

Minutes
Orange Beach Planning Commission
Monday, January 13, 2020 – 4:00 P.M.
Council Chambers – Orange Beach Municipal Complex
4099 Orange Beach Blvd.

A. CALL TO ORDER

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

B. INVOCATION

Chairman Robert Stuart gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Kathy Lindsey
Commissioner Annette Mitchell
Commissioner Pat Simpson
Commissioner Glenn Smith
Commissioner Lannie Smith
Commissioner Matt Wilson
Vice Chairman Ralph Moore
Chairman Robert Stuart

Staff Present:

John Lawler, City Attorney
Kit Alexander, Director
Griffin Powell, Planner II
Paulette Taylor, Planner I

E. APPROVAL OF AGENDA – There were no changes to the agenda and the agenda stands approved as submitted.

F. CONFLICTS OF INTEREST – Chairman Robert Stuart stated he would recuse himself for Item 0104-SP-20, Legacy Key Storage Building.

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS - There were no changes and the minutes stand approved as submitted.

1. Approval of minutes from the Work Session on December 9, 2019.
2. Approval of minutes from the Regular Meeting on December 9, 2019.

H. PUBLIC HEARINGS

1. Public Hearing on the *City of Orange Beach Community Preservation and Growth Management Plan, 2020 – 2035.*

The City of Orange Beach Community Preservation and Growth Management, 2020 – 2035 was reviewed and presented for comments from the public. Chairman Robert Stuart opened the public hearing for comments. Linda Gates stated the draft should be available on the

City's website. Chairman Robert Stuart stated that we have been working on the revised Comprehensive Plan for six months and the draft will be made available on the City's website. Commissioner Kathy Lindsey stated she found a couple of corrections and will give them to staff. Chairman Robert Stuart stated we do appreciate everyone's help and input. Kit Alexander stated that everyone should feel free to contact her with questions. There will be another public hearing before the Planning Commission on February 10th to consider the updated Comprehensive Plan.

Motion made (Lindsey/Wilson) to prepare a resolution to adopt the updated Comprehensive Plan at the February 10, 2020 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

2. Case No. 0101-SD-20, Gravlee Subdivision

Goodwyn, Mills & Cawood, Inc., on behalf of Macon Gravlee, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 11.8 acres into three lots. The property is located at 25010 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The three lots meet the minimum lot area and width for GB zoning and the plat complies with the Subdivision Regulations. Chairman Robert Stuart opened the public hearing and no one was signed up to speak.

Motion made (Simpson/Jeffries) to approve preliminary/final plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

3. Case No. 0102-SD-20, Lot 2, Resubdivision of Lots 2A and 2B, A Resubdivision of Lot 2, Twin Lakes II Subdivision

Smith, Clark & Associates, on behalf of Nevada Holdings LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine two lots into one lot. The property is located at 24190 CANAL ROAD at the southwest corner of the intersection of Canal Road and Lindsey Lane in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The combined lots meet the minimum lot area and width for GB zoning and the plat complies with the Subdivision Regulations.

Chairman Robert Stuart opened the public for comments and two people were signed up to speak. Bradley Pierce and April Depaola stated they have no comments.

Motion made (Simpson/Moore) to approved preliminary/final plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

4. Case No. 0103-SD-20, Resubdivision of Parcel S of Bear Point Estates Subdivision

Smith, Clark & Associates, on behalf of Reel Property LLC, requests approval of **Preliminary and Final Minor Subdivision** to resubdivide Parcel S of Bear Point Estates Subdivision into six lots. The property is located at 29350 CANAL ROAD between Bay La Launch Avenue and Bayou St. John Avenue in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The six lots

meet the minimum lot area and width for RS-1 zoning and the plat complies with the Subdivision Regulations. Vice Chairman Ralph Moore asked about the presence of an existing house on one of the lots. Griffin Powell stated that, prior to final plat recordation, the house will have to be moved to one of the lots and be in compliance with the setbacks as required by the zoning ordinance. Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Simpson/Moore) to approve preliminary/final plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

5. Case No. 0106-SD-20, Replat of Lots 31, 32 and 33 of Block 4, Chicago Gulf Beach Subdivision

Rainbow Nichole Estates Limited LLP requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 31, 32 and 33 of Block 4, Chicago Gulf Beach Subdivision into one lot. The property is located on Cotton Bayou Lane in the RS-3 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The combined lots meet the minimum lot area and width for RS-3 zoning and the plat complies with the Subdivision Regulations. The property fronts on a 12-foot public right-of-way. Cotton Bayou Lane located in The Reserve Subdivision to the east has been extended westward to the property.

Chairman Robert Stuart opened the public hearing for comments. Constance Winning's husband stated the proposed lot is located west of their property. He voiced concerns about the 12-foot road. He stated there is no turn around area for construction workers and no room for construction staging.

Day Gates stated the proposed lot is adjacent to his property. His house was built in 1980 and he is concerned about his family's quality of life and the added traffic. He stated there has been trouble with water backing up with flooding and storm surge. Chris Govan was signed up to speak but no comments. Linda Gates stated that the unimproved lot mentioned in the staff report was actually their front yard, which they keep mowed. She would like relief from vacation rentals with the additional traffic.

Kit Alexander stated all water runoff generated by the new construction will be directed to tidally influence water to the north. There should not be any drainage problems for adjacent properties.

Chairman Robert Stuart asked about the staging and lay-down areas during construction. John Caruana, applicant and owner, stated he will try to keep workers off the Gates' property. There will be a caution fence and parking available for workers on the south side of the lot; there should not be workers parking on the road. Chairman Robert Stuart asked how many subcontractors would be working on a daily basis. John Caruana stated that normally there will be three subcontractors working daily. He is building the house for his family to enjoy and it will not be as rental property.

Kit Alexander stated the property is located in the Beach Overlay Zoning District and vacation rentals are allowed in the district. Any restrictions on vacation rentals could be stated in the covenants. Linda Gates stated there is no homeowners association.

Commissioner Annette Mitchell stated that rental restrictions are stated in the covenants for River Run.

Constance Winning stated their property is 10-feet from the road and the police department put in 10 MPH speed limit signs. She is concerned about the water coming from Jefferson Avenue since it was paved.

Mark Taupeka, real estate attorney, spoke in behalf of John Caruana. He stated all concerns have been addressed. The plat complies with the Subdivision Regulations and must be approved per state law.

Motion made (Lannie Smith/Simpson) to approve preliminary/final plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

6. Case No. 0108-SD-20, Giles Inlet Resubdivision

Lucido Engineering & Surveying, on behalf of CSC Canal Rd 2019 LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine twelve lots into one lot. The property is located at 22657 CANAL ROAD in the I-1 (Industrial) zoning district. Griffin Powell presented the staff comments to the Planning Commission. The combined lot meets the minimum lot area and width for I-1 zoning and the plat complies with the Subdivision Regulations. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Mitchell/Jeffries) to approve preliminary/final plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

I. SITE PLAN REVIEWS

Chairman Robert Stuart recused himself and left the Planning Commission meeting and 5:00 p.m. Vice Chairman Ralph Moore presided over the meeting for the next item.

1. Case No. 0104-SP-20, Legacy Key Storage Building

Lucido Engineering & Surveying, on behalf of Legacy Key COA, requests approval of **Site Plan Review** to construct a 15' by 58' (870 SF) storage building at Legacy Key Condominium. The property is located at 29235 PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The floor area will be 870 SF and contain twenty units for storage. It will be located in the vehicular use area on the east side of the property and south of the generator. There will be a 10-foot setback from the east property line and a 27-foot setback from the condominium building. Staff requests landscaping and buffering to be provided between the storage building and residential lots to the east. Legacy Key presently has 91 parking spaces but the storage building will remove seven spaces, bringing the total parking to 84 spaces required in 2001. The current parking requirements with the storage building are 85 spaces.

Kit Alexander stated the parking requirements were met when the condominiums were built but this proposed storage building causes the development to be deficient one parking space.

After checking with legal counsel, the Planning Commission does not have the ability to approve a site plan that does not comply with the parking requirements and the request cannot be considered unless the parking is revised to provide the additional required parking space.

Vice Chairman Ralph Moore opened the meeting for public comments. Mark Dickhute, resident of Legacy Key Condominiums, stated he lives in the condominium unit adjacent to the generator and does not have an issue with the generator. The generator has been in that location for twenty years. He requested approval subject to revised parking.

Donna Gardner, full-time property owner in The River Run PUD, stated the storage building will be located next to her property and the generator is noisy. River Run property owners are requesting an improvement to the enclosure around the generator.

John Barton, resident of Legacy Key Condominiums, stated the exterior of the building will be concrete and painted to match Legacy Key. He stated they can add shrubbery to reduce the noise from the generators and try to be good neighbors. The generator runs once a week. He stated that their 36-unit condominium is rent restricted to a 30-day minimum and parking has not been an issue.

Commissioner Annette Mitchell stated the site will be one parking space short and will be non-conforming. She appreciates him correcting the generator.

John Barton stated there is a way to restripe an area for additional parking. Vice Chairman Moore stated the Planning Commission cannot consider their request without a revised parking plan and that Legacy Key needs to address the generator noise. Mr. Barton stated that the generator runs for 30 minutes once a week and could possibly run only once every two weeks.

Motion made (Lannie Smith/Jeffries) to defer site plan request until the February 10, 2010 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes. **Deferred (8-0).**

Chairman Robert Stuart returned to the Planning Commission meeting as Chairman at 5:25 p.m.

2. Case No. 0105-SP-20, Sweat Tire

Lucido Engineering & Surveying, on behalf of Merrill Thomas, requests approval of **Site Plan Review** to construct a 4,960-SF building for a tire store. The property is located at the southeast corner of the intersection of Canal Road and Cypress Street South in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The revised site plan shows the roadway to the west of the site to be expanded in order to provide a turn lane into the tire store. Kit Alexander stated staff had a life safety concern about the traffic turning left into Sweat Tire causing queuing in Canal Road. The revised site plan addresses this concern.

Chairman Robert Stuart asked if semi-trucks would create a life safety issue. Kit Alexander stated that two semi-trucks could create problems but not one semi-truck. Commissioner Pat Simpson stated there were no other staff concerns. Kit Alexander replied that was correct.

Commissioner Pat Simpson stated the previous concern was legitimate but no longer an issue. Vice Chairman Ralph Moore stated the applicant has worked hard and complied with staff concerns. Commissioner Bill Jeffries stated he liked the elevation and new look of the building.

Lance Alexander stated he appreciated everything Sweat Tire has done too address concerns. He asked if Sweat Tire would consider extending the third lane to Canal Road since Island Church has three services on Sunday. This would allow emergency responders to get access to the site.

Merrill Thomas stated the developer has tried to accommodate every way they could but his request would be costly with the culvert and utilities relocation. He respectfully requested approval since Sweat Tire is not open on Sunday.

Lance Alexander stated the church doesn't have a traffic problem but asked for the road to be widened. Kit Alexander stated there is nothing prohibiting the widening of the road except costs. Sweat Tire traffic is not significant and the revised site plan does remedy the staff's previous life safety issue.

Lance Alexander stated based on Kit Alexander's comments the only issue is money. He asked for concerns from the fire and police departments. Craig Stephenson, Fire Marshal, stated that the Fire Department is fine with the site plan. Steve Brown, Acting Police Chief, stated a disabled vehicle in the right-of-way could cause a traffic problem but otherwise the site plan works. Lance Alexander stated the City is now accepting minimum requirements.

Fred Franks, Pastor of Island Church, stated he agreed with Lance Alexander and was thankful for the work and patience shown by the applicant. He stated the traffic issue is hard to separate from life safety concerns. He stated a spot is being created on Canal Road that could be volatile and minimum requirements do not seem to be consistent with other developments.

Motion made (Simpson/Moore) to approve site plan request subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

3. Case No. 0107-SP-20, C-Sharpe Office Renovation

CSC Canal Rd 2019 LLC requests approval of **Site Plan Review** to renovate the existing office building and to construct a 30' by 50' (1,500-SF) addition to the rear side of the existing office building. The property is located at 22657 CANAL ROAD in the I-1 (Industrial) zoning district. Griffin Powell presented staff comments to the Planning Commission. The existing building and the addition will have metal siding. The project will have 29 parking spaces. Planning Commission will need to approve the parking lot to be gravel as an alternative vehicular use area material. The handicapped parking space and access aisle will be constructed on concrete.

Motion made (Lannie Smith/Jeffries) to approve site plan request subject to staff comments and a waiver for the vehicular use area to remain gravel. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 1205-SD-19, Rose Lane Subdivision

Sawgrass Consulting, on behalf of Liquid Life Real Estate Sales LLC and the State of Alabama, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 29,215 SF from the State of Alabama right-of-way and to combine the subdivided portion with Lot 1 of the FBC Subdivision. The property is located at 4251 ORANGE BEACH BOULEVARD in the NB (Neighborhood Business) zoning district. *Deferred from the Regular Meeting on December 9, 2019.*

Motion made (Mitchell/Wilson) to defer until the February 10, 2020 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Deferred (9-0).**

2. Case No. 1206-SD-19, Hall Subdivision

Liquid Life Real Estate Sales, on behalf of FBC Bay Minette and Fleetwood Baptist Church, requests approval of **Preliminary and Final Minor Subdivision** to subdivide Parcel PIN 031966 to remove two acres from the southwest corner and combine the two acres with Parcel PIN 034395, increasing the size of Parcel PIN 034395 to fifteen acres and providing a contiguous border to the north property line of the Gulf State Park. Parcel PIN 031966 is located northwest of the Oak Ridge Subdivision and in the MHS (Mobile Home Subdivision) zoning district, while Parcel PIN 034395 is a conservation area south of Pelican Lane in the Wood Glen Planned Unit Development. *Deferred from the Regular Meeting on December 9, 2019.*

Motion made (Moore/Lindsey) to defer until the February 10, 2020 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Deferred (9-0).**

K. OTHER BUSINESS

1. Request for approval of a site plan review extension for 12 months to Harbor Club Condominium (Case No. 0101-SP-19). Griffin Powell stated the applicant is waiting on approval from the Department of Conservation and Natural Resources.

Motion made (Lannie Smith/Glenn Smith) to approve 12-month site plan extension. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:57 p.m.

Kit Alexander, Director

Robert Stuart, Chairman