

Minutes
Orange Beach Planning Commission
Monday, May 14, 2018 – 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

Vice Chairman Chris Callaghan gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Annette Mitchell
Commissioner Ralph Moore
Commissioner Pat Simpson
Commissioner Glenn Smith
Vice Chairman Chris Callaghan
Chairman Robert Stuart

Staff Present:

John Lawler, City Attorney
Kit Alexander, Director
Griffin Powell, Planner II
Paulette Taylor, Planner I
Mindy Smith, Office Manager

Absent:

Commissioner Lannie Smith

- E. APPROVAL OF AGENDA** – Chairman Robert Stuart changed the description on the application for 0503-PUDA-18, Beach Village PUD Modification (Food Court) to omit air stream and read: (1) rezone 0.51 acres from GB (General Business) to PUD (Planned Unit Development) for inclusion into the Beach Village PUD; and (2) construct food court area out of modified containers at the southwest corner of the PUD along Alabama Highway 182. The property is located at 23063 and 23071 PERDIDO BEACH BOULEVARD.

Kit Alexander stated the agenda reflects the public notice advertised and posted prior to the meeting.

- 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 April 9, 2018.
2. Approval of minutes from the Regular Meeting on April 9, 2018.

H. PUBLIC HEARINGS

1. Case No. 0503-PUDA-18, Beach Village PUD Modification (Food Court)

Rowe Engineering & Surveying, on behalf of Cottages at Romar LLP, requests recommendation to City Council for approval of PUD Modification (Major) to the Beach Village PUD Master Plan to: (1) rezone 0.51 acres from GB (General Business) to PUD (Planned Unit Development) for inclusion into the Beach Village PUD; and (2) construct an airstream food court area at the southwest corner of the PUD along Alabama Highway 182. The property is located at 23063 and 23071 PERDIDO BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The Beach Village PUD parcels are presently undeveloped and the addition parcel to be included is currently occupied by a car wash, which will be removed. The food court area will have six permanent container structures with an elevated boardwalk and a restroom facility. There will be 30 parking spaces to the east of the food court. A six-foot privacy fence will be provided on the north side to shield the food court and parking area from the residential units. Troy Strunk, David Pan with Orange Beach Concierge, Paul Stewart and Steve Hicks were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments. Michael Gray asked the hours of operation; would a liquor license be required, what about noise from the food court and is the number of parking spaces correct. Troy Strunk stated the hours will be 7:00 a.m. to 10:00 p.m. They will comply with the noise ordinance. David Pan stated they will apply for a liquor license. Troy Strunk stated there will be walk-up and trail traffic as well as bicyclists. Commissioner Annette Mitchell asked how many tables would be provided. There will be 18 parking spaces for visitors and two spaces per business for employees. Troy Strunk stated that car wash will be taken down. The bathrooms will have a finished floor elevation meeting code requirements. Howard Stuart, Plans Examiner, stated that 1,800 feet of seating for 125 people will require one bathroom each for male and female that are handicap accessible.

David Pan stated there will be no live music. Kit Alexander stated that the motion for recommendation can include a provision to prohibit outdoor music. Commissioner Bill Jeffries asked if the deck would be raised. Troy Strunk stated that the entire deck will be raised to 13 feet above sea level. Kit Alexander stated that the project will be located outside of jurisdictional wetlands. She also stated it will be a vacation rental village. Troy Strunk will have grease traps and a second dumpster. Handicap parking will be located near the east end of the food court. The food court will be open to the public. Troy Strunk stated that there could be no air stream trailers due to Alabama State Health regulations and the containers must meet building code regulations. Howard Stuart stated it will be similar to The Gulf property. Commissioner Annette Mitchell stated that outdoor music is a big deal and must be addressed.

David Pan stated he will be the operator with one entity for the six shops. Nelson Bauer, Deputy Fire Marshall, stated the food court must meet all fire and building code requirements with type one hoods and need not be sprinkled. Joe Fierro, Police Chief, stated he has not seen anything in detail and will work with Kit Alexander to address pedestrian and bicycle traffic. Troy Strunk stated they will use the car wash entrance with no additional access. David Pan stated it is not a watering hole and will be more family oriented. Commissioner Annette Mitchell stated she believes The Gulf was to be temporary and this doesn't sound temporary. She would not want this on every corner.

Commissioner Annette Mitchell asked how to protect the residential lots when the food court is open to 10 p.m. Troy Strunk stated that lighting will meet Fish and Wildlife requirements. Commissioner Pat Simpson stated the images show a great idea and asked who has the final approval on the looks. Kit Alexander stated that staff will work on aesthetics, which can be sent to City Council for feedback. Steve Hicks stated that the proposal will be conducive with the other Beach Village structures; “beachy”, attractive and quality that will fit the community.

Motion made (Jeffries/Moore) to recommend approval of PUD modification to City Council subject to staff comments, no outdoor music and elevations of the modified containers submitted with the building plans. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (7-0).**

2. Case No. 0504-SD-18, Beach Village Preliminary Plat

Rowe Engineering & Surveying, on behalf of Cottages at Romar LLP, requests approval of Preliminary Major Subdivision to subdivide 22+ acres into a subdivision with 69 residential lots, one commercial lot, common areas, and private right-of-way. The property is located at 23063 and 23071 PERDIDO BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. Three parcels are part of this plat request. Two parcels are presently undeveloped and the third parcel is occupied by a car wash. Planning Commission approved the preliminary plat request for two of the parcels in December 2017. The proposed residential and common area lots will front on a 40-foot private right-of-way. All residential lots will front on a 20-foot wide hard surface roadway with 1-foot curbing on each side. There will be three roadways within the new subdivision. Since the roadways are privately owned and maintained, the applicant stated that there will be no roadway markings. Troy Strunk and Don Rowe were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments. Michael Gray asked if the property would be developed on the north side and stated it appears there is no access into Park’s Edge or Tannin and asked if the lots will be graded to drain to the street. He asked that they preserve the vegetation on the edge of the water. Troy Strunk stated there is nothing proposed on the north side of the lots and there will be no ingress/egress into Tannin or Park’s Edge. The lots will be graded to the street. They will be preserving the vegetation and will not touch the wetlands. Don Rowe stated the project will be located out of the wetlands and no development is proposed in the lake area. Troy Strunk stated they will apply for land disturbance permits within 90 days.

Motion made (Callaghan/Jeffries) to approve preliminary major plat request subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Callaghan, yes; Stuart, yes. **Approved (7-0).**

I. SITE PLAN REVIEWS

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 0302-SD-18, Chicago Gulf Beach, Phase II Subdivision

Hutchinson, Moore & Rauch LLC, on behalf of Cotton Bayou Development LLC, requests approval of **Preliminary Major Subdivision** to resubdivide five lots into two lots and to construct the required roadway and utilities. The property is Lots 29, 30, 31, 32 and 33 Block

4 of the Chicago Gulf Beach Co. Subdivision and is in the RS-3 (Single-Family Residential) zoning district. (*Deferred from the April 2018 Regular Meeting*)

Motion made (Simpson/Jeffries) to defer until the June 11, 2018 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (7-0).**

2. Case No. 0501-PUDA-18, The Blind Tiger Restaurant (Wharf West Side Subdivision – Phase 4)

Sawgrass Consulting LLC, on behalf of Wharf Entertainment Properties LLC, requests recommendation to City Council for approval of **PUD Modification (Major)** to The Wharf PUD Master Plan to subdivide Lot 2 of The Wharf West Side Subdivision, Phase 2 for the purpose of constructing a restaurant on 0.38 acres of the Marina Lawn area east of Springhill Suites. The property is located on the north side of WHARF PARKWAY WEST.

Motion made (Moore/Simpson) to defer until the June 11, 2018 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (7-0).**

3. Case No. 0502-SD-18, The Wharf West Side Subdivision – Phase 4

Sawgrass Consulting LLC, on behalf of Wharf Entertainment Properties LLC, requests approval of **Preliminary/Final Minor Subdivision** to subdivide Lot 2 of The Wharf West Side Subdivision, Phase 2 into two lots with a restaurant being on the smaller lot (0.38 acres). The remaining lot will be 8.34 acres. The property is located on the north side of WHARF PARKWAY WEST, east of Springhill Suites.

Motion made (Moore/Jeffries) to defer until the June 11, 2018 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (70).**

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

The meeting adjourned at 5:00 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman