



SMALL TOWN, BIG BEACH

## JUNE 23, 2020 PLANNING COMMISSION AGENDA

Regular Meeting 4:00 Civic Center

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: May 27, 2020
4. ITEMS FOR DEFERRAL OR WITHDRAWAL
  - A. ZA20-000035 - Colonial Traditions PUD Amendment
5. PUBLIC HEARINGS:
  - A. ZTA20-04 Mobile Food Units Zoning Text Amendment  
Request - Mr. Ryan Shamburger seeks to amend the Zoning Ordinance to include Mobile Food Unit (MFU) as a permitted use and allow them to operate on private property within non-residential zoning districts, including non-residential areas of PUDs.
6. HEARING OF PERSONS NOT LISTED ON THE FORMAL AGENDA
7. OTHER BUSINESS
  - A. ZA18-000043 Trailside Preliminary Subdivision Plat Extension Request  
Request – The applicant requests a two-year extension for the Trailside Preliminary Subdivision Plat. Trailside was conditionally approved as a 205-lot subdivision on July 24, 2018. Preliminary plat approval for Trailside will expire on July 24, 2020.
8. COMMUNICATIONS FROM STAFF/PLANNING COMMISSION
9. ADJOURN

**MINUTES OF THE PLANNING COMMISSION  
CITY OF GULF SHORES, ALABAMA  
REGULAR MEETING OF May 27, 2020**

**COMMISSION PRESENT:**

Chairman Steiskal, Commissioner Vakakes, Commissioner Guthrie, Commissioner Eberlein, Commissioner Long, Commissioner Malone, Commissioner Young, Commissioner Harris, Commissioner Eubank

**COMMISSION ABSENT:**

None

**STAFF PRESENT:**

Lee Jones, Director of Community Development & Planning; Zoning Administrator Andy Bauer, Planner, Jennifer Watkins; Secretary, Mell Davis; City Engineer, Mark Acreman; Fire Marshal, George Surry

**CALL TO ORDER:**

Chairman Steiskal called the meeting to order at 4:00 p.m.

**ROLL CALL:**

The secretary called the roll. Commissioners Guthrie and Malone were late and not present for roll call.

**APPROVAL OF MINUTES: Regular Meeting of April 28, 2020**

Commissioner Vakakes made a motion to approve the minutes from April 28, 2020 and was seconded by Commissioner Harris. The minutes were approved 7-0.

**ITEMS FOR DEFERRAL OR WITHDRAWAL:**

None

**PUBLIC HEARINGS:**

**A. ZA19-000070: The Retreat at Bon Secour West- Preliminary Subdivision Plat**

GCOF Bon Secour LLC. proposes to subdivide 7.31 acres into twenty-eight (28) lots.

Commissioners discussed the location of the cul-de-sac in relation to lot one, questions about shifting to the north.

Chairman Steiskal opened the Public Hearing at 4:32 p.m.

A resident asked the commission to please consider shifting the cul-de-sac north to allow more distance between it and their home.

Chairman Steiskal closed the Public Hearing at 4:37 p.m.

**MINUTES OF THE PLANNING COMMISSION  
CITY OF GULF SHORES, ALABAMA  
REGULAR MEETING OF May 27, 2020**

Commissioner Harris made the motion to approve ZA19-000070 with the addition of shifting the cul-de-sac to provide a minimum 12 feet between the right-of-way of the cul-de-sac and the side property line of Lot 1 of Bon Secour Village. The 12 feet area shall be landscaped. The motion was seconded by Commissioner Vakakes with Commissioner Malone abstaining. The motion passed 8-0.

**SITE PLANS:**

**A. ZA20-000022 South Baldwin Regional Medical FED – Site Plan**

The applicant seeks Site Plan approval for a 14,500sf Freestanding Emergency Department (FED) to accommodate future medical-related growth in the area. The FED will further implement the Vision 2025 Plan’s goal to provide the community with prompt access to state-of-the-art medical facilities.

Commissioners discussed the parking lot and the need to add wheel stops to all perpendicular parking spaces that are adjacent to areas with a 5 foot sidewalk.

Commissioner Vakakes moved to approve ZA20-000022 with the addition of adding wheel stops to all perpendicular parking spaces. Commissioner Eubank seconded the motion and it passed 9-0.

**HEARING OF PERSONS NOT LISTED ON FORMAL AGENDA:**

None

**OTHER BUSINESS:**

**COMMUNICATIONS FROM STAFF:**

**COMMUNICATIONS FROM COMMISSION:**

Commissioner Eberlein asked questions about the use motorized bicycles on City sidewalks and bike paths and the requirement for riders to wear helmets.

**ADJOURN:**

There being no further business to come before the Commission, Chairman Steiskal adjourned the meeting at 5:15 p.m.

**MINUTES OF THE PLANNING COMMISSION  
CITY OF GULF SHORES, ALABAMA  
REGULAR MEETING OF May 27, 2020**

**Chairman, Bob Steiskal**

---

**Secretary, Mell Davis**

---

**Date**

---



SMALL TOWN, BIG BEACH™

## Mobile Food Unit – Zoning Text Amendment

Staff Report: Andy Bauer  
Application #: ZTA20-04

Planning Commission Meeting Date: June 23, 2020  
Applicant: Ryan Shamburger

STAFF RECOMMENDATION: TABLE THE ZONING TEXT AMENDMENT

### SUMMARY OF REQUEST

Mr. Ryan Shamburger seeks to amend the Zoning Ordinance to include Mobile Food Unit (MFU) as a permitted use and allow them to operate on private property within non-residential zoning districts, including non-residential areas of PUDs.

### BACKGROUND

A Mobile Food Unit (MFU), also known as a food truck, as defined by the *Rules of Alabama State Board of Health Bureau of Environmental Services Chapter 420-3-22 for Food Establishment Sanitation* is “a unit mounted on or pulled by a self-propelled vehicle, self-contained with its own drinking water tank and waste water tank unless handling only prepackaged foods, designed to be readily movable, and is moved daily to its commissary.”

City Staff has experienced a growing interest over the last three years from Mobile Food Unit owners, local businesses and residents interested in bringing Mobile Food Units to our community. MFU's are an established national trend that have been proven to provide economic benefit to a community by offering diverse, nutritional and convenient dining options to residents and visitors.

The following is a brief timeline of zoning for MFU's in Gulf Shores.

**2017** – In response to growing interest in permitting food trucks, City Staff developed draft standards for both a Food Truck Pilot Program and Mobile Vendor Courts. Stakeholder meetings were held with both brick and mortar restaurant owners and food truck advocates to discuss the proposals. The Pilot Program and Mobile Vendor Court standards were presented to the Planning Commission and City Council. Many brick and mortar restaurant owners and operators opposed food trucks due to what they believed to be unfair advantages inherent to mobile units versus brick and mortar restaurants. The Planning Commission and City Council chose to support the creation of Mobile Vendor Court regulations as opposed to the Food Truck Pilot Program.

**December 2019** – As a result of growing interest from mobile food unit owners, local businesses and residents interested in bringing Mobile Food Units to our community, City staff again developed updated standards for a Food Truck Pilot Program. City Staff met with members of the food truck community and local restaurateurs, and achieved a compromise for the development of a Mobile Food Unit Pilot Program which was approved by the City Council. The Pilot Program allows a limited number of Mobile Food Units to operate within the City of Gulf Shores for one (1) year to provide the City with data to better determine if such uses are appropriate in Gulf Shores.

Prior to the adoption of the Mobile Food Unit Pilot Program, MFU's could not legally operate in the City of Gulf Shores, unless they were associated with an approved Mobile Vendor Court or an approved Assembly Permit required for special events such as The Hangout Festival or Shrimp Festival.

#### **Details of the Adopted Mobile Food Unit Pilot Program**

The Pilot Program is a feasibility study to help the City of Gulf Shores determine if the allowance of food trucks on a small scale positively or negatively impacts the City. Specifics of the Pilot Program are as follows.

- The Pilot Program is for 365 days (December 2019 to December 2020).
- A maximum of 10 operating permits will be issued to MFU operators.
- MFU's area allowed within all non-residential zoning districts, including non-residential areas of PUD's.
- MFU's must operate on private parcels developed with an operating business.
- MFU's shall not locate on public City-owned property or within any public right-of-way unless approved in conjunction with an approved special event.
- MVU's shall not operate outside of the hours of operation of the principle business located on the same parcel.
- The maximum number of MFU's per parcel is one (1) per acre and two (2) MFU's for parcels greater than an acre.
- MVU's must have access to a bathroom facility that is located on the same property from which it is operating.
- MVU's shall not locate within 100 feet of the principal building entrance of an existing restaurant.

**The trial period adopted by Council for the Pilot Program will end on December 9<sup>th</sup> of this year.**

#### **PROPOSAL**

The applicant's request would essentially make the Pilot Program permanent by amending it into the Zoning Ordinance. The proposal would amend Article 4 *Definitions*, Article 11 *Specific Use Regulations*, and the table of "Use Regulations for Non-Residential Districts" to allow Mobile Food Units to operate by "Right" on private property within non-residential zoning districts, including non-residential areas of Planned Unit Developments. The details of the proposal are as follows.

ADD **Article 4. Use Definitions.** Add a definition for "Mobile Food Units".

ADD **Article 11. Specific Use Regulations.** Add language to the Zoning Ordinance that mirrors the language of the current Mobile Food Unit Pilot Program with the following exceptions:

- No expiration date to the permitted use of Mobile Food Units.
- No restriction on the maximum number of Mobile Food Unit permits issued by the City. The Pilot Program allows a maximum of 10 permits.
- Removal of the text "All permits shall be subject to additional limitations on hours and days of operation that the City determines are appropriate to prevent conflict with special events, festivals, community events, etc."

ADD **Use Regulations for Non-Residential Districts.** Add Mobile Food Units as a by "Right" use to the following non-residential zoning districts and non-residential areas of PUD's.

BN – Neighborhood Business District  
BG – General Business District  
BA – Arterial Business District  
BT (1-5) – Tourist Business District

ICW-North & South – Intracoastal Waterway Districts  
ATP – Amusement/Theme Park District  
IND – Industrial District  
ED – Education District

#### **ANALYSIS**

The Pilot Program was adopted by the City Council to analyze the positive and negative impacts these uses have on the community over the course of a year. The Mobile Food Unit Pilot Program has only been in existence for 6 months, with at least 2 months interrupted by the COVID-19 Virus.

While the Pilot Program allows up to ten permits to be issued, as of June, the City has only permitted seven Mobile Food Units for participation in the Program. Three locations have requested and received approval for Mobile Food Units.

After six months of the Pilot Program, additional time is needed to fully understand and analyze the impacts of Mobile Food Units on our community as well as the needs of MFU operators and patrons. Allowing the Pilot Program to develop over a 12-month period, as envisioned by City Council, will provide the data necessary to determine if it should be extended, modified or codified on a permanent basis.

City Staff will prepare a report evaluating the Pilot Program at or near the end of the year. The report will include data and analysis of permitted food trucks, locations, and violations. The report will also include the results of surveys and interviews with Pilot Program participants, brick and mortar restaurant owners/managers, and residents. Some of the questions we hope to answer at the end of the pilot period include the following.

- What elements of the permit process work or do not work for operators and property owners?
- Are nearby businesses, especially brick and mortar restaurants, positively or negatively affected by mobile food vendors?
- What are some incentives to encourage operators to locate in underutilized areas that did not seek site approval?

#### **RECOMMENDATION**

Staff recommends the Planning Commission table the proposed zoning text amendment until the January 2021 meeting, to allow the 12-month Mobile Food Unit Pilot Program to be completed and community impacts to be evaluated.



SMALL TOWN, BIG BEACH™

## Trailside – Preliminary Plat Extension Request

Staff Report: Lee Jones

Planning Commission Meeting Date: June 23, 2020

Application #: ZA18-000043

Applicant: Steve Pumphrey

STAFF RECOMMENDATION: DENY THE EXTENSION REQUEST

### SUMMARY OF REQUEST

Mr. Steve Pumphrey requests a two-year extension for the Trailside Preliminary Subdivision Plat.

Trailside was conditionally approved as a 205-lot subdivision on July 24, 2018. Preliminary plat approval for Trailside will expire on July 24, 2020.

### LOCATION

This property is located on 82 acres, south of Coastal Gateway Boulevard and east of Crimson Ridge Subdivision.

### BACKGROUND

#### May 14, 2018 – Property Rezoned

The subject property was conditionally rezoned from BG (General Business) to R-1-5 (Residential/High Density Single Family). Conditions of rezoning approval are as follows.

1. The applicant shall contribute \$239,250 towards construction of the connector road to County Road 8 (Coastal Gateway Boulevard) which will be jointly funded by the applicant and city and constructed concurrently with the 1<sup>st</sup> phase of Trailside Subdivision. The connector road shall be designed as a complete street (5' bike lane and 6' sidewalks), with the exact layout of the road being approved by the City of Gulf Shores.
2. The applicant shall donate 4.88 acres of land valued at \$122,000 along the western property line to the City for a future connector road from County Road 8 (Coastal Gateway Boulevard) to County Road 6 (Oak Road East).
3. Construction traffic is not allowed to utilize the existing roadways within Craft Farms North. A construction entrance shall be provided from County Road 8 (Coastal Gateway Boulevard) to Trailside Subdivision.
4. The southern cul-de-sac shall be redesigned to intersect with the north/south connector road.
5. A trail or sidewalk connection shall be provided at the southeast corner of the development connecting the subdivision with the existing developments to the east.

#### July 24, 2018 – Preliminary Subdivision Plat Approval

The Trailside Preliminary Subdivision Plat was conditionally approved as a 205-lot, single family subdivision to be constructed in 3 phases. Trailside was designed with an 80ft right-of-way along the western property line that was intended to serve as a portion of a future connector between Oak Road East and Coastal Gateway Boulevard (formerly CR 8). Conditions of Preliminary Subdivision Plat approval were as follows:

1. A detail shall be provided of the fence within the neighborhood border planting, and the applicant shall work with staff on the design and timing of construction of the fence.
2. The drainage calculations shall be revised to include the actual or theoretical Tailwater Elevations.
3. The minimum 10% Open space requirement shall be provided per the design requirements as stated in Section 6-6 of the Subdivision Regulations. The applicant shall work with staff to achieve this requirement by making one or more of the lakes useable open space.
4. Per the rezoning approval, the applicant shall contribute \$239,250 towards construction of the connector road to County Road 8 (Coastal Gateway Boulevard) which will be jointly funded by the



SMALL TOWN, BIG BEACH™

- applicant and city and constructed concurrently with the 1<sup>st</sup> phase of Trailside subdivision. The connector road shall be designed as a complete street (5' bike lane and 6' sidewalks), with the exact layout of the road being approved by the City of Gulf Shores (Ordinance No. 1893.)
5. The Fire Engineering Report shall be approved prior to acceptance of the preliminary plat.

#### **ZONING**

The property is zoned R-1-5 (Residential/High-Density Single-family District.) This district exists for the protection of areas that are, or are planned to be, developed for higher density, single-family detached dwellings. The R-1-5 zoning district permits single family lots with a minimum lot size of 8,000 square feet, a minimum lot width of 60 feet, and a minimum front yard setback of 35 feet. The Trailside Preliminary Subdivision Plat does not meet the minimum standards of the zoning district.

#### **ANALYSIS**

##### **Subdivision Extension Request**

Section 4-4.F. of the Subdivision Regulations states that, "Preliminary approval by the Planning Commission shall be binding for two (2) years, unless a final plat has been filed, or the Planning Commission, for good cause, grants an extension of the two (2) year period." No final plat has been filed. The conditions of preliminary plat approval have not been satisfied. None of the improvements specified in the submittal for preliminary plat approval have been completed.

##### **R-1-5 Zoning Text Amendment**

On February 25, 2019, the City Council amended the Zoning Ordinance to create larger lot size, greater lot width, and deeper front yard setback requirements for the R-1-5 zoning district. This change was made, because the results of the R-1-5 zoning were not meeting the goals and desired outcomes of the community. City Staff worked to develop new standards for the zoning district that would bridge the wide gap between the R-1-5 standards and the standards for the R-1-4 zoning district.

The R-1-4 zoning district requires a minimum lot size of 11,000 square feet and a minimum lot width of 75 feet, while the R-1-5 standards in place prior to the amendment, required a minimum lot size of 6,000 square feet and minimum lot width of 50 feet. The adopted text amendment made the following changes to the R-1-5 zoning district:

- Increased the minimum lot size from 6,000 to 8,000 square feet;
- Increased the minimum lot width from 50 to 60 feet;
- Increased the minimum front setback from 30 to 35 feet; and
- Increased the minimum street sideyard setback from 10 to 15 feet.

The Trailside Preliminary Subdivision Plat approved in 2018 does not meet the minimum standards of the current R-1-5 zoning district. The plat, if extended, and ultimately implemented, will yield a development pattern (lot sizes, dimensions, and setbacks) that was not intended to be replicated after the 2019 R-1-5 text amendment.

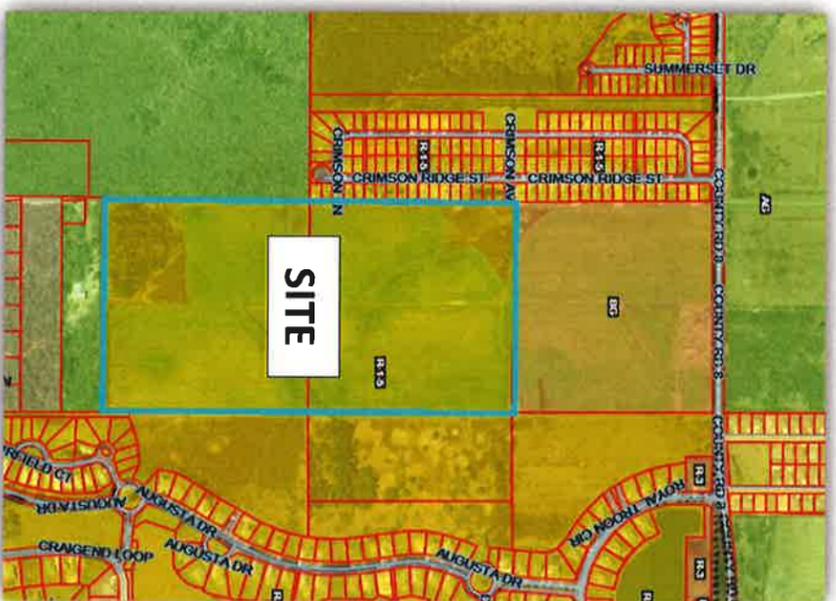
#### **RECOMMENDATION**

Staff recommends the Planning Commission deny the extension request for the following reasons:

1. Section 4-4.F. of the Subdivision Regulations binds preliminary plat approval for two years, unless a final plat is filed. Staff believes this requirement allows a reasonable amount of time to satisfactorily complete some or all of the improvements specified in a single phase of the Preliminary Plat. None of the improvements have been completed.
2. The Trailside Preliminary Plat does not comply with the R-1-5 zoning area and dimensional regulations.
3. Conditions of rezoning and preliminary plat approval have not been satisfied.

It is important to note that if the extension request is denied, the applicant may resubmit a subdivision application that complies with the current zoning and Subdivision Regulations.

## Trailside – Location Map





Dewberry Engineers, Inc. | 251.990.9950  
25353 Friendship Road | 251.990.9910 fax  
Daphne, AL 36526 | www.dewberry.com

May 11, 2020

Mr. Andy Bauer  
Planning Director, City of Gulf Shores  
P.O. Box 299  
Gulf Shores, Alabama 36547

**RE: Trailside at Craft Farms  
Preliminary Plat Extension**

Dear Mr. Bauer:

According to my records we received preliminary plat approval for Trailside at Craft Farms on July 24, 2018, and as such it is set to expire this next July. Due to the market, the developer has not elected to begin construction on this site but still has plans to do so. We are requesting on behalf of the developer for a 2 year extension.

We appreciate the City's consideration of this request and if any additional items or information is needed relative to this request, please advise.

Sincerely,

Dewberry



Steven Pumphrey  
Senior Planner

Cc: File (50097203)





