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August 6, 2020

Andy Bauer, AICP
Zoning Administrator
City of Gulf Shores
205 Clubhouse Drive, Suite B
Gulf Shores, AL 36542

RE: The Waterways Subdivision, Conditional Use Permit, Revised Narrative

Dear Mr. Bauer:

Sawgrass Consulting, LLC, on behalf of The Fortis Company, LLC Owner and Developer of The Waterways Subdivision, would like to formally request APPROVAL of a Conditional Use Permit for a 44 Slip Marina within the proposed subdivision. Please find embodied in this letter our written narrative addressing all required conditions as well as some key elements regarding this specific development.

- **Key elements to this Development**

This proposed "Marina" is only classified as a "Marina" because it exceeds 10 boat slips as defined in the Zoning Ordinance. All other criteria outlined under Marina Regulations defined in the Zoning Ordinance do not apply. The use of the Marina is strictly prohibited to the residents of The Waterways. There will be no dry storage, mechanical repair, sewage pumping, fueling, charter boats, boats used as a residence or traffic/use from the general public. Allowing the approval of this Conditional Use Permit is granting the residents of The Waterways a central location for water access and mooring of boats in lieu of permitting multiple piers and boat houses along the existing frontage of the ICW. Operation and Maintenance of the proposed Marina will be defined in the Covenants and Restrictions of The Waterways using the Clean Marina Program as a guide.

- **Proposed Use is in accordance with applicable requirements of Ordinance and an allowed Conditional Use within the district**

The proposed project is located within the BT-4 Zoning District along Waterways West Boulevard with the proposed Primary Use being a Single-Family Residential Subdivision. The proposed Marina is a proposed Accessory Use as an amenity to the development which is allowable in BT-4 zoned areas subject to a Conditional Use Permit and Section 11-8 of the Zoning Ordinance. As mentioned above, the proposed Marina will be restricted to the use of The Waterways Residents ONLY, no dry storage, mechanical repair, sewage pumping, fueling, charter boats, or boats used as a residence will be allowed. The proposed site is surrounded by BT-4 zoned property which is a Business classification and therefore will not have an impact to residential property. Operation and Maintenance will follow the Clean Marina Program Guidelines to ensure proper

management. Signage will be in place identifying location for trash disposal, fish cleaning stations, and emergency situations.

- **Whether or not Development has received all applicable state and federal approvals**

Fortis Company, LLC is currently in the process of receiving site plan approval for a Cottage Subdivision Development through the City of Gulf Shores Planning Commission (August, 2020). In addition, application has been made to the US Army Corps of Engineers seeking a modification to USACE Permit SAM-2017-00031-SBC that currently allows for a 10-Slip Marina to allow for a 44 Slip Marina. The application for the modification ended the Public Hearing Phase of the application process in June, 2020 with recent receipt of comments from the Public Hearing Phase. Final Approval from the USACE \will be received prior to commencing construction.

- **Proposed Development is compatible with City Goals and Plans**

The Waterways Subdivision is proposing a BT-4 allowable uses as outlined in the Gulf Shores Zoning Ordinance as well as meeting the major land use components for green infrastructure and residential uses as outline in the Gulf Shores Land Use Plan. It is the intent of the Owner/Developer to bring a new residential product to the City of Gulf Shores with less density than is allowed by right in a BT-4 zoned area.

- **Economic Impact of Surrounding Area**

The Waterways is proposed to be a High-End Single-Family Residential development with upscale amenities that include the proposed marina, pool, walking trails as well as natural amenities such as a large wetland area and the ICW. With all adjacent properties currently being undeveloped, it is the Owner/Developer's intent to set the tone for development along this portion of Waterways West Boulevard to be one of higher value and economic impact.

- **Would proposed use burden the infrastructure and streets of the City**

The Waterways is proposed to be a Single-Family Residential development that will consist of approximately 60 lots or approximately 3 units per acre. In addition, all streets within the development will be PRIVATE and will be the responsibility of the HOA to maintain. With a low proposed density and private streets there will be very minimal impact to existing utility infrastructure and city streets (Waterways West Boulevard) and no additional impact to City Streets Inventory since the proposed streets will not be dedicated to the City.

- **Would proposed use diminish environmental quality of natural resources**

The proposed marina is planned to be constructed on upland portions of the property. There will be NO IMPACT to jurisdictional wetlands or other natural resources. As requested by the USACE a Flushing Study to ensure proper circulation of water within the Marina as well as a Cultural Resources Study will be done to ensure there is no negative environmental impact to the site.

- **Proposed use is compatible with surrounding uses**

The proposed marina is an amenity to the proposed Single-Family Residential Subdivision. This amenity would be considered an accessory use that provides an above average experience to the resident. As for impact to

surrounding uses, currently there is no developed properties adjacent to this site. However, The Waterways will be setting a precedent for all future development in the area to meet or exceed.

- **Would use cause injury to value of other property in the vicinity**

As mentioned previously, there is currently no development of adjacent properties. The Waterways will be setting a precedent for all future development in the area to meet or exceed thus causing a more positive influence on property values than negative.

- **Protection of the Health Safety and Welfare of the Public**

As mentioned above, the proposed use will be for the PRIVATE enjoyment of The Waterways Owners and not open to the Public. With the proposed marina being private, there will be minimum amount of use compared to a public marina thus providing greater protection from negative impact to the surrounding area.

- **Proposed Building meets City's Architectural Standards**

No buildings are proposed as part of this Conditional Use Permit

- **Adequate Landscaping and Screening to be provided to protect neighboring property**

Proper landscaping and screening will be designed and installed to protect both the character of the proposed development as well as adjacent properties. At a minimum all landscaping will be in accordance with those regulations for a Cottage Subdivision as outline by the City of Gulf Shores.

- **Parking, Loading, Ingress/Egress and Minimum Interference to traffic**

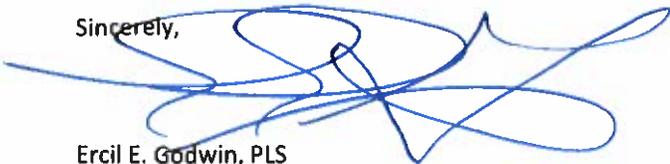
All traffic generated by the proposed marina, boat ramp and parking will be internal within the subdivision and not along city streets or high traffic areas. Allowing this CUP will handle all parts of the operation of this proposed use.

- **Public Amenities provided on site**

There are no public amenities proposed or currently in place on this site.

In closing, please find the attached application, fees, checklists, title policy and certified envelopes for your review. If you have any questions or need any additional information, please do not hesitate to contact me at 251.234.0229 or by email at egodwin@sawgrassllc.com.

Sincerely,



Ercil E. Godwin, PLS
Sawgrass Consulting, LLC