

Bon Secour Village Zoning & PUD Amendment

Staff Report: Lee Jones

Application #:ZA21-000012 &
ZA21-000015

COW Meeting Date: April 5, 2021

Applicant: Legendary Marine Alabama,
LLC

Property Location: Waterway West Blvd

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

I. SUMMARY OF REQUEST

The applicant seeks two approvals for approximately 22 acres located at 350 Waterway West Boulevard:

1. Apply Intracoastal Waterway-North (ICW-N) Zoning; and
2. Amend the Bon Secour Village PUD Master Plan Overlay.

The City Council shall take separate actions on the ICW-North zoning application and on the PUD Amendment application.

II. SURROUNDING CONTEXT

The 22-acre property is located at 350 Waterway West Boulevard. The surrounding land uses and zoning are as follows:

- North – BG (General Business) / vacant wooded land
- South – The Intracoastal Waterway
- East – ICW-North (Intracoastal Waterway North) / Vacant Land
- West – ICW-North (Intracoastal Waterway North) / Vacant Land

III. BACKGROUND

1. Timeline

Bon Secour Village Residential Planned Community. In 2005, the property was rezoned from ICW zoning to RPC (Residential Planned Community.) The RPC master plan utilized Traditional Neighborhood Development principles, such as narrow lots, front porches, raised finish floors, alley access, reduced setbacks, formal open spaces, and a system of well-connected streets and blocks. The approved maximum number of dwelling units for Bon Secour Village was 3,241 units on 419 acres.

Marina Site Plan Approval and Construction. With Resolution #4158-06, the City Council granted site plan approval for a 60-slip marina at Bon Secour Village on September 25, 2006.

Intracoastal Waterway EIS. In 2009 The U.S. Army Corps of Engineers (USACE) prepared an Environmental Impact Statement (EIS) to evaluate the potential environmental and socioeconomic consequences of granting permits for developing marinas along the Intracoastal Waterway (ICW). The EIS study approved 15 mixed-use developments along the ICW consisting of the following: 17 marinas, 16,700 condominium units, 1,722 wet boat slips, 1,742 dry boat storage spaces, various commercial establishments, support facilities, and resort amenities. The purpose for the EIS study was to provide private marinas for condominium residents and tourists.

Bon Secour Village was part of the EIS study, and was approved with the following development components.

- i. East Marina with 10 permanent 40-foot boat slips, transient tie-ups, fueling facilities, and two forklift accessible launching ramps
- ii. 1.6-acre dry-stack facility with 528-boat capacity and a ship's store
- iii. West Marina with 107 wet boat slips with 14-foot-long piers
- iv. 500,000 to 750,000 square feet of retail and commercial space, including restaurants,

medical facilities, and professional office space

Bon Secour Village Rezoning. Ordinance No. 1695. Bon Secour Village began to develop on the brink of the Great Recession. Since it never took off quite as anticipated, 320 acres of the original Bon Secour Village RPC were rezoned to a range of conventional zoning districts in 2012. Ordinance No. 1695 rezoned all of the Bon Secour Village PUD property with the exception of the existing 83-lot subdivision, 26 acres surrounding the existing marina, and 60 acres of wetlands located north of Waterway West Boulevard which were previously sold to Baldwin County. The rezoning would allow the future development of the property in a manner that is not consistent with the approved Bon Secour Village master plan.

Planning Commission Meeting, March 23, 2021. The Planning Commission unanimously voted 7-0 to approve the Rezoning request and the Amendment to the Bon Secour Village PUD Master Plan.

2. Future Land Use Plan

The Future Land Use Plan provides and illustrates an overall strategy for how Gulf Shores intends to develop in the future and acts as a guide to zoning decisions.

The Future Land Use Plan designates this property as “Commercial/Mixed Use.” Gulf Shores intends to focus citywide and regional commerce, recreational and institutional services into concentrated, highly accessible activity centers and corridors served by its highest-capacity arterial roadways. Significant nodes or concentrations of people, activity and development are designated in this plan as activity centers. The intent is that each of these be located, planned and designed to relate to, support and positively affect urban form, environmental quality, adjacent residential neighborhoods and the transportation network in a positive way.

3. Existing Zoning

The property is currently zoned PUD/RPC (Residential Planned Community.) The RPC zoning designation is a remnant zoning classification that was removed from the Zoning Ordinance with the 2010 Zoning Ordinance re-write. The development is controlled by the Bon Secour Village Master Plan that was adopted by Council in 2005. A SmartCode Development Handbook was adopted with the RPC containing standards for the development of the property.

The Development Handbook contains a Regulating Plan showing the various form-based zoning categories within the development. The 26-acre area surrounding the existing marina is designated as “T6 Urban Core” on the Regulating Plan. The T6 area was planned and designed as the “town center” of Bon Secour Village. This area was intended to be the most dense business, office, residential, and institutional center of the development, consisting of mixed-use buildings with a maximum building height of 270 feet and “occupying the entirety of their lots.” A total of 3,241 units were proposed in Bon Secour Village.

IV. DETAILS OF REQUEST

1. Apply Intracoastal Waterway-North (ICW-N) Zoning

The ICW-N Zoning District is intended to encourage the creation of a unified and continuous mixed-use area which emphasizes a maritime theme and which takes advantage of the natural beauty of the Intracoastal Waterway. A goal of the District is to help facilitate the development of the area with “Mixed-use” developments that include residential, commercial, marina, and tourist uses.

The original RPC did not have underlying zoning. The PUD, however, serves as an overlay to the underlying zoning classification, in which modifications to the use, intensity and design regulations of the base zoning district may be considered as a part of the PUD Master Plan approval. An underlying zoning district must be applied to the property in order for the existing PUD to function as intended by the Zoning Ordinance.

2. Amend the Bon Secour Village PUD Master Plan Overlay

The PUD amendment request is to permit a marine facility consisting of a ±750 space dry boat storage facility, boat sales and service uses, 45-slip marina, restaurant, clubhouse, and an area of future mixed-use development.

The applicant proposes to amend the Bon Secour Village PUD Master Plan Overlay and associated Development Handbook to replace a portion of the “T6 Urban Core” area with a “Special District” designation. The Special District standards aren’t inherently walkable, and don’t fit in the rural-to-urban Transect on which the Bon Secour PUD standards are based. The Special District designation is being proposed for this area, because due to the boat storage use, function, and configuration, it cannot conform to the requirements of the existing urban PUD standards. Details of the request are as follows.

- i.i Proposed Uses
 - o Four Boat Storage Buildings with 750 dry slips
 - o Boat Sales and Service building
 - o Restaurant
 - o Clubhouse
 - o 45 Slip marina
 - o Future mixed-use – 20,000sf of retail and 120 residential units
- i.ii Maximum Building Height – 75’
- i.iii Maximum Building Coverage – 65%
- i.iv Maximum Floor Area Ratio – 200%
- i.v Maximum Density – 42 units per acre
- i.vi Rear Setbacks from the Intracoastal Waterway: 65’-80’
- i.vii Parking – 622 spaces
- i.viii Open Space: 8.04 acres (35%)
- i.ix Number of Phases – 4
- i.x Intracoastal Waterway Pedestrian Path extends through the development from the eastern to western property

V. ANALYSIS

1. Proposed ICW-N Underlying Zoning

The ICW-N Zoning District is intended to yield developments that, “will provide a focus toward the Intracoastal Waterway as an amenity of patrons to use and enjoy.” This zoning district encourages marina uses with a common maritime theme for waterfront development. Developmental guidelines in this district are intended to lessen the potential impact of north bank development on the residential properties located along the south bank of the Waterway by regulating both Building Heights and Building Setbacks from the north bank of the Intracoastal Waterway.

ICW-N is the predominant zoning district surrounding the Bon Secour Marina property. This district is intended to accommodate uses and intensities similar to those proposed with the PUD amendment. ICW-N permitted densities and intensities are less than those prescribed by the existing approved PUD. The ICW-N Zoning District is consistent with the Future Land Use Plan’s designation of Commercial/Mixed-Use for this particular property.

2. Proposed Bon Secour Village PUD Master Plan Overlay Amendment

i. Future Land Use Plan

The uses proposed in the PUD amendment comply with the Commercial/Mixed Use designation of the Land Use Plan. The Legendary Marine Center is located, planned and designed to positively affect urban form and mitigate negative impacts to adjacent residential neighborhoods and the transportation network as encouraged by the Future Land Use Plan.

ii. Regulating Plan

The PUD amendment area is currently approved as “T6 Urban Core.” The T6 transect zone consists of the highest density and building heights with the greatest variety of uses. This transect zone permits 100% lot coverage with no setbacks and building heights up to 270 feet.

The proposed change to “Special District” will replace the majority of the existing T6 transect zone, primarily along the ICW. The proposal will greatly reduce the potential impact of north bank development on the residential properties located along the south bank of the Waterway by reducing building heights and by increasing building setbacks from the north bank of the Intracoastal Waterway. The proposed change also specifies the uses for this area as marina, boat storage, restaurant, and associated commercial uses. This specification removes any ambiguity regarding what uses might be located along the north bank of the Waterway.

iii. Development Form

The central feature of the proposed PUD amendment is a marine facility for dry storage of approximately 750 boats with accessory uses such as mixed-use buildings, a restaurant, and clubhouse for boat owners. The proposed plan shows the mixed use buildings located along Waterway West Boulevard. A restaurant and clubhouse are located directly south of the mixed use buildings and front on the existing marina. The boat sales and service and dry boat storage buildings are between the marina and the east property line. Marina operation facilities such as boat launch, boat display areas, fuel docks, boat staging areas and racks are proposed on the east side of the marina. A sound wall and 65 to 80ft landscape buffer have been placed south of the marina operation facilities to buffer these uses.

The proposed amendment is similar in use to what is permitted today, however the form of the development proposed with the Special District designation is far less intense than what is currently allowed.

iv. Vehicular and Pedestrian Circulation

Four accesses are provided to the property from Waterway West Boulevard with parking located in the northern half of the property and west of the marina. There are a number of existing public right-of-ways located on the property which will have to be vacated or relocated by a separate City Council action.

The Master Plan shows two primary pedestrian connections – a 12ft multi-use trail along Waterway West Boulevard and a 12ft multi-use trail bisecting the site. The trail bisecting the site is the relocated trail that is required within the US Army Corps of Engineers Easement along the Intracoastal Waterway. This pathway will be constructed by the developer, and was moved to the middle of the property to avoid the proposed marina facilities. These two trails can be connected to future trails to the east and west of the property.

Waterway West is planned to be reconstructed by the City. The 12ft multi-use trail will be provided with the reconstruction. The City’s Major Street Plan calls for a “West, North/South Connector” roadway to connect County Road 10 to Waterway West. Portions of this roadway are underway within the Aventura development and adjacent to Stonehaven subdivision, along Grund Lane.

Sidewalks are provided throughout the development and connect to all of the proposed uses.

- v. Boat Delivery
The City Engineer has reviewed the applicant's "Truck Route Plan" for boat delivery. The Plan shall be revised to show W 29th Avenue as the primary truck route to State Highway 59.
- vi. Parking
The proposed PUD amendment employs parking ratios based on proven real world parking demand from the Legendary Marine Center located in Destin, Florida. A total of 622 parking spaces are proposed to meet the demand of the site.
- vii. Building Architecture
The boat storage facility will be constructed of metal on the sides and roof. The exception will be the north elevations visible from the road. A minimum of 30% of the front façade shall be constructed of nonmetal building materials to create a warm, lower profile façade. The boat storage buildings are proposed to be 65 feet tall at the ridge(s) and shall not exceed 75 feet in height. The restaurant and club house will employ coastal style architecture, materials and color palette.

Maximum building height shall in no case violate any provision of FAA-FAR part 77. Maximum Building Heights in the remaining T6-Urban Core have been reduced from 270 feet to 150 feet.

The applicant also seeks approval of a 150 foot tall flagpole. The Zoning Ordinance restricts the height of flagpoles to 35 feet.

- viii. Building Operation & Noise Abatement
The applicant requests to operate the marina from 7:00 AM to 7:00 PM on weekdays with longer hours on weekends, major events and holidays. Heavy equipment used on site shall be equipped with the latest noise abatement warning signals to include adjustable back up alarms and strobe lights for afterhours use. In addition, the site will have a 10'-high sound abatement wall (as described above) to further deflect the site's operational noise.

Staff does not support the hours of operation. Staff recommends permitting the hours of operation from 8:00 AM to 8:00 PM. Expanded hours may be permitted on a case-by-case basis through the City's special event permit process.

- ix. Phasing Plan
A Phasing Plan has been included in the Master Plan.
- Phase 1 – Construction of the Sales and Service Building and Boat Storage Buildings 1 and 2
 - Phase 1A – The Clubhouse shall be built within one year of the completion of Phase 1
 - Phase 2 – Completion of Boat Storage Buildings 3 and 4
 - Phase 3 – Construction of the Restaurant
 - Phase 4 – Mixed Use Buildings

The proposed PUD amendment offers a unique opportunity to the City of Gulf Shores. The City is currently lacking available, convenient dry boat storage. Legendary Marine Center offers a "concierge" model that will afford members a full-service experience allowing boats to be serviced, maintained, fueled, and readied for motoring. There is no existing facility in the region that offers the variety of services, amenities, and lift capabilities to store and service the new larger boats, and this capability sets Legendary Marine Center apart and will enhance Gulf Shores' draw as a destination.

In addition to the unique use being provided, the use and scale of the proposed development

are appropriate in this particular location. The PUD is already approved for marine uses, and the Corps EIS approved 117 wet slips and a 528-boat dry storage facility. The proposed amendment decreases the intensity of development within this portion of the PUD, while maintaining a similar number of wet and dry slips.

RECOMMENDATION

Staff recommends approval to apply ICW-North zoning to the property with the following condition:

- 1. The maximum building height shall be limited to 8 stories as stated in the ICW-North Zoning District.

Staff recommends approval of the PUD Master Plan Overlay Amendment with the following conditions.

- 1. An application to vacate and/or relocate all of the public rights-of-ways within the development shall be reviewed and approved prior to Building Permit application.
- 2. The Architectural Plans shall be revised to include the proposed Architectural Standards and Architectural Narrative prior to public hearing at Council.
- 3. The hours of operation for the Marina and Boat Storage Facility shall be revised to 8 a.m. to 8 p.m.
- 4. An approved FAA Form 7460-1 shall be submitted prior to the issuance of a Building Permit.
- 5. The applicant shall pay a fee in lieu of construction of the 12' multi-use trail along Waterway West Boulevard.
- 6. Site Plan application for Phase 1 of the development shall include buffering along the ICW as proposed.
- 7. All state and federal agency approvals and/or permits from the Alabama DCNR, ADEM, the State Lands Department, and the US Army Corps of Engineers shall be provided prior to Building Permit application.
- 8. Allow a maximum 150 foot tall flag pole in the T6 transect zone and all other structures within the T6 zone shall be limited to 75 feet.

Legendary Marine Location Map

