

Minutes
Orange Beach Planning Commission
Monday, March 9, 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 Items 0301-PUD-20, Robinson Grove PUD and 0302-SD-20, Robinson Grove PUD Subdivision.

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

1. Approval of minutes from the Regular Meeting on February 10, 2020.

H. PUBLIC HEARINGS

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

The City of Orange Beach Community Preservation and Growth Management Plan, 2020 – 2035 was presented for comments and adoption by the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. He

thanked Diane Burnett, SARPC, and everyone for all the information provided to update the Comprehensive Plan.

Motion made (Moore/Simpson) to adopt the Orange Beach Community Preservation and Growth Management Plan 2020 – 2035. 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).**

Chairman Robert Stuart recused himself and left the Planning Commission meeting at 4:08 p.m. Vice Chairman Ralph Moore presided over the meeting for the next two items.

2. Case No. 0301-PUD-20, Robinson Grove PUD

GPJ Investments LLC requests recommendation to City Council for **Final PUD Approval** to rezone 1.69 acres from MR (Marine Resort) to PUD (Planned Unit Development) for a single-family residential subdivision containing fourteen lots along with a common swimming pool and boat access to Terry Cove. The property is located at 4576 WALKER KEY BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. Robinson Grove received preliminary PUD approval in 2019. All cottages will have three sleeping rooms and will have stacked parking underneath accommodating three spaces. There will be seven overflow parking spaces. The side setbacks will be five feet with ten-foot separation between buildings. Robinson Lane will be a private road. Roadways will be gravel instead of paved. There will be no sidewalks and street lighting. Vacation rentals are allowed.

Vice Chairman Ralph Moore opened the public hearing for comments. Roland Walker, who owns property east of the proposed development, asked about the height of the fencing and landscaping. He would like to preserve the view. Commissioner Kathy Lindsey asked Roland Walker if he would prefer a privacy hedge in lieu of a fence. Greg Kennedy stated that he would be happy to plant low shrubbery or nothing. Tim Boling, Walker Key POA, asked if the apron would be concrete. Greg Kennedy stated he would rather the apron be concrete to tie in with the curbing.

Motion made (Simpson/Jeffries) to recommend approval of Final PUD to City Council subject to staff comments and the length of the concrete apron will be at least 20 feet. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes. **Forwarded to City Council with a positive recommendation (8-0).**

3. Case No. 0302-SD-20, Robinson Grove PUD Subdivision

GPJ Investments LLC requests approval of **Preliminary Major Subdivision** to subdivide 1.69 acres into a single-family residential subdivision containing fourteen lots along with a common swimming pool and boat access to Terry Cove. The property is located at 4576 WALKER KEY BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The typical lot width is 38 feet. Robinson Lane will have a turnaround area in front of Lots 13 and 14. Robinson Lane will have a 26-foot road width and Salty Lane will have a 20-foot road width. No sidewalks or street lighting have been proposed. The subdivision will have access to Canal Road via an access easement on Walker Key Boulevard.

Vice Chairman Ralph Moore opened the public hearing for comments and no one was signed up to speak. Commissioner Kathy Lindsey asked Greg Kennedy why there was no street lighting. Greg Kennedy stated he felt it would be an intrusion to the neighbors. There will be lighting underneath the cottages but not light poles.

Motion made (Lindsey/Lannie Smith) to approve preliminary major 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. **Approved (8-0).**

Chairman Robert Stuart returned to the Planning Commission meeting as Chairman at 4:25 p.m.

4. Case No. 0303-SD-20, Heritage Homes of Alabama Plat #1

Lucido Engineering & Surveying, on behalf of Heritage Homes of Alabama LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 29 and 30, Block 4 of Chicago Gulf Beach Subdivision into one lot. The property is located on COTTON BAYOU LANE west of the Jefferson Avenue right-of-way in the RS-3 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The combined lots will meet the minimum lot area and lot width requirements for RS-3 zoning. The plat complies with the Subdivision Regulations. There are no staff conditions on the plat.

Chairman Robert Stuart opened the public hearing for comments and one person was signed up to speak. Rodney Yanker asked what would be built on the lot. Chairman Robert Stuart stated only a single-family dwelling could be built. Commissioner Lannie Smith stated the only request being considered is subdivision.

Motion made (Lannie Smith/Moore) to approve preliminary/final plat 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).**

I. SITE PLAN REVIEWS

1. Case No. 0201-SP-20, The Broadway Group – New Retail Store (Dollar General)

The Broadway Group LLC requests approval of **Site Plan Review** to construct a 9,100-SF retail store. The property is located on CANAL ROAD west of Bear Point Plaza in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The property has double road frontage with Canal Road to the south and Magnolia Avenue to the north. The land to the east is zoned GB and has a commercial land use. The land to the west is zoned GB and presently has a structure being utilized as a single-family residence. A 30-foot land use buffer is required on the west side, but the Planning Commission may reduce it if an acceptable method of buffering is provided. The building coverage is 23% and the front, rear and east setbacks are in compliance. There will be 46 parking spaces provided. There will be no access on Magnolia Avenue. The applicant provided a letter stating there will be no 18-wheeler deliveries during business hours. All trucks will be WB-50 or smaller.

Bob Broadway provided a power point presentation of the proposed retail store. He stated the proposed lighting plan will not impact the residential neighborhood to the north or the residential structure to the west. The deliveries shall be restricted to WB-50 for better traffic

flow. He also presented the delivery truck path. Red curbing and stenciling have been added to the design to delineate “NO PARKING” due to the fire lane. The proposed buffer easement agreement with the neighbor to the west shall continue in effect until the neighboring property is developed commercially. An access agreement has been executed by the neighbor to the east to facilitate all necessary truck movements and allow for the safest path for emergency vehicles.

Chairman Robert Stuart stated the Broadway Group is assuming everyone has parked correctly to use the turn radius provided for 50-foot trucks. Two trucks may need to deliver at the same time. He stated that safety is a concern at this location. Commissioner Kathy Lindsey read Article 10.0307 of the Zoning Ordinance regarding safety concerns. She stated people in Huntsville cannot regulate delivery trucks. She is concerned about school traffic as well as the residents on Magnolia Avenue.

Bob Broadway stated the site has been zoned commercial for many years. He asked how the proposed site plan is unsafe. Chairman Robert Stuart stated the primary concern is traffic backing up on Canal Road causing automobile accidents. He stated that he is also concerned about delivery trucks getting in and out of the site. Commissioner Annette Mitchell stated the proposed store is not a good model for Orange Beach. There is nowhere for trucks to park on a side street. This parcel is too small for this site plan.

Chairman Robert Stuart asked about parking and trucks trying to enter the site if there is another truck in the parking lot. Joel Garrett, P.E., who designed the site plan, stated the truck driver would stop and report that he could not get into the site. Commissioner Lannie Smith stated the site is too small. Canal Road is a two-lane road and does not accommodate delivery trucks.

Steve Brown, Police Chief, voiced the same concerns as the Planning Commission. It is not unusual for delivery truck to get stuck. Not everyone pays attention to safety with teenagers’ texting and driving. Commissioner Bill Jeffries stated that delivery trucks can drive completely around the Sam’s Stop and Shop building further down Canal Road.

Motion made (Lannie Smith/Jeffries) to approve site plan request subject to staff comments. Roll call revealed: Jeffries, no; Mitchell, no; Lindsey, no; Simpson, no; Glenn Smith, no; Lannie Smith, no; Wilson, no; Moore, no; Stuart, no. **Denied (9-0).**

Chairman Robert Stuart stated the reason for denial is the safety and convenience of the public pursuant to the Zoning Ordinance, Article 10.0307. The Planning Commission shall not give final site plan approval unless it finds that such site plan conforms to all applicable provisions of the Zoning Ordinance and that the safety and convenience of the public are properly provided for. Kit Alexander stated the primary safety concern is large delivery truck access.

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:07 p.m.

Kit Alexander, Director

Robert Stuart, Chairman