Hill Road along the West property line of the adjacent commercial site to the East. This easement is across a paved drive. Due to the fact that this easement was an access point to a previously-approved but undeveloped Planned Unit Development on the subject site, and the inclusion of the adjacent site to the East in that PUD was not required, staff has determined that its inclusion in this application would also not be required.

The site plan indicates the tower lease parcel to be 30' West of the 25' ingress/egress easement. Access to the parcel is across a paved 30' ingress/egress easement between the parcel and the 25' easement. A compliant vehicle parking space and turn-around are indicated on this access parcel. A chain link fence topped by barbed wire around the equipment compound is indicated. It should be noted that barbed wire fencing is not allowed in a B-2 District. Unless the applicant can provide documentation that the barbed wire fencing is required by Federal Communications

Commission (FCC) regulations, the barbed wire should either be eliminated from the site plan, or a variance to allow such should be obtained. Also, only a contiguous hedge of evergreen shrubs is indicated around the inside of the compound. If the Tree Planting Variance should not be granted by the Board of Zoning Adjustment, the site plan should be revised to indicate the required tree plantings. And due to the site's proximity to residential use, a 6'-high wooden privacy fence along the South side of the compound should be required.

It should be noted that the tower elevation drawing indicates the top antenna segments to extend above the proposed 150' elevation. The over-all height of the communications equipment/structure (antennae/tower) should not extend above the proposed 150'. If design constraints do not allow the lowering of the antennae, this application should be revised to allow the required height above 150'.

The plat illustrates the proposed 2-lot, 5.6± acre subdivision, which is located on the South side of Cottage Hill Road, 320'± West of Lloyds Lane, in Council District 6. The applicant does not indicate what sanitary services are provided. The site is Lot 1-B, WC (4) Subdivision, Resubdivision of Lot 1, approved by the Commission in 1995. The application for that subdivision indicated that city water and sanitary sewer services are provided for the site.

The purpose of this application is to create two legal lots of record from Lot 1-B. In the past, a newly-created lease parcel could be a portion of an existing lot. However, a recently-enacted State law requires a lease parcel to be made a separate legal lot of record. Therefore, the proposed tower lease area must now become a separate legal lot. As submitted, there is no actual plat for the proposed subdivision, but rather, the site plan for the proposed tower showing all of Lot 1-B with the proposed lease area within. If approved, a Final Plat should be provided as per the Subdivision Regulations.

The proposed lease area is 75' by 75', or 5,625 square feet and below the 7,200 square-foot minimum lot size allowed by Section V.D.2. of the Subdivision Regulations. The remainder of the site (the other lot) is shown to contain approximately 16,400 square feet. The lease area is delineated with small portions of Lot 1-B around it on the East, North and West sides. As the existing Lot 1-B is land-locked, the creation of two smaller land-locked lots would not be out of order. However, in order to avoid the creation of another land-locked lot *within* an existing land-locked lot, the plat should be revised to indicate the lease area as being the entire Northern portion of Lot 1-B without any portion of Lot 1-B to its East, North or West. This would also modify the lease area lot to approximately 8,400 square feet, and the remainder of the site to approximately 13,650 square feet. Both lots would then meet the minimum lot sizes of the Subdivision Regulations. The Final Plat should identify each lot and each lot should be labeled with its size in square feet and acreage, or a table should be furnished on the Final Plat providing the same information.

The geographic area defined by the City of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

## **RECOMMENDATION**

**Planning Approval:** Based upon the preceding, this application is recommended for holdover to the December 5<sup>th</sup> meeting to allow the applicant to address the following items, with revisions due by November 15<sup>th</sup>:

- 1) revision of the tower height drawings to indicate the maximum height of the tower/antennae to not exceed 150' over-all height, or the revision of this application to allow the required over-all height for adequate communications operation;
- 2) revision of the site plan to indicate the lease area lot configuration to correspond with the lot configuration as per the Subdivision;
- 3) revision of the site plan to eliminate the barbed wire fencing atop the chain link fencing around the equipment compound, or submission of documentation from the Federal Communications Commission verifying that the barbed wire fencing is required, and the submission of a Fence Variance to the Board of Zoning Adjustment;
- 4) revision of the site plan to indicate compliant tree plantings within the lease area;
- 5) revision of the site plan to provide a 6'-high wooden privacy fence along the South side of the lease area;

**Subdivision:** Based upon the preceding, this application is recommended for holdover to the December 5<sup>th</sup> meeting to allow the applicant to address the following items; with revisions due by November 15<sup>th</sup>:

- 1) provision of an actual preliminary Subdivision plat indicating the new property lines for the two proposed lots;
- 2) illustration of the tower lease area (new lot) to be the entire Northern portion of the existing lot with no portions of the existing lot bordering the tower lease area to the East, North or West sides;
- 3) identification of each of the proposed lots; and
- 4) labeling of each lot with its size in square feet and acres, or the furnishing of a table on the preliminary plat providing the same information.

### ***Revised for the December 5<sup>th</sup> meeting:***

*These applications were heldover from the November 7<sup>th</sup> meeting to allow the applicant to address the items listed above.*

*The applicant has submitted revisions, most of which address the listed items. There are a few minor issues which would need to be addressed if approved.*

*Concerning the Planning Approval application, the applicant has now reduced the tower height from 150' to 135' and proposes a tree-simulation camouflage design in keeping with Section 64-4.J.16. of the Zoning Ordinance. Although the height has been lowered, the top antenna array extends slightly above the 135' tower height. Therefore, that antenna array should be lowered*

*so that no portion exceeds the 135' tower height. Since the tower is now proposed to be of a camouflaged design, the top of the camouflage should not exceed 150' in height.*

*The lease area lot configuration has been revised to correspond with that of the Subdivision and the barbed wire atop the compound chain link fencing has been removed. The site plan has also been revised to provide a 6' high wooden privacy fence along the South side of the tower and equipment compound. However, since the lease area is actually the entire lot, the site plan should be revised to indicate this fence along the entire South side of the lease area lot.*

*One item not completely addressed is tree plantings. The site plan does not indicate a sufficient number of tree plantings and some tree plantings are indicated on the lease area lot and some are indicated off that lot on the adjacent new lot to the South. All required tree plantings must be on the lease area lot, and Urban Forestry has determined that sufficient area exists on that lot to provide compliant tree plantings. Therefore, the site plan should be revised to provide compliant tree plantings, all on the lease area lot, to be coordinated with Urban Forestry. Any required tree removal permits should also be obtained from Urban Forestry prior to any land disturbance activities.*

*Concerning the Subdivision, the tower lease area (new lot) has been revised as required to be the entire Northern portion of the existing lot with no portions of the existing lot bordering the tower lease area to the East, North or West sides. Each proposed lot has been identified, and each is labeled with its size in square feet and acres. The plat contains the legal description, surveyor's certification, and pertinent signature blocks. One item which needs to be revised is the "Mobile County Planning Commission" signature block which should read "Mobile City Planning Commission".*

### **RECOMMENDATION**

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

- 1) revision of the tower elevation drawing to indicate the maximum height of the tower/antennae to not exceed 135' over-all height, and the maximum height of the camouflage tree pattern not to exceed 150';*
- 2) revision of the site plan to indicate compliant tree plantings, all on the lease area lot, to be coordinated with Urban Forestry;*
- 3) revision of the site plan to provide a 6' high wooden privacy fence along the entire South line of the lease area lot;*
- 4) subject to the Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 5) 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). Full compliance with landscaping and tree requirements of the Zoning Ordinance with location and numbers of trees to be coordinated with Urban Forestry. Full compliance*

*with landscaping and tree requirements of the Zoning Ordinance with location of all trees to be planted on applicant's property.);*

- 6) 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.);*
- 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) obtaining of any required tree removal permits from Urban Forestry prior to any land disturbance activities;*
- 9) submission of two (2) copies of a revised site plan to Planning illustrating all conditions of this 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.*

**Subdivision:** *The plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:*

- 1) revision of the signature block which reads "Mobile County Planning Commission" to read "Mobile City Planning Commission";*
- 2) retention of the lot identification labels on the Final Plat;*
- 3) retention of the lot size labels in square feet and acres on the Final Plat, 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 acceptance and signature by the City Engineer: a. Provide all of the required information for a SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances). b. Add a note to the Plat stating that storm water detention will be required for any future addition(s) and/or land disturbing activity in accordance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17 , Ordinance #65-007 & #65-045). c. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all stormwater runoff, wetland and floodplain requirements) would be required prior to the issuance of a permit for any land disturbance activity. d. Add a signature block for the Owner (notarized), Surveyor, City Engineer, County Engineer, Planning Commission and Traffic Engineer. e. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. f. Provide a written legal description for the proposed subdivision lot with matching bearing and distance labels.);*
- 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). Full*

*compliance with landscaping and tree requirements of the Zoning Ordinance with location and numbers of trees to be coordinated with Urban Forestry. Full compliance with landscaping and tree requirements of the Zoning Ordinance with location of all trees to be planted on applicant's property.);*

- 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 of two (2) copies of a revised site plan to Planning illustrating all conditions of approval of the PUD 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.*

***Revised for the January 2, 2014 meeting:***

*The Planning Approval application was heldover at the December 5, 2013 meeting to allow the applicant to submit propagation maps illustrating coverage that would be provided with the various planned co-locations if the proposed tower is not constructed. The Subdivision was also heldover at that meeting to be heard with the Planning Approval application.*

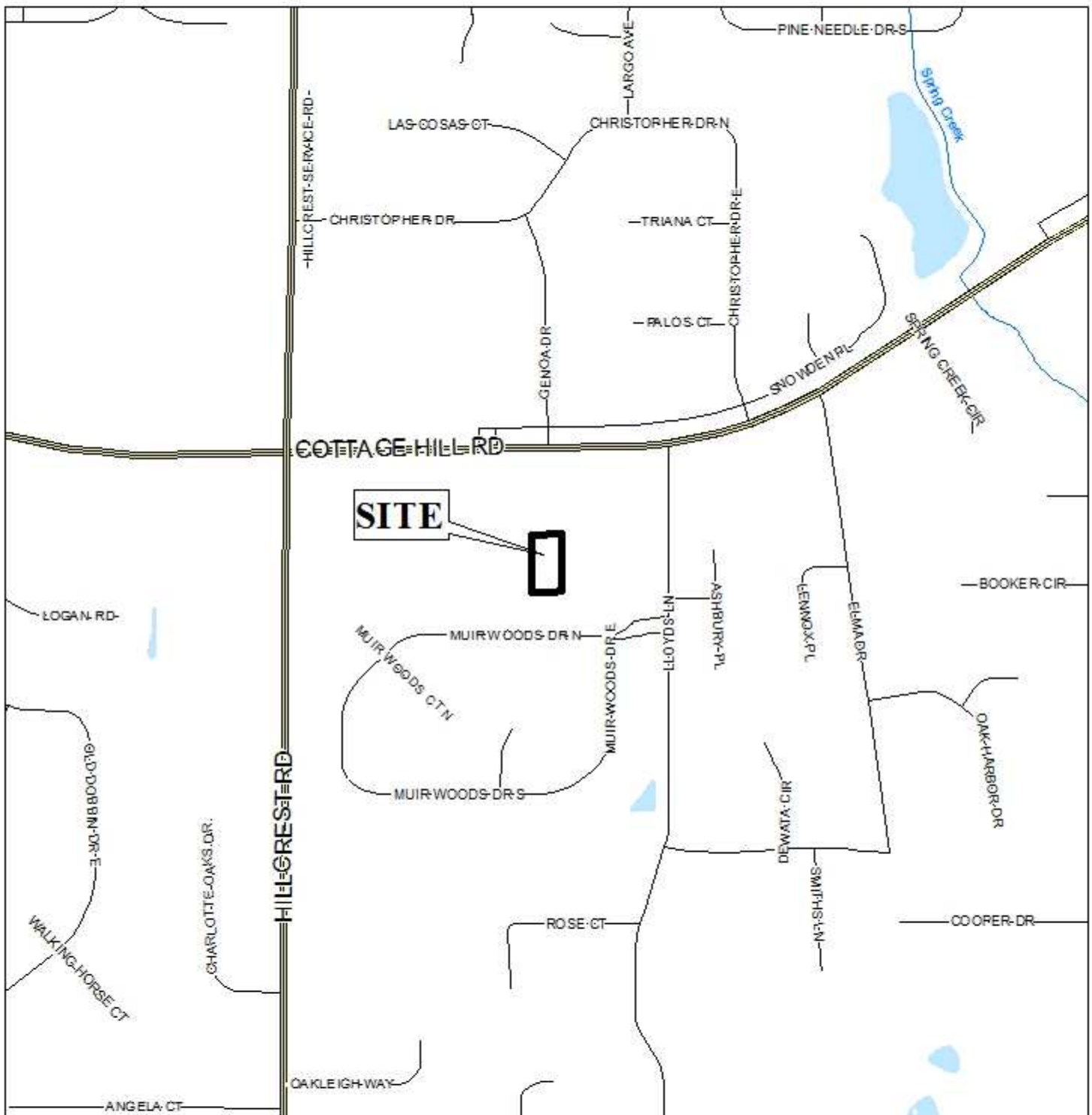
*The applicant did not submit the requested information. Inasmuch as the Planning Approval was previously recommended for approval, the lack of material to review for possible alternatives does not justify a subsequent recommendation for approval. Therefore, this application should be recommended for denial. And since the denial of the Planning Approval would deem the Subdivision request moot, that application should also be recommended for denial.*

**RECOMMENDATION**

***Planning Approval:*** *Based upon the preceding, this application is recommended for denial due to the lack of submittal of the propagation maps requested by the Planning Commission.*

***Subdivision:*** *Based upon the preceding, the Subdivision request is recommended for denial due to the fact that subdivision of the property would be a moot point if the Planning Approval is denied.*

# LOCATOR MAP



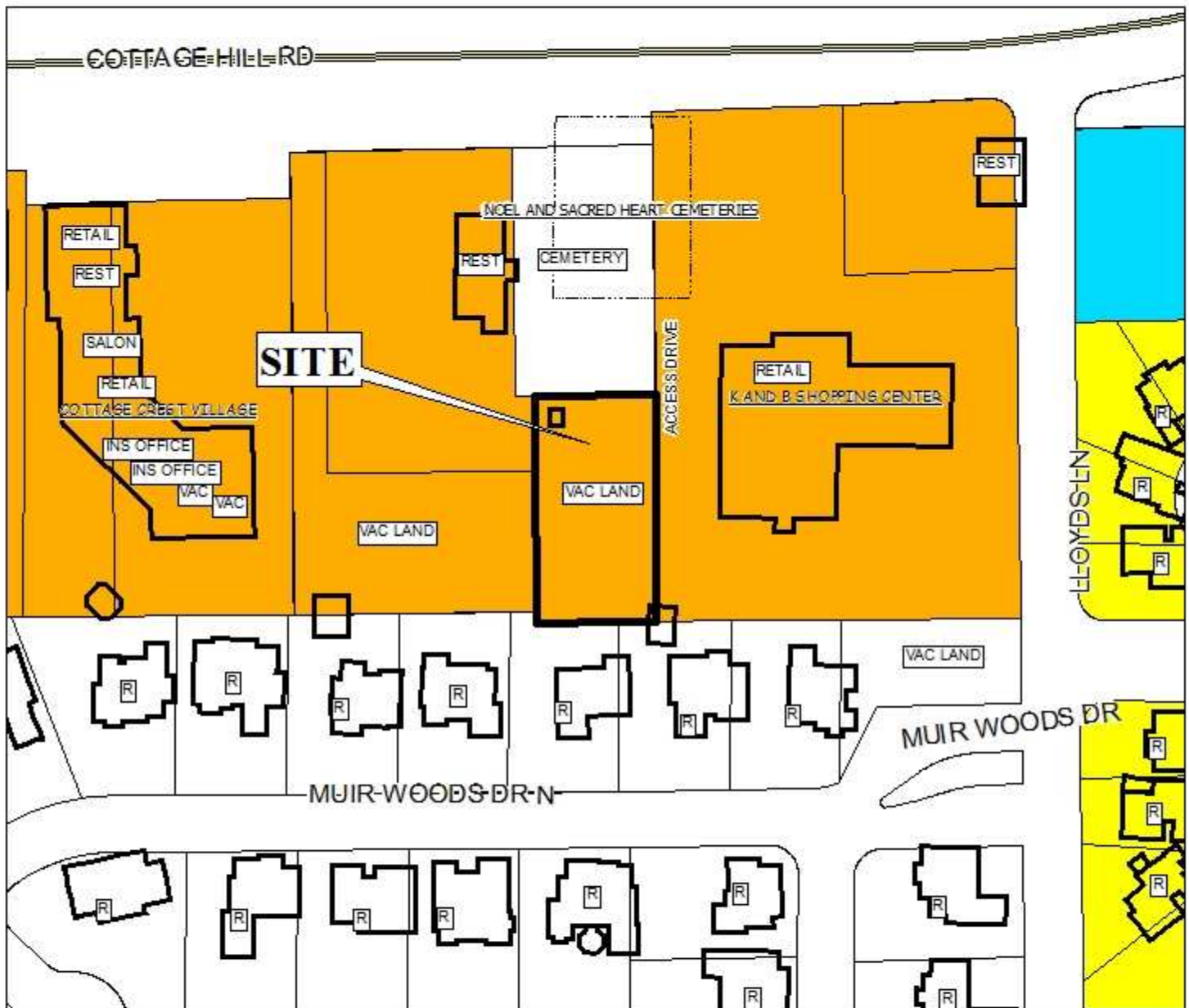
APPLICATION NUMBER 3 & 4 DATE January 2, 2014

APPLICANT Knollwood Subdivision

REQUEST Subdivision, Planning Approval



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by businesses and residences. A cemetery lies to the north of the site.

APPLICATION NUMBER 3 & 4 DATE January 2, 2014

APPLICANT Knollwood Subdivision

REQUEST Subdivision, 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
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by businesses and residences. A cemetery lies to the north of the site.

APPLICATION NUMBER 3 & 4 DATE January 2, 2014

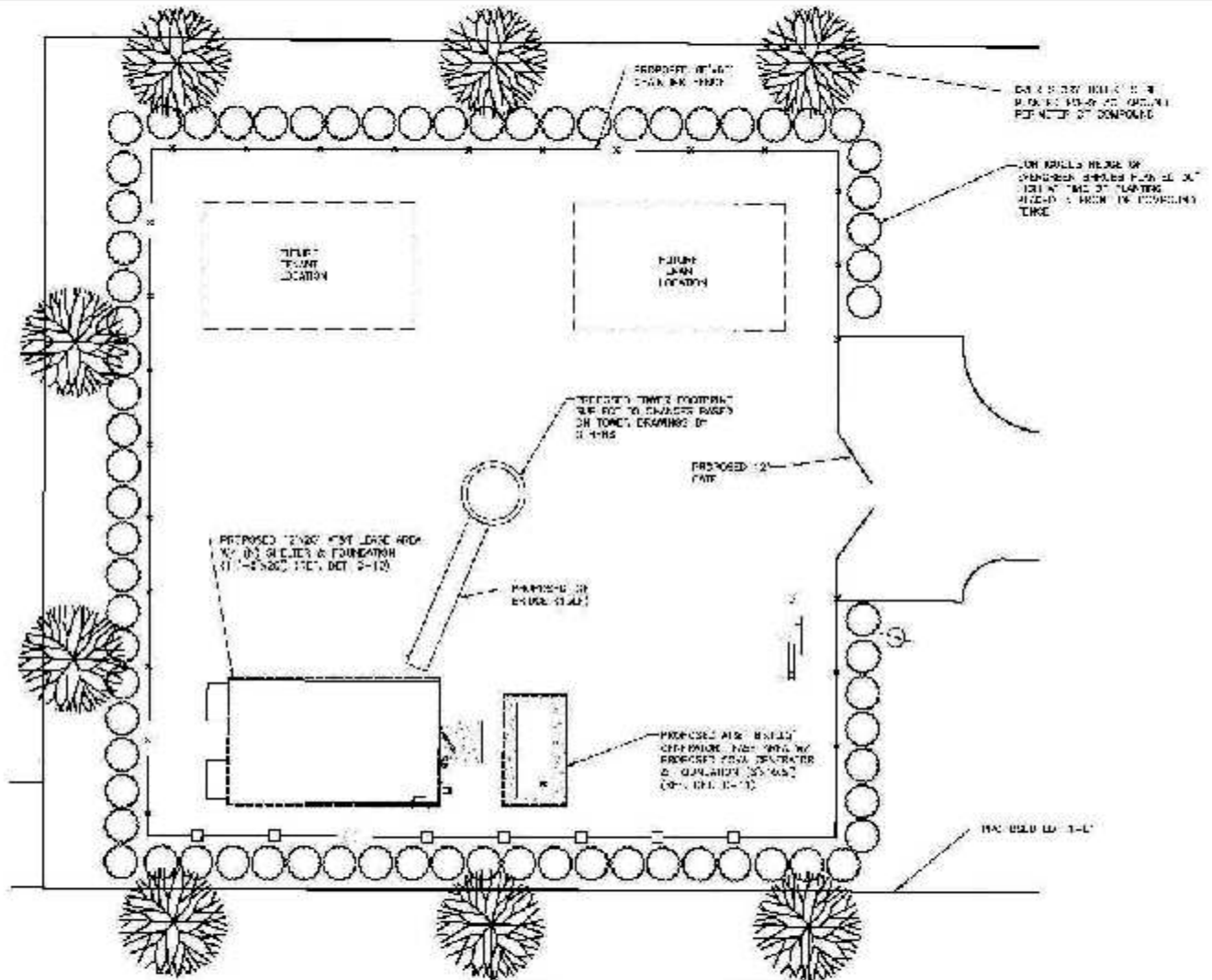
APPLICANT Knollwood Subdivision

REQUEST Subdivision, Planning Approval





# DETAIL SITE PLAN



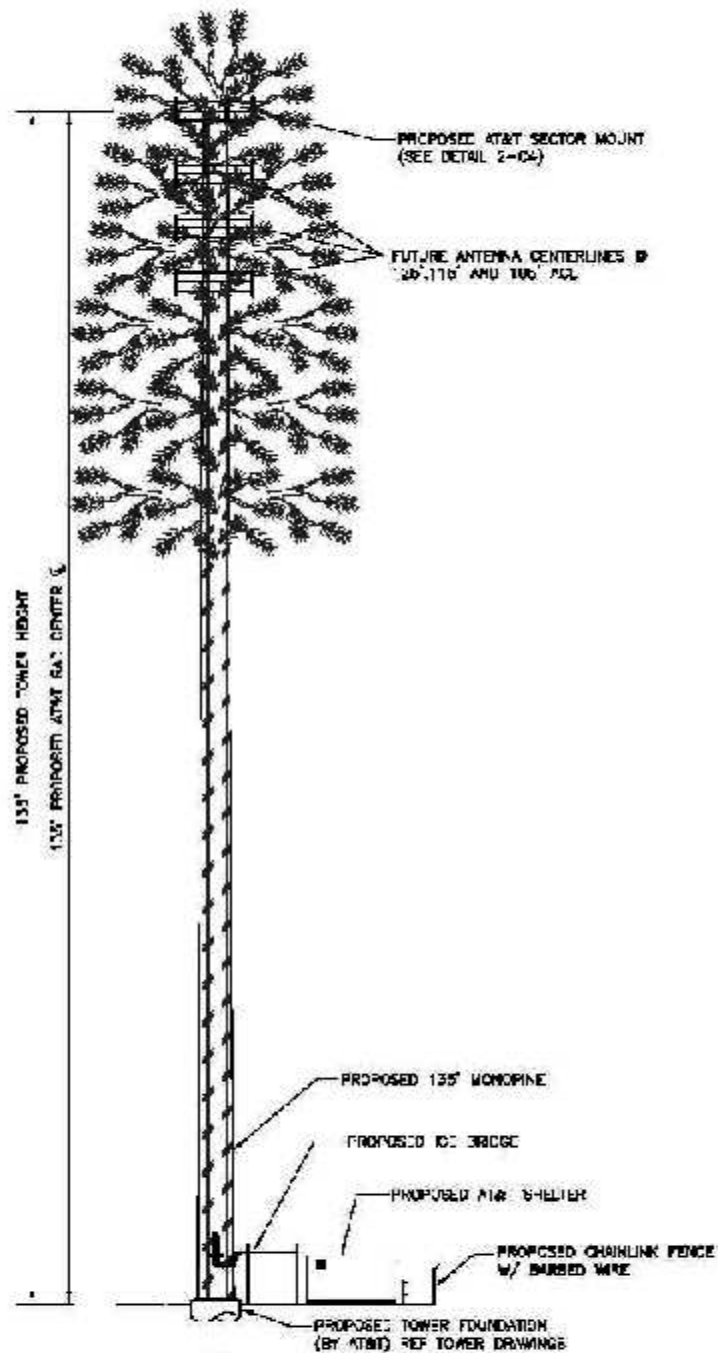
APPLICATION NUMBER 3 & 4 DATE January 2, 2014

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REQUEST Subdivision, Planning Approval



# DETAIL SITE PLAN



APPLICATION NUMBER 3 & 4 DATE January 2, 2014

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REQUEST Subdivision, Planning Approval

