

Minutes
Orange Beach Planning Commission
October 11, 2021 4:00 PM
Council Chambers - Orange Beach Municipal Complex
4099 Orange Beach Boulevard

A. CALL TO ORDER

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

B. INVOCATION

Nelson Bauer gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLLCALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Annette Mitchell
Commissioner Pat Simpson
Commissioner Jack Robertson
Commissioner Glenn Smith
Commissioner Nelson Bauer
Vice Chairman Kathy Lindsey
Chairman Robert Stuart

Staff Present:

Kit Alexander, Community Development Director
Griffin Powell, Planner II
Sherri Descalzo, P&Z Coordinator
Sean Brumley, GIS Specialist
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.

1. Approval of minutes from regular Planning Commission meeting on September 13, 2021.

H. PUBLIC HEARINGS

1. Case No. 0801-SD-21. Davidson Subdivision

Weygand Wilson Surveyors, on behalf of Thomas and Rhonda Davidson, requests approval of **Preliminary and Final Minor Subdivision** to resubdivide Lot 7 of Emerald Point Subdivision and Lots 1-6, Block I of East Orange Beach Subdivision into four lots. The properties are located at 5411 and 5413 Magnolia circle in the RS-2 (Single-Family Residential) zoning district. *Deferred from the Regular Meeting on August 9, 2021.*

Griffin Powell presented staff comments. *Kit* Alexander with Community Development stated that Randy McKinney submitted the Emerald Point final plat indicating a 5-foot non-access easement along the southeast line of the Emerald Point subdivision. The presence of the easement would prevent frontage of one of the lots on Magnolia Circle. Staff recommended the petition be deferred.

Motion to approve to defer per staff comments, not to affect Davidsons' status.

Motion made and seconded (Mitchell/Jeffries) Jeffries; yes, Mitchell; yes, Lindsey; yes, Simpson; yes, Smith; yes, Robertson; yes, Bauer; yes, Stuart; yes. **Approved (8-0).**

2. Case No. 1003-Sd-21. Port Washington Subdivision

Dewberry, on behalf of 68V Port Washington 2021 LLC, requests approval of **Preliminary Major Subdivision** for a subdivision containing 16 lots and a common area on 9.14 acres. Lots 1-15 will be single-family residential lots, while Lot 16 will contain a multi-family residential development. Lots 1-15 will be on the part of the property zoned RS-I (Single-Family Residential), and Lot 16 will be on the section zoned GB (General Business). The property is located on the east side of Washington Boulevard, north of Canal Road and Magnolia Avenue, Griffin Powell presented staff comments to the Planning Commission.

Kenneth Tillman, 5250 Pine Road, said he opposed the multi-family development. Zoning should protect us from the resulting traffic congestion and the way it will look. There is no upside to this subdivision. This development will cause a life safety issue turning onto Washington Boulevard. He stated that he has concerns about the negative drainage impacts on the Pine Road properties,

Katherine Watterson, 27109 Palmetto Drive, stated that she has two concerns: a potential traffic bottleneck due to the driveway locations on Washington Boulevard and the preservation of trees on the property. She also stated that she has concerns about the negative drainage impacts on her property that contains a large swamp. The more concrete the more potential for a drainage issue. She stated that she had field analysis work performed on her property to evaluate bird migration,

Kyle Sheppard, Banding Coalition of the Americas, stated that he performed the onsite bird migration research on the Watterson property. He said that 40 species were banded, eight species of concern, and 53 overall avian species were observed.

Jennifer Lawrence, 4807 Washington Blvd, stated this project will affect the safety of cyclists and walkers along Washington Boulevard. She has concerns that the apartments will cheapen the neighborhood,

David Langford, Wilson Blvd, stated that Wilson Boulevard already has drainage issues and this project will make it worse, He stated that he has concerns about the presence of construction trucks while Canal Road is being widened.

John McCabe, 4976 Bay Drive, stated that his major concern is flooding. We have flooding that will be worse due to this development. He requested that the City purchase the property and make it into a park. The City has spent millions on a Performing Arts Center that no one cares about.

Sophie Chase, 5103 Bay Drive, stated that she is a fulltime neighbor with concerns that traffic will cause safety issues for golf carts and walkers. She also expressed concern that this development will lower her property value.

James Beech stated he is against this development.

Brandes Griffin, 5020 Bay Drive, requested that the lots be larger.

Jennifer Lawrence, asked whether the triangle to the south could be purchased and an access to Canal Road provided.

Pat Hackett, 27254 Boat Basin, expressed concerns that the multi-family development will be like the Gulf Stream townhouse development and will cause trash and parking problems.

Michael Terry, 4995 Bay Drive, stated that he has concerns about negative traffic impacts and the development does not fit with the rest of the neighborhood.

Commissioner Robertson asked how long lot 16 has been zoned GB (General Business). Kit Alexander stated that many of the properties fronting on Canal Road had been originally zoned Marine Resort or General Business. She said that the proposed southerly driveway onto Washington Boulevard is 15 car lengths from the Canal Road intersection,

Melissa Curry, Dewberry Engineering, stated the retention ponds are designed to ensure the pre-development drainage flow from the site will be maintained. She said that a wetland buffer is included in the design to help protect the wetlands. Melissa Curry stated all homes will have a double garage which will allow for four parking spaces on each lot.

Kit Alexander stated that any business allowed in the GB (General Business) zoning district, such as an auto repair shop or car dealership, could be built on the south side of the site. This development is less intense than other allowable land uses. She also stated that no improvements can be made until the retention ponds are in place due to potential drainage impacts to the north. She also stated that the proposed project will not impact properties on Pine Road and Wilson Boulevard due to the project lying outside of the corresponding drainage basins.

Commissioner Stuart asked if a traffic signal at the Canal/Washington intersection would be warranted. Kit Alexander said that it is not warranted at this time.

Commissioner Mitchell asked about the upcoming three lane expansion, Kit Alexander said the road widening project will help with the movement of traffic at the Washington and Canal intersection,

Michael Terrell asked about fire access if the multi-family cars are in the way of the fire trucks. Fire Marshal Taylor stated that the proposed development complies with the ordinance.

Motion to approve Preliminary Major Subdivision subject to staff comments.

Motion made and seconded (Mitchell/Jeffries). Jeffries; yes, Mitchell; yes, Lindsey; yes, Simpson; yes, Smith; yes, Robertson; yes, Bauer; yes, Stuart; yes, **Approved (8-0)**.

I. SITE PLAN REVIEWS

1. Case No.1001-SP-21. Billfish Bay

Henry Norris and Associates, on behalf of Ray Nesstlehutt, requests approval of **Site Plan Review** for a mixed-use development consisting of 108 condominium units and 36 apartment units along with a dry boat storage facility, marina with wet slips, restaurants, retail and commercial space, and a parking garage. The property is located at the southern end of Captain Trent Lane at 4443 and 4459 Captain Trent Lane in the MR (Marine Resort) zoning district.

Motion to defer to November 8, 2021 Planning Commission Meeting.

Motion made and seconded (Simpson/Jeffries) Jeffries; yes, Mitchell; yes, Lindsey; yes, Simpson; yes, Smith; yes, Robertson; yes, Bauer; yes, Stuart; yes, **Approved (8-0)**.

2. Case No.1002-SP-21. Surf Style

Sawgrass Consulting LLC, on behalf of David C., Virginia, and Donald M. Russell, requests approval of **Site Plan Review** to construct a 23,000-SF retail store. The property is located at the northwest corner of intersection of Perdido Beach Boulevard and Russell Drive in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission.

Chairman Stuart asked what the second tenant build-out would be. Eliza Buckner stated that there was no firm commitment on that space at this time, Chairman Stuart brought up that hardwood trees are required for the vehicular use tree plantings. Eliza Buckner stated that the plans will be changed to address this requirement.

Motion to approve Site Plan Review subject to staff comments.

Motion made and seconded (Robertson/Smith) Jeffries; yes, Mitchell; yes, Lindsey; yes, Simpson; yes, Smith; yes, Robertson; yes, Bauer; yes, Stuart; yes. **Approved (8-0)**.

3. Case No. 1004-SP-21. Port Washington Lot 16 Multi-Family Development

Dewberry, on behalf of 68V Port Washington 2021 LLC, requests approval of **Site Plan Review** to construct a multi-family residential development containing 18 units on 1.81 acres. The property is located on the east side of Washington Boulevard near the intersection of Washington Boulevard and Magnolia Avenue in the GB (General Business) zoning district. Griffin Powell presented to Planning Commission staff comments.

Jennifer Lawrence asked when the multi-family portions would be built. Kit Alexander stated that the multi-family development will not be permitted until the subdivision drainage system is inspected and functioning properly.

Dave Langford, 5089 Wilson Blvd, asked why the City could not stipulate that the single-family section be built first. If they built the homes first it would be a courtesy to the community. Chairman Stuart said it is up to the developer.

Kyle Sheppard asked what type fill dirt could be placed on the property. Kit Alexander said that the property is located in Zone 2 and red clay is prohibited in that zone.

John McCabe said that a lot of the neighbors are emotional because they would like the developer to build single-family residences not multi-family units.

Sophie Chase expressed concerns about this development devaluing her home. She asked about the criteria of the Coastal Consistency Permit. Chairman Stuart said that it will determine if there are any archeological findings or endangered species on the site. Kit Alexander stated that the permit is required since the site area is greater than five acres.

Chairman Stuart asked about the type of trash service for the multi-family development. Melissa Curry stated that she has not received a reply from Republic. If a dumpster is required it will be located in the hammerhead area. Fire Marshal Taylor said that would be fine as long as the fire truck can perform a proper a turnaround in the area.

Motion to approve Site Plan Review subject to staff comments. With a change that vroiect cannot be permitted until drainage infrastructure has been completed.

Motion made and seconded (Jeffries/Mitchell) Jeffries; yes, Mitchell; yes, Lindsey; yes, Simpson; yes, Smith; yes, Robertson; yes, Bauer; yes, Stuart; yes. **Approved (8-0).**


J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 6:43 PM



Kit Alexander



Robert Stuart, Chairman