

Peleschak Private Parking Lot –CUP

Staff Report: Andy Bauer

Planning Commission Meeting Date: March 22, 2022

Application #:ZA22-000004

Applicant: David Peleschak

Property Location: 19826 W. 36th Ave

STAFF RECOMMENDATION:

APPROVE WITH CONDITIONS

SUMMARY OF REQUEST

The applicant seeks a Conditional Use Permit to construct a 51 space private parking lot at 19826 W. 36th Avenue. The property is zoned BA-Arterial Business, and the proposed use is only allowed as a Conditional Use.

Conditional Use Permit applications require public hearings by the Planning Commission and City Council.

EXISTING CONDITIONS & SURROUNDING CONTEXT

The property is zoned BA-Arterial Business, and currently occupied by G & D Earthworks Construction business. There are five existing sheds on the property, four of which are proposed to be removed. The surrounding zoning and existing uses are as follows:

- North – Business Arterial / City of Gulf Shores Public Works Department, commercial and warehouse uses within Northshore Commercial Park
- South – R-4 and PUD Overlay (Lake PUD) / vacant wooded land
- East – R-1-4 Residential/Medium Density / single family detached house
- West – R-4 Residential/ High-density Multifamily District and BA Business Arterial / a single family home with a home occupation (Gulf Shores Beauty and Barber Shop) and the Hangout Warehouse

BACKGROUND

- **September 14, 2015.** The City Council approved Ordinance 1788 which rezoned the subject property from R-1-4 Residential/ Medium Density Single Family District to BA Arterial Business District. A reason for approval, referenced in the Rezoning Staff Report, was a need for additional BA zoning that is not located adjacent to State Highway 59 in order to accommodate some of the more intense uses allowed by the BA zoning district.

ZONING

BA Arterial Business District. The BA district is intended to provide locations for a variety of commercial and light industrial activities along main highways and at other locations where similar development may occur.

The proposed use is classified as "Parking, Remote or Structured (Public/Commercial)". A commercial parking lot is only allowed by a Conditional Use Permit in the BA Zoning District.

FUTURE LAND USE PLAN

Commercial/Mixed Use. This property is designated as "Commercial/Mixed Use" on the Future Land Use Map. Commercial/Mixed Use is a broad category of uses that typically includes beach tourism, community and neighborhood retail, office, restaurant, hospitality, accommodations, and light manufacturing businesses.

APPLICANT NARRATIVE

The applicant requests to build an off island engineered parking lot to park overflow vehicles from condominiums, special events, such as the Shrimp Festival and Hangout Music Festival and the Gulf Shores International Airport. This project will be a benefit and service to the city, condominium rental

companies, attendees to city special events and the city's airport. The applicant believes this use has been needed for some time to help alleviate parking congestion on the island.

PROPOSED SITE PLAN

Details of the proposed plan are as follows:

- Lot Size: 41,829sf (.96ac)
- Building Coverage (Max. 25%): 347sf (Less than 1%)
- Maximum Impervious Surface Coverage (Max. 70%): 48%
- Front Setback (45ft): 35ft existing building
- Rear Setback (20ft): N/A
- Side Setback (0ft or 10ft): E-3.25ft existing building, W-N/A
- Minimum Landscape (20%): 52%
- Parking: 51 spaces provided

ANALYSIS

Future Land Use Plan Compliance

The proposed private parking lot use complies with the Future Land Use designation of Commercial/Mixed Use. The Commercial/Mixed Use land use category includes a wide range of commercial uses. In the past, development in this area of the City has been transitioning to commercial and light industrial uses. A key element of the Transportation and Accessibility component of the Land Use Plan is to reduce the impacts of automobiles on the environment. The proposed use supports this goal by reducing the number of vehicles on Gulf Shores Parkway south of the ICW Bridge.

Zoning Compliance

The BA Zoning District is the most intense commercial zoning district allowing such uses as building contractors, dry cleaning plants, major auto repair, and indoor warehouses. One of the most appropriate locations for a paid parking lot is BA zoned property that is not located on a major street. The subject property complies with this description.

Private parking facilities are allowed in several zoning districts throughout the City of Gulf Shores, primarily by Conditional Use Permit. In the recent past City staff has had conversations with land owners in the beach area about developing their properties with private parking lots to accommodate overflow parking from the tourist accommodations. The property in the beach area is the most valuable property in the City and is envisioned to develop into a compact, mixed-use, walkable downtown district. City staff believes that it is more appropriate to provide remote parking locations in underutilized/transitional areas rather than consuming valuable land in the beach area intended for vibrant, mixed uses.

Conditional Use Permit

A CUP provides the City with additional review and control for specific uses which may negatively impact a neighborhood. Article 3-4, *Conditional Use Permit*, of the Zoning Ordinance provides 14 criteria upon which a CUP application is reviewed. City staff have reviewed these criteria and below is a synopsis of the analysis:

- The proposed use is compatible with the stated goals and plans of the City.
- The use will help to alleviate parking issues and reduce the impacts of automobile transportation in the beach area.
- The property will be brought into compliance with City Zoning regulations including landscaping and buffering.
- The use will not diminish the environmental quality, cause injury or negatively affect nearby properties.

Site Plan Review

In accordance with Article 3-4, *Conditional Use Permit*, a Site Plan Review application is required to be processed concurrently with the CUP application. Below is an analysis of the proposed Site Plan.

Vehicular & Pedestrian Access

The private parking lot has one access connecting to West 36th Avenue. A sidewalk is provided from the site to West 36th Avenue, and the applicant proposes to pay a fee in lieu of installing the required 6ft sidewalk within the West 36th Avenue public right-of-way.

Parking

The applicant proposes to construct a 51 space private parking lot. The plans indicate the parking lot is constructed of reclaimed asphalt paving. All of the proposed parking spaces and drive aisles comply with the minimum construction and design standards of the Zoning Ordinance.

Tree Protection

According to the Landscape Plan, there are a total of five protected trees on the property ranging in size from a 12 inch Juniper Tree to a 22 inch oak tree. All of the trees are proposed to be saved, and the applicant has earned 16 tree credits by preserving these trees.

Landscaping

The site consists of 52% open space, most all of which is proposed to be landscaped. In addition to the standard perimeter, street frontage and parking lot landscape requirements, the proposed use is required to be buffered from the surrounding single family detached uses by a "Class B" landscape buffer. A Class B buffer is a minimum 15ft in width, has a minimum 6ft tall privacy fence, with shrubs and trees placed on the exterior of the fence. The landscape plans comply with the landscape regulations with the exception of a couple exceptions. The exceptions have been included as conditions of approval.

Drainage

Stormwater is being routed from the parking lot to a drainage pond located at the south end of the property. The proposed detention and release system is designed to handle up to a 100 year storm event. The City requires stormwater systems to be designed to a 10 year event.

Exterior Lighting

The Lighting Plan has been reviewed and approved by the City of Gulf Shores. Four, 20ft tall lights are provided to light the parking lot. The light fixtures are full cut-off as required by the Zoning Ordinance.

Trash Collection

The applicant proposes to have roll-out trash containers for trash collection. A letter shall be submitted from Republic Services indicating the development can be properly serviced prior to this application being scheduled for the City Council.

Department and Agency Reviews

The Fire Marshal has conditionally approved the plans. The Engineering Department has reviewed and conditionally approved the plans subject to minor details, such as correct ADA parking space dimensions, outfall pipe material, etc. being provided on the plans.

RECOMMENDATION

The private parking lot is zoned BA and located in an area of the City that has been transitioning to commercial and light industrial uses. The proposed site improvements will bring the site into compliance with the Zoning Ordinance regulations and provide a use that can benefit and compliment the City's beachfront tourist area. The property is located north of the Intracoastal Waterway, is not located on a major or minor arterial roadway and is suitable to be developed as a private parking lot.

Staff recommends approval of the CUP with the following conditions:

1. CUP approval shall be active for 5 years and shall expire unless the use is extended by the City Council.
2. The applicant shall pay a \$1,520 fee in lieu of constructing the required sidewalk along West 36th Avenue. The fee shall be paid prior to the issuance of any future City permits.
3. The following items need to be addressed or further detailed prior to scheduling this application for the City Council.
 - a. Fire Marshal. Additional details shall be provided to the Fire Marshal regarding the gate for the private parking lot.
 - b. City Engineering. Revised plans shall be submitted addressing the six comments made by the City Engineering Department.
 - c. Planning & Zoning.
 - i. A letter shall be submitted from Republic Services indicating roll-out trash containers are acceptable and can be properly serviced.
 - ii. The sidewalk shall connect to the right-of-way of West 36th Avenue.
 - iii. The tree protection details shall comply with the Tree Protection Ordinance regulations.
 - iv. The Landscape Plan shall clearly identify the trees which are proposed to be protected.
 - v. The minimum 10ft landscape strip along West 36th Avenue shall be planted with 1 tree/25ft and 6 shrubs/20ft on the Landscape Plan.

Peleschak Private Parking Lot - Location Map



RESOLUTION ZA22-000004
Peleschak Private Parking Lot
Site Plan/Conditional Use Permit (CUP)

Be it resolved by the Gulf Shores Planning Commission while in regular session on March 22, 2022, and by a vote of ?-?, hereby approves, approves with conditions, denies the Site Plan/ Conditional Use Permit for Peleschak Private Parking Lot based on the following Standards for Approval:

1. The proposed site development 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 does not require any 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. Adequate 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;
11. Adequate parking and loading arrangement, is so designed as to cause minimum interference with traffic on abutting streets, and that heavy traffic is not introduced on residential streets;

Approval is subject to the following Special Conditions:

1. CUP approval shall be active for 5 years and shall expire unless the use is extended by the City Council.
2. The applicant shall pay a \$1,520 fee in lieu of constructing the required sidewalk along West 36th Avenue. The fee shall be paid prior to the issuance of any future City permits.
3. The following items need to be addressed or further detailed prior to scheduling this application for the City Council.
 - a. Fire Marshal. Additional details shall be provided to the Fire Marshal regarding the gate for the private parking lot.
 - b. City Engineering. Revised plans shall be submitted addressing the six comments made by the City Engineering Department.

c. Planning & Zoning.

- i. A letter shall be submitted from Republic Services indicating roll-out trash containers are acceptable and can be properly serviced.
- ii. The sidewalk shall connect to the right-of-way of West 36th Avenue.
- iii. The tree protection details shall comply with the Tree Protection Ordinance regulations.
- iv. The Landscape Plan shall clearly identify the trees which are proposed to be protected.
- v. The minimum 10ft landscape strip along West 36th Avenue shall be planted with 1 tree/25ft and 6 shrubs/20ft on the Landscape Plan.

Be advised that before any construction activities can commence on the property, City permits must be issued prior to any construction or demolition commencing on the site. A building permit must be obtained within one year of the date of this Resolution or the CUP will become null and void.

This resolution shall become effective upon its adoption.

ADOPTED this 22nd day of March, 2022.

Robert Steiskal, Jr.
Chairman, Planning Commission

Attest:

Mell Davis
Secretary, Planning Commission