

Town of Perdido Beach- Planning Commission
September 2, 2015-6:30 pm-Town Hall

The Planning Commission of the Town of the Perdido Beach held its regular meeting and held a Public Hearing at the Town Hall on September 2, 2015. Mr. Jim Brewer, Chairman called the Meeting to order at 6:30 pm.

Members Present: Chairman Jim Brewer; Commissioners: Mr. Tom Bloxham, Mr. John Dobbs, Mrs. Lynn Thompson-Secretary, Ms. Priscilla Condon, Mr. Steve Love, Mr. Jerry Reagan and Mayor Patsy Parker

Members Absent: Mr. Gary Kiefer

Others Present: Mrs. Diane Burnett-SARPC and Members of the Town

Invocation: Mayor Parker **Pledge of Allegiance:** John Dobbs

Public Hearing: **Proposed Amendments Pertaining to Article XIII Design Standards
Section 13.9.3 (b) Article XIII, Design Standards:**

Chairman Brewer Opened Public Hearing:

Ms. Linda Lee-Baldwin County Planner presented the Staff Report and Recommendation

Section 13.9 Erosion Control-Town of Perdido Beach Land Use and Zoning Ordinance

13.9.3 *General Design Principles.* The following principles apply to all land disturbing activities within the jurisdiction of the Town of Perdido Beach and should be considered when preparing construction plans and/or submissions required under this ordinance:

(a) To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with extreme slopes where cuts and fill would be required should be avoided.

(b) Natural vegetation should be maintained and protected wherever and whenever possible. Areas immediately adjacent to watercourses, wetlands and lakes should be left undisturbed wherever possible.

No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone of not less than 30 feet is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over or under a lake, natural watercourse or adjacent property.

Recommendation: No land-disturbing activity shall be permitted on property adjacent to a lake, natural watercourse or wetlands unless a buffer zone of not less than 30 feet is provided along the boundary of a lake, natural watercourse or wetlands. Said buffer shall be of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse or wetlands.

Chairman Brewer opened the hearing to public comments:

After hearing numerous comments from the public, Chairman Brewer asked for comments from the Planning Commission Members.

ITEM: Motion by Ms. Condon, seconded by Mr. Dobbs to close the hearing. All in favor, motion carried.

ITEM: Motion to consider the proposed text amendments to the Town of Perdido Beach Land Use and Zoning Ordinance.

Motion by Ms. Condon, seconded by Mrs. Thompson to consider the proposed text amendment to the Land Use and Zoning Ordinance.

Discussion:

Roll Call:

“YES”

“ABSTAIN”

“NO”

Mr. Bloxham
Ms. Condon
Mr. Dobbs
Chairman Brewer
Mayor Parker
Mr. Steve Love
Mr. Reagan
Mrs. Thompson

There was a unanimous vote not to adopt the proposed text amendment to the Town of Perdido Beach Land Use and Zoning Ordinance as it pertains to Section 13.9-Erosion Control.

ITEM: Reading and approve the August 5, 2015 Regular Meeting Minutes.

Motion by Ms. Condon, seconded by Mr. Reagan to approve the August 5, 2015 Minutes.

No Discussion:

All in favor, none opposed -motion carried unanimously to approve the minutes as presented.

Public Comments: None

Officer’s Reports:

Mayor’s Report: (Report Attached)

Chairman’s Report: No Report

(SARPC) No Report

Unfinished Business:

- Mayor’s recommendation to the Planning Commission to consider writing a Resolution congratulating the Town Council for adopting Resolution 2015-04 Authorizing the Mayor to Sign and Submit ALABAMA COASTAL AREA MANAGEMENT PROGRAM (ACAMP) Grant Application for the Development of a Stormwater Management Plan at a “Special” Council Meeting on March 2, 2015 and in support of acceptance of the grant, when awarded. (Still awaiting approval from National Oceanic and Atmospheric Administration-(NOAA).
- Discussion on the definition of “resident” of Perdido Beach
 - a. Document Attached- “Who are we?”
 - b. 1. Commission Member Comments
 2. Public comments

Due to time restraints Unfinished Business will be carried over until the October 7, 2015 Regular Meeting

- Continue discussion of Recreational Vehicle (RV) use within the Town of Perdido Beach
 - a. Purpose of the Planning Commission
 - b. Why did the Town prohibit the use of RVs?
 - c. 1. Public Comments
 - 2. Commission Member Comment and Discussion

Announcements: **Next Planning Commission Meeting:** October 7, 2015-6:30 pm at Town Hall.

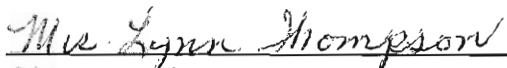
Adjournment:

Being no further business there was a motion by Ms. Condon, seconded by Mr. Reagan to adjourn.
The meeting ended at 8:06 pm.

ATTEST:



Mr. Jim Brewer, Chairman



Mrs. Lynn Thompson, Secretary



Town of Perdido Beach Planning Commission

Case No. PBTA-15001

Proposed Amendment to the

Town of Perdido Beach Land Use and Zoning Ordinance

Pertaining to Article XIII Design Standards, Section 13.9 Erosion Control

September 2, 2015

Public Hearing: September 2, 2015 - Pending

Staff Report Prepared by: Linda Lee, Planner – Baldwin County

BACKGROUND:

In accordance with the Town of Perdido Beach Land Use and Zoning Ordinance, at the August 5, 2015 meeting the Planning Commission voted to hold a public hearing to allow for public input on proposed text amendments to Article XIII Design Standards, Section 13.9 of the Land Use and Zoning Ordinance.

The purpose of the proposed changes is to require land disturbing activity in proximity to a lake, natural watercourse, or adjacent property to maintain a buffer zone of not less than 30 feet along the boundary to confine visible siltation and/or prevent erosion with the exception of land-disturbing activity in connection with the construction of facilities to be located on, over or under a lake, natural watercourse or adjacent property.

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?

Not applicable. The requests at hand are not tied to a specific piece of property.

(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?

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

(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.

Not applicable.

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

Not applicable.

(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?

Proposed amendment should not have an adverse impact.

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

Not applicable.

(k) Other matters which may be appropriate.

STAFF RECOMMENDATION

Staff feels that the Planning Commission's recommendation to the Town Council on the proposed text amendment to Article XIII Design Standards, Section 13.9 Erosion Control should be based on comments received at the public hearing.

Staff recommends making the following change to the proposed text amendment.

EXHIBIT A

Town of Perdido Beach Land Use and Zoning Ordinance

Proposed Amendments Pertaining to

Article XIII Design Standards

Section 13.9.3 (b)

Article XIII, Design Standards:

Section 13.9 Erosion Control

13.9.3 *General Design Principles.* The following principles apply to all land disturbing activities within the jurisdiction of the Town of Perdido Beach and should be considered when preparing construction plans and/or submissions required under this ordinance:

(a) To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with extreme slopes where cuts and fill would be required should be avoided.

(b) Natural vegetation should be maintained and protected wherever and whenever possible. Areas immediately adjacent to watercourses, wetlands and lakes should be left undisturbed wherever possible. *No land-disturbing activity shall be permitted in proximity to a lake, natural watercourse, or adjacent property where applicable unless a buffer zone of not less than 30 feet is provided along the boundary of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over or under a lake, natural watercourse or adjacent property.*

Recommendation: No land-disturbing activity shall be permitted on property adjacent to a lake, natural watercourse or wetlands unless a buffer zone of not less than 30 feet is provided along the boundary of a lake, natural watercourse or wetlands. Said buffer shall be of sufficient width to confine visible siltation and/or prevent erosion, provided that the land-disturbing activity is not in connection with the construction of facilities to be located on, over, or under a lake, natural watercourse or wetlands.

(c) All construction activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.

- (d) Sediment basins, silt traps and filters should be installed prior to the beginning of construction to remove as much sediment as possible from runoff leaving the site or entering watercourses, wetlands, lakes or reservoirs.
- (e) The selection of soil erosion and sedimentation control measures should be based on the size of the project, the frequency of climatic events likely to accelerate erosion, the season during which the project is being constructed, and the potential for damage should erosion and sedimentation occur.
- (f) In the design of erosion and sedimentation control measures the requirements for proper maintenance will be considered.
- (g) Provision should be made to accommodate the increased runoff caused by altered surface and soil conditions both during and after land disturbance activity. Drainage ways should be designed so that their final gradients and resultant velocities will not cause erosion.
- (h) Provision should be made for the proper transport of soil from the site without tracking or spilling soil along the transport route.
- (i) Permanent vegetation and erosion control structures should be installed and temporary structures removed prior to the issuance of final Certificate of Occupancy.
- (j) Any land disturbance activity which takes place in a right-of-way will require approval from the governing agency with authority over such right-of-way.

Mayor's Report to the Planning Commission

September 2, 2015

Actions taken by the Town Council at August Council Meeting:

1. *By unanimous vote:* To direct Town Attorney, Mr. Marcus McDowell, to investigate a declaratory judgement on Yupon Street to determine if and what restoration may be made to the public boat launch.
2. *Tabled:* A recommendation from the Safety Committee to extend and improve the path which already exists on town property just beyond the Perdido Beach Volunteer Fire Department.
3. *Resolution Failed:* To enter into and execute a contract with Lucido Engineering & Surveying, LLC for surveying services on various water access streets within the Town of Perdido Beach (streets leading to and touching the waters of Perdido Bay, Soldier Creek and Palmetto Creek). Voting for: Mayor Parker, Councilmember Leslie, Councilmember Hickey. Voting against: Councilmembers Condon, Holk and Fishbein.
4. *Resolutions adopted by unanimous vote:*
 - a. To donate \$300.00 to the Volunteer Fire Department for water, supplies and refreshments to be used during meetings, training and calls.
 - b. Entering into and executing a contract for mowing and landscaping services on town hall property. (fiscal year 2015/2016)
 - c. Entering into and executing a contract for rights-of-way mowing and trimming services. (fiscal year 2015/2016)
5. *Motion passed* to approve funds up to \$300.00 for the production and sending of a newsletter to residents and property owners, contingent on council approval of draft newsletter.

Road Work Continues:

1. *Pine Street:* Work order has been written to Gene's Dozer to increase access to 12' wide and 12' high in order to accommodate emergency vehicles.
2. *Other streets:* Grading on State, Pensacola, Mobile, Anniston.
3. *Asphalt Work:* Contractor waiting for cooler temperatures necessary for optimal results.

Special Council Workshop with Town Attorney, Mr. Marcus McDowell – September 10, 2015 @ 4:30PM: To discuss legal issues related to Public Water Accesses.