

## General Business District – Zoning Text Amendment

Staff Report: Lee Jones  
Application #: ZTA20-05

COW Meeting Date: August 3, 2020  
Applicant: City of Gulf Shores

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STAFF RECOMMENDATION: APPROVE THE ZONING TEXT AMENDMENT

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### SUMMARY OF REQUEST

The City of Gulf Shores seeks to amend the BG (General Business) Zoning District to allow Employment Dormitories and Multiple-family Dwelling land uses by Conditional Use Permit (CUP).

### DEFINITIONS

An Employment Dormitory is a residential building that contains temporary living quarters for employees. An employment dormitory does not include separate dwelling units but may include common dining, cooking and recreation or bathing facilities.

A Multiple-family Dwelling is a building designed, arranged or otherwise containing three or more Dwelling Units.

### BG ZONING

#### Use Regulations

The BG Zoning District currently permits Employment Dormitories and Multiple-family Dwellings “By Right.” Proposed developments containing uses that are permitted by right benefit from a streamlined approval process, requiring Site Plan Review but no additional public hearings before the Planning Commission or City Council.

#### Area and Dimensional Requirements

- Maximum Building Height
  - Multiple-family Dwelling developments – 4 stories
  - Employment Dormitories – 3 stories
- Maximum Density
  - Multiple-family Dwelling developments – 20 units per acre
  - Employment Dormitories – N/A
- Maximum Building Coverage – 65%
- Maximum Floor Area Ratio – 125%

### BACKGROUND

#### 2006 BG Zoning Text Amendment

The Zoning Ordinance was amended to divide the BG district into three separate districts – BG, BG-1 and BG-2. This zoning amendment was initiated in response to a study that was performed by consultants Jordan, Jones and Goulding. The study provided recommendations for appropriate locations for multi-family uses in the BG district, as well as appropriate building heights and densities. The Zoning Text Amendment made the following modifications:

- Multi-family uses were removed from the BG zoning district;
- Building heights were reduced from 20 stories to 8 stories; and
- Density was reduced from 42 units per acre to 20 units per acre in the BG-1 zoning district and 10 units per acre in the BG-2 zoning district.

### **2009 Zoning Ordinance Re-write**

BG-1, BG-2, and BG were reconsolidated into a single BG Zoning District that permitted Multiple-family Dwelling developments by right. Building heights and densities remained the same.

The Employment Dormitory use was also added to the Zoning Ordinance and allowed by “Right” in the BT (BTB & BTL), BG, BA (CD), R-3 (RML) and R-4 (RMH) Zoning Districts.

### **PROPOSAL**

The details of the proposed amendment are as follows.

**MODIFY Article 5-1.A. District Purposes.** Remove “and Condominium and Multiple-family Dwellings” from the BG General Business description.

**MODIFY Table 8-3A: BG District Permitted Uses.** Remove the “R” indicating the use is permitted by “Right” under the “BG” heading for both Employment Dormitory and Multiple-family Dwellings. Replace the “R” with “CUP” for both uses. The proposed amendment will make both of these uses allowed as a “Conditional Use Permit.”

### **ANALYSIS**

#### **Population and Housing Data**

The total population of the City of Gulf Shores was 9,741 based on the 2010 Census. The estimated population in 2020 is 13,211 – a 36% increase in that 10-year time period.

There are currently 13,955 housing units within the City. 9,322 of those housing units do not serve as the primary residences of the people occupying the units. That means 67% of the housing in the community is not occupied by full-time residents.

The 13,955 total units break down as 5,199 (37%) single family detached units and 8,756 (63%) multi-family, attached, and mobile home units. Of the 5,199 single family detached units within the City limits, 2,566 (49%) serve as the primary residences of the inhabitants, while 1,995 (14%) of all other unit types serve as the primary residences of the people living in the units.

#### **BG Multi-family Development Implications**

There are currently 875 total acres of BG zoning in the City, and 608 acres of BG remain undeveloped. Under current entitlements, 12,160 multi-family units could be developed by “Right” on undeveloped BG property. The majority of undeveloped BG – about 580 acres – is located north of the Intracoastal Waterway along Coastal Gateway Boulevard, State HWY 59, Cotton Creek Drive, and Waterway West Boulevard. There is much less roadway infrastructure

in place north of the ICW to accommodate the increased demand that this level of development would create.

## **Roadway Infrastructure**

The intensity of entitled development could greatly impact traffic on State HWY 59 in particular. Service flow volume is defined as the level of traffic flow (vehicles per day) that can be accommodated at various levels of service. The current level of service scale, as developed by the Transportation Research Board in the Highway Capacity Manual, 2000 Edition, ranges from a level of service "A" to a level of service "F." HWY 59 currently operates at a level of service "F." Level of Service F is defined as, "the level of service where traffic is forced, there exist frequent breakdowns in traffic flow, and traffic volumes generally exceed 100% of a roadway's capacity."

The Mayor and City Council have made great strides in improving traffic flow on HWY 59. Since 2015, the City has spent over 25 million dollars for transportation infrastructure improvements that include:

1. Widening CR 4 East to three lanes with bike lanes;
2. Hwy 59 improvements including access management, adaptive traffic signals, sidewalks, landscaping;
3. Hwy 182 improvements including access management, adaptive traffic signals, sidewalks, bike lanes, landscaped medians;
4. Coastal Gateway Boulevard improvements including widening to 5 lanes, new traffic signal at Foley Beach Express, landscaping, bike lanes, sidewalks; and
5. Hwy 180 Gulf Shores City School Zone improvements.

All of these improvements have helped increase circulation throughout the City and improve efficiency along HWY 59. The City will be undertaking additional transportation improvements with help from various ALDOT, Restore and BUILD Grants over the next 5 years that could exceed 80 million dollars. All of these improvements are intended to improve traffic flow along HWY 59, and they include:

1. Hwy 59 improvements including additional southbound lane from Coastal Gateway to Ft Morgan Road, access management, intersection upgrades;
2. 34<sup>th</sup> Ave & Hwy 59 Signal and intersection improvements to support the Freestanding Emergency Department;
3. Widening of CR 6 West;
4. Extension of Waterway East from Hwy 59 to CR 4 East; and
5. Realignment of Canal Road East.

Forecast traffic volumes illustrated in the Draft Major and Collector Street Plan revealed that the projects outlined above will not eliminate all deficiencies in the street system. All of Alabama Highway 59 and a portion of Beach Boulevard will remain deficient in the future. However, with the improvements listed above, as well as the completion of additional prioritized projects in the coming years, the 2040 forecasted traffic volumes on Alabama Highway 59 are similar to the traffic volumes that exist today.

Alabama Highway 59 is the primary route to Gulf Shores and its beach. If Alabama Highway 59 were to become overly congested and the traveling public begin to experience unacceptable delays, people may begin to vacation in areas that are not as congested. It is crucial that developments that could have significant impacts on our transportation system be thoroughly reviewed and vetted by City staff and leaders prior to approval.

## **Schools**

Gulf Shores City Schools was formed on June 1, 2019. The System has three school campuses: Gulf Shores Elementary, Middle, and High Schools. The Gulf Shores City Schools serve approximately 2,500 students in one elementary school, one middle school and one high school.

Staff analyzed eight apartment communities, six of which are located north of the ICW. Each of these multi-family units generates an average of .255 students in the Gulf Shores City School System. Development of 12,160 multi-family units within undeveloped BG properties would generate 3,101 additional students. While the school system anticipates the need for additions and renovations to existing campuses and construction of new schools, without a process for reviewing and analyzing school impacts, the system could be overly strained.

## **CUP Process**

Changing Employment Dormitories and Multiple-family Dwelling land uses from permitted by "Right" to "CUP" within the BG Zoning District does not eliminate these as permitted uses, however, it does require an applicant to demonstrate the need for the use and how it will be a positive improvement for the City and its residents. The Conditional Use Permit (CUP) is the procedure in which a use is reviewed for compliance with the Future Land Use Plan, availability of services, compatibility with neighboring properties, school impacts, and possible adverse impacts upon infrastructure. During this process there are additional opportunities for the public to provide testimony related to the proposed project as well.

In addition to the Site Plan Review process, the Planning Commission reviews CUP uses with respect to the following:

- Compatibility with the goals and stated plans of the City;
- Economic benefits of the proposed development and enhancement of the economic vitality of the surrounding area;
- Impacts on the infrastructure and street system of the City;
- Effects on environmental quality of natural resources in the area;
- Compatibility with surrounding uses and buildings by virtue of its massing, height, relationship to the street, and architectural character;
- Protection of surrounding area from traffic or other impact that may be caused by the use;
- Adequacy of landscaping and Screening provided to protect neighboring properties;
- Adequacy of ingress and egress to cause minimum interference with traffic and that heavy traffic is not introduced on residential streets; and

- Public amenities provided on the site.

Public Hearings are held by both the Planning Commission and City Council. City Council ultimately considers the recommendation of the Planning Commission, reviews the standards for approval or disapproval of the application, and takes action on the application.

The CUP process will provide much needed oversight by the Planning Commission and City Council to help insure that applications for Employment Dormitories and Multiple-family Dwellings within the BG Zoning District are consistent with the Vision of the City, compatible with neighboring properties, and do not overwhelm the City's roadway and school infrastructure.

### **RECOMMENDATION**

Staff and the Planning Commission recommend the City Council approve the amendment as proposed.