

Town of Perdido Beach-Planning Commission Meeting
August 6, 2014 6:30 PM –Town Hall

The Planning Commission of the Town of the Perdido Beach held its regularly scheduled meeting at the Town Hall-August 6, 2014. Chairman Love called the Meeting to order at 6:30 PM.

Members present: Chairman Steve Love, Mayor Patsy Parker, Commissioners: Mr. Tom Bloxham, Mr. Jim Brewer, Ms. Priscilla Condon, Mr. Gary Kiefer and Mrs. Lynn Thompson-Secretary.

Members Absent: Mr. John Dobbs and Mr. Bill McGrath

Others Present: Ms. Celena Boykin, Baldwin County Planning and Zoning Department; Mrs. Nicole Taylor-SARPC; Mr. Jerry Reagan-Applicant and members of the Town.

Chairman Love welcomed new Commission Member-Jim Brewer.

Invocation: Mayor Patsy Parker **Pledge of Allegiance:** Mr. Tom Bloxham

Hearing of Application(s): **PBC-14001 REAGAN PROPERTY**
REQUEST FOR CONDITIONAL USE APPROVAL

ITEM: PUBLIC HEARING:

Ms. Boykin-Baldwin County Planner presented CASE PBC-14001, Reagan Property. She also read aloud the applicant's request for conditional use approval to put an accessory dwelling on the subject property which is zoned R-2, Single Family District.

Applicant address: 30733 Riggs Street. Perdido Beach Al. 36530 (Lot 39. Perdido Terrace).

Full Staff Report:

TOWN OF PERDIDO BEACH PLANNING & ZONING COMMISSION
Case PBC-14001, Reagan Property
Conditional Use Approval to Allow Accessory Dwelling on Property
Zoned R-2, Single Family District

August 6, 2014

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: August 6, 2014

Attachments: Copy of Application, Denied Land Use, Maps, Covenants

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Location of Property: 30733 Riggs St.

Perdido Beach, AL 36530

(Lot 39, Perdido Terrace)

Parcel Number: 05-63-03-07-0-000-097.000

Lot Size: 100' x 200' (0.46 acres, more or less)

Current Zoning: R-2, Single Family District

Report Prepared by: Celena Boykin, Planner

III. PROPOSAL AND REQUEST

Applicant: Jerry E. Reagan

30733 Riggs St.

Perdido Beach, AL 36530

(Lot 39, Perdido Terrace)

Proposed Use: Residential (accessory dwelling)

Request: The applicant is requesting conditional use approval to put

an accessory dwelling on the subject property which is zoned R-2, Single Family District.

IV. BACKGROUND

Current Zoning Requirements

Section 4.3 R-2 Single Family District

4.3.1 *Generally*. This zoning district provides for high density residential development consisting of single family dwellings on small size lots.

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

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

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

4.3.5 *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 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 15,000 Square Feet

Minimum Lot Width at Street Line 50-Feet

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.

V. Summary and Staff Recommendation

As stated previously, the applicant is requesting conditional use approval to allow an accessory dwelling on property which is zoned R-2, Single Family District. Attached to the staff report is a copy of the covenants for Perdido Beach Terrace Subdivision which states that "not more than one single-family dwelling shall be erected on any one lot." (#4). Since the Town of Perdido Beach does not enforce covenants for a subdivision staff believes that this is a reasonable request which meets the standards for conditional use approval. As a result, staff recommends that Case PBP-14001, Reagan Property be **APPROVED**.

Chairman Love opened the Public Hearing to allow for public comments in favor of or against the request for conditional use for property located at 30733 Riggs Street.

Hearing no comments Chairman Love closed the public hearing.

ITEM: Motion to allow for conditional use approval for property located at 30733 Riggs St. Perdido Beach, AL 36530

Motion by Mr. Kiefer, seconded by Ms. Condon for conditional use approval to allow accessory dwelling on property Zoned R-2, Single Family District.

No Discussion:

Roll Call:

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham

Mr. Brewer

Ms. Condon

Chairman Love

Mayor Parker

Mr. Kiefer

Mrs. Thompson

Motion carried unanimously to approve conditional use.

ITEM: Approve July 2, 2014 Minutes

Motion by Mrs. Condon seconded by Mr. Bloxham to approve the July 2, 2014 minutes.

No Discussion:

Roll Call:

“YES”

“ABSTAIN”

“NO”

Mr. Bloxham

Mr. Brewer

Ms. Condon

Chairman Love

Mayor Parker

Mr. Kiefer

Mrs. Thompson

Motion carried to approve the minutes as presented

Public Comments:

Mayor Parker spoke regarding the process of developing the Master Plan and commended the members of the Town Council, Planning Commission, South Alabama Regional Planning Commission-(SARPC), Auburn University and volunteers on the hard work they did while working on the Comprehensive/Master Plan and invited anyone who was interested to come to the Town Hall and look at the volumes documenting the public’s participation during the planning stages.

Andrew Stewart-Town resident asked about single family zoning requirements.

Mr. Jerry Reagan-Town resident asked questions about the building permit process.

Guest Speakers:

None

Officer’s Reports:

Mayor’s Report: (Written Report Attached)

Chairman’s Report: None

(SARPC) Report: None (South Alabama Regional Planning Commission Representative-(SARPC))

New Business:

- a. Consider citizen request to remove page 12 of Town of Perdido Beach Master Plan 2030 “Living Shorelines Section”/replace with a statement that promotes *Best Management Practices* approach to protecting shorelines.

Chairman Love read aloud Mr. Cunningham’s request to remove page 12 of the Town of Perdido Beach Master Plan 2030. Chairman Love stated that citizen’s requests would be reviewed and held on file and would be discussed by the Planning Commission for approval during April 2015 annual review period.

- b. The Planning Commission discussed the budget amount for the 2014-2015 Budget.

ITEM: Planning Commission Budget Line Item

Motion by Ms. Condon, seconded by Mr. Kiefer to request \$2,000.00 from the Town Council for the Planning Commission’s 2014-2015 annual budget.

Discussion:

Roll Call:

“YES”

“ABSTAIN”

“NO”

Mr. Bloxham

Mr. Brewer

Ms. Condon
Chairman Love
Mayor Parker
Mr. Kiefer
Mrs. Thompson
All in favor, motion carried unanimously.

Unfinished Business:

1. "Waterfront Buffer Zone"
2. Regulation of construction of bulkheads

Discussion:

ITEM: Motion to hold a "Special Workshop Meeting" to discuss "Unfinished Business"

Motion by Mrs. Thompson, seconded by Mr. Kiefer to hold a "Special Workshop Meeting" on Thursday August 14, 2014 at 5:30 pm to discuss unfinished business and to add to the "Unfinished Business":

- "Citizens request to remove " Living Shoreline" from page 12 of the Town of Perdido Beach Master Plan 2030.

Discussion:

Roll Call:

"YES"

"ABSTAIN"

"NO"

Mr. Bloxham
Mr. Brewer
Ms. Condon
Chairman Love
Mayor Parker
Mr. Kiefer
Mrs. Thompson
All in favor, motion carried unanimously.

Next Planning Commission Meeting Dates:

"Special Workshop" August 14, 2014-5:30 pm, Town Hall
Regular Meeting September 3, 2014, 6:30 pm, Town Hall

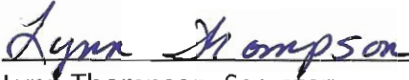
Motion to adjourn:

Motion by Mrs. Thompson, seconded by Chairman Love to adjourn.
All in favor. Meeting adjourned at 8:03 pm.

ATTEST:



Steve Love, Chairman



Lynn Thompson, Secretary

TOWN OF PERDIDO BEACH PLANNING COMMISSION MEETING – August 6, 2014

Mayor's Report:

~~September~~ ^{July} 16, 2014: The fourth and last meeting of the Presidential Task Force on Climate Preparedness and Resilience. The meeting was held in Washington DC at the White House Complex. Part of the meeting was held in the White House Executive Dining Room where we were joined by President Obama. He greeted task force members one by one and gave an address which is posted on the Town's website. He then interacted with task force members – his closing remarks to me were "Tell your folks hello for me".

Recommendations are being synthesized and will be in final draft form before November 1st, 2014. The working draft includes some of my recommendations that address small community needs.

Flood Damage Recovery: FEMA will be leaving the area next week so all future dealings will be with Alabama Emergency Management. Proposals are in for Riggs Street and should be ready for Council review at the August 12th Council Meeting. By the first of next week we should be ready to put out for proposals on remaining damaged streets.

Baldwin County Policy #9.21 "Public Water Accesses and Road Right-of-Ways Terminating at Bodies of Water". This policy was adopted yesterday at a regularly scheduled meeting of the Baldwin County Commission. (Copy attached)

New Website Feature: Mayor's Report to the Citizens is a weekly update with a link on the home page.

BALDWIN COUNTY COMMISSION

POLICY #9.21

SUBJECT: Public Water Accesses and Road Right-of-Ways
Terminating at Bodies of Water

DATE ADOPTED
TBD

AGENDA ITEM
TBD

OBSOLETE VERSIONS

Policy #13 - Adopted by BCC on March 7, 1990

POLICY STATEMENT

This policy sets forth the Baldwin County Commission’s general policy when considering any formal action regarding public water accesses and rights-of-ways terminating at bodies of water to include, but not be limited to, the Gulf of Mexico, bays, rivers, canals, creeks or channels that can be used as a means of travel or transport or for recreational purposes.

1. Requests to Vacate: Requests by adjoining riparian property owners to vacate public water accesses and road right-of-ways terminating at such bodies of water shall be denied.

2. Public Lands: The public water accesses and road right-of-ways, whether they are maintained by the County or not, shall remain as public lands. Requests from citizens of areas in near proximity to these parcels to allow them (citizens) to clear, cleanup, maintain, etc., any of these parcels for public use will be handled on a case by case basis as determined by the County Commission, in its discretion. If such request is approved, the County Commission will not, however, allow interference with the practical, peaceful use of these parcels by the public.

3. Adjoining Riparian Property Owners: The County Commission recognizes the sensitivity of these parcels to the many adjoining riparian property owners. However, it is the responsibility of these property owners to determine, prior to the purchase of property, if the property lies adjoining a public water access or road right-of-way. It is the County Commission’s policy to preserve these areas for public use, and attempts to block, fence off or otherwise deny the use of these parcels to the public will not be accepted. Precedents have already been set by the state courts regarding public right in regards to these parcels. The County Commission merely recognizes and accepts these court precedents.

The rights of adjoining riparian property owners to the peaceful possession of their lots or land are also recognized. In cases involving rowdiness, disturbance of the peace, etc., by the public in the use of these parcels will be a matter to be settled between the adjoining property owners, the violators, law enforcement officials and, if necessary, the courts.

PROCEDURAL REQUIREMENT

In order to carry out this policy, the following steps must be taken:

1. The County Commission will consider any request related to public water accesses and road right-of-ways terminating at bodies of water at a public hearing.
2. The County Commission reserves the right to waive this policy and the procedural requirements set forth herein, if deemed necessary, in its discretion.

FORMS/ATTACHMENTS/EXHIBITS

1. N/A

Town of Perdido Beach
Planning Commission Regular Meeting
Agenda
Town Hall
August 6, 2014-6:30 pm

1. Call to Order:
2. Roll Call:
3. Invocation and Pledge of Allegiance:
4. Hearing of Applications:

PBC-14001 REAGAN PROPERTY
REQUEST FOR CONDITIONAL USE APPROVAL

The Planning Commission will hear public comments in favor of or against the request for conditional use for property located at 30733 Riggs Street. The applicant is requesting conditional use approval to allow for an accessory dwelling on property zoned R-2, single family district

5. Reading and Approval of Prior Meeting's Minutes:
6. Public Comments:
7. Guest Speakers:
8. Officer Reports:
 - Mayor's Report:
 - Chairman's Report:
 - SARPC Representative Report:
9. Unfinished Business:
 1. "Waterfront Buffer Zone"
 2. Regulation of construction of bulkheads
10. New Business:

Consider citizen request to remove page 12 of Town of Perdido Beach Master Plan 2030 "Living Shorelines Section"/replace with a statement that promotes Best Management Practices approach to protecting shorelines.
11. Announcements:

Next Regular Planning Commission Meeting
12. Adjournment:



**TOWN OF PERDIDO BEACH
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
PBC-14001
August 6, 2014**

Notice is hereby given that a Public Hearing will be held by the Town of Perdido Beach Planning Commission on Wednesday, August 6, 2014 beginning at 6:30 p.m. at the Town Hall, 9212 County Road 97, Perdido Beach, Alabama. The Planning Commission will consider PBC-14001, a request for conditional use for property located at 30733 Riggs Street. The applicant is requesting the conditional use to allow for an accessory dwelling on property zoned R-2, single family district. The public is invited to attend this public hearing to voice an opinion for or against PBC-14001. Written comments should be addressed as follows:

**Linda Lee, Planner
Baldwin County Planning & Zoning Department
201 E. Section Avenue
Foley, Alabama 36535**

If you have any questions, please contact Linda Lee at 251.972.8523 ext. 2833.

NOTICE GIVEN THIS 16TH DAY OF JULY, 2014

Town of Perdido Beach
Planning Commission Regular Meeting
Agenda
Town Hall
August 6, 2014-6:30 pm

1. Call to Order:
2. Roll Call:
3. Invocation and Pledge of Allegiance:
4. Hearing of Applications:

PBC-14001 REAGAN PROPERTY
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Next Regular Planning Commission Meeting
12. Adjournment:

**TOWN OF PERDIDO BEACH PLANNING COMMISSION BUDGET NARRATIVE FOR FISCAL YEAR
2014/2015**

Town of Perdido Beach Land Use and Zoning Ordinance

1.1 Authority

Title 11, Subtitle 2, Chapter 52, Article 4, Section 11-52-70 Code of Alabama, 1975, as amended, grants authority to each municipal corporation in the State of Alabama to divide the territory within its corporate limits into business, industrial and residential zones or districts and may provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of Article 4.

1.2 Purpose

Pursuant to Section 11-52-72 Code of Alabama, 1975, as amended, the purposes of the regulations contained within this ordinance are to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

THESE FUNDS WILL BE USED FOR COSTS RELATED TO CARRYING OUT THE DUTIES OF THE PLANNING COMMISSION FOR THE APPROPRIATE USE OF LAND AND THE GREATER GOOD OF THE PUBLIC AND MAY ENCOMPASS A WIDE ARRAY OF PROJECTS THAT ARE AT THIS TIME NOT YET DETERMINED.

BUDGET AMOUNT REQUEST APPROVED AT THE AUGUST 6, 2014 REGULAR PLANNING COMMISSION MEETING FOR 2014-2015 BUDGET IS \$_____

STEVE LOVE, PLANNING COMMISSION CHAIRMAN

Section 11-52-72**Purposes of zoning regulations generally; considerations in establishment thereof generally.**

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

(Acts 1935, No. 533, p. 1121; Code 1940, T. 37, §777.)