

Town of Perdido Beach
Special Council Meeting/Public Hearing @ Town Hall – 9212 County Road 97
September 17, 2018 – 6:30pm

The Perdido Beach Town Council held a “Special” called Council Meeting/Public Hearing on September 17, 2018. Mayor Hamilton called the meeting to order at 6:30 pm.

Members Present: Council Members: Mayor Kae Hamilton, Councilman Gary Kiefer, Councilman Steve Love and Councilman Thomas Bloxham.

Members Absent: Councilman Stewart and Councilman Oliver Guilford.

Others Present: Lynn Thompson - Town Clerk and Members of the Town.

Invocation: Councilman Love

Pledge of Allegiance: All

Public Hearing-

The Town Council heard public comments in favor and against a request submitted by Mayor Kae Hamilton on behalf of the Town of Perdido Beach, owner of property located at Lots 1, 2, 3 and 4, Block 14, Repartition of Blocks 14 and 15 in Soldier's Creek Addition to Perdido Beach. The applicant is requested approval to rezone 2.62± acres from R-1, Single Family District to OR, Outdoor Recreation District. The Parcel Identification Number is 05-63-04-18-0-001-001.000.

Council Love Presented Case No PBZ-18001

After hearing comments from the public, Mayor Hamilton closed the public comment period and opened the floor for Council discussion.

Public Comments Expressed at Hearing:

Christine Reynolds, property owner-	Opposed
Terri Horack, Resident-	Opposed
Dennis Barnes, Resident	Opposed
Chris Chandler, Resident	Opposed
John LaGrone, Resident	In Favor
Mrs. King, Non Resident	Opposed
Robert Palmer, Resident	Opposed
Tommy Resmondo, Resident	In Favor

- (Written public comments and e-mails are on file at Town Hall).

Council Comments:

Councilman Bloxham expressed his desire to provide a park to expand the family environment.

Councilman Love read an excerpt for the Alabama Municipal JOURNAL (Alabama League of Municipalities) stating the need for municipalities to provide for open spaces for its citizens. He also re-read the standards for approval found in Section 19-A3 in the Town's Land Use and Zoning Ordinance.

- After Council comments and discussion Council considered ORDINANCE 2018-05 AMENDING TOWN OF PERDIDO BEACH LAND USE AND ZONING ORDINANCE.
(First Reading)

Motion by Councilman Kiefer, second by Councilman Bloxham for immediate consideration.

"YES"	<u>Roll Call Vote:</u> "ABSTAIN"	<u>"NO"</u>
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Councilman Kiefer

Councilman Love

Councilman Bloxham

Mayor Hamilton

All in favor, motion carried unanimously.

Motion by Councilman Kiefer, second by Councilman Bloxham to waive the reading.

All in favor, motion carried unanimously.

Motion by Councilman Bloxham, second by Councilman Love to adopt Ordinance 2018-05. AMENDING TOWN OF PERDIDO BEACH LAND USE AND ZONING ORDINANCE

"YES"	<u>Roll Call Vote:</u> "ABSTAIN"	<u>"NO"</u>
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Councilman Kiefer

Councilman Love

Councilman Bloxham

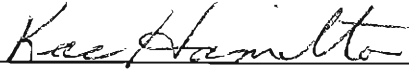
Mayor Hamilton

All in favor, motion carried unanimously.

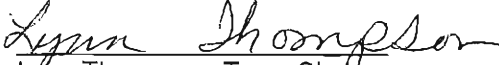
Adjourn:

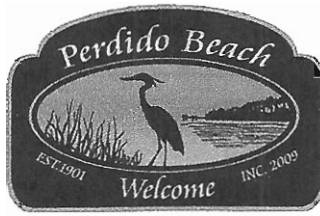
Being no further business there was a unanimous vote to adjourn.

The meeting ended at 8:08 pm


Kae Hamilton, Mayor

ATTEST:


Lynn Thompson, Town Clerk



ORDINANCE 2018-05
AMENDING TOWN OF PERDIDO LAND USE AND ZONING ORDINANCE

WHEREAS, In accordance with the Town of Perdido Beach Land Use and Zoning Ordinance at its April 20, 2017 the Town Council voted to authorize the initiation of the re-zoning process for parcel number is 05-63-04-18-0-001-001.000; and

WHEREAS, in accordance with the Town of Perdido Beach Land Use and Zoning Ordinance the Planning Commission held its public hearing August 15 , 2018, to hear comments for and against the proposed re-zoning of said real estate; and

WHEREAS, on August 29, 2018 at a "Special" called meeting, the Planning Commission voted 4 to 3 to recommended the proposed re-zoning to the Town Council; and

WHEREAS, on August 31, 2018 at a "Special" called meeting the Town Council voted unanimously to hold a public hearing to consider the proposed rezoning of parcel # 05-63-04-18-0-001-001.000; and

WHEREAS, in accordance with the Town of Perdido Beach Land Use and Zoning Ordinance, on September 17, 2018, a public hearing was held by the Town Council of the Town of Perdido Beach, Alabama to consider the re-zoning of the following described real estate and the amendment to the Town of Perdido Beach Zoning map; and

NOW, THEREFORE, be it ordained by the Town Council of the Town of Perdido Beach as follows:

Section 1: That the parcel of property owned by the Town of Perdido Beach, consisting of a total of 2.62 + acres, described as Lots 1, 2, 3 and 4, Block 14, Repartition of Blocks 14 and 15 in Soldier's Creek Addition to Perdido Beach. The applicant is requesting approval to rezone 2.62± acres from R-1, Single Family District to OR, Outdoor Recreation District.

The Parcel Identification Number is 05-63-04-18-0-001-001.000

The subject property is currently zoned R-1, Single Family District and is unoccupied. The requested designation is OR, Outdoor Recreation District. According to the submitted information, the purpose of the request is to allow

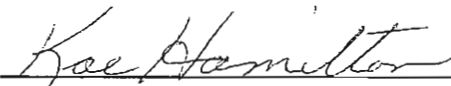
for a public pier with parking and to provide access to a proposed public boat launch at the end of the State Street right of way.

Section 2: That the Town of Perdido Beach Zoning Map, is hereby amended to reflect and include the zoning of the above described parcel of real estate as OR, (Outdoor Recreational).


Section 3: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4: That this Ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED in special session on this 17th day of September 2018.

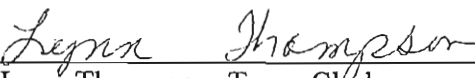

Kae Hamilton, Mayor

ATTEST:


Lynn Thompson, Town Clerk

TOWN OF PERDIDO BEACH Certificate of Publication. This is to certify that Ordinance Number 2018-05, Town of Perdido Beach, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from September 18, 2018 to October 18, 2018

- 1) Town Hall
- 2) Perdido Beach Volunteer Fire Department
- 3) Perdido Beach Baptist Church
- 4) St. Andrews by the Sea Church


Lynn Thompson, Town Clerk



Town of Perdido Beach Town Council

Case No. PBZ-18001
Town of Perdido Beach Property

Rezone R-1, Single Family District to OR, Outdoor Recreation District

September 17, 2018
Al Thompson Community Center
9212 CR Rd 97
Perdido Beach, AL 36530

Public Hearing: September 17, 2018 – 6:30 pm
Staff Report Prepared by: ***Lynn Thompson-Town Clerk***

BACKGROUND:

At the August 31, 2018 special meeting the Town Council voted to hold a public hearing to consider the rezoning of rezoning for parcel number 05-63-04-18-0-001-001.000.

	Adjacent Land Use	Adjacent Zoning
North	Vacant	OR, Outdoor Recreation
South	Residential	R-1, Single Family District
East	Soldier's Creek	N/A
West	Residential	R-2, Single Family District

Summary

The subject property is currently zoned R-1, Single Family District, and is unoccupied. The requested designation is OR, Outdoor Recreation District. According to the submitted information, the purpose of this request is to allow for a public park and pier with parking to provide access to a proposed public boat launch at the end of the State Street right of way.

Current Zoning Requirements

Section 4.2 R-1 Single Family District

4.2.1 *Generally.* This zoning district provides for medium density residential development consisting of single family dwellings on medium size lots.

4.2.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

4.2.3 *Conditional uses.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

4.2.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

4.2.5 *Area and dimensional values.* In addition to the requirements of *Article XII General Requirements* and except as allowed by *Section 18.6 Variances*, and *Article XX Nonconformities*, the area and dimensional values set forth below shall be observed

Maximum Building Height of Structure in Feet	34.75-Feet
Maximum Height of Structure in Habitable Stories	2
Minimum Front Yard Set Back	30-Feet
Minimum Rear Yard Set Back	30-Feet
Minimum Side Yards Set Back	10-Feet
Maximum Density	1 Dwelling Unit per lot
Minimum Lot Area per Dwelling Unit	30,000 Square Feet
Minimum Lot Width at Street Line	60-Feet

Proposed Zoning Requirements

Section 6.1 OR - Outdoor Recreation District

6.1.1 *Generally.* This zoning district is intended to provide for outdoor recreation activities.
(Defined in Article XXII)

6.1.2 *Permitted uses.* The uses and structures identified with a “P” on the Table of Permitted Uses attached to this ordinance.

6.1.3 *Conditional use.* The uses and structures identified with a “C” on the Table of Permitted Uses attached to this ordinance.

6.1.4 *Special exception.* The uses and structures identified with an “S” on the Table of Permitted Uses attached to this ordinance.

6.1.5 *Area and dimensional values.* In addition to the requirements of *Article XII General Requirements* and except as allowed by *Section 18.6 Variances*, and *Article XX Nonconformities*, the area and dimensional values set forth below shall be observed.

Maximum Building Height of Structure in Feet	34.75
Maximum Height of Structure in Habitable Stories	2
Minimum Front Yard Set Back	40-Feet
Minimum Rear Yard Set Back	40-Feet
Minimum Side Yards Set Back	20-Feet
Minimum Lot Area	1 Acre
Maximum Impervious Surface Ratio	30%
Minimum Lot Width at Street Line	No Minimum

Article XVII Landscaping and Buffers for Lots other than Single-Family Residential Lots

Section 17.1

The purpose of this section is to ensure the harmonious development of lots other than those used for single family residences and to ensure the protection of the residential neighborhoods of Perdido Beach.

17.1.1 Lots shall be of sufficient size

Lots shall be of sufficient size to be used for the purpose intended, to provide adequate parking and loading facilities and to otherwise comply with the provisions of the ordinance.

17.1.2 Where a lot used for other than single-family residence abuts or is across a roadway from any part of a single-family residential lot, a buffer zone shall be required.

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet wide shall be required on the business lot and/or where an industrial district abuts any part of a residential or business zone, a buffer zone of twenty (20) feet shall be required on the industrial lot.

A buffer zone shall be part of the yard requirements and shall be screened according to the following regulations:

(a) *Wall or Fence.* If a wall or fence is provided as a screen, it shall be six (6) feet high and of a construction and a design approved by the Planning Commission. Said wall or fence shall be maintained in good repair by the owners of the property.

(b) *Screen Planting Strip.* If a planting strip is provided as a screen, it shall be at least ten (10) feet in width, shall be planted with materials in sufficient density and of sufficient height [but in no case less than six (6) feet high at the time of planting] to afford protection to the residential or business district from the glare of lights, from blowing papers, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. Screen planting shall be maintained in a clean and neat condition and in such manner as to continuously accomplish its purpose. The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer. Where the planting requirements of this section require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.

(c) No primary entrances or exits shall direct traffic into adjacent residential districts. Adequate space for service and supply vehicles to get in and out or turn around shall be provided.

(d) Noise, air pollutants (including but not limited to dust emissions), and surface runoff shall not exceed background levels by more than 10%.

Staff Analysis and Findings

The following factors for reviewing amendments are found in Section 19A.3 of the *Town of Perdido Beach Land Use and Zoning Ordinance*.

(a) Is the requested change compatible with the existing development pattern and the zoning of nearby properties?

The adjacent property to the north is currently zoned OR, Outdoor Recreation District. The adjacent properties to the west and south are residential.

(b) Has there been a change in the conditions upon which the original zoning designation was based? Have land uses or conditions in the near vicinity affected by the proposed action changed since the zoning was established or last amended?

The Town of Perdido Beach was incorporated in 2009. The Land Use and Zoning Ordinance was adopted in 2011. The Town purchased this property with the intent to provide a public park and pier. The land uses in the near vicinity have been residential since prior to the establishment of the town.

(c) Does the proposed zoning improve conformity of land use to the Town's Master Plan?

The Town's Master Plan 2030 Future Plan map shows a land use of residential for the subject property. Please see Master Plan comments and recommendations for water accesses and boat launches.

(d) Will the proposed change conflict with existing or planned public improvements?

No conflicts

(e) Will the proposed change adversely affect traffic patterns or congestion?

The effect of a rezoning to a recreation designation is difficult to ascertain due to the fact that the ultimate impact is determined by the use of the property. The proposed uses could generate a higher degree of traffic entering and exiting the local roads. However, given the location of the property it is unlikely that an increase in traffic, if any, will be significant.

(f) Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

The primary surrounding land uses in that area are residential. The properties to the north are zoned outdoor recreation and currently has a private boat launch, properties west and south are zoned single family.

(g) Is the proposed amendment the logical expansion of adjacent zoning districts?

See response to item (f) which is listed above.

(h) Is the timing of the request appropriate given the development trends in the area?

Not applicable.

(i) Will the proposed change adversely impact the environmental conditions of the vicinity or the desirable historic resources or nature of the Town?

The wetlands have been delineated and the proposed activity should not impact the wetlands.

(j) Will the proposed change adversely affect the health, safety or welfare of the Town?

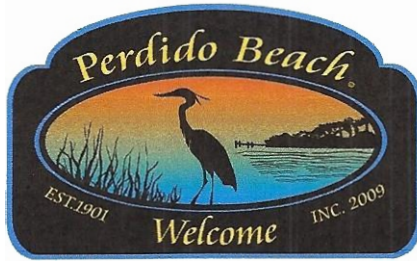
Staff does not anticipate any adverse impacts.

(k) Other matters which may be appropriate.

Comments from Town citizens..

Staff Comments and Recommendation

As stated previously, the subject property is currently zoned R-1, Single Family District, and is unoccupied. The requested designation is OR, Outdoor Recreation District. According to the submitted information, the purpose of this request is to allow for a public park and pier.



**TOWN OF PERDIDO BEACH – TOWN COUNCIL
NOTICE OF PUBLIC HEARING
September 17, 2018**

Notice is hereby given that a Public Hearing will be held by the Town of Perdido Beach TOWN COUNCIL on Monday, September 17, 2018 beginning at 6:30 p.m. at the Al Thompson Community Center- 9212 County Rd 97, Perdido Beach, Alabama. The Town Council will conduct a public hearing concerning a request submitted by Mayor Kae Hamilton on behalf of the Town of Perdido Beach, owner of property located at Lots 1, 2, 3 and 4, Block 14, Repartition of Blocks 14 and 15 in Soldier's Creek Addition to Perdido Beach. The applicant is requesting approval to rezone 2.62± acres from R-1, Single Family District to OR, Outdoor Recreation District. The Parcel Identification Number is 05-63-04-18-0-001-001.000.

The public is invited to attend this public hearing to voice an opinion for or against the proposed rezoning. Written comments should be addressed as follows:

Lynn Thompson, Town Clerk
Perdido Beach Planning & Zoning Department
9212 County Rd 97 – Perdido Beach, AL 36530

You may fax your comments to Lynn Thompson at (251)962-2206. If you desire to address the Planning Commission in person about this application please attend the public hearing at the time and location listed above

If you have any questions, please contact Lynn Thompson at (251) 962-2200.

Notice given this 31st day of August 2018

Article XXIII, Section 23.2 Table of Permitted Uses

OUTDOOR RECREATION USES										
Ball fields										C
Conservation easement	P	P	P							
Golf course										C
Park, playground, public park, public pier, public boat launch and other outdoor recreational uses.(see definition)										P
Riding academy										C
Swimming pool (outdoor)										C
Tennis court (outdoor)										C
Wildlife sanctuary	C	C	C							C

