

RESOLUTION NO. -22

A RESOLUTION
APPROVING THE ISSUANCE OF A SITE PLAN / CONDITIONAL USE PERMIT
FOR 419 EAST CANAL MULTIPLE FAMILY DEVELOPMENT AND SETTING
FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 3 OF ZONING ORDINANCE NO. 1584
(ZA22-000070)

WHEREAS, applicant seeks Site Plan/CUP approval for a multiple-family development consisting of 10 residential units located at 419 East Canal Drive. A CUP is required, because the applicant seeks modifications from the strict regulations of the Zoning Ordinance; and

WHEREAS, in accordance with Article 10-2.B. of the Zoning Ordinance, the applicant seeks modifications from the strict compliance with the Waterway Village Overlay Zoning District standards, therefore a CUP is required; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 23, 2023, as follows:

Section 1. That the decision of the City Council to approve the Site Plan / CUP for 419 East Canal Multiple Family Development with express conditions set out below is in the public interest, based on the Standards for Approval in Article 3-4.C. of the Zoning Ordinance.

If, and only if, the express conditions set out below are materially complied with:

1. The plan is in accordance with applicable requirements of this Ordinance, including that the proposed use is designated as a Conditional Use within the Applicable District.
2. The development plan shall receive all applicable state and federal approvals and permits.
3. The proposed site development plan is compatible with the goals and stated plans of the City and other governmental agencies for the area, as applicable.
4. The proposed use provides economic benefits and enhances the economic vitality of the surrounding area.
5. The proposed use, if granted, will not burden the infrastructure and street system of the City.
6. The proposed use will not diminish environmental quality of natural resources.
7. The proposed use and Site Plan is compatible with surrounding uses and buildings by virtue of its massing, height, relationship to the street, and architectural character.
8. The use will not cause any injury to the value of other property in the vicinity.
9. The use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected from any noise, vibration, odor, glare, traffic, or other impact that may be caused by the use.
10. The proposed buildings meet the architectural standards of the City and design guidelines, as applicable.

11. Adequacy of landscaping and screening is provided to protect neighboring properties from any visual intrusions, activities or structures that would detract from the enjoyment of neighboring property.
12. Adequacy of parking and loading arrangement, including whether ingress and egress is so designed as to cause minimum interference with traffic on abutting streets, and that heavy traffic is not introduced on residential streets.

Section 2: Therefore, in accordance with the Zoning Ordinance, the City Council hereby approves the issuance of a Site Plan / Conditional Use Permit for ZA22-000070 for 419 East Canal Multiple Family Development, located in Gulf Shores, Alabama, with the following express conditions:

1. Grant the following modifications:
 - a. A modification to the T4 “Building Disposition” standard to allow more than one principal and one accessory building per lot.
 - b. Modifications to the Thoroughfare Assemblies Plan. Allow the applicant to construct an 8-foot sidewalk within the East 24th Avenue right-of-way and construct three parking spaces on the south side of the East 24th Avenue right-of-way. The City Engineering Department shall approve the plans prior to construction of the parking spaces.
 - c. A modification to minimum/maximum zero-foot (0’) side yard setback and maximum 15ft front setback.
2. City Arborist Conditions. The applicant shall coordinate tree protection plans and devices for the two Heritage Live Oak Trees prior to the issuance of a Demolition Permit and prior to the issuance of a Building Permit. The 40in Live Oak Tree located along the east property line on the north side of the property shall be shown as a preserved tree on the Tree Protection Plan and incorporated into the Landscape Plans prior to Building Permit application.
3. Prior to the issuance of Certificate of Occupancy, a permit shall be provided to the City from ALDOT approving the turnout onto East Canal Drive (aka Alabama State Highway 180), and the drainage discharge into the State Highway 180 ROW shall be approved by ALDOT prior to the issuance of a Building Permit.
4. Prior to the issuance of a Building Permit, the applicant shall pay a \$4,675 fee in lieu of constructing a 12ft wide sidewalk within East Canal Drive.

Section 3. That this Resolution shall become effective upon its adoption.

ADOPTED this 23rd day of January, 2023.

Robert Craft, Mayor

ATTEST:

Wanda Parris, MMC
City Clerk

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I, Wanda Parris, MMC, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. - 23 (prepared by City Clerk) which Resolution was duly and legally adopted at a regular meeting of the City Council on Janaury 23, 2023.

City Clerk