

Minutes
Orange Beach Planning Commission
Monday, May 11, 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

Commissioner Pat Simpson gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
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

Absent:

Commissioner Kathy Lindsey

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

F. CONFLICTS OF INTEREST - None

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 March 9, 2020.
2. Approval of minutes from the Regular Meeting on March 9, 2020.

Chairman Robert Stuart recognized Craig Stephenson, Fire Marshal, who will be retiring at the end of May, for his years of service to the Fire Department and the community.

H. PUBLIC HEARINGS

1. Case No. 0401-SD-20, Replat of Lot 2 Romar West

Steven N. McCluskey requests approval of **Preliminary and Final Minor Subdivision** to combine two adjoining lots into one lot. The property is located at 22758 PERDIDO BEACH BOULEVARD in the RS-1 (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-1. The plat complies with the Subdivision Regulations and there are no staff conditions. Chairman 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; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

2. Case No. 0404-SD-20, Ocean Edge PUD Subdivision

David S. Lamar, on behalf of Orange Beach Ventures LLC, requests approval of **Preliminary and Final Minor Subdivision** to resubdivide Lots 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, and 50 of Romar Vista Subdivision into a residential subdivision containing fourteen lots. The property is located on ROMAR VISTA PLACE and is part of the Ocean Edge Planned Unit Development (PUD) Master Plan. Griffin Powell presented staff comments to the Planning Commission. All lots will front on Romar Vista Place. Six lots will be beachfront on the south side of Romar Vista Place and seven lots will be on the north side of Romar Vista Place. Lot 14 will have a newly platted hammerhead right-of-way for a turnaround area. The subdivision will dedicate part of the north common area to the public right-of-way; part of the existing street is presently located on this lot. There are no staff conditions.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. David Lamar and Zeke Hudson were present to address the Planning Commission.

Motion made (Mitchell/Lannie Smith) to approve preliminary/final plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

3. Case No. 0502-SD-20, Replat of Lots 23, 24 & 25, Block A, Second Addition to Chicago Gulf Beach Subdivision

John Hollier requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 23, 24 and 25, Block A, Second Addition to Chicago Gulf Beach Subdivision into a single lot. The property is located at 3805 COTTON 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. The plat complies with the Subdivision Regulations and there are no staff conditions. The applicant plans to construct a single-family house on the lot. John Hollier and Charles Allen were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and two people spoke in opposition. Jimmy Boyd gave a history of the existing subdivision and Illinois Street. He

stated that the proposed house will be facing Cotton Way instead of Illinois Street it will not be in conformance with the other houses on the west side of Illinois Street. He is not in favor and it will affect the value of other properties. John Hollier, land owner, stated he understood their concerns but the proposed front and back of the proposed house will look similar. He would like to save oaks trees on the property and he feels the new house will raise the value of other properties. He was unaware of any opposition until earlier today. Jeff Boyd, who lives north of the proposed house, stated he reiterates Jimmy Boyd's concerns. He stated other neighbors have voiced concerns about the proposed plan. He asked for denial of the subdivision request.

Charles Allen, the builder and who lives on Cotton Way, stated he was not aware of the concerns until today. He stated the subdivision plat will cause a decrease of density. There wouldn't be too much expense to flip the house plan and change the plot plan. Commissioner Pat Simpson stated the proposed lot is in a great location. He asked how important it is for the proposed house to front on Cotton Way. John Hollier does not want to spend any more money. Charles Allen agreed to flip the plot plan and have the house front Illinois Street.

Motion made (Mitchell/Jeffries) to approve preliminary/final plat request subject to staff comments and the address to front on Illinois Street. Roll call revealed: Jeffries, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

4. Case No. 0503-SD-20, Stowe Subdivision

Weygand Wilson Surveying LLC, on behalf of Ronald and Andrea Stowe, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 6 and 7 of Bear Point McDuffie Addition Subdivision into a single lot. The property is located at 5308 BALDWIN AVENUE in the RS-2 (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-2 and the plat complies with the Subdivision Regulations. There are no staff conditions. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Moore/Simpson) to approve preliminary/final plat request subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

I. SITE PLAN REVIEWS

1. Case No. 0402-SP-20, Positano Condominium

Sawgrass Consulting, on behalf of Positano LLC, requests approval of **Site Plan Review** to construct a condominium with 38 units and a height of 25 floors. The property is located at 29040 and 29050 PERDIDO BEACH BOULEVARD in the RM-2 (Multi-Family Residential High Density) zoning district. Griffin Powell presented staff comments to the Planning Commission. The density proposed is 39.5 units per acre. The building footprint and incremental setbacks all comply with the Zoning Ordinance. There will be 87 parking spaces provided. The project will have a full-movement driveway on Perdido Beach Boulevard. There will be 36 three-bedroom units and two three-bedroom units. The site will have a 20-foot wide lane along the east side for emergency vehicles. The site will require final plat approval to combine the two lots. Ercil Godwin was present to address the Planning

Commission. He stated the delay in construction has been due to the USFWS beach mouse habitat permitting process.

Motion made (Mitchell/Jeffries) to approve site plan request subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

2. Case No. 0403-SP-20, Nautical Options Boat Sales Lot

Lucido Engineering & Surveying, on behalf of West 56th Street LLC, requests approval of **Site Plan Review** for a boat sales display lot along with expanding the existing gravel area and adding gravel parking for employees. The property is located at 25187 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The request is to add more gravel north of the existing gravel area. The new gravel parking area behind the building will have ten parking spaces. The use of gravel will require Planning Commission approval as a paving alternative. The existing parking spaces are nonconforming due to the backing area being into the Canal Road right-of-way.

The existing building tenant will retain 75 percent of the building. The boat dealership will have its office in the remaining 25 percent. The boat dealership and existing business require sixteen parking spaces. The project will provide twenty parking spaces. Golf carts should not be displayed in parking spaces. The existing asphalt driveway on the west side will be removed. Landscaping will be provided along the Canal Road right-of-way in front of the display area. Staff is requesting a tree survey to determine the location, size and type of existing trees on the property and which trees may require mitigation.

Vince Lucido, Dan Kettelson, and Brian Wells were present to address the Planning Commission. Chairman Robert Stuart asked for the number of tenants on the site. Dan Kettelson stated the same tenant operates the battery and golf cart businesses. Kit Alexander stated that staff is concerned about vehicles backing into the Canal Road right-of-way and the golf carts displayed in the existing parking spaces.

Dan Kettelson stated that timing is an issue due to the pandemic. He would like to dress up the front of the site and display some boats in that area. A tree survey will be provided later. He has a lease to purchase option for the property and would like to do the improvements in two phases.

Chairman Robert Stuart asked about vehicles backing into Canal Road traffic. Commissioner Annette Mitchell asked if they could vacate the parking on Canal Road. This is a huge safety concern about the five-lane traffic on Canal Road. She asked if customers could drive around the north side of the lot. Chairman Robert Stuart asked Vince Lucido if the site could be changed to allow parking behind the building. Dan Kettelson stated only one entrance has been approved by ALDOT.

Parking options were discussed. The parking spaces in front could be removed and replaced with two to three feet of landscaping allowing for golf cart display. Chairman Robert Stuart stated a total of sixteen parking spaces are required. Commissioner Annette Mitchell suggested that the boats be displayed behind landscaping. Vince Lucido stated there could be some parking spaces on the side of the building. Commissioner Annette Mitchell stated eliminating parking spaces in front is a good compromise. Brian Wells stated the owners

would agree with the request. Commissioner Lannie Smith stated one ADA parking is required on concrete. Kit Alexander asked John Lawler, City Attorney, if Phase I with no site improvements could be allowed to display ten boats. He stated it could be allowed.

Motion made (Mitchell/Simpson) to approve site plan request subject to staff comments and the following: 1) eliminate parking spaces fronting Highway 180 (Canal Road); 2) minimum total of sixteen parking spaces to be approved by staff and in compliance with the Zoning Ordinance; and 3) approve gravel lot for parking and boat display area. Roll call revealed: Jeffries, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

3. Case No. 0501-SP-20, The Shores Townhouses

Chris Govan, on behalf of Jeff Patterson, requests approval of **Site Plan Review** to construct a townhouse development containing three buildings and seven units on 4.35 acres. The property is located at 23727 PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The proposed density is 1.6 units per acre. The building footprint setbacks are in compliance. The site plan was originally approved in June 2017 and February 2019. There will be a total of 35 parking spaces provided. All units will have five sleeping rooms. The site plan shows a 40-foot wide corridor for the main roadway. Permits from US Army Corps of Engineers authorize a maximum width of 22 feet for the corridor through the wetlands; the correct width needs to be reflected on the site plan.

Jeff Patterson and Chris Govan were present to address the Planning Commission. Nelson Bauer, Deputy Fire Marshal stated there is a 20-foot clearance for fire trucks. Commissioner Lannie Smith stated the impact will be more than twenty feet. Chris Govan stated a retaining wall will need to be built. Kit Alexander asked what would keep a truck from running off the driveway. Chris Govan and Jeff Patterson stated that guard rails will be installed along the roadway. Jeff Patterson stated they could not fill outside of the allowable 22 feet and a three-foot guard rail will be required. The US Army Corps of Engineer stated 22 feet is sufficient. Kit Alexander also stated that the retention/detention on the side of the road will need to be relocated. Jeff Patterson stated that the pilings can go in the wetlands and the guard rails will be on the pilings.

Motion made (Lannie Smith/Simpson) to approve site plan request subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:28 p.m.

Kit Alexander, Director

Robert Stuart, Chairman