

**MINUTES OF THE PLANNING COMMISSION
CITY OF GULF SHORES, ALABAMA
REGULAR MEETING OF SEPTEMBER 27, 2022**

COMMISSION PRESENT:

Commissioner Steiskal, Commissioner Vakakes, Commissioner Franklin, Commissioner Malone, Commissioner Eubank, Commissioner Young, Commissioner Harris, Commissioner Guthrie, Commissioner Dixon

COMMISSION ABSENT:

None

STAFF PRESENT:

Director of Planning & Community Development Lee Jones; Zoning Administrator Andy Bauer; Planner Jennifer Watkins; Secretary Mell Davis, City Engineer, Mark Acreman; Fire Marshal, George Surry

CALL TO ORDER:

Chairman Steiskal called the meeting to order at 4:00 p.m.

ROLL CALL:

Secretary Mell Davis called the roll.

APPROVAL OF MINUTES: Regular Meeting of August 23, 2022.

Commissioner Vakakes made a motion to approve the minutes from August 23, 2022; the motion was seconded by Commissioner Young. The motion was approved 9-0.

ITEMS FOR DEFFERAL OR WITHDRAWAL:

PUBLIC HEARINGS:

A. ZA22-000060 Zoning Text Amendment

Request: Mr. Ryan Shamburger seeks to amend the Zoning Ordinance to define “Dispensary” and “Dispensing Site” as well as create regulations in Article 11, Specific Use Regulations, for Medical Cannabis Dispensing Sites

Commissioners discussed definition of a Dispensary and if it was allowed within 1,000ft of schools & child care facilities.

Chairman Steiskal opened the Public Hearing.

Several citizens came forward both for and against amending the Zoning Ordinance to define “Dispensary and Dispensing Site” and creating a Specific Use Regulation for Medical Cannabis Dispensing Sites. Applicant Ryan Shamburger urged the Planning Commission to recommend moving this forward to Council.

**MINUTES OF THE PLANNING COMMISSION
CITY OF GULF SHORES, ALABAMA
REGULAR MEETING OF SEPTEMBER 27, 2022**

Chairman Steiskal closed the Public Hearing.

Commissioner Guthrie made a motion to defer the application with a recommendation the City Council have a policy discussion on the proposed amendment during the month of October. Commissioner Franklin seconded, the motion passed 8-0 with Chairman Steiskal abstaining.

B.ZTA22-02 Home Occupation Regulations Zoning Text Amendment

Request: The City of Gulf Shores seeks to amend Article 11-5, *Home Occupations*, of the Zoning Ordinance. The primary reason for the requested amendment is to allow food handling, processing or packing as a Home Occupation, as long as the business is in accordance with all requirements of the Alabama Cottage Food Law.

Chairman Steiskal opened the Public Hearing

No Public Comments

Chairman Steiskal closed the Public Hearing.

Commissioners Malone and Harris asked questions about the proposed Zoning Text Amendment.

Commissioner Vakakes made the motion to approve ZTA22-02 Home Occupation Regulations Zoning Text Amendment, Commissioner Young seconded and the motion passed 9-0.

C. ZA22-000055 The Waterway Mixed Use Development Site Plan/Conditional Use Permit

Request: The applicant seeks CUP approval for a mixed use development consisting of commercial uses, residential rental units, and a Mobile Vendor Court. In accordance with Article 10-2 B., Deviations, of the Zoning Ordinance, the applicant seeks modifications from strict compliance with underlying zoning and overlay district standards

Chairman Steiskal opened the Public Hearing

Several citizens came out in support of this project.

Chairman Steiskal closed the Public Hearing.

The Planning Commissioners had questions about parking and tree remediation.

Commissioner Young made the motion to approve ZA22-000055, The Waterway mixed Use Development Site Plan/Conditional Use Permit, Commissioner Vakakes seconded and the motion passed 9-0 with the following conditions:

1. Council grants a modification from Article 13-5, Alteration of Nonconforming Structures to allow the applicant to adaptively reuse the existing building and premises.

**MINUTES OF THE PLANNING COMMISSION
CITY OF GULF SHORES, ALABAMA
REGULAR MEETING OF SEPTEMBER 27, 2022**

2. Council grants a modification from Article 10-10 D. 4, Parking Standards, to allow more than 50% of the required restaurant (MVC) parking on-site.
3. Council grants a modification to the Thoroughfare Assemblies Plan and allow the applicant to construct 10-foot-wide sidewalks within the East 2nd Street and East Canal Drive rights-of-way.
4. A Building Permit shall not be issued until the remediation required by TP21-08 Tree Removal Permit is addressed.
5. Prior to the issuance of Certificate of Occupancy, a permit shall be provided to the City from ALDOT approving the turnout onto East Canal Drive (aka Alabama State Highway 180).
6. Prior to the issuance of a Building Permit, a Consent Agreement from the USACE is required.
7. Due to the potential waste generated by the proposed Mobile Vendor Court, the applicant shall provide a revised Site Plan with dumpster location and details prior to Building Permit application, or each Mobile Food Vendor shall have individual waste receptacles that are removed every day.
8. Engineering Department Conditions. Revised plans shall be submitted prior to Building Permit application addressing the following comments:
 - a. One of the ADA parking spaces shall be van accessible and signed accordingly.
 - b. The dimension from the parking lot to the eastern property line shall be labeled on the plans.
 - c. Spot elevations shall be provided for the concrete areas and sidewalks.

D. ZA22-000059 Holt Property Rezoning

Request: The applicant seeks to rezone .74 acres of property from R-1-4 Residential/Medium –Density Single-Family District to R-2 Residential/Single-Family and Duplex District.

Chairman Steiskal opened the Public Hearing

Mr. Jason Holt, owner of the property, stated the access easement to the property from Morgan Trace Apartments drive aisle had been recorded.

Chairman Steiskal closed the Public Hearing.

Commissioner Franklin made the motion to approve ZA22-000059 Holt Property Rezone, Commissioner Malone seconded and it passed 9-0 with the following conditions:

1. The Principal Use for the property shall be Single-family detached Dwellings.
2. The maximum number Single-family detached Dwellings permitted on the property is three.
3. Future development applications for this property shall be in substantial conformity, in terms of density/intensity, lot sizes and layouts, property access and building types, as the Concept Plan and proposed Subdivision presented with the Zoning Application. The Concept Plan and proposed Subdivision shall be attached to the ordinance as “Exhibit A.” and “Exhibit B.”

**MINUTES OF THE PLANNING COMMISSION
CITY OF GULF SHORES, ALABAMA
REGULAR MEETING OF SEPTEMBER 27, 2022**

E. SDR2022-02 Section 4-5B.; *Application Procedure for Final Major Subdivision Plat-Subdivision Regulation Amendment.*

Request: The City of Gulf Shores proposes to amend Section 4-5 B., *Application Procedure for Final Major Subdivision Plat*, to require 80% of the improvements within a subdivision be completed prior to application for Final Subdivision Plat.

Chairman Steiskal opened the Public Hearing

Mr. Dennis Shirley asked a question.

Chairman Steiskal closed the Public Hearing.

Commissioner Young made the motion to approve SDR2022-02 Section 4-5B, *Application Procedure for Final Major Subdivision Plat- Subdivision Regulation Amendment*, Commissioner Harris seconded and it passed 9-0.

F. Major Street Plan Update

Request: The City of Gulf Shores seeks to update the Major Street Plan which was adopted by the Planning Commission on October 20, 2020.

Chairman Steiskal opened the Public Hearing

No Public Comments

Chairman Steiskal closed the Public Hearing.

Commissioner Vakakes made the motion to approve the adoption of the Major Street Plan Map; Commissioner Young seconded and it passed 9-0.

SITE PLANS:

A. ZA22-000058 Cadence Development

Request: The applicant requests Site Plan approval for a 92 – unit multiple-family located at 19326 Oak Road West.

Commissioner Young made the motion to approve ZA22-000058 Cadence Development Site Plan with the addition of a condition that all existing debris on the site be removed before the issuance of any City permits; Commissioner Vakakes seconded the motion and it was approved 9-0 with the following conditions:

1. The applicant shall pay a \$15,925.00 fee in lieu of constructing the required bike lane and sidewalk along Oak Road West prior to Building Permit.
2. All improvements warranted by the Traffic Study shall be completed prior to the issuance of a Certificate of Occupancy for the development.
3. The developer shall pay the City a fee in lieu of constructing the necessary improvements to the intersection of Oak Road West and Hwy 59 to mitigate the transportation impacts generated by the development. The fee will be based upon a certified engineer's estimate of the intersection improvements and approved by the

**MINUTES OF THE PLANNING COMMISSION
CITY OF GULF SHORES, ALABAMA
REGULAR MEETING OF SEPTEMBER 27, 2022**

City Engineer. The fee shall be paid prior to the issuance of the first Certificate of Occupancy and will be applied to the City's proposed Oak Road West improvements.

4. All debris must be removed prior to the issuance of any permits.

HEARING OF PERSONS NOT LISTED ON FORMAL AGENDA:

OTHER BUSINESS:

None

COMMUNICATIONS FROM STAFF:

None

COMMUNICATIONS FROM COMMISSION:

Chairman Steiskal requested the Commission be ready with Chairman & Vice Chairman nominees for the October Meeting.

ADJOURN:

There being no further business to come before the Commission, Chairman Steiskal adjourned the meeting at 6:30 p.m.

Chairman, Bob Steiskal

Secretary, Mell Davis

Date