

**MINUTES OF THE PLANNING COMMISSION
CITY OF GULF SHORES, ALABAMA
REGULAR MEETING OF OCTOBER 25, 2022**

COMMISSION PRESENT:

Commissioner Steiskal, Commissioner Vakakes, Commissioner Franklin, Commissioner Malone, Commissioner Eubank, Commissioner Young, Commissioner Harris, Commissioner Guthrie, Commissioner Dixon

COMMISSION ABSENT:

None

STAFF PRESENT:

Director of Planning & Community Development Lee Jones; Zoning Administrator Andy Bauer; Planner Jennifer Watkins; Secretary Mell Davis, City Engineer, Mark Acreman; Fire Marshal, George Surry

CALL TO ORDER:

Chairman Steiskal called the meeting to order at 4:00 p.m.

ROLL CALL:

Secretary Mell Davis called the roll.

APPROVAL OF MINUTES: Regular Meeting of September 27, 2022.

Commissioner Vakakes made a motion to approve the minutes from September 27, 2022; the motion was seconded by Commissioner Harris. The motion was approved 9-0.

ITEMS FOR DEFFERAL OR WITHDRAWAL:

PUBLIC HEARINGS:

A. ZA22-000063: Gulf Shores Presbyterian Church Rezone

Request: The Gulf Shores Presbyterian Church seeks to rezone a portion of their property from R-4 High Density/ Multiple-family Residential to BG General Business. The property is located at 309 East 21st Avenue.

Chairman Steiskal opened the Public Hearing.

There were no public comments.

Chairman Steiskal closed the Public Hearing.

Commissioner Young made the motion to approve ZA22-000063, Gulf Shores Presbyterian Church Rezone and Commissioner Vakakes seconded; the motion passed 9-0.

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B. ZA22-000064: Bantivoglio Final Major Subdivision

Request: The applicant seeks to subdivide the property at 1464 West Beach Boulevard into two lots.

Chairman Steiskal opened the Public Hearing.

There were no public comments.

Chairman Steiskal closed the Public Hearing.

Commissioner Malone made the motion to approve, ZA22-000064, Bantivoglio Final Major Subdivision and Commissioner Young seconded, the motion passed 9-0 with the following condition:

1. The applicant shall pay a fee of \$3,917.00 for an 8ft sidewalk along the subdivision's frontage on West Beach Boulevard prior to the recordation of the plat.

C. ZA22-000065: Gulf Shores Landfill Conditional Use Permit, CUP

Request: The applicant seeks CUP approval for a Phased Closure Plan for the Gulf Shores Landfill.

Commissioners discussed environmental monitoring and maintenance of the landfill after closure.

Chairman Steiskal opened the Public Hearing.

Several citizens asked how any possible hazards will be monitored and contained once closed. Applicant representative, Mike Doran, said that property owner will adhere if not exceed ADEM standards for monitoring.

Chairman Steiskal closed the Public Hearing.

Commissioner Guthrie made the motion to approve ZA22-000065, Gulf Shores Landfill Conditional Use Permit (CUP) Commissioner Young seconded; the motion passed 9-0 with the following conditions:

1. The Landfill Stabilization Plan shall be completed prior to CUP approval by City Council. The Plan shall be certified by the City Engineer to remedy all deficiencies listed in the ADEM Site Inspection Report dated December 17, 2021.
2. When capped with clay, and prior to closure acceptance and approval, the eastern section of the landfill shall not exceed 83 feet MSL, and the western section of the landfill shall not exceed 73 feet MSL as indicated on the Landfill Cap Installation Plan.
3. The existing native vegetation surrounding the site shall be supplemented with materials identified in the proposed Landscape Plan. Required landscaping shall be installed with each phase of the 5-Year Closure Plan. Upon inspection of each phase of landfill closure, if the City Engineer or his designee determines that the required landscaping has not been satisfactorily installed, a recommendation shall be prepared

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and submitted to the City Council for approval to take such steps as may be necessary to require performance under the surety.

4. The Gulf Shores Landfill, LLC shall provide a minimum 50ft access easement on the southeast corner of the property, as depicted on the Phased Closure Plan, to connect Landward Drive with Parkway South. Prior to release of the financial guarantee of performance, the Gulf Shores Landfill, LLC shall dedicate the easement to the City as public right-of-way.
5. Prior to expansion of landfill operations beyond the 4.5 acres that received BZA Special Exception approval on October 25, 1995, the applicant shall submit a Financial Guarantee of Performance (“Performance Surety”) in form, term, and substance satisfactory to the City in accordance with the following requirements.
 - a. The Performance Surety must be reviewed and approved by the City.
 - b. The Performance Surety shall be in an amount equal to 100 percent of the cost (as estimated by an independent source and approved by the City Engineer or his/her designee) of completing the 5-Year Phased Closure & Grading Plan, Stormwater Drainage Plan, and Landscaping Plan.
6. If within three-hundred-sixty-five (365) days of the date of acceptance of the Performance Surety by the City, the landfill operator has not completed all necessary improvements to permanently cap and close Phase 1 NW Section of the landfill as identified on the Closure Plan, or if in the opinion of the City Engineer or his/her designee, said improvements have not been satisfactorily installed within that timeframe, a recommendation shall be prepared and submitted to the City Council for approval to take such steps as may be necessary to require performance under the Performance Surety.
7. If within three-hundred-sixty-five (365) days of the date of acceptance of Performance Surety by the City, the landfill operator has completed all necessary improvements to permanently cap and close Phase 1 NW Section of the landfill as identified on the Closure Plan and followed the inspection and approval process outlined below, the landfill operator may request an extension and reduction in the amount of required Performance Surety by an amount as estimated by an independent source and approved by the City Engineer or his/her designee for the completion of Phase 1 capping and closure in accordance with the 5-Year Phased Closure & Grading Plan, Stormwater Drainage Plan, and Landscaping Plan. The maximum extension period is three-hundred-sixty-five (365) days, and surety extension and reduction will require City Council approval. This process of surety extension and reduction may be applied to each phase of the landfill that is successfully capped and closed per the requirements of the above-referenced plans.
8. The landfill’s design engineer and/or his designee shall perform quarterly inspections during implementation of the Closure Plan to ensure conformance with approved design and shall submit a written report to the City Engineer resulting from each inspection. Prior to Council approval to extend and/or reduce the Performance Surety, the design engineer's final inspection report and a certification of improvements for each associated phase shall be submitted to the City Engineer prior to final inspection by the City.
9. Upon completion of each Phase identified in the Closure Plan, the Licensed Engineer and the applicant shall complete, sign, and submit to the City Engineer a Certification of Improvements form stipulating the following:
 - a. That all required improvements are complete;
 - b. That these improvements are in compliance with the minimum standards specified for their construction;
 - c. That the applicant knows of no defects from any cause in these improvements;

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- d. That the improvements are free and clear of any encumbrance or lien.
10. Upon final inspection and approval of all phases of the Closure Plan by the City Engineer, issuance of a completion certificate, submittal of certified As-builts and Final Test Reports, and in accordance with ADEM regulations, the City shall authorize the release of the Performance Surety. As a condition precedent to release of the Performance Surety, the landfill operator shall submit a Property Maintenance Guarantee (“Maintenance Surety”) in form, term, and substance satisfactory to the City in accordance with the following requirements.
 - a. The Maintenance Surety must be reviewed and approved by the City.
 - b. The Maintenance Surety shall be in an amount equal to 100 percent of the cost (as estimated by an independent source and approved by the City Engineer or his/her designee) of maintaining the Phase 5 area of the landfill with reasonable and appropriate upkeep to prevent erosion.
 - c. The Maintenance Surety must be valid for a period of at least twenty-four (24) months from the date of acceptance of said Maintenance Surety by the City.
11. Upon release of the Performance Surety, the 47.5 acres comprised of properties currently identified as PIN numbers 228877, 209771, 228875, and 77190 shall automatically be zoned OS Open Space. The 15 acres comprised of the property currently identified as PIN number 228874 shall maintain its current BA Arterial Business Zoning designation.
12. If the terms of these conditions are not met, the City Council may revoke or refuse to renew the business license for the Gulf Shores Landfill in accordance with Article 8-31 of the Code of Ordinances.

HEARING OF PERSONS NOT LISTED ON FORMAL AGENDA:

None

PUBLIC PROJECTS:

None

OTHER BUSINESS:

Commissioner Malone made the motion to appoint Robert Steiskal, Jr. as Chairman and Pete Vakakes as Vice Chairman of the 2023 Gulf Shores Planning Commission, Commissioner Young seconded; the motion passed 7-0 with Commissioners Steiskal & Vakakes abstaining.

COMMUNICATIONS FROM STAFF:

COMMUNICATIONS FROM COMMISSION:

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ADJOURN:

There being no further business to come before the Commission, Chairman Steiskal adjourned the meeting at 5:36 p.m.



Secretary, Mell Davis
11-29-2022

Date



Chairman, Bob Steiskal