

Minutes
Orange Beach Planning Commission
Monday, April 8, 2019 – 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:

Wanda Cochran, 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 – 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 11, 2019.
2. Approval of minutes from the Regular Meeting on March 11, 2019.

Chairman Robert Stuart recognized Pete Peterson, who passed away on March 31 as a big part of Orange Beach. Pete was a member of the Board of Adjustment and was very supportive of the Planning Commission.

H. PUBLIC HEARINGS

1. Case No. 0401-SD-19, Bickers Acres Resubdivision

KO Investments LLC requests approval of **Preliminary and Final Minor Subdivision** to resubdivide 2.12 acres into four lots. Three lots will have frontage on Sampson Avenue. The property is located 28670 SAMPSON AVENUE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Bickers Acres plat was originally approved in November 2017. The proposed lots will make the Sampson lots deeper and meets all RS-1 and subdivision requirements. Staff recommends the driveway for Lot 4 be relocated to provide access within Carlton Lane right-of-way to the lot. Greg Kennedy was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments. Sid Leak spoke in opposition because of the traffic on Sampson Avenue. He stated there doesn't need to be three houses in the front. Bob Burton stated he appreciates what the Planning Commission has done for the City. He stated there is an existing house on one lot and would like to have more information on Carlton Lane. He opposed the proposed plat because of not knowing future plans.

Greg Kennedy spoke as the owner of the property. He bought the house from Matt Bickers, who moved to Panama City. Mr. Bicker's Panama City house was damaged by Hurricane Michael and he is currently living in the Sampson Avenue house. Greg Kennedy stated the current recorded plat has three lots. He wants to make the lots deeper for full-time residents. He will improve Carlton Lane before any plans to develop Lot 4. He has no plans for Lot 4 until Mr. Bickers' house is restored in Panama City.

Nelson Bauer, Deputy Fire Marshal, stated that the fire code requires a 20 feet wide roadway. He did not know if the department could require the existing 18 foot roadway to be widened to 20 feet. Commissioner Lannie Smith stated the proposed plat would not increase density. Kit Alexander stated it would be the City's responsibility to improve the existing roadway. Chairman Robert Stuart stated the proposed plat does not create a non-conforming situation.

Leonard Kaiser, who owns a second home on Sampson Avenue, has no objection to the proposed plat. Tammy Harrison stated this is a great neighborhood. She asked if the Lot 4 could be subdivided later. Chairman Robert Stuart stated it could be subdivided conforming to RS-1 zoning requirements. Marilyn Morris stated she feels this is the maximum use of the property. Greg Kennedy stated that the size of Lot 4 allows four houses to be built in the subdivision.

Motion made (Lannie Smith/Simpson) to approve preliminary/final plat request subject to staff comments. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Approved (9-0).**

2. Case No. 0402-PUD-19, Summer Salt PUD

Dewberry, on behalf of OKS Investments LLC, requests recommendation to City Council for **Final PUD Approval** to rezone 42.67 acres from GB (General Business) to PUD (Planned Unit Development) for a residential development containing 54 single-family residential lots and 58 cottage lots. The property is located on the north end of SUMMER SALT PLAZA BOULEVARD north of The Ruby Slipper restaurant. Griffin Powell presented staff comments to the Planning Commission. He provided the differences from the Preliminary PUD approval. The final plans will not have the larger lake as proposed in the preliminary PUD due to the impacts on wetlands. Five parking spaces will not be provided for all of the proposed single family residences as proposed in the preliminary PUD plan. Parking spaces in front of the houses will range between three and five spaces. The total number of parking spaces for the single-family lots will decrease from 270 to 258 spaces with thirty overflow parking spaces on six private lots. Sidewalks for the cottage lots will be partly in the right-of-way. Rear setbacks for the single-family lots have been reduced from fourteen to ten feet. A berm and landscaping will be provided in the southeast corner adjoining the Live Bait restaurant. Steve Pumphrey and Greg Kennedy were present to address the Planning Commission.

The master plan indicates the project will have 6.91 acres of open space along with 5.54 acres of existing lakes and 13.97 acres of existing wetlands. The total common open space will be 65% of the project site. The development will have recreational amenities that will include a clubhouse, swimming pool, and putting area. The POA will own and maintain the rights-of-way, roadways, overflow areas, open spaces and recreation amenities.

The 54 single-family dwellings will have three housing types. Two of the housing types will have three sleeping rooms, while the remaining type will have four sleeping rooms. The cottages will be four stories (three habitable levels with parking underneath).

The cottage lots will have five foot setbacks, for front, rear and sides. The single-family lot setbacks will be twenty foot front, ten foot rear and five foot sides. The roadway width will be 22 feet.

The Final PUD approval will require Planning Commission and City Council approvals for the following waivers to the Zoning Ordinance and Subdivision Regulations: 1) reduce the right-of-way width from sixty feet to forty and 32 feet; 2) reduce the roadway width from 24 feet to 22 feet; 3) permit part of the sidewalks in the cottage portion of the PUD to be on private individual lots; 4) permit four overflow parking areas near the lakes to have no sidewalks; and 5) reduce the rear setback for the single-family residential lots from fourteen feet to ten feet. Approvals from Army Corps of Engineers and ADEM are required for any potential impacts to jurisdictional wetlands.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. Chairman Robert Stuart asked Steve Pumphrey if the property was under the same ownership. Steve Pumphrey stated yes it was the same

ownership. Commissioner Bill Jeffries asked about the full bathroom on the first floor. Commissioner Annette Mitchell stated that the parking needed to be changed or the first floor full bathroom changed to a half bath on the plans. Commissioner Lannie Smith was concerned about parking on private property. It creates a hardship on the lot owner. People will be parking on your property one foot from the wall with their lights shining into the residence. If the parking faces a bedroom, it could obstruct emergency egress which is required by the building code.

Commissioner Annette Mitchell asked why they relabeled the required parking as overflow. Steve Pumphrey replied they are offering three and four-bedroom houses and they won't know the required number of parking spaces until the homes are built. The number of spaces was reduced due to location of the lateral services. He stated they would stencil paint the parking spaces as well as providing signage as you enter the development. Commissioner Annette Mitchell stated that City Council requests that small lot size neighborhoods not be the same house in all the developments. There needs to be more diversity. Property owners should be able to choose from mixed size and design choices. Steve Pumphrey stated he would have to address this request with the developer.

Chairman Robert Stuart asked if he would like to defer the application since there are safety and general welfare issues with the property. Steve Pumphrey asked if there were other issues. Commissioner Lannie Smith stated he would rather see the parking on private property removed. Steve Pumphrey stated that if this type of parking is removed, it will create a major issue. Commissioner Robert Stuart stated with a project this size there must be room for the parking. Steve Pumphrey stated there is no designation as to where the three and four bedroom homes will be built.

Steve Pumphrey stated there are showers on the first floor of the cottage lot homes. Chairman Robert Stuart and Commissioner Annette Mitchell stated they are okay with half bathrooms downstairs. The Planning Commission believes that the first floor full bath encourages sleeping areas on the first floor. Commissioner Bill Jeffries stated that the Planning Commission has had had issues with downstairs full baths before. Chairman Robert Stuart agreed that this has been an issue and closed the public hearing.

Commissioner Bill Jeffries asked Commissioner Annette Mitchell if the Live Bait restaurant, in business for 25 years, was concerned about noise from their business impacting the proposed single family residences. Complaints would be addressed according to the noise ordinance. Greg Kennedy stated that Live Bait customers had been parking on their property. Chairman Robert Stuart asked Steve Pumphrey if he would like to defer their PUD request. Mr. Pumphrey asked to be deferred.

Motion made (Lindsey/Jeffries) to defer until the May 13, 2019 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

3. Case No. 0403-SD-19, Summer Salt PUD, Phase One

Dewberry, on behalf of OKS Investments LLC, requests approval of **Preliminary Major Subdivision** for the first phase of the Summer Salt PUD that will contain 54 single-family residential lots and 31 cottage lots located on approximately 21.41 acres. The property is located on the north end of SUMMER SALT PLAZA BOULEVARD north of The Ruby Slipper restaurant. This request is related to the Summer Salt Final PUD application.

Motion made (Lannie Smith/Mitchell) to defer until the May 13, 2019 meeting.

Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

4. Case No. 0404-SD-19, Resubdivision of Lot 5A, A Resubdivision of Lots 2 and 5 of Summer Salt Plaza Subdivision

Dewberry, on behalf of OKS Investments LLC, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 42.67 acres into two lots to accommodate a future residential development. The property is located on the north end of SUMMER SALT PLAZA BOULEVARD north of The Ruby Slipper restaurant in the GB (General Business) zoning district. This request is related to the Summer Salt Final PUD application.

Motion made (Lannie Smith/Glenn Smith) to defer until the May 13, 2019 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

5. Case No. 0406-PUDA-19, The Wharf PUD Maintenance Building

Sawgrass Consulting LLC, on behalf of Wharf Entertainment Properties, requests recommendation to City Council for approval of a **Major PUD Modification** to The Wharf PUD Master Plan to construct a 14,900-SF maintenance facility. The facility will be located on WHARF LANE east of MAIN STREET. Griffin Powell presented staff comments to the Planning Commission. The proposed facility will have two areas. The first area will be 11,300 square feet of storage and 600 square feet for office space. The second area will be 1,975 square feet for marine storage. The building will have HardiePlank lap siding and the bottom portion will be split face block. There will be a gravel parking with nine parking spaces. Landscaping will be provided in front along Wharf Lane. Ercil Godwin and Jim Bibby were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. Ercil Godwin stated there would be a shadow box fence. Vice Chairman Ralph Moore asked about architectural features. Ercil Godwin stated the building will have awnings and windows to break up the building. Chairman Robert Stuart asked about the design of the long side of the building. Jim Bibby stated there will be awnings and cosmetic design to break up the side of the building. He stated large palm trees will be planted. Commissioner Lannie Smith stated something is needed to break up the building. Jim Bibby stated it will not have an industrial look.

Motion made (Jeffries/Mitchell) to recommend approval of Major PUD modification to City Council subject to staff comments as well as to include a shadow box fence and architectural improvements on the side of the building. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (9-0).**

I. SITE PLAN REVIEWS

1. **Case No. 0201-SP-19, Advanced Carpet Cleaning & Restoration**

Lieb Engineering, on behalf of ACR Properties LLC, requests approval of **Site Plan Review** to construct a 6,000-SF commercial building. The property is located on the south side of CANAL ROAD 450 feet west of the intersection of CANAL ROAD and the FOLEY BEACH EXPRESS in the GB (General Business) zoning district. *Deferred from the Regular Meeting on March 11, 2019.* Griffin Powell presented staff comments to the Planning Commission. The building will have three office spaces in the front and storage/warehouse in the rear of the building. Office spaces will have upstairs storage areas. There will twenty parking spaces provided. There will be a right-in, right-out driveway on Canal Road. The building setbacks comply with the Zoning Ordinance. Chris Lieb and Kevin Sullivan were present to address the Planning Commission. Commissioner Annette Mitchel stated she appreciates the changes made to the site plan request.

Motion made (Moore/Lindsey) to approve site plan request subject to staff comments. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Approved (9-0).**

2. **Case No. 0405-SP-19, Matt Foster Equipment Storage Yard**

Lucido Engineering & Surveying LLC, on behalf of Matt Foster, requests approval of **Site Plan Review** for a RV and boat storage building (45' x 144') with six storage units. The property is located at 4404 MONEY BAYOU DRIVE in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. Planning Commission granted site plan approval for an outdoor storage yard on the property in November, 2017. The building will have a metal exterior or siding. The building meets all setback requirements. There is no parking required since the use is RV and boat storage. There will be no outside storage on the property. Commissioner Annette Mitchell asked if there was a representative for the site plan request. Vince Lucido arrived later.

Vince Lucido stated the building will be similar to Hasty Laney's mini-warehouse building in close proximity to this project. Commissioner Lannie Smith asked if the site would include a fence. Vince Lucido replied there will be no fencing and pointed out that Hasty Laney did not provide a fence for his project. Nelson Bauer, Deputy Fire Marshal, stated they could access the building at two points. Chairman Robert

Stuart stated in the future he would like to see large vehicle traffic maneuvering diagrams for future site plan requests.

Motion made (Lannie Smith/Lindsey) to approve site plan request subject to staff comments. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Approved (9-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

1. Request for a 12-month extension to the Positano Condominium site plan review approval (Case No. 0403-SP-18). Griffin Powell stated the applicant requests site plan extension for a 25-unit condominium approved in April, 2018.

Motion made (Jeffries/Simpson) to approve site plan extension. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Approved (9-0).**

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:22 p.m.

Kit Alexander, Director

Robert Stuart, Chairman