

Minutes  
Orange Beach Planning Commission  
Monday, February 12, 2018 – 4:04 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 4:05 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  
Vice Chairman Chris Callaghan  
Chairman Robert Stuart

Staff Present:

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

**E. APPROVAL OF AGENDA**

The agenda stands approved as submitted with the following change: Case No. 0206-SP-18, Tacky Jacks Master Plan & Senior Center will be considered after Case No. 0205-SD-18, Safe Harbor Holdings LLC Property Subdivision.

**F. CONFLICTS OF INTEREST** – Commissioner Jimmy Boyd stated he would be abstaining on Case No. 0209-ZT-18 due to potential litigation.

**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 meeting on January 8, 2018.
2. Approval of minutes from the Regular Meeting on January 8, 2018.
3. Approval of the minutes from the Special Called Work Session on January 12, 2018.

## H. PUBLIC HEARINGS

### 1. Case No. 1202-PUD-17, Achee Properties PUD

Achee Builders LLC, on behalf of Jeanne Birkenhauer MD, requests recommendation to City Council for **Preliminary PUD Approval** to zone 19 acres to PUD (Planned Unit Development) for a single-family residential subdivision with 62 lots. The property is located at the southeast corner of ROSCOE ROAD and RUSSIAN ROAD. (*Deferred from the January 2018 meeting*). The application has been withdrawn for consideration.

### 2. Case No. 0201-CU-18, Trehern Investments Duplex

Sawgrass Consulting LLC, on behalf of Bella Rio Development LLC, requests recommendation to City Council for **Conditional Use Approval** for a duplex on a beachfront lot located at 29060 PERDIDO BEACH BOULEVARD, Lot 8 of the East Perdido Key Phase II Subdivision. The property is zoned RS-1 (Single-Family Residential). Griffin Powell presented staff comments to the Planning Commission. The duplex will have 11 sleeping rooms with 11 parking spaces provided. Each unit will have its own floor instead of being side-by-side. In November 2013, the City gave conditional use approval for a duplex roughly 1,000 feet east of the property. There will be two habitable levels on pilings. The site plan meets the setback requirements.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. Commissioner Annette Mitchell stated the site should not be used as common area for the recently approved La Dolce Vita Condominiums by providing them a dune walkover to the beach. Ercil Godwin was present to address the Planning Commission. He stated that the duplex request is just a use for the one lot and there has been no discussion for the property to be used as common area.

**Motion made (Smith/Boyd) to recommend approval of conditional use to City Council subject to staff comments and no pedestrian access from property across the street.** Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (9-0).**

### 3. Case No. 0202-SD-18, Elrod Cottage Subdivision

Jerry and Janice Elrod request approval of **Preliminary and Final Minor Subdivision** plat to combine two lots into a single lot. The property is located at 4300 LAUDER LANE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The property currently has a single-family residence and a guest house. With the lots combined, the property will have two principal structures, which is allowed since the lot area exceeds 26,250 square feet and the lot width is at least 75 feet. The guest house is located near the internal lot line and does not comply with the side setback requirements. This plat request will bring the structure into compliance. Chairman Robert Stuart opened the public hearing for comments. Pete Peterson asked the size of the guest house.

**Motion made (Callaghan/Jeffries) to approve preliminary/final plat subject to staff comments.** Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

**4. Case No. 0203-RZ-18, Quarters at Wolf Bay Condo Rezoning**

Rene Dean, on behalf of Jeff and Rene Dean, William and Angela Pearson, PBLB Holdings LLC, and John and Diane Sheely, requests recommendation to City Council for a **Rezoning** of Lots 10 and 11 in Block 4 in the Gulf Bays Tract Subdivision from RS-2 (Single-Family Residential) to RM-1 (Multi-Family Residential Low to Medium Density). The two duplexes and property are located at 25907, 25909, 25913 and 25915 PERDIDO AVENUE WEST. Griffin Powell presented staff comments to the Planning Commission. Prior to January 2007, the Zoning Ordinance allowed duplexes in RS-1, RS-2 and RS-3 zoning districts. The City amended the Zoning Ordinance to prohibit duplexes in RS-2 and RS-3, but allowing in RS-1 as a conditional use approval under specific application requirements. The property is surrounded by zoning and land uses that promote the rezoning to RM-1. There are no single-family residential neighborhoods in the vicinity. The combined lots will meet all minimum zoning requirements for RM-1. Staff recommended the Planning Commission giving a recommendation on this application, but waiting to place the request on City Council agenda until the applicant has filed for and obtained approval of a final plat to combine the lots.

Chairman Robert Stuart opened the public hearing for comments and two people were signed up to speak. Brad Gibson, owner at Bay Towers, stated that any changes in the building would impact their view. John Sheely, owner of a duplex in Quarters at Wolf Bay, asked how this nonconformity existed. The duplex building permits were issued prior to the zoning changes. Commissioner Bill Jeffries asked about the existing pier. Brad Gibson stated that that initially there were to be two towers on the Bay Towers site. Due to a disagreement with the property owners, only one tower was constructed. They are partners in the use of the pier and slips.

**Motion made (Mitchell/Callaghan) to recommend approval of rezoning to RM-1 to City Council subject to staff comments.** Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, no; Moore, no; Simpson, yes; Smith, yes; Callaghan, no; Stuart, yes. **Forwarded to City Council with a positive recommendation subject to staff comments (6-3).**

**5. Case No. 0204-SD-18, Sassaman Subdivision**

Hutchinson, Moore & Rauch LLC, on behalf of BJ Sassaman, requests approval of **Preliminary and Final Minor Subdivision** plat to combine two lots into a single lot. The property is located at 27779 and 27801 CANAL ROAD in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The plat will combine two waterfront lots located on the north side of Canal Road. There are no staff conditions. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Moore/Jeffries) to approve preliminary/final plat subject to staff comments.** Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

- 6. Case No. 0205-SD-18, Safe Harbor Holdings LLC Property Subdivision** Lucido Engineering & Surveying, on behalf of Safe Harbor Holdings LLC, requests approval of **Preliminary and Final Minor Subdivision** plat to combine Lots 15, 16, 17, 18, 25, 26, 27, and 28 of Safe Harbor Subdivision into a single lot. The property is located at 27147, 27189, 27194, 27204, 27206, and 27208 SAFE HARBOR DRIVE and 27130 MARINA ROAD in the MR (Marine Resort) zoning district. Griffin Powell presented staff comments to the Planning Commission. The plat request will combine eight lots into one lot. The project area contains a proposed canal vacation and fill. For the Planning Commission to approve the plat, the owner must submit proof of ownership of the canal to be filled. The US Army Corp of Engineers permit must also be provided. The subject plat will address the code compliance letter dated March 2017. The proposed site plan will further address the concerns. On February 12, 2018, Vince Lucido submitted a revised subdivision plat removing the proposed canal vacation and fill.

Brad Patterson was present to address the Planning Commission. He stated they had received a letter from the State Lands Division to fill the canal and the State has no claim. John Lawler stated that staff needs a more definitive statement that the State has no claim to the property. Brad Patterson stated they are in the process of obtaining a quit claim deed. Jay Minus, attorney representing Tacky Jacks, stated the canal has been taken out of the revised plat and is not part of the original request. Staff informed Jay Minus that the application for site plan approval could not be considered on today's agenda if the revised plat instead of the original request was approved.

Chairman Robert Stuart opened the public hearing for comments and two people were signed up to speak. Elizabeth Shrader, whose driveway is across from Tacky Jack's parking, stated she is being forced to move because of the tourists and traffic. She also stated that Tacky Jacks has become big and noisy for the single-family residents on Safe Harbor Drive. Glenn McConnell, who lives next door to Tacky Jacks, stated he understands Mrs. Shrader's comments. Traffic is an issue and he would like to see landscaping along his property line as a buffer.

**Motion made (Smith/Boyd) to approve the original plat submitted January 29, 2018 and subject to staff comments including proof of ownership to staff's satisfaction.** Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

The Planning Commission considered Case No. 0206-SP-18, Tacky Jacks Master Plan and Senior Center as the next agenda item.

**7. Case No. 0207-SD-18, F&W Subdivision, Lots 1 and 2**

Remlap Properties, on behalf of Baldwin Plaza Management and John and Sandra Lassere, requests approval of **Preliminary and Final Minor Subdivision** plat to resubdivide three lots into two lots. The property is located at 26755, 26763 and 26847 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The property contains 2.21 acres and is located on the north side of Canal Road and the south side of Magnolia Avenue. Bear Point Plaza is located on the easterly 1.28 acres. The plat meets the GB zoning and subdivision regulations. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Jeffries/Simpson) to approve preliminary/final plat subject to staff comments.** Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

**8. Case No. 0209-ZT-18, Articles 2, 4 and 5, Vacation Rentals**

The Community Development Department requests recommendation to City Council for **Zoning Text Amendments** to Articles 2, 4 and 5 to define and regulate *Hosted Accommodations, Non-Hosted Accommodations, and Vacation Rentals*. Commissioner Jimmy Boyd recused himself and left the room. Griffin Powell presented the proposed zoning text amendment to the Planning Commission. The definition of Vacation Rental will be added to Section 2.02. The matrix table in Section 4.01 will be amended to show the zoning districts permitting and prohibiting single-family and two-family dwellings used as vacation rentals. Article 5 will be amended and allow single-family residential and duplex PUDs to have vacation rentals unless expressly prohibited as part of the master plan. Property owners in the RS and MHS zoning districts who had active short term rental licenses at the time of the passage of this amendment will be able to acquire a vacation rental license and the use will be considered legally nonconforming. Legal nonconformity will stand unless ownership of the property changes, the structure is substantially damaged, or there is an increase in the number or floor area of the existing sleeping rooms. Chairman Robert Stuart opened the public hearing for comments and one person was signed up to speak. Matt Bickers spoke about the changes in zoning for Orange Beach since incorporation.

**Motion made (Mitchell/Moore) to recommend approval of zoning text amendment to City Council.** Roll call revealed: Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

Commissioner Jimmy Boyd returned to the Planning Commission.

**I. SITE PLAN REVIEWS**

**1. Case No. 0206-SP-18, Tacky Jacks Master Plan & Senior Center**

Brad Lee Patterson, on behalf of Safe Harbor Holdings LLC, requests approval of **Site Plan Review** for a multi-story restaurant/senior center and an overall master plan for Tacky Jacks

encompassing landscaping, parking, drainage, and site improvements. The property is located at 27147, 27189, 27194, 27204, 27206, and 27208 SAFE HARBOR DRIVE and 27130 MARINA ROAD in the MR (Marine Resort) zoning district. Griffin Powell presented staff comments to the Planning Commission. The proposed site plan includes the following existing eight buildings: three single-family residences, private boathouse, duplex, single-family residence and gift shop, cigar bar and Tacky Jacks Restaurant including storage building. They are proposing a Senior Center with a gross floor area of 6,301 SF to be used as an event center. The site plan shows Tacky Jacks having 48 existing boat slips. Four new slips are proposed, which will bring the total slips to 52 slips. The project will also involve vacating and filling the portion of the navigable canal which will be used as part of the additional parking area. The submitted site plan shows the Tacky Jacks complex providing 212 total parking spaces and meeting the parking requirement. The total green area is 21.9%. Landscaping perimeters are provided along the rights-of-way of Marina Road and Safe Harbor Drive. The project will have an internal sidewalk to facilitate pedestrian flow from the new parking area on Marina Road to the restaurant and senior center area.

Brad Patterson was present to address the Planning Commission. Elizabeth Shrader stated that the Senior Center will increase the traffic and the golf carts used as a shuttle are annoying. She said the problem is not Tacky Jacks but the people leaving the site. Glenn McConnell asked about the 30-foot setback and buffer along his property line. Heavy landscaping was discussed for the single-family residents. The roof runoff from the proposed Senior Center will need to be conveyed to the canal in order to reduce the amount of standing water in the Safe Harbor Drive right-of-way. Police Chief Joe Fierro stated they have not had to tow any vehicles visiting Tacky Jacks and he would like to look at the site plan in order to answer any questions.

**Motion made (Boyd/Callaghan) to approve site plan request subject to staff comments including proof of ownership and a new landscape plan being provided to the Community Development Department and approved by staff showing heavier landscaping along the west property line abutting the single-family residence and increasing the landscaping and vegetation for the perimeter of the entire project area. .**  
Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

- J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE**
- K. OTHER BUSINESS**
- L. PUBLIC COMMENTS**

Planning Commission  
February 12, 2018  
Page 7

**M. ADJOURN**

The meeting adjourned at 5:46 p.m.

Respectfully submitted,

---

Paulette Taylor, Planner

---

Robert Stuart, Chairman