

Minutes
Orange Beach Planning Commission
Monday, March 12, 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

Chairman Robert Stuart 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
Vice Chairman Chris Callaghan
Chairman Robert Stuart

Staff Present:

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

Absent:

Commissioner Smith

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 February 12, 2018.
2. Approval of minutes from the Regular Meeting on February 12, 2018.

H. PUBLIC HEARINGS

1. Case No. 0301-SD-18, McFatter Subdivision

Weygand Surveyors, on behalf of Lisa A. McFatter, requests approval of **Preliminary and Final Minor Subdivision** to subdivide one lot into three lots. The property is located on the

north side of PARK DRIVE approximately 500 feet east of the intersection of Park Drive and Wilson Boulevard in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The property is legally known as lots 55 and 56 of the Second Addition of the East Orange Beach Subdivision. Chairman Stuart opened the public hearing for comments and no one spoke in opposition. Mr. McFatter stated he was aware of the zoning when he purchased the property with the current zoning restrictions. Lisa McFatter stated she had nothing to add to the comments. Kit Alexander requested a 20-foot drainage easement in the 30-foot rear setback. Trent Wilson, Weygand Surveyors, stated this is not an unreasonable request. Mr. McFatter stated that he would be agreeable with an underground pipe within the 30-foot setback on the property line. He would prefer to meet with Kit Alexander later to discuss the easement.

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

2. 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. Staff is requesting to defer due to outstanding items.

Motion made (Boyd/Callaghan) to defer until the April 9, 2018 meeting. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Callaghan, yes; Stuart, yes. **Deferred (8-0).**

3. Case No. 0304-PUD-18, Blackburn Family PUD

Daniel G. Blackburn, Grant Blackburn and Laura Blackburn request recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 49 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a low impact PUD allowing minimum development for family purposes to include three single-family houses, a guest house, and associated accessory structures. The property is located near 28700 CANAL ROAD. Griffin Powell presented staff comments to the Planning Commission. The PUD will contain a total of four dwelling units with the density equating to 0.08 units per acre. The PUD will have an overall building coverage of 19,640 S.F. including the houses and barns. The PUD master plan indicates 47 acres +/- or 95.8% of the property is dedicated for open space. The PUD is a family compound development, and the family will own and maintain the open space. The applicant is requesting to construct the barns prior to the proposed single-family houses. There will be a total of 16 parking spaces provided.

The location of houses and structures are shown approximate on the plan to adjust for tree preservation and minimize grading. The survey-based site plan for the proposed scope of work must be provided prior to permitting. Sewer service for the existing and proposed homes is available on Sampson Avenue. Installation and maintenance of all service lines internal to the property will be the responsibility of the owner.

Chairman Robert Stuart opened the public hearing for comments and eight people spoke in opposition. Deana McKee, daughter of Betty Phillips, stated her mother has been a resident of Orange Beach since the early 1970's. The PUD request would have an adverse effect on the property. She is opposed to the rezoning. Mary Kochis stated she is totally against the PUD. She wants the Caswell community to remain single-family dwellings. Grant Blackburn addressed the Planning Commission. He realized the opposition to their December PUD request. He met with the Lindseys, who live on Caswell. Grant Blackburn stated that the Lindseys were afraid that the Blackburns may be hiding something for future development. The property is treated as one lot and it is not permitted in RS zoning to build accessory buildings prior to the principle structure. He stated that his family wants to remain residents of Orange Beach and they have taken traffic congestion seriously. He also stated that they may come back in the future with a more palatable plan. Kathy Lindsey stated that Grant Blackburn was very open to hear her objections. She disagrees that the PUD request is not an upzone. She appreciates Grant Blackburn representing his family honestly. She asked if the Blackburns could have short term rentals. Kathy Lindsey wants the property to remain single family. There needs to be a dedicated area in the city away from tourists.

Kit Alexander said that there could be short term rentals unless language was stated on the PUD master plan. C. W. Wade stated he agrees with Kathy Lindsey and is concerned about the traffic. Ginger Miller stated she agrees with the others and would like for the property to remain RS-1. Helen Clark stated she doesn't understand the request for a PUD. Chairman Robert Stuart stated that the motion would need to include no short term rentals. Kathy Lindsey asked if the property remains RS could they get a variance for the outbuildings. Kit Alexander stated it would be difficult to show a hardship. John Lawler stated there is no plan. Kit Alexander stated there is a plan. She also stated there are three categories for rentals which include long term, short term and vacation rentals. The PUD needs to include language for the rentals if the terms of the rental were going to be restricted. Brandon Gibbs asked how many homes could be built on 49 acres. He prefers the property remain RS. Kit Alexander said the property could have more than 50 houses. Commissioner Jimmy Boyd stated he would like to have a plat showing each lot for additional structures. Drew Rambo stated he is opposed to the change of use with the flood of cars coming and going from the property.

Vice Chairman Chris Callaghan stated he doesn't see four family houses adding to the traffic and that this is a residential PUD. Any additions to the PUD would require approval. Commissioner Christina McInnis stated she agrees with Vice Chairman Callaghan. She would like for the property to remain RS. Commissioner Bill Jeffries stated the request is only for three single-family dwellings and a guest house with accessory structures. Griffin Powell stated that the barns could not be habitable. Grant Blackburn stated they have no plans to rent the houses but would like to retain the ability to conduct vacation rentals on the property in the future. Commissioner Annette Mitchell stated the property is beautiful and it is unrealistic that it not be developed. She knows they want multiple houses and the neighbors object. She also stated the plan is just pictures on a piece paper and only a concept. She does not know what is going to be put in the barns and the houses must be constructed

first. Commissioner Jimmy Boyd stated the plan is very unique. It is a residential PUD and he understands their request for residential use and barns. He stated this is a lot better than in the past. He is not in favor of final PUD until defined on the plan.

Dan Blackburn stated they did not go to the Board of Adjustment because the variance must show a hardship and it cannot be self-imposed. The accessory structures could not be built first. Commissioner Pat Simpson asked if they had no intentions to rent would the future phase enhance it later. Dan Blackburn stated they would come back with something different than 50 rentals. They may come back at a later date to request vacation rentals. Dan Blackburn plans to move to Orange Beach when his house sells. He stated that he hopes to preserve trees and the PUD would provide more flexibility. Commissioner Annette Mitchell asked if they could subdivide the property. Dan Blackburn stated it would be too expensive to subdivide the property. Commissioner Bill Jeffries asked why vacation rental language could not be included in the PUD master plan. Commissioner Annette Mitchell asked if the request could be changed from preliminary & final PUD to preliminary PUD consideration. She would like the motion amended to separate preliminary and final PUD approval with the addition of rental restrictions. Chairman Robert Stuart stated the applicant does not want to separate the requests. Dan Blackburn stated their request is for the site before them and does not want to include vacation rentals in the language.

Motion made (Boyd/Callaghan) to recommend approval of Preliminary and Final PUD approval to City Council subject to staff comments. Roll call revealed: Boyd, yes; Jeffries, no; McInnis, no; Mitchell, no; Moore, yes; Simpson, yes; Callaghan, yes; Stuart, no. **Forwarded to City Council with a negative recommendation (4-4).**

I. SITE PLAN REVIEWS

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

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. Griffin Powell stated the applicant is going before the Board of Adjustment for a variance.

Motion made (Mitchell/Simpson) to defer until the April 9, 2018 meeting. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Callaghan, yes; Stuart, yes. **Deferred (8-0).**

K. OTHER BUSINESS

L. PUBLIC COMMENTS

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M. ADJOURN

The meeting adjourned at 5:46 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman