

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

Knollwood Subdivision

SUBDIVISION NAME

Knollwood Subdivision

LOCATION6311 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 / 0.5± 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 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. 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.

Planning Approval: 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 may be required.

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).

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 no water or sewer services available. Water and sewer can be made available with an extension of both lines. MAWSS cannot guarantee sewer service until a Capacity application is approved by Volker 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.

Similar applications were heard by the Commission at the January 16, 2014, meeting. Although both were recommended for approval, both were not approved due to a lack of votes in support of the requests primarily due to public opposition. The applicant appealed the Commission's decisions to Federal Court but the appeals were ultimately dismissed by the Court on a technical filing issue. An associated Height, Setback, Residential Buffer and Tree Planting Variance was denied by the Board of Zoning Adjustment at its January 6, 2014 meeting. Application for the same requests has been submitted and is scheduled to be heard at the October 6th Board of Zoning Adjustment meeting. If the Planning Approval request is approved, it should be subject to the approval of at least the Height, Setback and Residential Buffer requests.

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, collocation capabilities, the tower posing no safety risks and existing wireless telecommunications network.

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 105' by 80' lease parcel which is to be made a legal lot of record via the associated Subdivision. It should be noted that the application erroneously indicates the tower site to be 0.31 acre, when, in fact, this

is the area of the adjacent proposed lot to the South. The tower lot/site is actually indicated to be 0.19 acre according to the site plan.

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. 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 site lot to be adjacent to the ingress/egress easement with a compliant vehicle parking space and turn-around between the easement and the tower compound. A 6' high wooden privacy fence with access gates is proposed around the compound. The site plan should be revised to indicate an 8' high fence as required by the Chart of Permitted Uses. A barbed wire fence is proposed above the wooden fence. 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. The site plan indicates a contiguous hedge of evergreen shrubs 30" high at the time of planting around the outside of the compound perimeter and eight overstory tree plantings beyond. However, three of those trees are actually indicated on the adjacent proposed lot to the South. As the site would actually require twelve overstory perimeter trees, and sufficient area exists on the site for such, tree plantings should be coordinated with the Planning Division of the Urban Development Department if this application is approved and the associated Tree Planting Variance request is denied. Existing trees on the site must be removed for construction and tree removal permits should be obtained from the Planning Division of the Urban Development Department prior to any land disturbance activities.

It should be noted that the tower elevation drawing indicates the top antenna segments to extend above the proposed 150' elevation and the lightning rod to extend 7' above the top of the tower to 157' above grade. The over-all height of the communications equipment/structure (antennae/lightning rod) should not extend above the proposed 150' elevation. If design constraints do not allow the lowering of the antennae, this application should be revised to allow the required height above 150'. The Height Variance request should correspond to whatever over-all height is determined to be required.

The plat illustrates the proposed 2-lot, 0.5± acre subdivision, which is located on the South side of Cottage Hill Road, 320'± West of Lloyds Lane, in Council District 6. It should be noted that the applicant erroneously indicated the subdivision to be 0.31 acres on the application. The entire existing lot to be resubdivided into the two proposed lots consists of 0.5± acre. 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 legal lot of record. Thus, the proposed tower lease area must now become a legal lot. As the existing Lot 1-B is land-locked, the creation of two smaller land-locked lots would not be out of order.

The plat indicates the two lots meeting the minimum size requirements of the Subdivision Regulations. As on the preliminary plat, 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.

It should be noted that the preliminary plat provided is more of a site plan than a Subdivision plat and does not contain some of the items required by Section IV.C. of the Subdivision Regulations. However, it does not impair a preliminary consideration of the proposed subdivision. Therefore, if approved, the plat should be revised to furnish the information required by that Section.

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.

There was much controversy and public opposition surrounding the original Subdivision and Planning Approval requests for the proposed tower on the subject site. Given this history related to the project, there is no formal recommendation, other than the Commission considers all relevant facts and review the requests based upon their own merits. However, the following conditions are submitted should the Commission consider approving the requests.

PROPOSED CONDITIONS FOR APPROVAL

Planning Approval:

- 1) revision of the tower height drawings to indicate the maximum height of the tower/antennae/lightning rod 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 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.

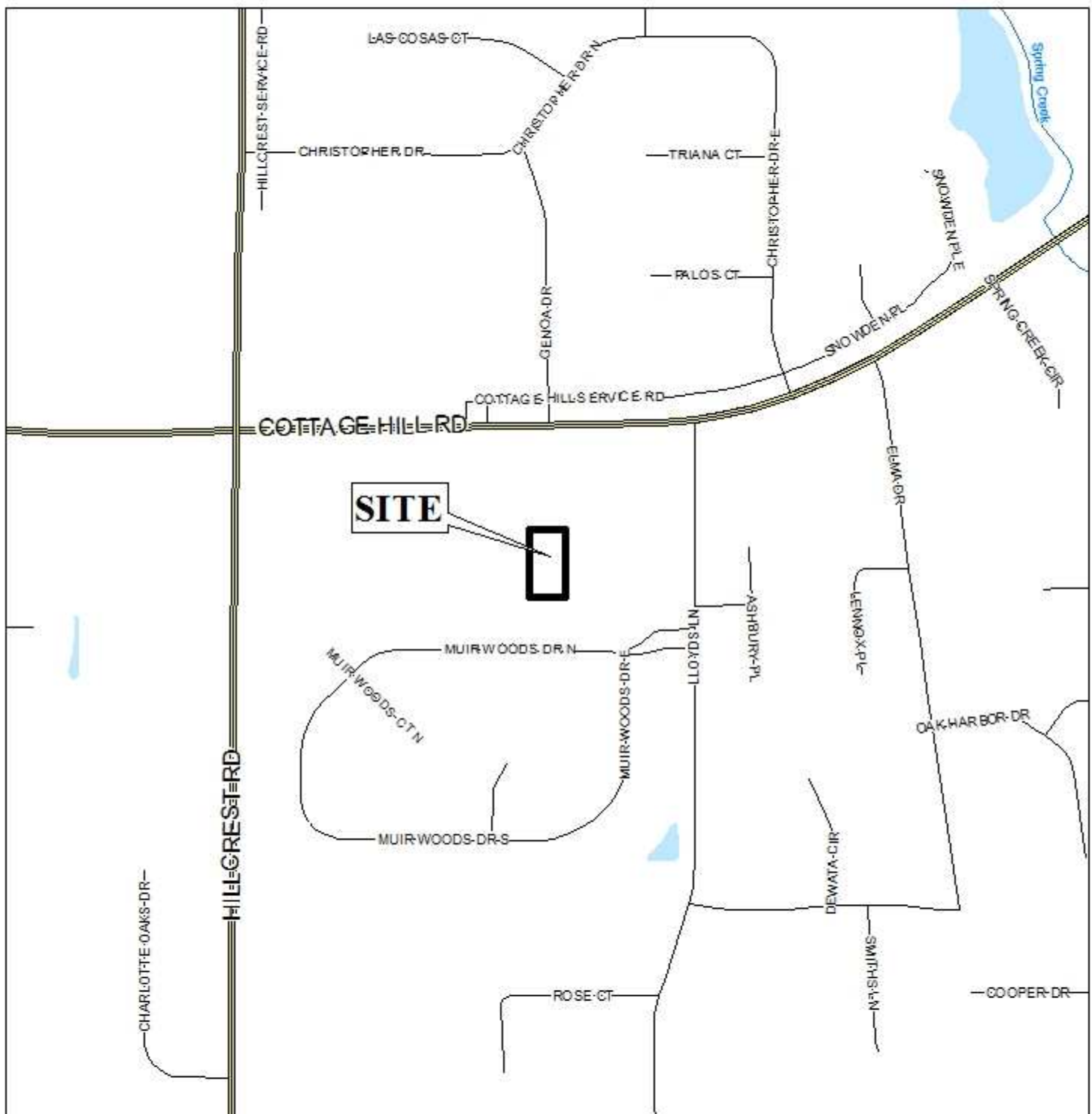
Subdivision:

- 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.);*
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- 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.

LOCATOR MAP



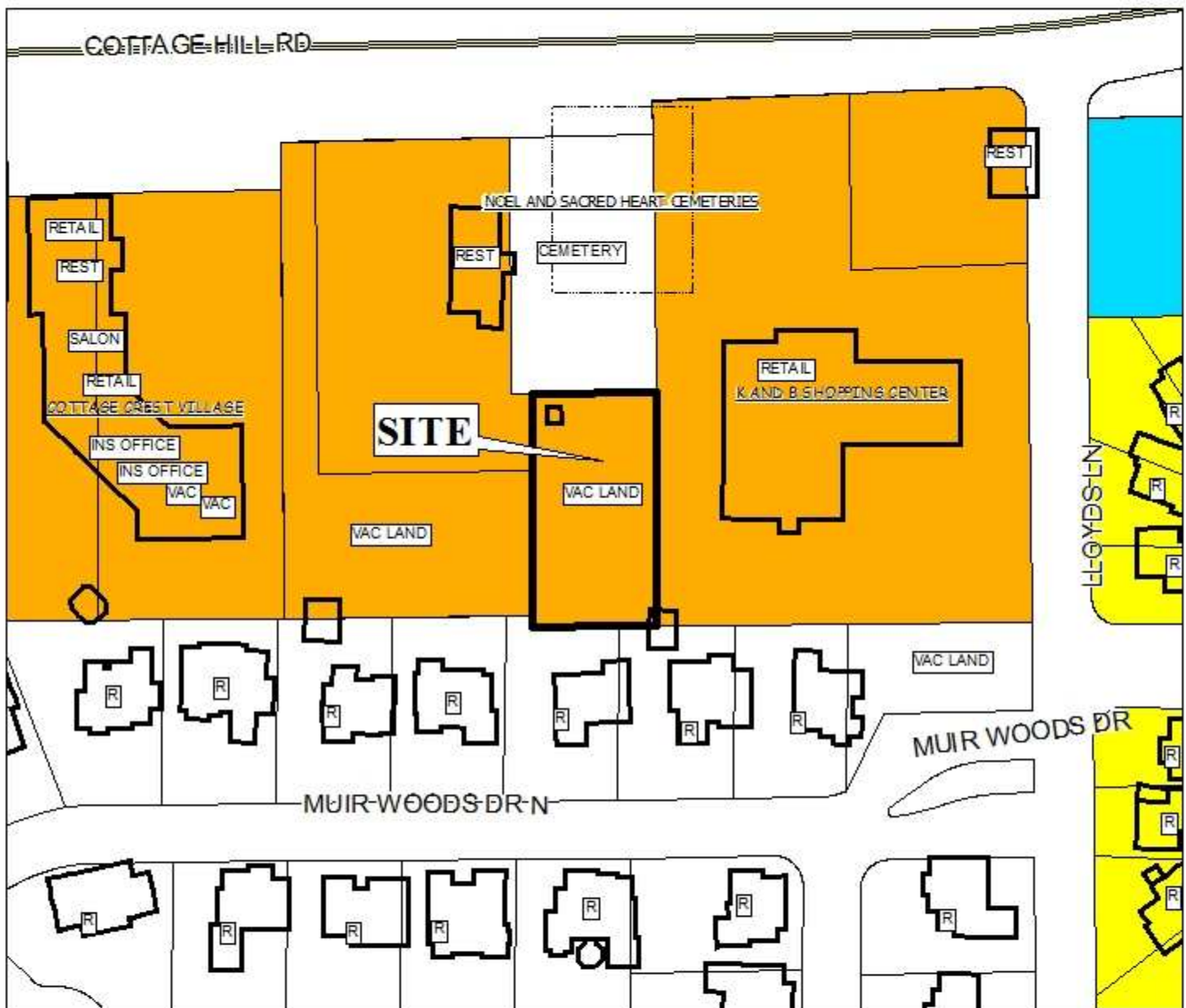
APPLICATION NUMBER 10 DATE October 2, 2014

APPLICANT Knollwood Subdivision

REQUEST Subdivision, Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units. A cemetery lies to the north of the site.

APPLICATION NUMBER 10 DATE October 2, 2014

APPLICANT Knollwood Subdivision

REQUEST Subdivision, Planning Approval

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units. A cemetery lies to the north of the site.

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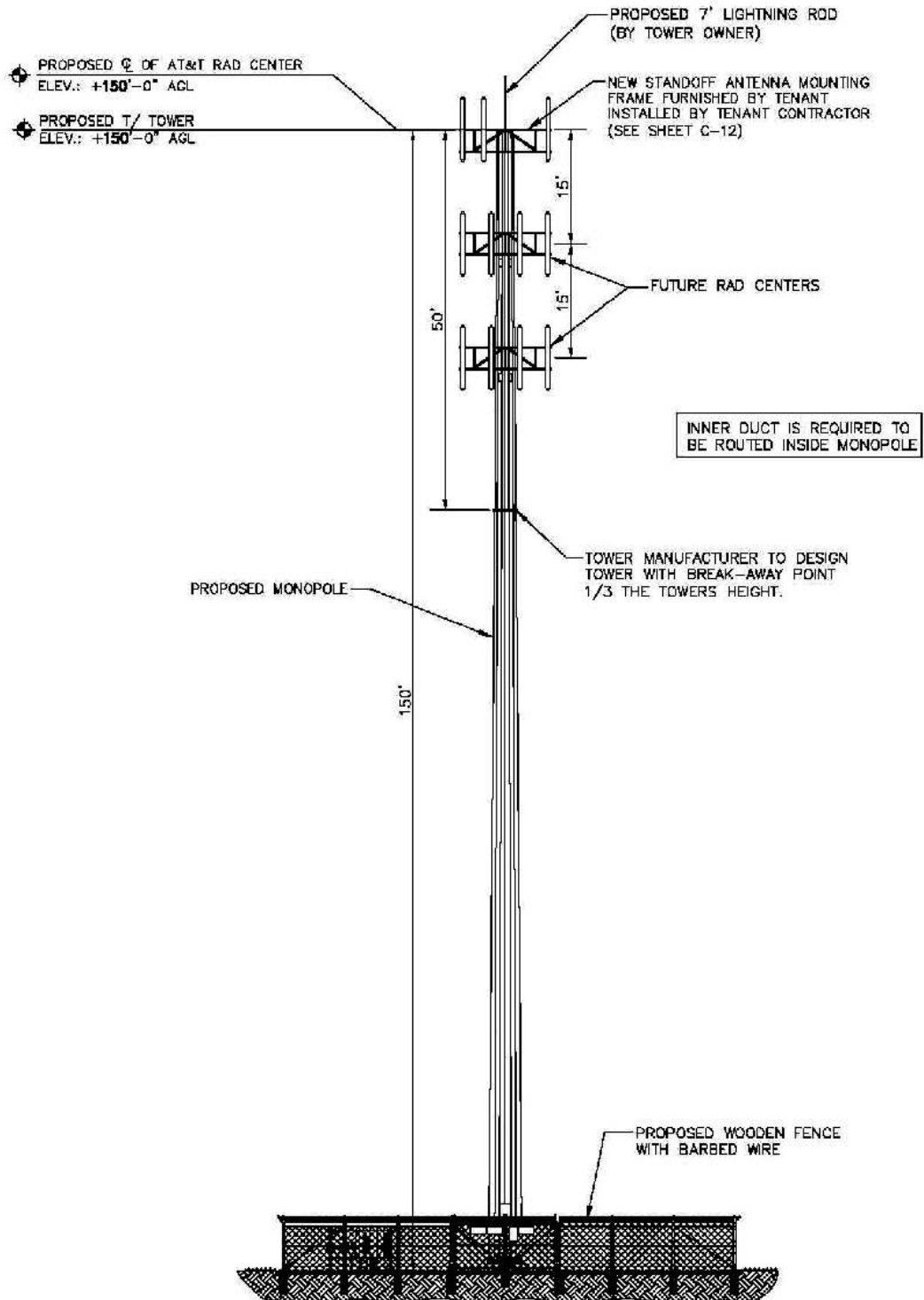
REQUEST Subdivision, Planning Approval



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NTS

DETAIL SITE PLAN



1
C-4 TOWER ELEVATION
SCALE: 1" = 20'

APPLICATION NUMBER 10 DATE October 2, 2014

APPLICANT Knollwood Subdivision

REQUEST Subdivision, Planning Approval



NTS