

CITY COUNCIL AGENDA ITEM

SUBJECT: Wetlands Waiver Request – Lindsey Property

STAFF CONTACT: Andy Bauer, Zoning Administrator

COUNCIL MEETING CYCLE: March 2 COW/ March 9 City Council Meeting

RECOMMENDED COUNCIL ACTION: In an effort to consistently apply the Wetland Protection Regulations, staff recommend the City Council approve the wetland waiver request with the following conditions:

1. Allow for the platting of wetlands on individual lots.
2. Provide signage on each lot notifying the future property owners of the protected nature of the wetlands. The signage should be placed at the 30ft wetland buffer line.
3. Reference the protected nature of the wetlands on the deeds of each lot.
4. The subdivision plat shall reference Section 7-581 Monitoring and Enforcement requirements of the Wetland Protection Regulations.

BACKGROUND/SUMMARY: The applicant seeks approval to plat wetlands on two lots within Resubdivision of Lot 10 Block 1, Unit 2 Gulf Shores Subdivision (Lindsey Property). The Planning Commission granted Final Subdivision Plat approval at the December 16, 2025, meeting to subdivide one lot into two lots, with a condition the applicant obtain a wetland waiver from the City Council to plat the wetlands on individual lots. The Wetland Protection Regulations prohibit the platting of wetlands on new single-family lots. The property is located on the north side of West Lagoon Avenue north of the intersection with West 10th Street.

Analysis - The applicant has buffered the wetland area with the required 30-feet of natural vegetation. Since the wetlands will be preserved in their natural state, no state or federal permits are required. To be consistent with past wetland waiver applications staff recommend the applicant also:

- Provide signage on each lot notifying the future property owners of the protected nature of the wetlands; and
- Reference the protected nature of the wetlands on the deeds of each lot.
- The subdivision plat shall reference Section 7-581 Monitoring and Enforcement requirements of the Wetland Protection Regulations.

These conditions will allow the applicant to subdivide the property in a similar manner to the existing development pattern in this area and will provide full protection of the wetlands.

RELATED ISSUES: Wetland Protection Regulations - The purpose of the Wetlands Protection Regulations is to protect wetlands and wetland setback areas from alterations that will significantly affect or reduce their primary function for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitats. Waivers to the Wetlands

Protection Regulations are allowed at the sole discretion of the City Council if the Council finds that:

1. The applicant has, to all extent practical, avoided the wetland and wetland buffer areas for the proposed activity, by limiting the proposed dimensions of all proposed structures to the minimum necessary to achieve desired functions.
2. The grant of the proposed exemption shall not adversely affect the water quality, volume of ground water supply, flood storage capacity, or cause a net loss of wetland functions.
3. Waivers may be granted only if the applicant demonstrates that all required federal and state permits have been obtained.
4. No waiver shall allow a net loss of wetlands area.

PREVIOUS COUNCIL ACTION: Not applicable

FINANCIAL IMPACT: N/A

KEY DATES: N/A

ATTACHMENTS: N/A