

A G E N D A
REGULAR COUNCIL MEETING
CITY OF GULF SHORES, ALABAMA
JANUARY, 9, 2006
5:00 P.M.

1. Call to Order
2. Invocation - Reverend Robert Warren, St. Andrew by the Sea
3. Pledge of Allegiance
4. Roll Call
5. Approval of Minutes - Rescheduled Meeting of December 19, 2005
6. Approval of Payroll and Expense Vouchers
7. Public Hearings
 - A. Amend Zoning Ordinance No. 235
Ordinance - Amend Ordinance No. 1327 - Corrected Legal Description for Rezoning of Plash Island I
 - B. Amend Zoning Ordinance No. 235
Ordinance - Rezone King Property - AG to R-1A
 - C. Amend Zoning Ordinance No. 235
Ordinance - Amend Article 18, Amendments - Procedure for Zoning Newly Annexed Land
 - D. Amend Zoning Ordinance No. 235
Ordinance - Amend Article 8, Supplementary Regulations - Amend Article 12, Off-Street Parking and Loading - Amend Article 13, Planned Unit Development - Swimming Pool Setbacks, Walking District Planned Unit Developments, Dead-End Parking and Dumpster Access
 - E. Amend Zoning Ordinance No. 235
Ordinance - Amend Article 6, District Regulations - Beach or Lagoon Access
8. Presentation of Petitions, Requests and Communications
 - A. Application for Public Assembly Permit - Lower Alabama Corvette Club
9. Hearing of Persons Not Listed on Formal Agenda
10. Unfinished Business
 - A. Petition for Relocation of Portions of Public Right-of-Way - HSK Properties, LLC - CONTINUE TO JANUARY 23, 2006
11. New Business
 - A. Resolution - Site Plan - American Legion Post #44
 - B. Resolution - Site Plan - Cummins Office/Warehouse Buildings
 - C. Resolution - Site Plan - The Ridge Condominiums, Phase 3
 - D. Resolution - Site Plan - Parkway Point Office Building
 - E. Resolution - Authorize Construction Agreement - Alabama Department of Transportation
 - F. Resolution - Award Bid - Self-Contained Breathing Apparatus
12. Committee Reports
 - A. Garris
 - B. Doughty
 - C. Harris
 - D. Craft
 - E. Jones
13. Staff Reports
14. Adjourn

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

JANUARY 9, 2006

Mayor Duke called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by The Reverend Robert Warren, St. Andrew by the Sea Church. The Pledge of Allegiance to the flag was led by Mayor Duke.

Upon roll call, the following officials answered "present": Councilmen Garris, Doughty, Harris, Craft, Jones, and Mayor Duke. The Mayor declared a quorum present.

Councilman Doughty moved to approve the minutes of the regular meeting of December 19, 2005, as presented; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

Councilman Jones moved to approve the payroll and expense vouchers in the amount of \$1,255,656.84; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

The City Clerk noted that the complete list of vouchers to be paid, as reflected on a computer printout, had been made a permanent record in the Clerk's office.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to correcting the legal description for Plash Island I.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

Councilman Craft moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

ORDINANCE NO. 1399

**AN ORDINANCE AMENDING ORDINANCE NO. 1327,
ADOPTED JUNE 13, 2005,
WHICH AMENDED ORDINANCE NO. 235 (ZONING ORDINANCE),
TO PROVIDE A CORRECTED LEGAL DESCRIPTION
OF A 21.52-ACRE PARCEL DESCRIBED HEREIN
CHANGING THE ZONING CLASSIFICATION OF SAID PROPERTY
FROM R-1A TO BTL/PUD**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That, in respect to that certain property described as follows:

In the State of Alabama, County of Baldwin, and City of Gulf Shores, and being more particularly described as follows:

Beginning at an open top pipe found on the north line of fractional Section 2, Township 9 South, Range 3 East, Baldwin County, Alabama, purported to be 3095.03 feet, South 88 degrees 32 minutes 01 seconds East from the northwest corner of said Section 2; thence run North 25 degrees 06 minutes 04 seconds West, 193.00 feet; thence run North 83 degrees 00 minutes 45 seconds East, 759.28 feet; thence run South 3 degrees 16 minutes 12 seconds West, 238.94 feet; thence run Southwestwardly along a curve to the left having a radius of 1916.34 feet, an arc length of 314.98 feet (the chord bears South 84 degrees 40 minutes 44 seconds West, and measures 314.63 feet); thence run North 89 degrees 54 minutes 08 seconds West, 344.87 feet to the point of beginning and containing 3.48 acres, more or less, and lying in the William Kennedy Grant Section 5, Township 9 South, Range 3 East, Baldwin County, Alabama.

Commencing at the Southwest corner of fractional Section 2, Township 9 South, Range 3 East, Baldwin County, Alabama; thence run East 3273.50 feet; thence run North, 336.50 feet; thence run North 25 degrees 06 minutes 04 seconds West, 193.00 feet to the point of beginning of the property herein described; thence continue North 25 degrees 06 minutes 04 seconds West, 133.00 feet; thence run North 83 degrees 16 minutes 59 seconds East, 996.60 feet; thence run North 60 degrees 19 minutes 01 seconds East, 585 feet, more or less to a point on the West margin of Bay John; thence run Southeastwardly along the meandering West margin of Bay John, 134 feet, more or less; thence departing the said West margin of Bay John, run South 60 degrees 02 minutes 47 seconds West, 543 feet, more or less; thence run South 83 degrees 00 minutes 45 seconds West, 996.76 feet to the point of beginning and containing 4.5 acres, more or less, property located in Grant Section 5 Township 9 South, Range 3 East, Baldwin County, Alabama.

Commencing at the southwest corner of Fractional Section 2, Township 9 South, Range 3 East Baldwin County, Alabama; thence run north 90 degrees 00 minutes 00 seconds east, 3273.5 feet; thence run north 0 degrees 00 minutes 00 seconds east, 336.5 feet; thence run south 89 degrees 58 minutes 33 seconds east, 344.9 feet; thence run along the arc of a curve to the right having a radius of 1008.60 feet, an arc distance of 315.83 feet (the chord bears north 84 degrees 36 minutes 46 seconds east, and measures 314.54 feet) to the point of beginning

of the property herein described; thence run north 03 degrees 16 minutes 12 seconds east, 238.92 feet; thence run north 83 degrees 00 minutes 45 seconds east, 237.42 feet; thence run north 60 degrees 00 minutes 37 seconds east, 556.00 feet; thence run south 24 degrees 29 minutes 23 seconds east, 132.09 feet; thence run south 41 degrees 06 minutes 42 seconds east, 603.73 feet; thence run south 90 degrees 00 minutes 00 seconds west, 735.84 feet; thence run south 89 degrees 55 minutes 26 seconds west, 257.50 feet; thence run along the arc of a curve to the left having a radius of 1008.60 feet, an arc distance of 191.90 feet (the chord bears north 80 degrees 57 minutes 58 seconds west, and measures 191.61 feet); to the point of beginning and containing 9.04 acres more or less (393833 sq. ft.), and being a part of Lots 6 and 7 in a subdivision in the southeast corner of the Wm. E. Kennedy Grant in Baldwin County, Alabama.

Commencing at the southwest corner of Fractional Section 2, Township 9 South, Range 3 East, Baldwin County, Alabama; thence run east 3273.50 feet; thence run north 336.50 feet; thence run north 25 degrees 06 minutes 04 seconds west, 326.00 feet to the point of beginning of the property herein described; thence continue north 25 degrees 06 minutes 04 seconds west, 132.00 feet; thence run north 83 degrees 16 minutes 37 seconds east, 996.60 feet; thence run north 60 degrees 18 minutes 39 seconds east, 521 feet, more or less to a point on the west margin of Bay John; thence run southeastwardly along the meandering west margin of Bay John, 136 feet, more or less; thence departing the said west margin of Bay John, run south 60 degrees 19 minutes 01 seconds west, 565 feet, more or less; thence run south 83 degrees 16 minutes 59 seconds west, 996.60 feet to the point of beginning and containing 4.5 acres, more or less, property located in Grant Section 5 Township 9 South, Range 3 East, Baldwin County, Alabama.

Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, along with the Zoning Map of the City of Gulf Shores, be and it is hereby amended and altered by rezoning those certain parcels of real property herein described from R-1A (low density single family residential) to BTL/PUD (tourist lodging district/planned unit development).

Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

The motion for unanimous consent was seconded by Councilman Harris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1399 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1399 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1399 duly and legally adopted.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to the rezoning of the King property.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Steve Foote, Planning Director, noted the recommendations of his Department and the Planning Commission in support of the rezoning, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

Councilman Garris moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

ORDINANCE NO. 1400

**AN ORDINANCE AMENDING ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982,
BY CHANGING THE ZONING CLASSIFICATION
OF A 40-ACRE PARCEL DESCRIBED HEREIN
IN REZONING CASE Z2005-28,
FROM AG TO R-1A**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That, in respect to that certain property described as follows:

In the State of Alabama, County of Baldwin, and City of Gulf Shores, and being more particularly described as follows:

61-05-22-0-000-004.001 - 39.9 Acres(D) - Commence at the southeast corner of the West ½ of the Southwest ¼ of Section 22, thence North 40' TO THE North margin of County Road 8; thence West 667.3' to the point of beginning; thence West 667.3'; thence North 2,609.9'; thence East 665.9'; thence South 2609.9' to the point of beginning.

Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, along with the Zoning Map of the City of Gulf Shores, be and it is hereby amended and altered by rezoning those certain parcels of real property herein described from AG (agricultural) to R-1A (low density single-family residential).

Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

The motion for unanimous consent was seconded by Councilman Craft; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Doughty then moved for the adoption of Ordinance No. 1400 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1400 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1400 duly and legally adopted.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to procedures for zoning newly annexed land.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

Councilman Doughty moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

ORDINANCE NO. 1401

**AN ORDINANCE TO AMEND ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982
AT ARTICLE 18, AMENDMENTS,
SECTION 18-3. PROCEDURE FOR ZONING NEWLY ANNEXED LAND**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, be and it is hereby amended at ARTICLE 18, AMENDMENTS, Section 18-3. Procedure for Zoning Newly Annexed Land, by adding and changing certain so that said Section shall read as follows:

ARTICLE 18 AMENDMENTS

* * *

18-3. Procedure for Zoning Newly Annexed Land

A. Land newly-annexed into the City of Gulf Shores (except that property described in Section 18-3.B. and C. below) shall be immediately placed into the R-1A, Low Density Single Family Residential District. Any change in this zone district classification shall be made as an amendment to the Zoning Ordinance in the manner set forth in Sections 18-1. and 18-2. (above).

B. Those newly-annexed lands that previously existed in Baldwin County Zoning District 30 shall immediately and automatically be rezoned upon annexation from the Baldwin County Zoning classification to a comparable city zoning classification as listed below:

<u>FROM COUNTY</u>	<u>TO GULF SHORES</u>
RR	RR
RA	AG
ER	AG
R1A	RR
R1B	RR
R2A	R1A
R2B	R1A
R3	R1A
R4	RD
R6	RML
MHP	MHP
B1	BR
B2	BG
B3	BG
MR	BTL
OR	OS1
TR	BTL
M1	I1
M2	I2

C. Those newly-annexed lands that previously existed in Baldwin County Zoning District 25 shall immediately and automatically be rezoned upon annexation from the Baldwin County Zoning

classification to a comparable city zoning classification as listed below:

<u>FROM COUNTY</u>	<u>TO GULF SHORES</u>
RR	RR
RA	AG
ER	AG
R1A	R-1FM
R1B	R-2FM
R2B	R-2FM
R3	R1A-FM
R4	RD-FM
R6	BTL-FM
MHP	MHP
B1	BR-FM
B2	BG-1FM
B3	BG-2FM
B4	BTB-FM
MR	BTL-FM
OR	OS1
TR	BTL-FM
M1	I1
M2	I2

The provision of Article 18.3.C. shall be retroactive to April 7, 1993.

Section 2. That this Ordinance shall become effective upon its adoption and publication as required by law.

The motion for unanimous consent was seconded by Councilman Garris; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Garris then moved for the adoption of Ordinance No. 1401 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1401 was seconded by Councilman Doughty; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1401 duly and legally adopted.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendments to the Zoning Ordinance as it relates to swimming pool setbacks, walking district planned unit developments, dead-end parking and dumpster access.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Steve Foote, Planning Director, noted the recommendations of his Department and the Planning Commission in support of the zoning amendments, as reflected by the following communications:

The Mayor asked if there was anyone present who wished to comment on the proposed zoning amendment. There was no comment. The City Clerk stated no written communications had been received in this regard.

Councilman Craft moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance:

ORDINANCE NO. 1402

**AN ORDINANCE TO AMEND ORDINANCE NO. 235
(ZONING ORDINANCE), ADOPTED MAY 10, 1982
AT ARTICLE 8, SUPPLEMENTARY REGULATIONS,
SECTION 8-4. ACCESSORY BUILDINGS AND STRUCTURES,
SUBSECTION A. SWIMMING POOLS;
AT ARTICLE 12, OFF-STREET PARKING AND LOADING,
SECTION 12-1. REQUIRED OFF-STREET PARKING,
SUBSECTION F. DESIGN STANDARDS AND
IMPROVEMENT REQUIREMENTS, AND
SUBSECTION H. REQUIREMENTS REGARDING
OFF-STREET PARKING AND LOADING IN THE
WALKING AREA OVERLAY DISTRICT,
8. OFF-STREET LOADING AND BUILDING SERVICING;
AND AT ARTICLE 13, PLANNED UNIT DEVELOPMENT,
SECTION 13-14. MINIMUM SIZE FOR PLANNED UNIT DEVELOPMENTS
(ZA2005-10, ZA2005-11, ZA2005-13)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, be and it is hereby amended at ARTICLE 8, SUPPLEMENTARY REGULATIONS, Section 8-4. Accessory Buildings and Structures, Subsection A. Swimming Pools, so that said Subsection shall read as follows:

ARTICLE 8 SUPPLEMENTARY REGULATIONS

* * * *

Sec. 8-4. Accessory Buildings and Structures

* * * *

- A. Swimming Pools. Swimming pools and surrounding decking or patios regardless of elevation within all residential districts may be enclosed by fences or screening as required or permitted by the City, shall not occupy any front or side yard, and shall not be located closer than five feet (5') to any property line except in the case of waterfront lots where such structures may be placed between the principal structure and the official street line but not within a required front or side yard. Swimming pools and surrounding decking or patios regardless of elevation located in any business or commercial district shall in no case be located closer than five feet (5') to any property line and may be enclosed by an accessory structure as otherwise provided for within this ordinance.

* * * *

Section 2. That Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, be and it is hereby amended at ARTICLE 12, OFF-STREET PARKING AND LOADING, Section 12-1. Required Off-Street Parking, Subsection F. Design Standards and Improvement Requirements, to add

a new 5. Dead End Parking, so that said Subsection shall read as follows:

ARTICLE 12 SUPPLEMENTARY REGULATIONS

* * * *

Sec. 12-1. Required Off-Street Parking

* * * *

F. Design Standards and Improvement Requirements.

* * * *

5. Dead End Parking. Driveways and areas for parking and internal circulation of vehicles shall be designed to provide for safe and convenient circulation within the site. All parking lots must provide flow through driveways and dead end parking is prohibited. In extenuating circumstances when all other design options have been exhausted, the City of Gulf Shores may approve a striped area measuring a minimum of fifteen feet (15') by the full length of the parking aisle to be used as a vehicular turn around area. "No Parking" and "Tow Away Zone" signage must be provided in vehicular turn around areas in order to discourage vehicular parking. Ten (10) or less consecutive parking spaces shall not be considered dead end parking.
6. Parking lot lighting shall be provided within all parking lots and a lighting plan shall be provided by a qualified lighting provider. Light poles and fixtures shall be of the minimum height, type and number necessary to satisfactorily illuminate the parking lot. Lighting fixtures shall be designed to safely light parking areas without creating nuisance or hazardous situations for adjacent property or streets. In no case shall lighting fixtures for private parking lots be mounted to utility poles or other such objects located within adjacent rights-of-way. An exemption to the lighting requirement may be approved by the City Council if it is demonstrated by the applicant that the lighting of the parking lot is unnecessary or undesirable and that such an exemption will not create a safety problem.
7. Paving Standards. All parking spaces, driveways and maneuvering areas shall be paved with asphaltic concrete, concrete, paving stone or masonry in compliance with standards adopted by the City Engineer of the City of Gulf Shores. Required parking spaces shall be permanently marked and maintained and shall be accessible from a driveway or aisle so that all vehicles approach the street or alley in a forward motion.

A. Restrictions and Exceptions:

- (1) Single family and duplex residential uses, irrespective of Zoning District or lot size, may substitute an unpaved all-weather surface in compliance with standards adopted by the City Engineer of the City of Gulf Shores in place of a paved surface. For these uses, vehicles may approach a street or alley in either a forward or backing motion. This Section shall not apply to multiple single family or duplex residences within the same lot or parcel.
- (2) All uses proposing to construct driveways that cross over an existing sidewalk or bike path shall be required to provide a paved driveway (as defined herein) immediately adjoining and extending a minimum of ten feet (10') on each side of the sidewalk or pathway.
- (3) In addition to (2) above, all uses, whether required to provide paved parking or an unpaved all-weather

surface, shall be required to pave all turn outs and portions of driveways located within any public or private rights-of-way up to a maximum of twenty-five feet (25'). In areas considered to contain unusual right-of-way widths or the crossing of extensive State or other governmental lands (such as Fort Morgan Road), a minimum twenty-five foot (25') length of paving shall be provided.

8. Paving and Landscape Exemptions for Industrial Areas. Parking areas or parking lots that are provided above and beyond the parking required by this Ordinance and are located within the I-1 or I-2 Zoning Districts may have the paving and landscaping requirements contained in this Ordinance waived subject to approval of a Special Exception by the Board of Zoning Adjustment.
9. Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the beach. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.

* * * *

Section 3. That Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, be and it is hereby amended at ARTICLE 12, OFF-STREET PARKING AND LOADING, Section 12-1. Required Off-Street Parking, Subsection G. Off-Street Loading and Building Servicing, to change certain language in c. and d., so that said Subsection shall read as follows:

ARTICLE 12 SUPPLEMENTARY REGULATIONS

* * * *

Sec. 12-1. Required Off-Street Parking

* * * *

G. Off-Street Loading and Building Servicing

* * * *

- c. Access ways and loading areas used for delivery trucks, service vehicles, and driveway and loading areas for garbage trucks shall provide safe means of access and egress from public streets such that delivery vehicles and garbage trucks are not allowed to back in to Ft. Morgan Road (State Highway 180), Beach Boulevard (State Highway 182), Gulf Shores Parkway (State Highway 59), and all other state and county roads. Excessive and unusual backing and turning movements shall be prohibited. All access ways and loading areas shall provide a minimum horizontal and vertical clearance of fourteen feet (14') at all points.
- d. Dumpsters. Trash receptacles are required for all commercial and multi-family uses. Dumpsters are required on all sites unless the applicant can demonstrate that roll out trash containers are adequate for waste removal. Dumpsters shall not be located on a site until approval of the location is granted by the City of Gulf Shores. Dumpsters shall not be located in any required front yard. Dumpsters shall be placed on a concrete pad of sufficient size and strength to support service vehicles without failure. Dumpsters that would be visible from a public street or from abutting or adjacent property shall be completely screened by an opaque fence or wall that is a minimum of six feet (6') in height, but not less than the height of the dumpster. Such fence or

wall shall incorporate materials and colors of the principal building.

Section 4. That Ordinance No. 235 (Zoning Ordinance), adopted May 10, 1982, be and it is hereby amended at ARTICLE 13, PLANNED UNIT DEVELOPMENT, Section 13-14. Minimum Size for Planned Unit Developments, to add certain language so that said Section shall read as follows:

ARTICLE 13 PLANNED UNIT DEVELOPMENT

* * * *

Sec. 13-14. Minimum Size for Planned Unit Developments

A. R-1 waterfront density district	10 acres
B. R-1A and R-1B residential districts	10 acres
C. RD and RML residential districts	10 acres
D. RMH, BR, BG, BTL, BNCR, BSCR & CD Districts	10 acres
E. I-1 & I-2 Industrial Districts	10 acres
F. RPC District	200 acres
G. Ft. Morgan Area - R-1 FM, R-2 FM, R-1A FM, RD-FM	2 acres*
H. Walking Area Overlay District	No Minimum Requirement

Section 5. That this Ordinance shall become effective upon its adoption and publication as required by law.

The motion for unanimous consent was seconded by Councilman Jones; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Harris then moved for the adoption of Ordinance No. 1402 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1402 was seconded by Councilman Doughty; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1402 duly and legally adopted.

Mayor Duke stated that this was the time and place for the public hearing, as advertised, on the proposed amendment to the Zoning Ordinance as it relates to beach front and lagoon access.

The City Clerk stated that this public hearing had been advertised as required by law, as reflected by the following affidavits of publication:

Steve Foote, Planning Director, noted the recommendations of his Department and the Planning Commission in support of the zoning amendment, as reflected by the following communications:

Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Mayor Duke then declared the rules suspended.

Councilman Doughty then moved for the adoption of Ordinance No. 1403 and to waive the reading of said Ordinance at length. The motion for the adoption of Ordinance No. 1403 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Ordinance No. 1403 duly and legally adopted.

The City Clerk presented the Application for Public Assembly Permit from the Lower Alabama Corvette Club.

Councilman Jones moved to approve the Application for Public Assembly Permit from the Lower Alabama Corvette Club for a corvette display on March 11, 2006 and to waive the permit fee; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Mayor Duke asked if there was anyone present who wished to address the Council but had been unable to get on the formal agenda. There was no response.

The Mayor advised the Council that the petition submitted by HSK Properties, LLC for relocation of portions of the public right-of-way will be continued to the Council Meeting of January 23, 2006.

Upon the request of the Mayor, Zoning Administrator Andy Bauer presented information from his Department and the Planning Commission relative to the site plan for Gulf Shores American Legion Post #44.

Councilman Doughty introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 3989-06

**A RESOLUTION APPROVING SITE PLAN OF
GULF SHORES AMERICAN LEGION POST #44
FOR A NEW AMERICAN LEGION POST
LOCATED AT 852 GULF SHORES PARKWAY;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2005-38)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That the Site Plan of the Gulf Shores American Legion Post #44 for a new American Legion Post, located at 852 Gulf Shores Parkway, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by the Gulf Shores American Legion Post #44 dated January 9, 2006.

Section 2. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - BG (general business).

B. The plan is in conformance with applicable regulations of the zoning district in which it is located. The plan meets or exceeds area and setback requirements.

C. The plan is in conformance with the City's subdivision regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other essential services or facilities.

ALL CONSTRUCTION SHALL BE CONSISTENT WITH THE SITE PLAN APPROVED BY COUNCIL AND COMPLY WITH ALL ZONING AND OTHER APPLICABLE REGULATIONS OF THE CITY, CONTINGENT UPON:

1) Public Works comments:

- Drainage - The locations, spacing, numbers, and layout of the proposed wetland plantings in the infiltration bed need to be specified in the detail.
- Parking Lot and Driveway Lighting - The proposed lighting fixtures locations need to be shown. The projection fixtures shown on the parking lot lights need to be removed to ensure that lighting does not intrude on neighboring properties.

D. The plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to:

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
- 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

E. The plan is in conformance with City policy in respect to sufficiency of ownership. The City does not, by this approval, assume any responsibility for title or survey problems which may arise.

Section 3. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 3989-06 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 3989-06 duly and legally adopted.

Upon the request of the Mayor, Zoning Administrator Andy Bauer presented information from his Department and the Planning Commission relative to the site plan for Cummans Office/Warehouse Buildings.

Councilman Craft introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 3990-06

**A RESOLUTION APPROVING SITE PLAN OF
HASTY LANEY
FOR A DEVELOPMENT TO BE KNOWN AS
CUMMANS OFFICE/WAREHOUSE
LOCATED ON LOT 6,
GULF SHORES BUSINESS INDUSTRIAL PARK,
PHASE II;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2005-50)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That the Site Plan of Hasty Laney for two 7,600 square foot office/warehouse buildings, to be known as Cummans Office/Warehouse, located on Lot 6, Gulf Shores Business Industrial Park, Phase II, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Hasty Laney dated January 9, 2006.

Section 2. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - I-1 (light industrial).

B. The plan is in conformance with applicable regulations of the zoning district in which it is located. The plan meets or exceeds area and setback requirements.

C. The plan is in conformance with the City's subdivision regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other essential services or facilities.

ALL CONSTRUCTION SHALL BE CONSISTENT WITH THE SITE PLAN APPROVED BY COUNCIL AND COMPLY WITH ALL ZONING AND OTHER APPLICABLE REGULATIONS OF THE CITY, CONTINGENT UPON:

- 1) The landscape plan shall be revised to be consistent with the layout indicated on the site plan.
- 2) The landscape plan shall be revised to show plantings in the foundation landscape area.
- 3) Public Works Department - All Public Works comments have been addressed and the drainage plans are ready

for approval unless zoning requirements dictate a change to the proposed site layout.

D. The plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to:

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
- 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

E. The plan is in conformance with City policy in respect to sufficiency of ownership. The City does not, by this approval, assume any responsibility for title or survey problems which may arise.

Section 3. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 3990-06 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 3990-06 duly and legally adopted.

Upon the request of the Mayor, Zoning Administrator Andy Bauer presented information from his Department and the Planning Commission relative to the site plan for The Ridge Condominiums, Phase 3.

Councilman Doughty introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 3991-06

**A RESOLUTION APPROVING SITE PLAN OF
HATCH MOTT MACDONALD
FOR A DEVELOPMENT TO BE KNOWN AS
THE RIDGE CONDOMINIUMS, PHASE 3,
LOCATED ON HIGHWAY 180 WEST;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2005-52)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That the Site Plan of Hatch Mott MacDonald for Phase 3 of The Ridge Condominiums, located on Highway 180 West north of Knob Hill Subdivision, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Hatch Mott MacDonald dated January 9, 2006.

Section 2. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - RMH (high density residential).

B. The plan is in conformance with applicable regulations of the zoning district in which it is located. The plan meets or exceeds area and setback requirements.

C. The plan is in conformance with the City's subdivision regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other essential services or facilities.

ALL CONSTRUCTION SHALL BE CONSISTENT WITH THE SITE PLAN APPROVED BY COUNCIL AND COMPLY WITH ALL ZONING AND OTHER APPLICABLE REGULATIONS OF THE CITY, CONTINGENT UPON:

- 1) The Tree and Topographic Survey shall indicate a Corps approved wetland delineation line.
- 2) The permanent conservation easement for preservation of the existing wetlands shall be submitted and approved by the City Attorney.
- 3) The applicant shall provide documentation from the Gulf Shores Utilities Board that the proposed 8-inch water line can be tied into the existing waterline on Knob Hill Drive.

D. The plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to:

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
- 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

E. The plan is in conformance with City policy in respect to sufficiency of ownership. The City does not, by this approval, assume any responsibility for title or survey problems which may arise.

Section 3. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 3991-06 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman

Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 3991-06 duly and legally adopted.

Upon the request of the Mayor, Zoning Administrator Andy Bauer presented information from his Department and the Planning Commission relative to the site plan for Parkway Point Office Building.

Councilman Jones introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 3992-06

**A RESOLUTION APPROVING SITE PLAN OF
PARKWAY POINT, LLC
FOR A DEVELOPMENT TO BE KNOWN AS
PARKWAY POINT OFFICE BUILDING
LOCATED AT 3479 GULF SHORES PARKWAY;
AND SETTING FORTH FINDINGS OF FACT AND
CONCLUSIONS, IN ACCORDANCE WITH REQUIREMENTS
OF ARTICLE 15 OF ZONING ORDINANCE NO. 235
(SP2005-53)**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That the Site Plan of Parkway Point, LLC for a 17,000 square foot office building, to be known as Parkway Point Office Building, located at 3479 Gulf Shores Parkway, be and it is hereby approved.

The Site Plan approved and referenced herein shall be comprised of the following exhibits: Exhibit A - Plans submitted by Parkway Point, LLC dated January 9, 2006.

Section 2. That the decision of the Council is that the Site Plan is in the public interest, based on the following findings of fact and conclusions:

A. The plan is consistent with the comprehensive plan and the purpose and intent of the zoning district in which it is located - CD (commercial).

B. The plan is in conformance with applicable regulations of the zoning district in which it is located. The plan meets or exceeds area and setback requirements.

C. The plan is in conformance with the City's subdivision regulations and all other applicable City requirements including design, adequacy and construction of streets, drainage, utilities and other essential services or facilities.

ALL CONSTRUCTION SHALL BE CONSISTENT WITH THE SITE PLAN APPROVED BY COUNCIL AND COMPLY WITH ALL ZONING AND OTHER APPLICABLE REGULATIONS OF THE CITY, CONTINGENT UPON:

- 1) A letter from a trash provider shall be provided stating availability of service. The type of refuse collection shall be indicated on the plans. Refuse collection areas shall be screened and easily accessible to service vehicles.

- 2) A lighting plan shall be submitted which includes details of light poles, lighting heights, types of light shielding, and wattage.
- 3) Public Works Department:
 - Parking Lot and Driveway Lighting - A parking lot lighting plan in accordance with Section 12-1.F.5. of the Zoning Ordinance must be provided prior to building permit approval. A detail showing the fixture type, mounting height and wattage for proposed parking lights needs to be added to the plan. Lighting must be arranged so as not to intrude on neighboring properties.

D. The plan is consistent with good design standards in respect to all internal and external relationships, including but not limited to:

- 1) Relationship to adjoining properties;
- 2) Internal circulation, both vehicular and pedestrian;
- 3) Design of access and egress and impact on adjoining streets;
- 4) Disposition and use of open space, provision of screening and/or buffering, and preservation of existing natural features including trees, wetlands, and dunes;
- 5) Size and bulk of the structure meets or exceeds compliance with area requirements;
- 6) Building arrangements both between buildings in the proposed development and those on adjoining sites.

E. The plan is in conformance with City policy in respect to sufficiency of ownership. The City does not, by this approval, assume any responsibility for title or survey problems which may arise.

Section 3. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 3992-06 was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 3992-06 duly and legally adopted.

Councilman Doughty introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 3993-06

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
CONSTRUCTION AGREEMENT WITH
ALABAMA DEPARTMENT OF TRANSPORTATION
FOR REMOVAL OF TREES AND DEBRIS
IN ROADWAY AND CLEAR ZONES
AS RESULT OF HURRICANE KATRINA**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a Construction Agreement with the State of Alabama, acting by and

through the Alabama Department of Transportation, for Project ER-8900() for removal of trees and debris down in roadway and clear zones as a result of Hurricane Katrina; in substantially the form presented to Council this date.

Section 2. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 3993-06 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 3993-06 duly and legally adopted.

The City Clerk read into the record the following bid tabulation:

BID TABULATION

ITEMS TO BE PROCURED:	Self-Contained Breathing Apparatus
NUMBER OF SOURCES SOLICITED:	3
ADDITIONAL SOLICITATION:	Posted at City Hall Ad in <u>The Islander</u>
BID OPENING DATE:	January 3, 2006
NUMBER OF RESPONSES:	2

<u>BIDDERS</u>	<u>BID PRICE</u>
Ferrara Fire Apparatus	\$115,210.00
Tupelo Fire Equipment	112,538.76
WSI	NO BID

Present: Marcia Ward, Revenue Officer
Wanda Brantley, Procurement Officer
Tim Blakemore, Fire Chief

Councilman Jones introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 3994-06

**A RESOLUTION ACCEPTING THE BID OF
FERRARA FIRE APPARATUS, INC.
IN THE AMOUNT OF \$115,210.00
FOR SELF-CONTAINED BREATHING APPARATUS; AND
AUTHORIZING PAYMENT OF AMOUNT FROM
THE GENERAL FUND BUDGET**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 9, 2006, as follows:

Section 1. That the bid of Ferrara Fire Apparatus, Inc. in the amount of \$115,210.00 for self-contained breathing apparatus for use by the Fire/EMS Department, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on January 3, 2006.

Section 2. That the funds for payment for such amount be drawn from the General Fund Capital Outlay Budget of the Fire/EMS Department for Fiscal Year 2006.

Section 3. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 3994-06 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Craft, "aye," Councilman Jones, "aye," and Mayor Duke, "aye." Whereupon, the Mayor declared Resolution 3994-06 duly and legally adopted.

STAFF REPORTS:

The City Administrator reported that the Fort Morgan Walkway/Bike Path is 75% complete.

Charles Hamilton, Public Works Director, introduced Mark Acreman the City's new Assistant Public Works Director.

There being no further business to come before the Council, Councilman Doughty moved to adjourn; seconded by Councilman Craft; and the vote was unanimously in favor of the motion.

Mayor Duke declared the meeting adjourned.

George W. Duke, III, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk