

Minutes

Orange Beach Planning Commission Monday, June 14, 2021 4:00 PM

Council Chambers - Orange Beach Municipal Complex

4099 Orange Beach Blvd

**A. CALL TO ORDER**

Chairman Robert Stuart called the meeting to order at 4:01 PM

**B. INVOCATION**

Chairman Robert Stuart gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Staff Present:

Commissioner Annette Mitchell  
Commissioner Pat Simpson  
Commissioner Matt Wilson  
Commissioner Glen Smith  
Commissioner Kathy Lindsey  
Vice Chairman Ralph Moore  
Chairman Robert Stuart

Kit Alexander, Community Development Director  
Griffin Powell, Planner II  
Sherri Descalzo, P&Z Coordinator  
John Lawler City Attorney

**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 to the minutes and the minutes stand approved as submitted.

**I.** Approval of minutes from Regular Meeting on June 14, 2021.

**H. PUBLIC HEARINGS**

Chairman Stuart asked that all people who want to speak; stand at the podium, state name, and present positive attitudes. No negative harsh behavior will be tolerated.

**1. Case No. 0601-PUD-21. Port Washington PUD**

Dewberry, on behalf of 68V Port Washington 2021 LLC, requests recommendation to City Council for **Preliminary and Final PUD** approval to rezone 9+ acres from RS-I (Single-Family Residential) and GB (General Business) to PUD (Planned Unit Development) for a single-family residential subdivision containing 24 lots with access to a new street, Port Washington Circle. Lots will have a typical lot width of fifty feet and an average lot size of 5,500+ square feet. The property is located on the east side of Washington Boulevard, north of Canal Road. Griffin Powell presented staff comments. The "By-Right" Plan shows nineteen single-family residential lots in the RS-I zoning district and fifty multi-family residential units in the GB zoning. The proposed PUD setbacks are 22-foot front, 19-foot rear and 9-foot sides, and the building

coverage is 50%. Four parking spaces are provided for 3 & 4-bedroom homes and six spaces for 5-bedroom homes. A portion of the required parking spaces will be located within the public right-of-way along with 24 overflow parking spaces. The PUD master plan states that vacation rentals will not be allowed; fourteen days or less rental. The applicant is requesting the right-of-way to be publicly owned and maintained. The PUD master plan shows a proposed sidewalk along the east side of Washington Boulevard within a public sidewalk easement. The PUD proposal meets five of the twelve planned unit development design objectives. The proposed PUD complies with the Neighborhood Preservation land use designation on the Future Land Use Map (FLUM). The Future Land Use Map will need to be amended if the PUD is approved. The portion of the property located within the GB zoning district will need to be changed from Commercial Low Intensity to Neighborhood Preservation on the FLUM.

Kit Alexander showed the "By-Right" Plan and compared it to the proposed PUD master plan. The GB zoning district located on the south side of the property allows for a multi-family development containing 50 units.

Chairman Stuart asked if anyone would like to speak regarding the proposed item before the commission.

Iris Etheridge stated she did not want 4-story homes built.

Sharon Ramirez raised concerns about the increase of trash on the road and her yard due to these homes being rental properties. Kit Alexander said that vacation rentals will be prohibited, but short and long term rentals will be allowed. Ms. Ramirez expressed support for the sidewalk on Washington Boulevard and concern about increased traffic.

Jennifer Lawrence expressed concern about the amount of traffic on Washington Boulevard and the impact it will have on her property value if this is a DR Horton development.

Dewayne Dowdy stated that new houses on small lots will increase the school traffic and expressed concern about the wildlife on the property.

Aubrey Prosser expressed concerns that the reduced setbacks and small lots will be similar to Cypress Village. She had concerns about fire prevention with the reduced building separation.

Pam Reese expressed concerns about the number of wrecks at Canal Road and Washington Boulevard and the difficulty moving through that intersection.

Ricky DeBlieux stated that Canal Road curves at the Washington Boulevard intersection and it is difficult to see cars and golf carts.

Pam Viets said that she had concerns about the dwellings being spec homes and the development will be a motel for tourists. She asked who will be responsible for the fence along Washington Boulevard.

Michael Roberto stated that Canal Road needed to be widened prior to the development of this property.

Commissioner Moore stated that Canal Road will be widened and a roundabout installed

which should cause traffic to be more manageable.

Jolm McCabe said that East Orange Beach subdivision has distinctive homes and the proposed homes are four different designs but are really just junk. They are nonconforming track houses. He asked how many single-family homes can be built on the RS zoning district property. Kit Alexander stated that nineteen homes can be built "by-right".

David Langford stated that traffic and drainage are the biggest problems in Orange Beach. If this is approved then school traffic will create a nightmare.

Linda Tucker said that this development will cause neighborhood traffic to be horrendous.

Nancy and Jolm Hayden asked whether there will be boat and boat trailer restrictions.

Jolm Hulen stated that the lots are too small and would like the development to be like Shore Acres.

Homer Thompson complained that people use the East Orange Beach subdivision streets as a backdoor to the school and traffic is unbearable. He stated that he did not want this development to be like Cypress Village.

Larry Ramirez said that he is against the reduced lot size.

Chairman Stuart closed the Public Hearing.

Melissa Curry, Dewberry consultant for the developer, stated that the project is not intended to be a rental development; the intent is for attractive homes to be built. The reason for the PUD rezoning request is to reduce drainage impacts and increase the amount of natural vegetation. The "by-right" development would result in more concrete and stormwater runoff. The fencing behind lots 19-24 will be uniform and maintained by the property owners' association.

Chairman Stuart asked about the required fire separation between single-family residences. Nelson Bauer stated that a minimum of five feet from the property line is required.

Melissa Curry said the concept is a small yard coastal cottage design with minimal lawn maintenance. Chairman Stuart asked if 68 Ventures is "Limited by Truland" and is the same developer that constructed Shore Acres. Sam Kerns stated 68 Ventures is part of Truland Homes but "Limited by Truland" is the deluxe custom build division. Chairman Stuart asked about the adequacy of the retention pond. Kit Alexander stated that the proposed stormwater management facility was designed for the 100-year storm event and complies with the city stormwater ordinance. Commissioner Mitchell expressed concern about the sidewalk not connecting to the Canal Road sidewalk. Kit Alexander stated the City would construct the southerly sidewalk connection to Canal Road.

Motion made and seconded (Mitchell/Lindsey) to recommend approval to City Council of the PUD with the conditions that the right-of-way be privately owned and maintained by the property owners' association, vacation rentals be prohibited, a prohibition of driveways onto Washington Boulevard, 6-foot privacy fencing along the rear of lots 19-24 and construction of a sidewalk and vegetated buffer along the east side of Washington Boulevard, and subject

to staff comments. Mitchell, yes; Lindsey, yes; Simpson, no; Smith, yes; Wilson, no; Moore, no; Stuart, no. **Not Approved (3-4).**

2. **Case No. 0602-SD-21, Port Washington PUD Subdivision**

Dewberry, on behalf of 68V Port Washington 2021 LLC, requests approval of **Preliminary Major Subdivision** for a single-family residential subdivision containing 24 lots with access to a new street, Port Washington Circle. The subdivision will contain open and preserved areas outside of the individual lots. The property is located on the east side of Washington Boulevard, north of Canal Road.

Motion made and seconded (Lindsey, Simpson) to approve deferral to July 12, 2021. Mitchell, yes; Lindsey, yes; Simpson, yes; Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (7-0).**

3. **Case No. 0604-PUD-21, Mississippi Avenue PUD (Two Fishes Properties)**

WAS Design Inc., on behalf of Two Fishes Properties LLC, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 10.5 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a single-family residential subdivision containing 27 lots along with common area and pier access for the subdivision residents. The property is located at 5362 Mississippi Avenue. Griffin Powell presented staff comments to the planning commission. The 27 proposed lots will be in a gated neighborhood with a privately owned right-of-way. Rear alley access is proposed for lots 16-26. The master plan shows common area perimeters for landscaping and tree preservation. The plan calls for a common area east of Lot 14 containing a 34-inch heritage oak tree. Lots 11-13 are waterfront lots with private boat slips and a common pier located between Lots 12 & 13. The average lot size is 10,978 square feet. Kit Alexander discussed the PUD versus the "By-Right" plan. She stated that an archeological survey will be required by the Alabama Historical Commission prior to construction.

Courtney Gibb objected to the subdivision being gated.

Jane Gillespie voiced concerns about the lighting impacting her home.

Pauline Poole asked if the dwellings on the site are historic structures. She also had concerns about the impact on wildlife.

Brenda Barr would like to see a single entrance on Mississippi Avenue and had concerns about the subdivision being a gated community. It causes the perception that the rest of the community is unsafe and promotes segregation.

Dan Boyles requested a sidewalk along Mississippi Avenue.

Branden Gibbs asked whether the proposed common pier will be maintained by the property owners' association. Kit Alexander said the roadway, pier, and common areas will be maintained by the property owners' association.

Susan Grant asked about the rental terms for the development and Kit Alexander stated that rentals of fourteen days or less will be prohibited.

Wayne Brady requested that the project include a sidewalk to prevent children from being in the street.

**K. OTHER BUSINESS**

Vice Chairman Ralph Moore informed the Planning Commission that he will be resigning and this is his last meeting.

**L. PUBLIC COMMENTS**

**M. ADJOURN**

Adjourned at 8:06PM



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Kit Alexander



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Robert Stuart, Chairman