

Minutes

Orange Beach Planning Commission Monday, April 12, 2021, 4:00 PM

Council Chamber - Orange Beach Municipal Complex

4099 Orange Beach Blvd

A. CALL TO ORDER

Chairman Robert Stuart called the meeting to order at 4:00 PM

B. INVOCATION

Commissioner Pat Simpson gave the invocation.

C. PLEDGE OF ALLEGIANCE

ROLLCALL

Board Members Present:

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

Staff Present:

Kit Alexander, Director COD
Griffin Powell, Planner II
Sean Brumley, GIS Specialist
Sherri Descalzo, P&Z Coordinator
John Lawler, City Attorney

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

E. CONFLICTS OF INTEREST- None

F. 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 Work Session on March 8, 2021.
2. Approval of minutes from Regular Meeting on March 8, 2021.

G. PUBLIC HEARINGS

1. Case No. 0206-PUDA-21. CoastAL PUD Modification

WAS Design, on behalf of Island Entertainment LLC, requests recommendation to City Council for approval of **Major PUD Modification** to the CoastAL Planned Unit Development Master Plan to make changes to the design of the restaurant building, add a small open bar on the green space, reduce the number of driveways onto Perdido Beach Boulevard, and reconfigure the parking area. The property is located at 25610 and 25722 Perdido Beach Boulevard. *Deferred from the Regular Meeting on March 8, 2021.* Griffin Powell presented staff comments to the Planning Commission. The original PUD was approved in December 2020. The project change includes an expansion of 7000 square feet including an open bar area on the green space located west of the restaurant and a

5000 square foot retail building also to the west. The new design consists of one driveway access onto state highway 182 and three buildings with a total building footprint of 26,339 square feet (restaurant 17,260 square feet, outdoor bar 3189 square feet and retail 5890 square feet). The restaurant will be two-story with office and storage on the second floor with a total gross floor area of 20,134 square feet. The outdoor bar will have a total area of 11,903 square feet (including patio seating area), the restaurant area will be 20,134 square feet, and the retail area will be 5890 square feet. The total project gross floor area is 37,927 square feet. The total amount of required parking is 349 spaces and the project is providing 345 spaces (107 city resident spaces, 56 shared spaces, and 182 restaurant spaces). The deviations from the zoning ordinance include a reduction of required parking spaces, the exclusion of interior landscape islands in the parking area and the allowance of one palm tree serving as one hardwood tree for the required parking lot tree plantings.

Chairman Stuart asked if anyone wanted to speak and no one was signed up. Chairman Stuart asked if the outdoor bar was on the original plans. Kit Alexander stated the separate bar was not on the original plans; there was only one proposed three-story structure. Chairman Stuart asked about the single access off state highway 182 and whether it was approved by ALDOT. Kit Alexander said it was a much safer scenario and that the safety had been the primary concern of ALDOT.

Motion made and seconded (Mitchell/Moore) to recommend approval of PUD to City Council subject to staff comments. **Approved (7-0),**

2. Case No. 0401-SD-21. Bryant Subdivision

Smith, Clark & Associates, on behalf of Matt B Enterprises LLC, requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lots 29, 36, and 37 of Emma Burkart Subdivision into four lots. The property is located at 4866 White Avenue and 28160 and 28194 Canal Road in the RS- I (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The lots were recently rezoned from **GB** to RS-1. The four lots meet the minimum requirements for the RS-1 zoning district. The final plat complies with the subdivision regulations and staff has no conditions.

Chairman Stuart said no one was signed up to speak and the commissioners had no comments.

Motion made and seconded (Simpson/Moore) to approve the Preliminary and Final Minor Plat subject to staff comments. **Approved (7-0).**

3. Case No 402-SD-21. Resubdivision of Anderson Plat #1

Lucido Engineering & Surveying LLC, on behalf of William D. and Brenda Anderson, requests approval of **Preliminary and Final Minor Subdivision** to subdivide Anderson Plat #1 into two lots. The property is located at 29089 Pine Tree Lane in the RS-I (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. In 2017 the property owner obtained final plat approval to combine two lots into one lot. This plat will return the property back to two lots. The two lots meet the minimum requirements for the RS-I zoning district and the final plat complies with the Subdivision Regulations. There are no staff conditions.

Chairman Stuart said no one was signed up to speak and the commissioners had no comments.

Motion made and seconded (Mitchell/Glen Smith) to approve the Preliminary and Final Minor Plat subject to staff comments. Approved (7-0).

4. Case No. 0403-PUD-21. Caribe Seaside Condominium PUD

Lucido Engineering & Surveying LLC, on behalf of Turquoise Properties LLC, requests recommendation to City council for approval of **Preliminary and Final PUD** to rezone 3+ acres from BR-2 (Beach Resort High Density) to PUD (Planned Unit Development) for the purpose of constructing a thirty-story, 115 unit condominium. The property is located at 26026 Perclido Beach Boulevard. Griffin Powell presented staff comments and the history of previous project considerations to the Planning Commission. The proposed project consists of 115 units (38.5 units/acre), 316,940 square feet gross floor area, and 306 parking spaces. The proposed building will have 23 floors for residential use, one floor for amenities, and six floors for parking.

Chairman Stuart stated no one was signed up to speak. Commissioner Mitchell asked how many units would be allowed in the by-right scenario taking into account the "step-in" setbacks. Forrest Daniell stated that the setback had been applied to the by-right scenario and the proposed gross floor area and number of units have not been exceeded by the proposed PUD. Chairman Stuart inquired about ALDOT's consideration of the driveway access on state highway 182. Vince Lucido said the driveway placement was within the necessary requirements and ALDOT was currently considering their proposal. He also stated that the driveway length provides sufficient depth to not block the entrance off of 182.

Motion made and seconded (Moore/Simpson) to recommend approval to City Council of the Preliminary and Final PUD subject to staff comments. Approved (7-0).

5. Case No. 0405-ZT-21. Article 4. Section 4.05. Buffering Between Uses

The Community Development Department requests recommendation to City Council for approval of a **Zoning Text Amendment** to amend Section 4.05 of the Zoning Ordinance, Buffering Between Uses, to modify the requirements for land use buffers. Griffin Powell presented staff comments to the Planning Commission. The proposed amendments are as follows: define "fence", define "wall", require the minimum height for the buffer fence and wall to be eight feet, allow a 50% reduction of the buffer width if a wall is proposed in lieu of a fence.

Chairman Stuart stated no one signed up to speak. Commissioner Mitchell asked for clarification between a fence and a wall.

Motion made and seconded (Lindsey/Wilson) to recommend approval to City Council of the Zoning Text Amendment subject to allowing moderate land use buffer widths to have the 50% buffer reduction in addition to high land use buffers when a wall is proposed. **Approved (7-0).**

H. SITE PLAN REVIEWS

1. Case No. 0305-SP-21. GTs on the Bay Parking Addition

Lucido Engineering & Surveying LLC, on behalf of Cayman Grill LLC and October Investments LLC, requests approval of **Site Plan Review** to construct an additional parking area on the east half of Lot 2 of Wolf Bay Circle Subdivision for the GTs on the

Bay Restaurant. The property is located at 26165 and 26189 Canal Road in the MR (Marine Resort) zoning district. *Deferred from the Regular Meeting on March 8, 2021.* Griffin Powell presented staff comments to the Planning Commission, The parking addition will entail the following: asphalt pavement, 31 parking spaces, one-way traffic flow, and an entrance/exit to the existing parking area with no new driveway onto Canal Rd. The addition of 31 parking spaces will provide the restaurant 181 spaces. Due to the abutting single-family residential land uses, a thirty-foot land use buffer is required along the west and north lot lines. The required buffer width is thirty feet with a six-foot fence and eight-foot landscaping. The Planning Commission may reduce the buffer if an acceptable alternative of compliance is provided. The project is proposing a six-foot wide buffer on the west side with an eight-foot fence and landscaping and a fifteen-foot wide buffer on the north property line with an eight-foot fence. There are 28 trees proposed for removal with no indication of how the proposed trees meet the tree replacement requirements specified in Article 16. The applicant needs to demonstrate how the proposed trees will adequately offset the trees proposed for removal. The applicant also needs to address the need for an additional handicap parking space and modify the exterior lighting, ensuring no adverse impacts on the neighboring properties. The final plat for Cayman Grill Plat #2 must be recorded prior to site construction.

Chairman Stuart called for all who were signed up to speak to come forward. Lucy Hazebrook stated she is an owner of the home located to the north of the proposed parking lot and directly west of the restaurant. She complained of the noise pollution due to the outdoor music and children playing at 10:00 at night. She stated concerns about constructing a parking lot in an existing single-family residential neighborhood, She stated that the covenants do not allow a commercial use in the subdivision. She requested that the Planning Commission require a large buffer with fencing and vegetation and that she not be impacted by drainage from the proposed parking lot. Ms. Hazebrook also voiced concerns about the existing restaurant parking lot drainage impacting her property.

John Lawler, attorney for the Planning Commission, expressed concerns that the application should be treated as a variance to be heard by the Board of Adjustment, not the Planning Commission, and outlined his view of Alabama law,

Vince Lucido stated that the Planning Commission has reduced buffers on prior commercial projects and he does not feel that Mr. Lawler is providing the Planning Commission correct advice.

Chairman Stuart asked if Ms. Hazebrook's drainage concerns will be addressed. Kit Alexander stated that the new drainage design diverts the proposed parking lot runoff away from Ms. Hazebrook's land and the City will work with Mr. Wireman to address runoff from the existing parking lot. Larry Wireman said he would look at the drainage if need be.

Chairman Stuart asked if there is language in the zoning ordinance that gives the Planning Commission discretion with regard to the required land use buffer. Kit Alexander stated that the zoning ordinance gives the Planning Commission the ability to approve an alternative land use buffer if it is deemed appropriate. John Price stated that this language means that a variance is not required.. Mr. Lawler restated his position.

Commissioner Mitchell asked if the house located to the west of the proposed parking lot is moved, would it be worthwhile for GTs to use the entire area for parking, Kit Alexander stated that a new buffer would need to be considered.

Larry Wireman stated that if the intent is to appease Lucy Hazebrook, a larger parking lot would be worse. John Price stated that the applicant wants the proposed site plan to be voted on at this meeting. John Lawler restated his position. Larry Wireman requested that the site plan be voted on.

Vice Chairman Moore stated that the developer owns the house directly west of the subject property. Kit Alexander stated that staff is requesting that the buffers include eight-foot high solid vegetative plantings.

Motion made and seconded (Wilson/Moore) to approve the site plan subject to staff comments and the addition of eight-foot solid vegetative plantings to the proposed buffer as provided on the north and west property lines. **Approved (7-0).**

I. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 0302-SP. Caruana Commercial Building

CG Design, on behalf of Rainbow Nicole Investments **LLP**, requests approval of **Site Plan Review** to construct a two unit, 3000 square foot commercial building. The property is located on William Silvers Parkway south of Andy's Auto Service and CrossFit Orange Beach in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. *Deferred from the regular meeting on March 8, 2021.*

Motion made and seconded (Wilson/Mitchell) to defer until the May 10, 2021 meeting. **Approved (7-0).**

2. Case No. 0404-SP-21. Sunset Auto

Charlie Guy requests approval of Site Plan Review to convert and refurbish the property and existing building for an automobile sales business. The property is located at 25893 Canal Road in the GB (General Business) zoning district.

Motion made and seconded (Moore/Mitchell) to defer until the May 10, 2021 meeting. **Approved (7-0).**

J. OTHER BUSINESS

1. Three cases should be on the May meeting agenda.
2. Lannie Smith will be leaving the City of Orange Beach. Chairman Stuart expressed his appreciation for all Larmie has done for the Planning Commission and the City.

K. PUBLIC COMMENTS

L. ADJOURN

Adjourned at 5:51 PM



Kit Alexander



Robert Stuart, Chairman