

Minutes
Orange Beach Planning Commission
Monday, April 9, 2018 – 4:00P.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

Commissioner Christina McInnis gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Jimmy Boyd
Commissioner Bill Jeffries
Commissioner Christina McInnis
Commissioner Annette Mitchell
Commissioner Ralph Moore
Commissioner Pat Simpson
Commissioner Lannie Smith
Chairman Robert Stuart

Staff Present:

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

Absent:

Vice Chairman Chris Callaghan

E. APPROVAL OF AGENDA - Chairman Robert Stuart added one item to the agenda under Other Business to discuss the completeness of applications when submitted to the Planning Commission. The agenda stands approved with one addition.

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 Regular Meeting on March 12, 2018.

H. PUBLIC HEARINGS

1. **Case No. 0401-SD-18, Subdivision of Lot 4 of Bickers Acres**

Matthew L. Bickers requests approval of **Preliminary Major Subdivision** to subdivide Lot 4 of Bickers Acres Subdivision into two lots. The property is located at 28670 SAMPSON AVENUE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell stated the applicant has withdrawn his plat request.

2. **Case No. 0402-SD-18, Park Place Subdivision**

Shawn Yuhasz, on behalf of Craig and Shannon Turner, requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lot 5, Block 9, East Orange Beach Subdivision, First Addition into three lots. The property is located at the southeast corner of the intersection of PARK LANE and PARK DRIVE in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The plat request meets the minimum lot width for RS-2 zoning and complies with all subdivision requirements. There are no outstanding issues. Chairman Robert Stuart opened the public hearing for comments and no one spoke in opposition.

Motion made (Smith/Jeffries) to approve preliminary/final plat request subject to staff comments. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Approved (8-0).**

3. **Case No. 0405-SD-18, Cypress Village, Lot 2**

Sawgrass Consulting, on behalf of KJC Investments LLC, requests approval of **Preliminary Major Subdivision** to subdivide Lot 2 of Cypress Village Subdivision into a residential subdivision with 13 residential lots, a common area lot, and private right-of-way. The property is located 500 feet north of the intersection of CANAL ROAD and CYPRESS VILLAGE BOULEVARD on the west side of CYPRESS VILLAGE BOULEVARD in the Cypress Village Planned Unit Development. Griffin Powell presented staff comments to the Planning Commission. This application runs concurrent with 0406-PUDA-18. The lot sizes range from 2,625 SF to 5,184 SF. There will be a 40-foot ROW with a 20-foot roadway. Ercil Godwin was present to address the Planning Commission. Commissioner Annette Mitchell asked to add two overflow parking spaces and to identify the westerly vehicular use area as a fire lane. Deputy Fire Marshall Nelson Bauer stated the area could be identified with stripping or a fire lane sign.

Motion made (Jeffries/Boyd) to approve preliminary major plat request subject to staff comments. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Approved (8-0).**

4. **Case No. 0406-PUDA-18, Cypress Village Courtyard, Phase 2 (Lot 2)**

Sawgrass Consulting, on behalf of KJC Investments LLC, requests recommendation to City Council for approval of a **PUD Modification** to the Cypress Village Planned Unit Development to permit a residential subdivision on Lot 2 containing 13 residential lots, a common area lot, and private right-of-way. The property is located 500 feet north of the intersection of CANAL ROAD and CYPRESS VILLAGE BOULEVARD on the west side of CYPRESS VILLAGE BOULEVARD in the Cypress Village Planned Unit Development. Griffin Powell presented staff comments to the Planning Commission. In March 2006, the City approved plans for Phase II of the Cypress Village PUD development to include a commercial building at the northwest corner and 12 duplexes or 24 units. The proposed plans will be 13 single-family dwellings. The largest lot size is 5,184 SF and the smallest lot size will be 2,625 SF. The proposed lot widths will be 35 feet to 40 feet. The setbacks will be 20 feet front, 5 feet side and rear. The ROW width will be 40 feet and roadway width will be 20 feet with sidewalk width of 4 feet. The applicant will need to provide the terms of the rentals. Kit Alexander stated staff has received a copy of the covenants. Chairman Robert Stuart opened the public hearing for comments and no one spoke in opposition.

Ercil Godwin was present to address the Planning Commission. Commissioner Annette Mitchell requested two additional overflow parking spaces as well as the fire lane striped and a sign posted. Commissioner Christina McInnis stated she would like the rentals to be on a monthly basis. Commissioner Annette Mitchell stated the development is made for short-term rentals. Assistant Police Chief Steve Brown stated that there has not been much criminal mischief reported in the development.

Motion made (Mitchell/Moore) to recommend approval of PUD modification to City Council subject to staff comments, two additional overflow parking spaces in the northwest part of the hammerhead, stripe fire lane with signage indicating that area for parking, vacation rentals, short-term rentals and long-term rentals will be allowed. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

5. Case No. 0407-SD-18, Turner Family Subdivision

John and Mary Turner request approval of **Preliminary and Final Minor Subdivision** for a family subdivision to subdivide an 11+ acre lot into two lots with the larger lot being 10.55 acres and the smaller lot being 0.47 acres. The property is located at 29130 JOSEPHINE DRIVE in the Orange Beach Planning Jurisdiction. Griffin Powell presented staff comments to the Planning Commission. The property is zoned RMF-6 (Multiple Family District) in Baldwin County Planning District 32. The Baldwin County Subdivision Regulations allows for a one-time split of a single parcel into two parcels, if and only if, the parcel existed and has not been subdivided since February 1, 1984. Each parcel shall have its own ingress/egress and utility easement that runs with the land of not less than 30 feet in width. Chairman Robert Stuart opened the public hearing for comments and no one spoke in opposition.

Motion made (Smith/Simpson) to approve preliminary/final minor request subject to staff comments. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Approved (8-0).**

6. Case No. 0408-SD-18, HLL Properties Plat #1

Lucido Engineering and Surveying, on behalf of HLL Properties, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 10, 15, 16 and 21 of Jones Estate Subdivision into a single lot. The property is located at 4844 CASWELL PLACE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The applicant requests approval to combine the lots in order to construct a swimming pool. The proposed plat meets all subdivision requirements. Chairman Robert Stuart opened the public hearing for comments and no one spoke in opposition.

Motion made (Moore/Jeffries) to approve preliminary/final minor request subject to staff comments. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Approved (8-0).**

I. SITE PLAN REVIEWS

1. Case No. 0303-SP-18, J&M Tackle/Boat Storage

J&M Tackle requests approval of **Site Plan Review** to construct a 50' by 100' storage building that will be located behind J&M Tackle. The property is located at 25125 CANAL ROAD in the GB (General Business) zoning district. (*Deferred from the March 2018 Regular Meeting*). Griffin Powell presented staff comments to the Planning Commission. In March 2018, the Board of Adjustment approved the applicant's requests for variances to construct a 50' x 100' storage building with metal-exterior walls and a separation distance of 10 feet instead of 20 feet from the main structure. Commissioner Annette Mitchell asked why a variance was requested from the Board of Adjustment for the distance to be less than 20 feet. Kit Alexander stated the variance was to allow the movement of truck traffic on the north side of the building. Mike Giannini was present to address the Planning Commission. He stated the variance was requested for the safety of trucks making deliveries. He chose to make the exterior wall fire rated. Deputy Fire Marshall Nelson Bauer has met with Mike Giannini regarding access for emergency responders.

Motion made (Smith/Moore) to approve site plan request request subject to staff comments. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Approved (8-0).**

2. Case No. 0403-SP-18, Positano Condominium

Sawgrass Consulting, on behalf of Positano LLC, requests approval of **Site Plan Review** to construct a 35-unit condominium. The property is located at 29020 and 29030 PERDIDO BEACH BOULEVARD in the RM-2 (Multi-Family Residential High Density) zoning district. Griffin Powell presented staff comments to the Planning Commission. The proposed condominium will be located on .96 acres with a density of 36.4 units/acres. The 35-unit condominium will be 25 stories including four floors for parking with amenities. A total of 83 parking spaces will be provided. Coastal Consistency and U.S. Fish and Wildlife Service approvals are required. The project will also require preliminary and final minor subdivision plat approval.

Commissioner Annette Mitchell asked where the lay-down yard and construction parking would be located. Ercil Godwin and Henry Norris were present to address the Planning Commission. Ercil Godwin stated that construction of Positano Condominiums will begin before the construction of LaDolce Vita Condominiums located across the street and that site will be the laydown and contractor parking area. Commissioner Annette Mitchell stated that during construction Jubilee Landing will be inconvenienced. Commissioner Christina McInnis asked if the garage parking could be screened to be more cosmetic. Henry Norris stated the arches will be filled with louvers.

Motion made (Moore/Jeffries) to approve site plan request request subject to staff comments; screening four levels of parking on the north and the first bay east and west; and secure the lay-down yard and construction parking on the property located across the street. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Approved (8-0).**

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 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 March 2018 Regular Meeting)*

Motion made (Moore/Mitchell) to defer until the May 14, 2018 Planning Commission meeting. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Stuart, yes. **Deferred (8-0).**

K. OTHER BUSINESS

1. Discuss the completeness of applications when submitted to the Planning Commission.

Chairman Robert Stuart stated this discussion will help staff with applications. He stated that the Blackburn PUD request should not have come before the Planning Commission because it was incomplete and not ready. Kit Alexander stated staff understands the clear direction from the Planning Commission. Commissioner Annette Mitchell stated that PUD requirements are defined in the Zoning Ordinance.

L. PUBLIC COMMENTS

M. ADJOURN

The meeting adjourned at 5:12 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman