

## Uptown Plaza East – Site Plan

Staff Report: Jennifer Watkins      Planning Commission Meeting Date: February 22, 2022  
Application #:ZA21-000082      Applicant: Uptown Plaza LLC      Property Location: E 20<sup>th</sup> Avenue  
STAFF RECOMMENDATION:      APPROVE WITH CONDITIONS

### Summary of Request

The applicant requests to construct a 5,400sf building at the southwest corner of East 20<sup>th</sup> Avenue and East 2<sup>nd</sup> Street. The subject lot is 42,696sf (0.98 acres) and is zoned General Business (BG).

### Existing Conditions

The subject lot contains a large number of protected Pine and Live Oak trees; and is made up of 0.59 acres of uplands and 0.41 acres of wetlands.

### Surrounding Context

The following are the surrounding zoning and land uses:

- North – General Business (BG): Woodson Barge-N
- South – General Business (BG): Marbella Apartments
- East – General Business (BG) and Neighborhood Business (BN): Wheeles Karate and Jiu Jitsu and Christian Service Center
- West – General Business (BG): Uptown on 20th

### Background

**Subdivision:** The subject lot was established as part of the Resubdivision of Lot 1 of Block 6, Division 2 Gulf Pines Unit of Gulf Shores which subdivided 1 lot into 4 lots, Lots A – D. The proposed site plan is intended for Lot D. The plat was approved and recorded in April 2002. With regards to the subject property, the subdivision included an access easement across Lots C and D. The existing commercial use, Uptown on 20<sup>th</sup>, was constructed on Lots A-C. The proposed site plan utilizes the access easement established by the subdivision.

**Wetland Waiver:** Nearly half of the subject site is composed of wetlands. In 2019, the property owner was approved for and granted a Wetland Waiver for the following (Resolution No. 6200-19):

1. A waiver of the 30' wetland buffer for development of property located at the southwest corner of the intersection at East 20<sup>th</sup> Avenue and East 2<sup>nd</sup> Street also known as Bowen-Fisheye, LLC.
2. A waiver to fill 0.24 acres of low quality, limited function wetlands for the future construction of a commercial building, parking, and detention.

The Wetland Waiver was approved and granted subject to the following conditions:

1. The Wetland Waivers are approved and granted pursuant with the conditions of U. S. Army Corps of Engineers Nationwide Permit 39, #SAM-2017-01241-LET, and the ADEM CWA §401 Water Quality Certification, and the ADEM Coastal Area Management Program Variance granted to Fisheye, LLC, ADEM Tracking No. ACAMP-2018-033. If no action is taken on the wetland waivers, the waivers shall expire the same date as the Corps of Engineers Permit (March 18, 2022), and/or the ADEM Variance granted (January 16, 2024).
2. No grading shall take place on the property until a site plan is approved by the City.
3. The storm water drainage plan shall be designed to accommodate a minimum 50-year storm event.
4. A minimum 5-foot natural buffer from the hardscape shall be maintained around the wetlands.
5. No new curb cuts for ingress/egress to the property are allowed.

6. The site shall use the existing cross-access easement to the Uptown development on East 20<sup>th</sup> Avenue located on the northwest side of the property.

### **Proposed Site Plan**

As previously noted, the applicant proposes to construct a 5,400sf building for retail and drive-through uses, parking, drainage, and landscape on 0.98 acres. The proposed site plan meets the BG Area & Dimensional Requirements, recorded subdivision plat setbacks, and other Zoning Ordinance regulations as follows:

- Building Height (8 stories): 1 story
- Maximum Building Coverage (65%): 12.24%
- Maximum Impervious Surface Coverage (85%): 47.96%
- Minimum Front Setback (20ft): 40ft
- Build-to Line (40ft): 40ft
- Minimum Rear Setback (20ft): 96.4ft
- Minimum Side Setback (0 or 10ft): 12ft
- Minimum Landscape (20%): 43.88%
- Minimum Off-street Parking: 12 vehicle on-site, 14 vehicle shared, 4 bicycle
- One-way drive with angled parking spaces

### **ANALYSIS**

#### **Future Land Use Plan Compliance**

The Future Land Use Plan designates this area as Commercial/Mixed Use. The Commercial designation includes a broad category of uses that typically includes beach tourism, community and neighborhood retail, office, restaurant, hospitality, accommodations, and light manufacturing businesses. Commercial uses are currently located along the Highway 59 corridor, at Gulf Place, the beach, and Waterway Village. Mixed Use is a development type in which various primary uses may be combined in the same building or within separate buildings on the same site or nearby sites. Uses include office, civic, institutional, retail and residential. Mixed use development is encouraged in or adjacent to activity centers. The proposed use of the site is compatible with the desirable land use pattern for this area of Gulf Shores.

#### **Zoning Compliance**

Retail and drive-through uses are allowed By Right within the BG Zoning Districts.

#### **Wetland Waiver Conditions**

The proposed site plan is in keeping with the conditions of the 2019 Wetland Waiver. The plan complies with the project description of the ADEM Coastal Area Management Program Variance and proposes to fill 0.24 acres of wetland as authorized by ADEM.

#### **Plan Review**

##### **Access**

**Vehicular:** The Site Plan proposes 2 points of access from the abutting development, Uptown on 20<sup>th</sup>. The proposed drive is designed with a one-way drive aisle and angled parking. No new curb cuts for ingress/egress are proposed for the site per the conditions of the Wetland Waiver. The southernmost unit of the building will have a drive-through window. Loading and unloading of goods will take place on the Uptown on 20<sup>th</sup> property.

**Pedestrian:** The site plan design proposes to extend the existing 5ft sidewalk along the Uptown on 20<sup>th</sup> street frontage and connect to a new 5ft sidewalk segment joining the internal pedestrian walkway on the subject property. The site is located along a planned bicycle and pedestrian facility per the Bicycle & Pedestrian Master Plan. The Master Plan calls for 8ft sidewalks along East 20<sup>th</sup> Avenue and East 2<sup>nd</sup> Street. The applicant has proposed to pay a fee of \$17,028.00 in lieu of constructing the sidewalks. The engineer's estimate for construction has been accepted by the Engineering Department and shall be paid prior to the issuance of any city permit.

### **Parking**

The Site Plan proposes a total number of 12 parking spaces on-site and will construct 14 spaces across the property line that will be shared by the proposed development and Uptown on 20<sup>th</sup>. The Zoning Ordinance allows for the Collective Provision of Parking Spaces which enables 2 or more non-residential uses to collectively provide off-street parking if the occupancies may be reduced where it can be demonstrated that the peak requirements of several occupancies occur at different times. The applicant has provided a shared parking demand study based on the parking spaces available and uses within the Uptown on 20<sup>th</sup> development and the proposed retail/drive-through uses of the subject development.

Uptown on 20<sup>th</sup> contains 78 parking spaces on-site which is 7 more spaces than the minimum number required at the time the development received Site Plan approval in 2004. East 19<sup>th</sup> Avenue contains 23 public parking spaces that can be counted towards required spaces for an abutting non-residential use. The public parking directly abuts Uptown on 20<sup>th</sup>, therefore the spaces can be included in the calculations of the shared parking demand study. The subject property requires a total of 21 on-site parking spaces.

Based on the current uses within the existing commercial development and the proposed site, the shared parking study indicates that the collective conventional demand of the two sites would require a total number of 171 spaces. The study also displays that because of the peak demand of the existing uses, a reduction of 26% (44 parking spaces) may be considered in the shared parking of the two commercial developments. The study demonstrates a total of 127 parking spaces can be shared and adequately serve the existing and proposed developments; therefore the total number of parking spaces provided for the Uptown development along with the public parking is 127 spaces.

The parking lot design meets the Zoning Ordinance regulations for parking area dimensions and one-way aisle widths. The drive aisles and parking spaces are to be constructed of standard duty asphalt paving. Wheel stops are proposed to prevent vehicular encroachment over the retaining wall and into the landscape.

### **Property Ownership**

Because a portion of the proposed improvements are designed to be placed over a property line, the owner will be conditioned to combine the subject lot with the Uptown on 20<sup>th</sup> development. The combination methods available are a consolidation plat or the title of the properties shall be vested in the same person/entity.

### **Building Architecture**

The architectural drawings indicate the structure is to contain 3 separate units. The "build-out" construction type of each unit will be made functional through tenant improvements. The elevations show that the applicant is proposing a 1 story, brick veneer structure. The applicant meets the Zoning Ordinance regulations for Building Materials within the BG Zoning District.

### **Landscaping**

The applicant has provided a Landscape Plan that meets the requirements of Article 12 of the Zoning Ordinance. Street frontage and perimeter landscape standards have been met, and the wetland areas that are not being filled will remain undisturbed.

### **Tree Protection**

The subject lot contains a large number of protected trees. The Tree Protection Plan indicates the area of the site where protected trees will be removed without replacement or remediation per the Tree Protection ordinance. The ordinance states, an applicant may remove protected trees within the areas where a structure or improvement is to be placed. The plan indicates 77 protected trees are within the structure and parking lot areas and will be removed.

The applicant is proposing to preserve 7 Oak trees ranging in size from 12" diameter at breast height (DBH) to 35 DBH and 2 Pine trees, 27"/28" DBH. Tree protection fencing will be placed around the trees prior to any land disturbance or construction on the property.

The applicant has earned tree credits based on the protected trees saved and the number of 3" caliper trees proposed to be planted as shown on the Landscape Plan. By preserving the protected trees outside the site improvement areas, no additional replanting or remediation will be required.

#### **Drainage and Grading**

The post-development runoff will be collected through shallow concentrated flows and underground storm drainage that will be detained in an excavated pond. The pond has been designed to detain and mitigate peak runoff rates for the 100-year storm by means of an outlet control structure. The design meets the condition of the Wetland Waiver.

The design will incorporate the use of a retaining wall along the east portion of the wetlands. The maximum height of the wall is proposed to be 2.5ft. The wall maintains a 5ft setback from the wetlands as conditioned by the Wetland Waiver.

The Drainage Report and Grading & Drainage Plan have been approved by the Engineering Department.

#### **Exterior Lighting**

The applicant is proposing 6 single pole-mounted parking lot lights. The mounting height for the shielded fixtures is 18ft, placing them under the maximum height of 30ft as regulated by the Zoning Ordinance.

#### **Trash Collection**

The applicant is proposing to utilize a dumpster for trash collection. A dumpster enclosure detail has been provided and the applicant has submitted a utility letter from Republic Services stating that the company can service the property.

#### **Department and Agency Reviews**

The Fire Marshal and Engineering Department have reviewed and approved the Site Plan.

### **RECOMMENDATION**

Staff recommends approval of the Site Plan with the following condition:

1. The owner shall combine the subject property with the property addressed as 229 East 20<sup>th</sup> Avenue (currently Uptown on 20<sup>th</sup>) in order to meet the requirements for shared parking. A consolidation plat shall be processed and recorded or an updated title policy showing that the title of the properties are vested in the same person/entity shall be provided prior to the issuance of any city permit.
2. The sidewalk fee of \$17,028.00 for an 8ft sidewalk along East 20<sup>th</sup> Avenue and East 2<sup>nd</sup> Street shall be paid prior to the issuance of any city permit.

**ATTACHMENTS:** Site Plan Set, Draft Resolution, Shared Parking Demand Study

# Location Map



**RESOLUTION ZA21-000082**  
**Uptown Plaza East**  
**Site Plan**

Be it resolved by the Gulf Shores Planning Commission while in regular session on February 22, 2022, and by a vote of 0-0, hereby approves subject to the special conditions set out below and based on the following Findings of Fact and Conclusions related to the proposed Site Plan for Uptown Plaza East to be located on Lot D of the Resubdivision of Lot 1 of Block 6, Division 2 Gulf Pines Unit of Gulf Shores along the south side of East 20<sup>th</sup> Avenue:

1. The Plan is consistent in all respects with the Comprehensive Plan and the purpose and intent of the applicable district.
2. The Plan is in conformance with all applicable regulations of the applicable district.
3. The Plan is in conformance in all respects with the City's Subdivision Regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other Essential Services or facilities.
4. The Plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to
  - a. Relationship to Adjacent properties;
  - b. Internal circulation, both vehicular and pedestrian;
  - c. Design of access and egress and impact on Adjacent Thoroughfares;
  - d. Disposition and use of Open Space, provision of Screening and/or Buffering, and preservation of existing natural features including trees, Wetlands, and Dunes;
  - e. Size and apparent Bulk of Structures;
  - f. Building arrangements both between Buildings in the proposed development and those on abutting sites.
5. The Plan is in conformance in all respects with City policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantee for continued maintenance.

**Approval is subject to the following Special Conditions:**

1. The owner shall combine the subject property with the property addressed as 229 East 20<sup>th</sup> Avenue (currently Uptown on 20<sup>th</sup>) in order to meet the requirements for shared parking. A consolidation plat shall be processed and recorded or an updated title policy showing that the title of the properties are vested in the same person/entity shall be provided prior to the issuance of any city permit.
2. The sidewalk fee of \$17,028.00 for an 8ft sidewalk along East 20<sup>th</sup> Avenue and East 2<sup>nd</sup> Street shall be paid prior to the issuance of any city permit.

Be advised that before any construction activities can commence on the property, City permits must be issued prior to any construction on the site. A Building Permit must be obtained within two years of the date of this Resolution or the Site Plan will become null and void.

This resolution shall become effective upon its adoption.

ADOPTED this 22<sup>nd</sup> day of February, 2022.

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Robert Steiskal, Jr.  
Chairman, Planning Commission

Attest:

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Mell Davis  
Secretary, Planning Commission