



THE CITY OF MOBILE, ALABAMA
MOBILE CITY PLANNING COMMISSION

LETTER OF DECISION

August 9, 2019

Branch Towers III, LLC
c/o David Wilkins
P.O. Box 1038
Gulf Shores, AL 36547

Re: 3168 Midtown Park South
(North side of Midtown Park South, 335'± East of Midtown Park West).
Council District 1
PA-000923-2019
Branch Towers III, LLC

Dear Applicant(s):

At its meeting on August 1, 2019, the Planning Commission considered a Planning Approval to allow a 150' monopole tower with a 10' lightning rod on top in a B-3, Community Business District.

After discussion, the Planning Commission determined the following findings of facts for Approval of the Planning Approval:

- a) the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, because it should have no impact on any of those items due to the fact that no new structure is proposed in which persons will live or work;
- b) the proposal will not cause undue traffic congestion or create a traffic hazard, because there would not be anyone working or residing at the tower site; and
- c) the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located, because the tower would have no negative impact on the current and allowed uses within the area.

The Approval is subject to the following conditions:

- 1) the tower is limited to a monopole design;
- 2) the approval of Tower Height and Setback Variance requests by the Board of Zoning Adjustment for the proposed tower;
- 3) revision of the site plan to provide compliant landscaping and tree plantings should the Board of Zoning Adjustment deny the Landscaping and Tree Planting Variance requests;
- 4) retention of the note on the site plan stating that, if barbed wire fencing is proposed, it must be approved by the Director of Build Mobile;

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- 5) submission of documentation verifying that a tower illumination beacon is required by the Federal Aviation Administration (FAA), or placement of a note on the site plan stating that no tower light beacon is allowed;
- 6) retention of the note on the site plan stating that no shelters or equipment pads are to be placed within the Alabama Power Company easement;
- 7) subject to the Engineering comments: *[1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control]; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. 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. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 5. The proposed development must comply with all Engineering Department design requirements and Policy Letters.];*
- 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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.];*
- 9) subject to the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).];*
- 10) submittal to and approval by Planning and Zoning of one (1) copy of a revised site plan prior to the submittal for land disturbance and building permits; and
- 11) full compliance with all municipal codes and ordinances.

If you have any questions regarding this action, please call this office at 251-208-5895.

Sincerely,

MOBILE CITY PLANNING COMMISSION

Jennifer Denson, Secretary

By:


Margaret Pappas
Deputy Director of Planning and Zoning

CC: Thomas Investment Properties