

Town of Perdido Beach-Planning Commission Meeting
January 2, 2013

The Planning Commission of the Town of the Perdido Beach held its regularly scheduled meeting at the Town Hall-January 2, 2012. Chairman Love called the Meeting to order at 6:30 PM.

Members present: Chairman Steve Love, Mr. Tom Bloxham, Mrs. Freda Fleming, Mr. Gary Kiefer, Mayor Patsy Parker and Mrs. Lynn Thompson.

Members Absent: Mr. Bill McGrath

Others Present: Mrs. Diane Burnett, SARPC; Mr. Vince Jackson, Baldwin County Planning Director; Mr. and Mrs. Scott Painter and Members of the Town.

Invocation: Mrs. Fleming Pledge of Allegiance: Mr. Gary Kiefer

ITEM: Approve December 5, 2012 Minutes

Motion by Mr. Kiefer, seconded by Mrs. Fleming to approve the December 5, 2012 minutes.

Discussion: Change All in Favor to Motion Carried on approval of December 5, 2012 minutes.

	<u>Roll Call Vote</u>	
	<u>"ABSTAIN"</u>	<u>"NO"</u>
<u>"YES"</u>		
Mr. Tom Bloxham		
Chairman Steve Love		
Mayor Patsy Parker		
	Mrs. Fleming	
Mr. Gary Kiefer		
Mrs. Lynn Thompson		
All in favor-minutes approved as corrected.		

Public Comments: None

Officer's Reports:

Mayor's Report: No Report

Chairman's Report: Chairman Love stated that the Planning Commission would amend the Rules of Procedure to include the Invocation and Pledge of Allegiance to the Flag at the February 6, 2013 Meeting.

A motion was made and approved to amend the Rules of Procedure Resolution to include the invocation and pledge at the January 4, 2012 Regular Planning Commission Meeting. (Below)

ITEM: Motion by Mrs. Diana Graham, second by Mr. Gary Kiefer to amend the Planning Commission Rules of Procedure to include the Invocation and Pledge of Allegiance.

Roll Call Vote

<u>"YES"</u>	<u>"ABSTAIN"</u>	<u>"NO"</u>
Mr. Tom Bloxham		
Mr. Bill Mc Grath		
Mrs. Diana Graham		
Mrs. Lynn Thompson		
Chairman Steve Love		
Mayor Patsy Parker		
Mrs. Freda Fleming		
Mr. Gary Kiefer		

MOTION COPIED FROM THE JANUARY 4, 2012 MINUTES

Chairman Love also stated that he would contact Mr. Michael Shelton, Alabama Department of Conservation and Natural Resources and also Mr. Daniel Reader to attend an upcoming Planning Commission meeting.

ITEM: Hearing of Applications:

**TOWN OF PERDIDO BEACH
PLANNING & ZONING COMMISSION
Case PBP-13001, Painter Property
Conditional Use Approval to Allow Horses on Property Zoned ER, Single Family
Estate District
January 2, 2013**

This report is prepared by the Baldwin County Planning & Zoning Department to provide information to the Planning Commission to assist in making decisions on this conditional use application.

I. PUBLIC HEARINGS:

Planning Commission: January 2, 2013

Attachments: Copy of Application, Maps

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Location of Property: 9648 Hildreth Drive
Perdido Beach, AL 36530
(Lot 18, Lake Faires Estate)

Parcel Number: 05-63-03-07-0-001-029.001

Lot Size: 330.9' x 308.1' (2.34 acres, more or less)

Current Zoning: ER, Single Family Estate District

Report Prepared by: Vince Jackson, Planning Director

III. PROPOSAL AND REQUEST

Applicant: Brandy Painter
1577 Galvin Avenue
Pensacola, FL 32526

Proposed Use: Agriculture (keeping horses)

Request: The applicant is requesting conditional use approval to keep horses on the subject property which is zoned ER, Single Family Estate District.

IV. BACKGROUND

Current Zoning Requirements

Section 4.1 ER, Single Family Estate District

4.1.1 *Generally.* This zoning district provides for low density residential development consisting of single family dwellings on large size lots.

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

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

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

4.1.5 *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 Height of Structure in Feet	34.75-Feet
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	15-Feet
Maximum Density	1 Dwelling Unit per lot
Minimum Lot Area	80,000 Square Feet
Minimum Lot Width at Street Line	165-Feet

According to the Table of Permitted Uses, agricultural uses including animal raising, farming and pasturing may be allowed under the ER designation, subject to the conditional use approval of the Planning Commission.

The *Town of Perdido Beach Land Use and Zoning Ordinance*, at Article XXII, defines agriculture/agricultural use as follows:

The use of land for growing or cultivating crops or raising of animals as a commercial venture or for profit and may include, but is not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and related accessory uses.

Conditional Use Authorization and Standards

Section 18.11 Conditional Uses

18.11.1 *Authorization.* The Planning Commission may, under the prescribed standards and procedures contained herein, authorize the construction or initiation of any use that is expressly permitted as a conditional use in a particular zoning district; however, the town reserves full authority to deny any request for a conditional use, to impose conditions on the use, or to revoke approval at any time, upon finding that the permitted use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.

18.11.4 *Standards for approval.* A conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

(a) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Town of Perdido Beach Master Plan, this ordinance, or any other official plan, program, map, regulation, law or ordinance applicable to the geographic area where such use is proposed.

(b) The proposed use shall be consistent with the community health, safety, and welfare and shall not detract from the public's convenience at the specific location.

(c) The proposed use shall not unduly decrease the value of neighboring property.

(d) The use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses or on community facilities or services.

18.11.5 *Conditions and restrictions on approval.* In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use approval as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon any other property in the neighborhood, and to carry out the general purpose and intent of this ordinance. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of this ordinance. Those conditional uses which the Planning Commission approves subject to conditions, shall have specified by the Planning Commission the time allotted within which to satisfy such conditions.

Additional Information

When the subject property was regulated by County zoning it was also zoned ER (later RSF-E). This designation is similar to the Perdido Beach ER, with the difference that agricultural uses are allowed by right under the County ordinance.

Based on the information provided, horses have been kept at this property in the past.

V. Summary and Staff Recommendation

As stated previously, the applicant is requesting conditional use approval to allow an agricultural use (keeping horses) on property which is zoned ER, Single Family Estate District. Staff believes that this is a reasonable request which meets the standards for conditional use approval. As a result, staff recommends that Case PBP-13001, Painter Property be APPROVED.

ITEM: APPROVAL FOR CONDITIONAL USE OF PROPERTY LOCATED AT 9648 HILDRETH DRIVE, PERDIDO BEACH, AL 36530

Discussion: Members of the Public were given an opportunity to make comments.
Motion by Chairman Love, seconded by Mr. Kiefer to grant approval for conditional use to allow two (2) horses be boarded and properly confined in appropriate enclosures on property located at 9648 Hildreth Drive which is zoned ER, Single Family Estate Residential.

Discussion:

"YES"

Roll Call Vote

"ABSTAIN"

"NO"

Mr. Tom Bloxham
Chairman Steve Love
Mayor Patsy Parker
Mrs. Fleming
Mr. Gary Kiefer
Mrs. Lynn Thompson
All in favor, motion carried.

Unfinished Business:

The Planning Commission had scheduled a "Special Meeting" for December 20, 2012-8:30 am to consider adopting the Proposed draft (3) of the Town of Perdido Beach Comprehensive Plan 2030. The meeting was cancelled due to tornado warnings posted for the area. Members were notified by phone that the meeting was canceled and the Plan would be considered at the regular scheduled meeting on January 2, 2012.

ITEM: Resolution 2013-01 ADOPTING TOWN OF PERDIDO BEACH COMPREHENSIVE (MASTER PLAN)
Motion by Mr. Bloxham, seconded by Mr. Kiefer adopt Town of Perdido Beach Planning Commission Resolution 2013-01 Adopting Town of Perdido Beach Comprehensive (Master) Plan.

<u>"YES"</u>	<u>Roll Call Vote</u> <u>"ABSTAIN"</u>	<u>"NO"</u>
Mr. Tom Bloxham Chairman Steve Love Mayor Patsy Parker Mr. Gary Kiefer Mrs. Freda Fleming Mrs. Lynn Thompson All in favor, motion carried.		

ITEM: MOTION TO RECOMMEND TOWN OF PERDIDO BEACH ZONING MAP 2013 TO THE TOWN COUNCIL.
Motion by Mrs. Thompson, seconded by Mr. Kiefer to recommend to the Town Council the Town of Perdido Beach Zoning Map 2013, reflecting boundary changes due to the legislative de-annexation of Neumann Drive from the corporate limits.

<u>"YES"</u>	<u>Roll Call Vote</u> <u>"ABSTAIN"</u>	<u>"NO"</u>
Mr. Tom Bloxham Chairman Steve Love Mayor Patsy Parker Mr. Gary Kiefer Mrs. Freda Fleming Mrs. Lynn Thompson Motion carried unanimously		

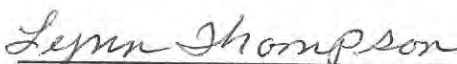
ITEM: Next Planning Commission Meeting Date: February 6, 2013, 6:30 pm at Town Hall.

ITEM: Next Meeting's Business: Continue work on the Estuary Protection Plan.

ITEM: Motion by Mr. Bloxham, seconded by Mr. Kiefer to adjourn.
All in favor
Meeting adjourned at 7:27 pm.

ATTEST:


Steve Love, Chairman


Lynn Thompson, Secretary