

Minutes
Orange Beach Planning Commission
Monday, August 12, 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 4:03 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
Chairman Robert Stuart

Staff Present:

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

Absent:

Vice Chairman Ralph Moore

E. APPROVAL OF AGENDA – There was 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 July 8, 2019.
2. Approval of minutes from the Regular Meeting on July 8, 2019.

1. The order of the agenda was changed to consider Case No. 0704-PUDA-19, Hammock Dunes PUD, Phase II as the first item at the applicant's request.

H. PUBLIC HEARINGS

1. Case No. 0704-PUDA-19, Hammock Dunes PUD, Phase II

K.O. Investments LLC, on behalf of Peter C. Kern Family Holdings LLC and K.O. Investments LLC, requests recommendation to City Council for approval of **Major PUD Modification** to the Hammock Dunes PUD Master Plan to rezone 1.74 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for inclusion into the Hammock Dunes PUD and to keep the existing single-family residential structure and add 11 cottages. The property is located at 23916 and 23926 PERDIDO BEACH BOULEVARD. *Deferred from the Regular Meeting on July 8, 2019.* Griffin Powell presented staff comments to the Planning Commission. He presented photographs of the existing Hammock Dunes cottages. The Kern's property is located between Hammock Dunes and Phoenix West. It contains a ten-bedroom house referred to as the "blue house". The proposed PUD will have a u-shaped one-way drive aisle. The additional cottages will be two and three-bedroom cottages similar to the existing Hammock Dunes. Stacked parking will be provided under the structures. The ten-bedroom house will have 10 parking spaces in front of the structure and three unreserved guest parking spaces. The proposed building coverage is 30% compared to 56% by right. The net density will be 11.5 units per acre. Greg Kennedy and Jim Owen were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and the following people were signed up to speak. Susan Bibby, representing the Kern's family stated the property is currently zoned for single-family but cannot remain single-family because the property is completely surrounded by denser PUDs. Dena Reecer, attorney and manager of the Peter C. Kern Family Holdings LLC stated Mr. Kerns passed away in January 2014 and is survived by seven children. She has been appointed as custodian of the estate. She stated this property is sandwiched between an existing high density development and Hammock Dunes. They are marketing the property for sale and request approval of the PUD modification.

Greg Kennedy stated the property is zoned single-family and everything around it has been rezoned but this piece of property. The proposed modification is considerably less than what is allowed by right. The property is very unique because it is surrounded by high density developments. Jim Owen stated that Greg Kennedy spoke for him.

Camille Brown, daughter of Carol Hines, stated she has been advised that there would be no up zoning in this area. She asked if there had been a change. If approved, will the change affect their property and neighborhood?

Commissioner Annette Mitchell stated she understood up zoning and the desires of Orange Beach. She cannot support up zoning. Chairman Robert Stuart asked Greg Kennedy what was his intention for the blue house. Greg Kennedy stated he would have to do an assessment of the structure to determine if it would remain.

Commissioner Pat Simpson asked if the blue house was in a rental program. Susan Bibby stated the blue house would be habitable if the balconies were reconstructed. Commissioner Lannie Smith stated the proposed modification improves the vehicular access. Kit Alexander stated that the size of the single-family lot allows for two houses to be built on the subject site.

Motion made (Simpson/Jeffries) to recommend approval of Major PUD Modification to City Council subject to staff comments. Roll call revealed: Jeffries, no; Mitchell, no; Lindsey, no; Simpson, no; Glenn Smith, no; Lannie Smith, no; Wilson, no; Stuart, no. **Forwarded to City Council with a negative recommendation (0-8).**

2. Case No. 0604-SD-19, Cotton Dunes Subdivision

Sawgrass Consulting, on behalf of Chris & Barbara Ybarra, Island Dunes Resort Condominium, Donald M. Russell, Jr., and Blue Palms LLC, requests approval of **Preliminary and Final Minor Subdivision** for a subdivision containing five lots. The property is located at 26009, 26023 and 26021 PERDIDO BEACH BOULEVARD and is in the GB (General Business) and RM-1 (Multi-Family Residential Low to Medium Density) zoning districts. *Deferred from the Regular Meeting on July 8, 2019.* Griffin Powell presented staff comments to the Planning Commission. In July 2019, the Board of Adjustment granted a variance to reduce the lot area for Lot 3 from the required 20,000 SF to 17,800 SF. The applicant received site plan approval in 2014 for an additional parking area for Cotton's Restaurant on the proposed Lot 3. The Subdivision Regulations require all newly subdivided lots to front on a public or private right-of-way. A waiver is required to reduce the proposed right-of-way width from the required 60 feet. The right-of-way and driveway will serve Cotton's Restaurant, Cotton's Restaurant Lot 3 parking area, Island Dunes condominiums and ReMax of Orange Beach. Ercil Godwin was 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 the goal is to create Lot 3 currently used for Cotton's Restaurant parking. The Board of Adjustment granted a variance to allow for the smaller lot size with the condition that it remains a parking lot. Kit Alexander stated there is a 15-foot driveway that will need to be considered when the Island Dunes condominium site is redeveloped. She stated the ReMax of Orange Beach owner is in support of the proposed plat. She also stated the property owners' association documents have not been submitted. Ercil Godwin stated Rodney Jones owns the Island Dunes condominiums.

Motion made (Lannie Smith/Wilson) to approve preliminary/final plat approval subject to staff comments and a waiver to the 60 foot right-of-way requirement. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Approved (8-0).**

3. Case No. 0701-PUD-19, Cotton Bayou Cottages PUD

Lieb Engineering, on behalf of Cotton Bayou Place LLC, requests recommendation to City Council for **Preliminary PUD Approval** to rezone 4.38 acres from RM-1 (Multi-Family Residential Low to Medium Density) to PUD (Planned Unit Development) for a residential development containing 34 cottage lots. The property is located on the north side of PERDIDO BEACH BOULEVARD across from Admiral Quarters Condominium. *Deferred from the Regular Meeting on July 8, 2019.* Griffin Powell presented staff comments to the Planning Commission. The PUD will have three, five and six-bedroom cottages with stacked parking underneath the units. There will be 20-foot separation between buildings. There will also be 34 boat slips on Cotton Bayou. The proposed right-of-way width is 24 feet and the roadway width will be 20 feet. The property owners' association will be responsible for maintenance of the right-of-way and open space. The proposed density is 7.76 units/acre. The property is located in the Beach Overlay 50-foot restricted height area. Under the current

zoning, 153 condominiums or apartments can be built by right. There is no proposed sidewalk but there will be a pedestrian oriented area sidewalk along Perdido Beach Blvd. Chris Lieb was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and seven people spoke in opposition. Lorrain Divers, Cotton Bayou Condominiums, stated her unit is against the proposed fence and she is not in favor of the development. Susan Williams, Cotton Bayou Condominiums, says her building is the closest to the proposed development. She has a wonderful water view and her view will be gone. She is concerned about the boat slips. John Tree, Cotton Bayou Condominiums, looked at the site and is concerned about the view from his Building 8. Aurora Amadore agrees with the other speakers. She is concerned about the density of the proposed development and that there are no sidewalks. Don Jones, Cotton Bayou Condominiums, agrees with others and is concerned about the proposed density. Robbie Doggett, Sherrill's Landing, is concerned about the proposed density. He stated that the homes will be vacation rentals. He has a problem with the number of boat slips. Boat trailers can't park under the houses. John Tree stated the boat slips will not fit as proposed.

Chris Lieb stated the setback along the east side of the property is 30 feet and the west property setback is 10 feet. The setbacks are zero within the development. The separation between buildings will be 20 feet. He stated that 90 units could be constructed by right. Boat trailers will be stored at storage yards on Canal Road. Chairman Robert Stuart stated this is not a good answer for trailer storage. Commissioner Bill Jeffries asked if the boat slips would be deeded. Chris Lieb stated the POA will own and maintain the slips.

Commissioner Lannie Smith stated he envisions this as a good example of a PUD and the proposed density is very low. The boat slips will be subject to US Corps of Engineer and Alabama State Land approval. The development could have permanent residents.

Linda Constance, Sherrill's Landing, stated the proposed development will block the view for everyone in her development except for her condo in the front. There will be too many houses and people on four acres. Chairman Robert Stuart stated that by right, five stories could be built which would block adjacent property views. Commissioner Bill Jeffries stated he would like to see the boat slips taken away.

Motion made (Jeffries/Wilson) to recommend approval of Preliminary PUD to City Council subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

4. Case No. 0702-PUD-19, Broken Sound PUD

Dewberry, on behalf of Zachris Limited Partnership I, requests recommendation to City Council for **Final PUD Approval** to rezone 7.5 acres from RM-2 (Multi-Family Residential Low to Medium Density) to PUD (Planned Unit Development) for a single-family residential subdivision containing 40 lots. The property is located at the northeast corner of the intersection of LAUDER LANE and PELICAN PLACE. *Deferred from the Regular Meeting on July 8, 2019.* Griffin Powell presented staff comments to the Planning Commission. In March 2019, the applicant received Preliminary PUD approval and there have been no changes to the development. There will be three housing types for the proposed two and three-bedroom houses. Four parking spaces will be located in front of each house, located

partly in the right-of-way. Forty-nine percent of the site will be common open space. The sidewalk within the subdivision will have connectivity to the Lauder Lane sidewalk. The lease term for the rentals will be six months or more. The developer will dedicate property to the City of Orange Beach to accommodate a turn lane on Lauder Lane at the Canal Road intersection. Steve Pumphrey was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. He asked about the traffic improvements at the Lauder Lane and Canal Road intersection. Kit Alexander stated that the Mayor is committed to pay for the traffic signal, which will be synchronized with the Gulf Bay Road traffic signal.

Motion made (Mitchell/Jeffries) to recommend approval of Final PUD to City Council subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

5. Case No. 0703-SD-19, Broken Sound Subdivision

Dewberry, on behalf of Zachris Limited Partnership I, requests approval of **Preliminary Major Subdivision** to subdivide 7.5 acres into a single-family residential subdivision containing 40 lots and 3+ acres of common area. The property is located at the northeast corner of the intersection of LAUDER LANE and PELICAN PLACE and is concurrent with the Broken Sound Final PUD Approval (Case No. 0702-PUD-19). *Deferred from the Regular Meeting on July 8, 2019.* Griffin Powell presented staff comments to the Planning Commission. This application is concurrent with the Broken Sound Final PUD approval. The right-of-way will be privately owned and maintained. All lots will have a 16-foot parking/sidewalk easement in the front that will contain a 5' sidewalk and 11' of the required residential parking. The sidewalk will have connectivity to the Lauder Lane sidewalk. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Simpson/Jeffries) to approve preliminary major plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Approved (8-0).**

6. Case No. 0801-RZ-19, Public Works Department Property

The City of Orange Beach requests recommendation to City Council for approval to **Zone 19** acres located at the southeast corner of the intersection of ROSCOE ROAD and RUSSIAN ROAD that was recently annexed (Ordinance No. 2019-1325) into the City to GB (General Business) for the purpose of a new facility for the Public Works Department. Griffin Powell presented staff comments to the Planning Commission. In July 2019, the property was annexed into the City. It is located northeast of the Baldwin EMC office at Commerce Park.

Chairman Robert Stuart opened the public hearing for comments. Jeff Silvers spoke as a resident and stated the property is needed for a new Public Works facility. The City will have satellite yards located on the island.

Motion made (Lannie Smith/Simpson) to recommend approval of GB zoning to City Council. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

7. Case No. 0802-PUD-19, The Bluffs of Orange Beach PUD

Dewberry, on behalf of Sky Land Company LLC, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 2.01 acres from BR-2 (Beach Resort High Density) to PUD (Planned Unit Development) for a single-family residential subdivision containing 10 cottage lots. The property is located at 25768 PERDIDO BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The proposed development will be located on the former Against the Wind condominium site. Site plan approval was granted for a 35-unit condominium in 2017 and a 14-unit condominium in 2019. There will be three, four, five and six-bedroom cottages with stacked parking underneath. The ROW and roadways will be privately owned and maintained. Rentals will be permitted with a three-day minimum lease term. Henry Norris was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. Henry Norris stated there is a single builder for all 10 homes and all house designs will be different. Each house will be sprinkled. The floors have been stepped in to be more open between the houses and each house will have an elevator. There will also be a swimming pool for each house.

Commissioner Annette Mitchell stated that the development is a perfect example of the need for a dumpster rather than individual trash cans. Chairman Robert Stuart stated dumpster requirements need to be addressed in future PUDs. Henry Norris stated he will determine the best location for a dumpster.

Motion made (Lindsey/Mitchell) to recommend approval of Preliminary and Final PUD to City Council subject to staff comments and the dumpster location to be determined by the developer prior to presentation before the City Council. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

8. Case No. 0803-SD-19, The Bluffs of Orange Beach PUD Subdivision

Dewberry, on behalf of Sky Land Company LLC, requests approval of **Preliminary Major Subdivision** to subdivide 2.01 acres into a single-family residential subdivision containing 10 cottage lots. The property is located at 25768 PERDIDO BEACH BOULEVARD and is concurrent with The Bluff of Orange Beach Preliminary and Final PUD Approval (Case No. 0802-PUD-19). Griffin Powell presented staff comments to the Planning Commission. This application is concurrent with The Bluffs of Orange Beach PUD. The property will have two roadways that will be privately owned and maintained. No sidewalks are proposed but there will be a pedestrian oriented area sidewalk along Perdido Beach Blvd. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Simpson/Jeffries) to approve preliminary major plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Approved (8-0).**

9. Case No. 0804-PUD-19, Robinson Grove PUD

GPJ Investments LLC requests recommendation to City Council for **Preliminary PUD Approval** to rezone 1.69 acres from MR (Marine Resort) to PUD (Planned Unit Development) for a single-family residential subdivision containing 14 cottage lots. The property is located at 4576 WALKER KEY BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. In 2015, the property acquired site plan approval for a 26-unit condominium. In 2016, the property, along with the property to the east, received preliminary PUD approval for a 27-lot single-family residential subdivision. All cottages will have three sleeping rooms. There will be 3 parking spaces under each cottage and 7 overflow parking spaces will be provided. Access to Canal Road will be through Walker Key Boulevard via an existing ingress-egress easement. Robinson Lane will be a private right-of-way and road. The roadways are proposed to be gravel instead of pavement. Forty-eight percent of the site will be common open space. Vacation rentals will be allowed and there will be 14 boat slips on Terry Cove. Under the current zoning, 59 condominiums could be built by right. The proposed density is 8.3 units/acre. Greg Kennedy was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and two people spoke in opposition and one person in favor. Mary Hough is the third member of an LLC that owns the adjacent property to the east. Her brothers have sent in letters in opposition to the Planning Commission. She stated that Harbor Cove Condominiums, located to the east, elevated their site causing drainage impacts to their property. She is concerned about stormwater runoff from this subdivision. She stated her brothers are concerned about the pier boat traffic. Kit Alexander stated the boat slips are regulated by US Corp of Engineer and Alabama State Lands. Mary Hough said she is concerned about a diesel spill that occurred on the property in the past and the disturbance of the affected land. She also asked about a privacy fence and saving the large oaks trees. She stated that their water meter is located on the Robinson Grove property. She objects to the size of the development on this small property and feels the intention of the zoning ordinance is not being met.

Mike Shambo, who owns property to the north, thinks the proposed development is a down zoning and will affect his property. The proposal requires waivers in order to be rezoned and he is in opposition.

Greg Kennedy has owned the property for 7 to 8 years and the proposed project is a reduction in density. The 14 cottages won't impair the neighbors and it is better than a multi-family development.

Kit Alexander stated that Greg Kennedy could bring an environmentalist on site to check on the referenced diesel spill. Greg Kennedy stated he has not heard of any spill. He stated the water meter feeds Roland Walker's house. When the development is ready to start, Roland Walker will have to run the water line around to his property but the meter can be left in its present location. Chairman Robert Stuart asked about water runoff from the site. Greg Kennedy stated he will use good practices with silt fencing.

Commissioner Lannie Smith asked if the existing pier will be located farther out into the water. Greg Kennedy stated it would be located farther out and they have a permit with the pier slightly west of what is shown. Greg Kennedy stated they will not be marketing weekly rentals. No boat trailers will be allowed and will be restricted in the property owners' association covenants.

Commissioner Annette Mitchell asked if vacation rentals were allowed in MR zoning and residential PUDs. Kit Alexander stated vacation rentals are allowed in the marine resort zoning district. Kit Alexander would like to request the boat slips to be limited to owners only and the slips not be leased. Commissioner Pat Simpson asked about the mature trees located on the property. Greg Kennedy said he would leave as many trees as possible.

Robert Widrzvicki, Harbor Cove Condominiums, stated the proposed development looks favorable to him.

Mary Hough asked for clarification concerning the ROW; where the gravel starts and pavement ends. Eric Jackson answered her questions.

Motion made (Lindsey/Wilson) to recommend approval of Preliminary PUD to City Council subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes.
Forwarded to City Council with a positive recommendation (8-0).

- I. SITE PLAN REVIEWS
- J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE
- K. OTHER BUSINESS
- L. PUBLIC COMMENTS
- M. ADJOURN

Adjourned at 6:35 p.m.

Kit Alexander, Director

Robert Stuart, Chairman