

Minutes  
Orange Beach Planning Commission  
Monday, October 14, 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 4:04 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** – 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 September 9, 2019.
2. Approval of minutes from the Regular Meeting on September 9, 2019.

**H. PUBLIC HEARINGS**

**1. Case No. 1001-SD-19, Cottages at Tannin**

Hercules Investments LLC requests approval of **Preliminary Major Subdivision** for a residential subdivision on 1.10 acres containing 14 lots along with common areas. The property is located in The Village of Tannin Planned Unit Development (PUD) 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 plat is a revision to a preliminary plat that was approved in

November 2018. The revised plat will modify a few lot lines in the subdivision. Lots B and H were shifted north for the purpose of tree preservation. Each lot will have a front setback of 1.5 feet, a rear setback of 5 feet, and side setbacks of 5 and 10 feet.

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

**Motion made (Simpson/Moore) to approved preliminary major plat 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).**

**2. Case No. 1003-ZT-19, Articles 2 (Sec. 2.02: Words and Terms Defined); 3 (Sec. 3.02: Use Districts); 4 (Sec. 4.01: Table of Permitted Use, Sec. 4.02: Requirements for Lot Area, Lot Width, and Other Factors); and 7 (Sec. 7.04: Regulations)**

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendments** to Articles 2, 3, 4, and 7 of the Zoning Ordinance for the following: (1) Modifying the definition of Dwelling Unit; (2) Removing one-family dwellings, two-family dwellings and multi-family dwellings as permitted-by-right uses in the General Business (GB) zoning district; (3) Removing multi-family dwellings as a permitted-by-right use in the Marine Resort (MR) zoning district; and (4) Recommending single-family and duplex residential developments with non-standard lots to have centrally located trash and sanitation facilities. Griffin Powell presented the proposed zoning text amendment.

Section 2.02 will be changed to better define the definition of Dwelling Unit. The dwelling unit shall have no more than one electrical meter. A building with more than one set of facilities for cooking shall be considered multiple dwelling units unless additional facilities are clearly accessories.

Section 3.02 will be changed to remove the reference to multi-family residences from the definition of Marine Resort District. Duplex residences will be added to the definition of Marine Resort District.

Section 4.01 will be changed to remove one-family dwellings, two-family dwellings, and multi-family dwellings as permitted-by-right uses in the GB zoning district. It will also remove multi-family dwellings as permitted-by-right use in the MR zoning district.

Section 4.02 will be changed to remove minimum lot area, minimum lot width and maximum building coverage requirements for multi-family dwellings in MR. It will remove minimum lot area, minimum lot width, and maximum building coverage requirements for one-family dwellings, two-family dwellings, and multi-family dwellings in GB zoning.

Section 4.04 will be changed to remove maximum height for multi-family dwellings in MR. It will also remove maximum height for one-family dwellings, two-family dwellings, and multi-family dwellings in GB zoning.

Section 7.04 will be changed to add the following to the end of the Common Open Space section: Single-family and duplex residential developments with non-standard lots may be required to provide centrally located trash and sanitation facilities.

Chairman Robert Stuart opened the public hearing for comments and the following discussion was held.

Proposed Prohibition of Residential Uses in MR and GB Zoning Districts

Gene Kesling, who lives on Avenue C, gave a history of property acquired by the Lassiter and Kesling families. His wife's parents bought lots from neighbors to acquire valuable property. They own 400 to 500 feet of shoreline on Terry Cove. The properties were purchased as marine resort designated properties to serve as investments for their children and grandchildren. He also stated the properties are located between two condominiums. Gene Kesling stated their legacy of investment will be lost because of the rezoning. He stated they should be allowed to build under the same conditions that existed at the time of purchase.

Wanda Lassiter Kesling stated her family has owned the property for years and was told to always keep the MR zoning designation. Her family has spent 70 years acquiring the property and doesn't support any of the allowable land uses being taken away.

John Price stated he agrees with the Keslings, who paid premium rates for their property.

Dean Young stated the change is bordering on being immoral. This is a taking of their investment and it's not a good thing to do. It is a taking of something valuable.

John Lassiter stated he is going to put a lot of money into renovating his house and he hates to see the property values go down.

Commissioner Bill Jeffries asked whether there are many multi-family developments east of Wilson Blvd. Commissioner Kathy Lindsey asked if the proposed changes would restrict a rezoning of the property. Chairman Robert Stuart stated that most of the large developments in that area are PUDs.

Gene Kesling stated they will not be asking for an exception to build ten stories and plans to meet the 50-foot height limitation.

John Price spoke about land value and stated that the change would reduce the value of property. Chairman Robert Stuart stated the Planning Commission tries to do what is best.

Proposed Amendment to the Definition of Dwelling Unit

Kit Alexander stated the City has received calls from residents in East Orange Beach voicing concerns about a proposed duplex in their single-family neighborhood.

John Price asked if mother-in-law suites were allowed. Kit Alexander stated duplexes and mother-in-law suites are not allowed in single-family zoned neighborhoods. John Price stated he feels mother-in-law suites should be allowed.

**Motion made (Lindsey/Jeffries) to recommend approval of zoning text amendment Article 2.02, Words and Terms Defined to redefine Dwelling Unit.** 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).**

**Motion made (Lannie Smith/Jeffries) to recommend approval of zoning text amendment Articles 3.02, Use Districts; 4.01, Table of Permitted Uses; 4.02: Requirements for Lot Area, Lot Width, and Other Factors; 4.04, Maximum Building Heights and Dwelling Units per Acre to restrict single-family, two-family and multi-family dwellings in General Business (GB) zoning district.** 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).**

**Motion made (Lannie Smith/Jeffries) to recommend approval of zoning text amendment Articles 3.02, Use Districts; 4.01, Table of Permitted Uses; 4.02: Requirements for Lot Area, Lot Width, and Other Factors; 4.04, Maximum Building Heights and Dwelling Units per Acre to restrict multi-family dwellings in Marine Resort (MR) zoning district.** Roll call revealed: Jeffries, no; Mitchell, yes; Lindsey, no; Simpson, no; Glenn Smith, yes; Lannie Smith, no; Wilson, no; Moore, no; Stuart, yes. **Forwarded to City Council with a negative recommendation (3-6).**

**Motion made (Simpson/Jeffries) to recommend approval of zoning text amendment Article 7.04 Regulations to add language at the end of the Common Open Space section regarding sanitation facilities.** 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 September 9, 2019.* Griffin Powell presented staff comments to the Planning Commission. There will be 17 parking spaces provided. ALDOT has denied driveway access onto Canal Road. Staff recommends the existing roadway to the west be widened to four lanes a minimum distance 200 feet from the Canal Road intersection. Vince Lucido, Merrill Thomas and Dewayne Hayes were present to address the Planning Commission.

Chairman Robert Stuart stated that the largest issue is the access to the roadway to the west of the site. Merrill Thomas stated that it will be very costly to widen the road due to the required relocation of several utilities. He stated that they may be able to add one additional lane for significantly less cost. Chairman Robert Stuart was concerned about future businesses using large trucks for deliveries. Kit Alexander stated that an addition of one lane would allow northbound traffic people to turn right onto Canal Road and the driveway needs to be moved as far south as possible.

Chairman Robert Stuart was concerned about semi-truck deliveries on a 12-foot wide lane. Vince Lucido stated that three lanes will allow a 45-foot semi-trailer to back into the site. Commissioner Glenn Smith asked if road maintenance costs could be shared by the proposed store and the church. Kit Alexander stated that the easement specifically states the church property owner has sole road maintenance responsibility. Commissioner Lannie Smith asked if ALDOT would approve a 35-foot turning radius for the roadway access onto Canal Road, eliminating the need for the costly relocation of the transmission pole. Merrill Thomas stated they may be able to get ALDOT approval for a reduction of the turning radius from 50 feet to 35 feet.

Lance Alexander, member of Island Church, stated that the development across the street will add more traffic with the construction of 44 houses. He would like to see four lanes on the roadway to the west of the site and a deceleration lane on Canal Road. He is in favor of staff's recommendation for the widening of the roadway to four lanes.

Fred Franks, Pastor of Island Church, stated the proposed business will create traffic congestion and cause life safety issues. He stated last Sunday their church had 700 people in attendance and there will be more in the winter. He stated there will be a crisis if the corner store is open on Sundays.

Mike Kimmerling, Fire Chief, stated he would to talk with Nelson Bauer, Deputy Fire Marshal about fire access with a three lane roadway. Joe Fierro, Police Chief, stated they have an officer directing traffic every Sunday. On Sundays he sees a potential back up of traffic with the proposed development.

Commissioner Lannie Smith asked if the site plan request should be deferred to revise the site plan showing widening of the roadway to three lanes. Commissioner Pat Simpson stated he would like to see the driveway moved south.

**Motion made (Mitchell/Simpson) to defer site plan request until the November 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).**

**2. Case No. 1002-SP-19, Harbor View Marine**

Lucido Engineering, on behalf of Harbor View Marine of Alabama LLC, requests approval of **Site Plan Review** to construct a new retail store for Harbor View Marine Boat Sales. The property is located at the southeast corner of the intersection of CANAL ROAD and MONEY BAYOU DRIVE in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The buildings meet all required setbacks. There are 11 parking spaces provided. The boat display area will be constructed of gravel, which requires a waiver from the Planning Commission. Vince Lucido and Darrell Robinson were present to address the Planning Commission.

Vince Lucido stated that the parking area will be paved but the boat display area will be similar to the pavers at Tacky Jacks. He stated the fence was moved per staff comments.

**Motion made (Simpson/Moore) to approved 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).**

**J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE**

**K. OTHER BUSINESS**

1. Selecting a date and time for the November 2019 Work Session and Regular Meeting due to the observance of Veterans Day on Monday, November 11, 2019. The next meeting will be Wednesday, November 13 and the Work Session will start at 2:00 p.m. and the regular meeting at 4:00 p.m.

**L. PUBLIC COMMENTS**

**M. ADJOURN**

Adjourned at 5:47 p.m.

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Kit Alexander, Director

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Robert Stuart, Chairman