

Minutes
Orange Beach Planning Commission
Monday, March 11, 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 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

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS There were no changes and the minutes stand approved as submitted.

1. Approval of minutes from the Regular Meeting on February 11, 2019.

H. PUBLIC HEARINGS

1. Case No. 0302-SD-19, Lanier Resubdivision

Weygand Surveyors, on behalf of Karen L. Lanier, requests approval of **Preliminary and Final Minor Subdivision** to resubdivide and combine Lots 604 and 605 of Bear Point Estates Subdivision into a single lot. The property is located at 5628 BEAR POINT AVENUE in the RS-2 (Single-Family Residential) zoning district. Griffin

Powell presented staff comments to the Planning Commission. The plat request meets the RS-2 zoning requirements and complies with the Subdivision Regulations. The existing structures on the property are legally nonconforming and the proposed plat will not increase the nonconformity. The property owner plans to replace the existing residential structure with a new single-family residence. Chairman Robert Stuart opened the public hearing for comments. No one spoke in favor or opposition.

Motion made (Moore/Glenn Smith) 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. 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 February 11, 2019.* Griffin Powell presented staff comments to the Planning Commission. The project will have a right-in, right-out driveway on Canal Road. The proposed building coverage is 24.18% and complies with the setback requirements. They are providing eleven parking spaces. The proposed building will have three office spaces and storage in the rear and upstairs. The upper floor area cannot be used for future office space unless additional parking spaces are provided. The applicant has agreed to add shutters and siding to the building. Commissioner Lannie Smith stated that ADA regulations require the handicap parking ramp to be located within the sidewalk limits. Kevin Sullivan and Chris Lieb were present to address the Planning Commission.

Commissioner Annette Mitchell stated that the parking seems insufficient for the use of the property. Kevin Sullivan stated they will park four company vehicles inside the building. Chairman Robert Stuart asked how many vehicles will be parked outside. Kevin Sullivan stated nine vehicles will be parked outside of the building. Commissioner Bill Jeffries stated the business would require ten spaces and there is not enough parking. Kevin Sullivan stated he has twelve employees and only three employees are on the site during the day. The trucks leave for jobs and return late in the day.

Commissioner Pat Simpson congratulated Kevin Sullivan on expanding his business and asked if he had considered shortening the building by ten feet. Kevin Sullivan stated that currently he can park four vehicles inside a 3500 SF building. Commissioner Annette Mitchell asked how many parking spaces could be gained by shortening the building. Chris Lieb stated they could add four parking spaces.

Nelson Bauer, Deputy Fire Marshall stated that fire response can access all points of the building. Commissioner Ralph Moore stated that the bathrooms and parking must be ADA compliant. Commissioner Lannie Smith stated that ADA compliance

would be addressed at permitting.

Joseph Fierro, Police Chief stated that the right-in right-out driveway creates a safety issue for west bound traffic. Commissioner Bill Jeffries asked how ALDOT determines access. Kit Alexander stated that the ALDOT considers proximity to intersections and they want the roadway traffic to be fluid and move safely through intersections. Chris Lieb requested to defer the site plan request until the next meeting.

Motion made (Mitchell/Jeffries) to defer until the April 8, 2019 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes, Moore, yes; Stuart, yes. **Deferred (8-0).**

2. Case No. 0301-SP-19, The Broadway Group – New Retail Store

The Broadway Group requests approval of **Site Plan Review** to construct a 9,100-SF commercial retail store. The property is located at 26763 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. Property to the east and west of the proposed building is zoned General Business. A residential structure is on the neighboring property to the west. Magnolia Avenue and single-family residential neighborhoods are located to the north. The proposed site plan shows 46 parking spaces. The project will have a full-movement driveway on Canal Road to the south. There will be no access to Magnolia Avenue to the north.

There will be a solid six foot privacy fence along the north property line. The applicant is requesting to reduce the required thirty foot land use buffer to eighteen feet. There will be a solid privacy fence, six feet in height, running along the west and north property lines. The fence will be set in ten feet from the property line to permit a ten foot landscape strip between the fence and property as required by Article 16 of the Zoning Ordinance.

The proposed building footprint complies with the setback requirements. The building architectural design will be similar to the Dollar General store on Highway 161. The applicant stated that exterior lighting will not have an adverse impact on neighboring properties. The civil drawings provide a diagram showing how delivery trucks will maneuver on the property. The delivery path crosses several parking spaces. Staff has concerns that large delivery trucks may utilize Canal Road for truck maneuvering. The applicant has stated they will restrict deliveries to non-business hours.

Alyssa Carter and Jeremy Cobb were present to address the Planning Commission. Alyssa Carter stated that they would use smaller delivery trucks. Commissioner Lannie Smith asked how they would restrict the size of beer and coke trucks. She replied she wasn't sure they could restrict the size of those trucks. Chairman Robert Stuart asked about fire department access when cars are parked in the parking lot. They have talked with Nelson Bauer, Deputy Fire Marshal to possibly run a model of the fire department truck to check maneuverability. Commissioner Bill Jeffries stated this is a tight site and way too small for this development.

Commissioner Annette Mitchell asked how the fire truck will maneuver on the small lot. Justin Pierce, Fire Chief stated there is nowhere for the fire truck to turn around. He stated he has concerns about his personnel being in Canal Road traffic. Joseph Fierro, Police Chief stated he has the same concerns with trucks backing into Canal Road. It is a safety issue. He also stated that the Police Department receives frequent noise complaints when trash dumpsters are emptied in the early morning hours.

Alyssa Carter asked about the hours provided in the noise ordinance. Kit Alexander responded that noise is not limited between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 10:00 p.m. on weekends. Alyssa Carter stated there is not much they can do about the noise associated with solid waste services.

Chairman Robert Stuart stated the Planning Commission is charged with protecting residential neighborhoods. Commissioner Annette Mitchell stated she could not support a buffer reduction.

Chairman Robert Stuart opened the floor for public comments. Greg Johnstone stated the proposed Dollar General is creating stress for him and the neighborhood. He would like to see the General Business lots in this area rezoned and he opposes the site plan request. He feels the Planning Commission will approve the request and he would rather see condominiums on the proposed site. He also stated that the back of Bear Point Plaza is in terrible condition. Alyssa Carter stated they did not represent Bear Point Plaza.

Pete Peterson thanked the Planning Commission for the work they do. He asked if the proposed building would be the same size as the other Dollar General stores. He suggested a store size in ratio to the lot size.

Chairman Robert Stuart stated we are thankful for the Dollar General stores. Commissioner Lannie Smith stated that some people like the store in the proposed location. Alyssa Carter stated they cannot access Magnolia Avenue and comply with the buffering requirements. They might be able to rework the layout to address the land use buffer and truck maneuvering issues. Chairman Robert Stuart stated that this is a bad location and the Planning Commission would not reduce the buffer requirement.

Motion made (Lannie Smith/Moore) to approve the site plan subject to staff comments. Roll call revealed: Jeffries, no; Mitchell, no; Simpson, no; Glenn Smith, no; Lannie Smith, no; Wilson, no; Moore, no; Stuart, no. **Denied (0-8).**

Chairman Robert Stuart stated that the site plan request was denied pursuant to the Zoning Ordinance: 1) Article 10.0307, Approval by Planning Commission - public safety as well as fire and police personnel ingress-egress safety concerns; 2) noise; and 3) Article 4.05.c, Buffering Between Uses, Responsibility for Maintenance – thirty foot land use buffer requirement.

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:08 p.m.

Kit Alexander, Director

Robert Stuart, Chairman