

Minutes
Orange Beach Planning Commission
Wednesday, November 13, 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:

John Lawler, City Attorney
Kit Alexander, Director
Griffin Powell, Planner II
Paulette Taylor, Planner I

E. APPROVAL OF AGENDA – The order of the agenda was changed in order to consider Case No. 1110-PUDA-19 as the first item and the agenda was approved.

F. CONFLICTS OF INTEREST – None.

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS

1. Approval of minutes from the Work Session on October 14, 2019.
2. Approval of minutes from the Regular Meeting on October 14, 2019.

H. PUBLIC HEARINGS

1. Case No. 1110-PUDA-19, Tom Thumb at The Wharf

Eg-America/Tom Thumb, on behalf of Junior Foods of West Florida, requests recommendation to City Council for approval of **Major PUD Modification** to The Wharf Planned Unit Development Master Plan for a Tom Thumb Convenience Store featuring a gas station, food store, fast food restaurant, and car wash. The property is located at the northeast corner of the intersection of Canal Road and Wharf Parkway East. Griffin Powell presented staff comments to the Planning Commission. There will be 51 parking spaces provided. There will be a full movement driveway on Wharf Parkway East with a right-in, right-out

driveway on Canal Road. A waiver to the Zoning Ordinance will be required to have 88% of parking between the front façade and Canal Road.

Kit Alexander stated that, with the completion of the new middle and high schools, the City is preparing to construct a sidewalk on the north side of Canal Road from the Wharf to Oak Street or possibly a golf cart path. Doug Bailey was present to address the Planning Commission. He stated that they concur with the sidewalk requirement. They will extend the deceleration lane further east to accommodate car stacking.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Mitchell/Simpson) to recommend approval of Major PUD Modification to City Council subject to staff comments with the addition of a sidewalk and if allowed a golf cart path. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (9-0).**

2. Case No. 1101-SD-19, Cotton Bayou Cottages PUD Subdivision

Lieb Engineering, on behalf of Cotton Bayou Place LLC, requests approval of **Preliminary and Final Major Subdivision** to subdivide 4.38 acres into a residential subdivision containing 34 cottage lots along with common areas. The property is located on the north side of Perdido Beach Boulevard across from the Admiral Quarters Condominium. Griffin Powell presented staff comments to the Planning Commission. This application is concurrent with the Final PUD application. There will be a 24-foot private right-of-way and a 20-foot roadway. There will be no sidewalks but the project includes a pedestrian-oriented area sidewalk along Perdido Beach Boulevard. There will be a pier with 34 boat slips on Cotton Bayou.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

3. Case No. 1102-SD-19, Cotton's-Russell Subdivision

Sawgrass Consulting, on behalf of Donald M. Russell, Jr., requests approval of **Preliminary and Final Minor Subdivision** for a two-lot subdivision east of Cotton's Restaurant and Island Dune Condominium on Perdido Beach Boulevard in the GB (General Business) and RM-1 (Multi-Family Residential Low Density) zoning districts. Griffin Powell presented staff comments to the Planning Commission. Both lots meet the minimum lot area for GB and RM-1. This plat replaces the original Cotton Dunes Subdivision approved in August 2019.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

4. **Case No. 1103-SD-19, Cottages at Tannin**

Hercules Investments LLC requests approval of **Final Major Subdivision** for a residential subdivision on 1.10 acres containing fourteen lots along with common areas. The property is part of The Village of Tannin Planned Unit Development Master Plan and is located at the northwest corner of the intersection of Perdido Beach Boulevard and Middle Gate and west of Meetinghouse Square. Griffin Powell presented staff comments to the Planning Commission. The Cottages at Tannin PUD and preliminary plat were approved in November 2018. The revised plat modifies several lots lines in the subdivision for larger utility easements and for tree preservation.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

5. **Case No. 1104-SD-19, Sunset Villas Subdivision (Sunset Park)**

Sunset Park LLC requests approval of **Final Major Subdivision** for a residential subdivision containing 44 lots along with common areas. The property is located at 25473 CANAL ROAD northwest of the intersection of Canal Road and Cypress Street and is part of the Sunset Park Planned Unit Development Master Plan. Griffin Powell presented staff comments to the Planning Commission. The Sunset Park PUD was approved in December 2017 and modified in December 2018. There will be a 36-foot private right-of-way and a 24-foot private roadway width. All lots will have sidewalk frontage. There will be a playground located on the north end of the property.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

6. **Case No. 1105-SD-19, Doc's Addition to Summer Salt Plaza**

WAS Design, Inc., on behalf of Doc's Steakhouse LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 3A and 3B, Resubdivision of Lot 3, Summer Salt Plaza Subdivision into one lot. The property is located at 24421 PERDIDO BEACH BOULEVARD at the northeast corner of the intersection of Perdido Beach Boulevard and Slipper Boulevard in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The merged lot meets the required minimum lot area and width for GB zoning. The plat complies with the Subdivision Regulations.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

7. Case No. 1108-SD-19, Amy's Place Subdivision

Lucido Engineering, on behalf of Amy Bowen, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 10.63 acres on the east side of Mississippi Avenue into eight lots. The property is located 5362 MISSISSIPPI AVENUE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Lots 1-7 are zoned RS-1 and meet the required minimum lot area for RS-1. Lot 8 is zoned RS-2 and meets the required minimum lot area for RS-2. Lots 1-6 and 8 front on Mississippi Avenue and meet the minimum required lot width. Lot 7 fronts on Oak Ridge Drive on the north side and meets the required lot width due to the presence of a future roadway easement. The existing single-family houses are located on Lot 7. The proposed plat complies with the Subdivision Regulations.

Chairman Robert Stuart opened the public hearing for comments and the following people spoke. Michelle Jordan asked where the entrance would be to the lots. Kit Alexander stated there are currently no construction plans because the application is for subdivision of the property. Lots 1-6 and 8 will have access to Mississippi Avenue. The large lot has access to Mississippi Avenue on the south end and to Oak Ridge Drive on the north side.

Ann Umphrey, who lives in Perdido Gate, asked about the access to the Perdido Gate subdivision on the north side of the property. Chairman Robert Stuart stated that prior to the property being developed, the access location will be provided to the City. Ann Umphrey stated the entrance on Oak Ridge is not designated and she would like the road closed. Kit Alexander stated that staff verified that the roads in the Perdido Gate subdivision are public and there is no way to deny access to the subject property. The plat shows a future roadway easement abutting East Oakridge Drive. Ann Umphrey stated there's a chain link fence there and wants the access closed leaving just enough room for a vehicle to get through. Kit Alexander stated that a subdivision cannot be built on Lot 7 without Planning Commission approval.

Chad Summerlin stated she is completely against the plat because there will be too much traffic on Mississippi Avenue. Mark Scarborough was concerned about trees being stripped off the property and the added traffic. Kit Alexander stated that the City adopted a tree preservation ordinance in 2006. There will have to be a reason to take down a protected tree 6" or larger in diameter. The buyer would submit for a building permit for a house, show all trees on the lot, and provide a reason to remove any protected trees.

Russell Craft asked if there were any covenants for the subdivision. Chairman Robert Stuart stated that only the plat is being considered today. Mark Scarborough asked if there was any subdivision signage and if there were to be restrictions. Kit Alexander stated there are only city restrictions.

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

8. Case No. 1109-SD-19, Replat of Lots 8 and 9, Block 2, Amel Callaway Subdivision

The Woodlands Group, on behalf of Margaret E. Boudreaux, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 8 and 9, Block 2 of Amel Callaway Subdivision into one lot. The property is located at 25791 BONITO AVENUE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The merged lot meets the required minimum lot area and lot width for RS-1 and complies with the Subdivision Regulations.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

9. Case No. 1112-PUD-19, Cotton Bayou Cottages PUD

Lieb Engineering, on behalf of Cotton Bayou Place LLC, requests recommendation to City Council for **Final PUD Approval** to rezone 4.38 acres from RM-1 (Multi-Family Residential Low Density) to PUD (Planned Unit Development) for a residential subdivision containing 34 cottage lots along with common areas. The property is located on the north side of Perdido Beach Boulevard across from Admiral Quarters Condominium. Griffin Powell presented staff comments to the Planning Commission. The project received preliminary PUD approval in September 2019. They have applied for preliminary and final major subdivision approval for the November 2019 meeting. There will be 3-bedroom, 5-bedroom and 6-bedroom cottages. Vacation rentals will be a two-day minimum. There will be a pier with 34 boat slips on Cotton Bayou and the slips are for the exclusive use of the residences in the subdivision. There will be a 24-foot private right-of-way and a 20-foot wide roadway. The common open area will be 40% of the project.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Chris Lieb was present to address the Planning Commission. He stated the boat slips will be deeded or assigned to the lot owners. Kit Alexander stated the deeding of the slips can be addressed prior to City Council consideration. Chris Lieb stated there is no boat launch. Mark Keel stated he would like to clarify that each house will have a deeded boat slip.

Motion made (Lannie Smith/Simpson) to recommend Final PUD approval to City Council subject to staff comments and each boat slip will be deeded or assigned to one lot. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Forwarded to City Council with a favorable recommendation (9-0).**

I. SITE PLAN REVIEWS

1. Case No. 0909-SP-19, Sweat Tire

Lucido Engineering, on behalf of Merrill Thomas, requests approval of **Site Plan Review** to construct a 4,960-SF building for a tire store. The property is located at the southeast corner of the intersection of Canal Road and Cypress Street in the GB (General Business) zoning district. *Deferred from the Regular Meeting on October 14, 2019.* Griffin Powell presented staff comments to the Planning Commission and showed the revised site plan. Staff recommended that the existing roadway to the west be widened to have four lanes for a distance of 200 feet from the Canal Road intersection. Tapers are required to accommodate vehicle movement. Vince Lucido, Merrill Thomas and Dewayne Hayes were present to address the Planning Commission.

Vince Lucido stated that the wrong site plan had been submitted for consideration. He stated that the developer cannot afford the requested roadway improvements. Chairman Robert stated he has an issue with the queuing of vehicles. Vince Lucido stated a hired traffic consultant stated that the project does not warrant the widening to four lanes and this requirement would kill the project. Commissioner Annette Mitchell asked if there was some common ground that would be acceptable. Vince Lucido asked where this roadway improvement requirement has been applied to another project. Kit Alexander stated that this is an unusual situation and is not aware of any other project with this kind of access condition.

Commissioner Robert Stuart stated that he recognizes that Sweat Tire deliveries will be made by vans but he is concerned about a future business. Vince Lucido stated that the church is causing the problem. Commissioner Pat Simpson asked what would be a happy medium. Vince Lucido stated that the project entrance could be moved to the south end of the property and would not cause vehicles to stack up on Canal Road.

Nelson Bauer, Deputy Fire Marshal, stated that the previous addressing issue has been resolved since the address is now on Canal Road. The Fire Department will not have a problem manipulating fire trucks and the project meets Fire Department requirements.

Merrill Thomas stated they have tried to accommodate the requirement but three lanes would cost \$140,000. Allan Chason, attorney representing Merrill Thomas, stated the road improvements equate to a tax or impact fee and are invalid. John Lawler, City Attorney, stated the developer has to provide safe access to the property. Allan Chason stated peak traffic times for the church are Wednesday nights and Sunday morning and the store will be closed at those times. Chairman Robert Stuart asked if they could do three or four lanes. Allan Chason stated that neither is viable. John Lawler stated again that it is the developer's responsibility to provide safe access.

Dewayne Hayes stated he met with staff prior to city submittal, spent money for plans preparation and now the church doesn't want his store. Sweat Tire provides services to tourists and snowbirds in RV parks. He stated there will be no 18-wheeler truck deliveries. Chairman Robert Stuart stated he had no doubt about the integrity of Dewayne Hayes but the staff recommendation is for a four-lane roadway. He asked whether they would consider

three lanes. He thought that the revised plan would show the roadway to be improved to three lanes. Dewayne Hayes stated it is cost prohibitive and asked for a positive vote.

Lance Alexander, member of Island Church, stated he appreciates the Planning Commission wanting to do what is best for the safety of the church. Economic cost does not take precedence over public safety. Dewayne Hayes stated that Sweat Tire is not open on Sundays.

Fred Franks, Pastor of Island Church, stated that church traffic can be every night. There are services on Wednesday and Sunday. On Monday, the church has "Celebrate Recovery" meetings. Saturday is food pantry day that is ongoing for four to six weeks. He stated that the church was in poor financial shape when he became pastor and they don't have the money to improve the road.

Commissioner Annette Mitchell stated she is grateful for the church and that Sweat Tire is willing to invest in Orange Beach. The bottom line is the need for a safe entrance and John Lawler has stated that Sweat Tire has to provide a safe entrance to the site.

Kit Alexander stated that a three-lane road and moving the access to the south end of the site would help with movement of traffic. Chairman Robert Stuart stated that after last month's Planning Commission meeting, he thought the project would provide a three-lane roadway improvement. Vince Lucido apologized that the wrong site plan was submitted.

Commissioner Kathy Lindsey asked Kit if there could be a compromise. Kit Alexander did not know if the applicant requested ALDOT approval for a right-in, right-out driveway. Vince Lucido stated that a Canal Road driveway would be too close to the church roadway. Commissioner Pat Simpson asked if they are proposing to move the entrance to the south and not improve the roadway. Vince Lucido replied yes. John Lawler stated we should go by staff recommendations for public safety. Vince Lucido thought it would be adequate if the driveway was moved to the south side of the site. Kit Alexander stated that the issue is not the increase of traffic on the roadway, it is the left turn movement into the subject site and the impact that will have on the southbound movement. A left turning vehicle will stop southbound traffic on the roadway and cause queuing to back up into Canal Road.

Motion made (Simpson/Jeffries) to approve site plan request subject to staff comments and move the drive to the south end of the project and no improvements to the current roadway. Roll call revealed: Jeffries, no; Mitchell, no; Lindsey, no; Simpson, no; Glenn Smith, no; Lannie Smith, no; Wilson, no; Moore, yes; Stuart, no. **Denied (1-8).**

The site plan request was denied due to concerns about public safety related to the traffic impact to Canal Road pursuant to the Zoning Ordinance, Article 10.0307, Approval by Planning Commission. The Planning Commission shall not give final site plan approval unless it finds that such site plan conforms to all applicable provisions of the Zoning Ordinance and that the safety and convenience of the public are properly provided for. Commissioner Lannie Smith stated that the submitted plan did not properly represent the project and was not the correct plan.

2. Case No. 1106-SP-19, Doc's Seafood & Steaks Parking Addition

WAS Design, Inc., on behalf of Doc's Steakhouse LLC, requests approval of **Site Plan Review** for a parking addition for Doc's Seafood & Steaks Restaurant located on the adjacent property to the north. The property is located at 24421 PERDIDO BEACH BOULEVARD at the northeast corner of the intersection of Perdido Beach Boulevard and Slipper Boulevard in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The restaurant requires eighty parking spaces. The existing and proposed parking will provide a total of 141 parking spaces. The parking addition will use the existing driveway on Slipper Blvd.

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

3. Case No. 1107-SP-19, Matt Foster Storage Facility Office Addition

Lucido Engineering, on behalf of Vince McCoy, requests approval of **Site Plan Review** to convert two storage units to 1,530 SF of office space and 800 SF of storage area for McCoy Fire & Safety, Inc. 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. The building was approved as a mini-warehouse storage facility in April 2019. The applicant plans to convert two units into office/storage area for the owner and four units will remain as mini-warehouse storage. Six parking spaces are provided. The office/storage section of the building will have board and batten HardiePlank exterior siding and the remaining part of the building will retain metal siding. The proposed plan changes the use of the building from entirely mini-warehouse to mixed use. Chris Lieb was present to address the Planning Commission.

Kit Alexander stated that staff has concerns regarding this project and the exemption for mini-warehouses, allowing them to have a metal exterior. When the tenant space is changed to an office use not affiliated with the mini-warehouse operation, the change to that tenant space exterior does not make sense aesthetically. Chris Lieb stated they understand the building will now be considered a mixed use. He suggested that the east side of the building have a metal exterior with the south, north and west sides being board and batten HardiePlank. Concern was raised about the east side of the building having a metal exterior. Vince McCoy stated he purchased the entire building and his business will be located in the office/storage area. The Planning Commission looked at an aerial of the site and adjacent properties and discussed the metal siding exemption in general.

Motion made (Mitchell/Simpson) to approve site plan request subject to staff comments and to refinish all exposed metal from the original construction with another product approved by staff. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 1111-PUD-19, Ocean Edge PUD

David S. Lamar, on behalf of Orange Beach Ventures LLC, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone approximately three acres located on Romar Vista Place from RM-2 (Multi-Family Residential High Density) to PUD (Planned Unit Development) for a residential subdivision containing 13 lots. The property is located 25050, 25075, 25092, 25097, 25100 and 25111 ROMAR VISTA PLACE. Griffin Powell stated that the applicant is redesigning the site and asked to be deferred until the December 9 meeting.

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

K. OTHER BUSINESS

1. Selecting Planning Commission Chairman and Planning Commission Vice Chairman for the 2019-2020 calendar year.

Motion made (Mitchell/Simpson) to nominate Robert Stuart as Chairman and Ralph Moore as Vice Chairman. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, abstained; Stuart, abstained. **Approved (7-0-2).**

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 6:10 p.m.

Kit Alexander, Director

Robert Stuart, Chairman