

Minutes
Orange Beach Planning Commission
Wednesday, November 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

Commissioner Pat Simpson gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Kathy Lindsey
Commissioner Annette Mitchell
Commissioner Ralph Moore
Commissioner Pat Simpson
Commissioner Glenn Smith
Commissioner Lannie Smith
Chairman Matt Wilson
Chairman Robert Stuart

Staff Present:

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

E. APPROVAL OF AGENDA – There were no changes to the agenda and the agenda stands approved as submitted

F. CONFLICTS OF INTEREST

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 October 8, 2018.
2. Approval of minutes from the Regular Meeting on October 8, 2018.

H. PUBLIC HEARINGS

1. Case No. 1001-SD-18, Meeting Square Subdivision

Hercules Investments LLC requests **Preliminary/Final Minor Subdivision Approval** to subdivide Parcels A and B of Lot 29, The Village of Tannin, Unit 1 into four residential lots and a common area. The property is located at MEETINGHOUSE SQUARE in the Village of Tannin PUD (Planned Unit Development). *Deferred from the Regular Meeting on October 8, 2018.* Griffin Powell presented staff comments to the Planning Commission. In April 1987 the City approved the Village of Tannin PUD Master Plan. Lot 29 was part of the PUD's first phase. The original plan for the property was for a small church. In April 2016 the City approved a minor PUD modification to change the use from small church to two single-family detached dwellings. The proposed dwellings will be two stories in height and will have three sleeping rooms. Each dwelling unit will have four parking spaces. There will be a common area lot in the center with a swimming pool. City Council approval for the PUD modification will be required prior to the Chairman's signature on the final plat. Jim Brown was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments. Roy McMillan asked who had the authority to approve the change without prior approval from the Property Owner's Association. Kit Alexander stated that the City does not have jurisdiction over covenants. John Lawler stated covenants would be enforced in court and not by the City. Michael Saffold, representing the Home Owners Association, read Article 2.5 from the Articles of Declaration for the Village of Tannin. It stated that lot types I, II, III and IV may not be subdivided into smaller lots. However, type V lots may be subdivided with consent of the subdivision Review Panel.

Chairman Robert Stuart asked if the application should be deferred until City Council approval for the PUD modification or approved subject to comments. Jim Brown stated that the trend is for cottages. He also stated that a full bath is proposed downstairs due to the likelihood of a sleeper sofa being in the living area.

Motion made (Lannie Smith/Jeffries) to defer until City Council has approved the PUD modification. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

2. Case No. 1101-PUD-18, Summer Salt PUD

Dewberry, on behalf of OKS Investments LLC, requests recommendation to City Council for **Preliminary PUD Approval** to rezone 42.7 acres from GB (General Business) to PUD (Planned Unit Development) for a residential development containing 54 single-family residential lots and 58 cottage lots. The property is located on the north end of SUMMER SALT PLAZA BOULEVARD north of The Ruby Slipper and Flipdaddy's restaurants. Griffin Powell presented staff comments to the Planning Commission. The proposed development will have 112 units built in two phases. The first phase on the east side will be 31 cottages and 54 single-family dwellings. The second phase located on the west side will be 27 cottages. The master plan indicates the project will have 6.91 acres of open space along with 7.03 acres of wetlands. 65% of the site will be common open space.

There will be three housing types for the 54 three and four bedroom single-family dwellings. Each lot will have parking to accommodate five vehicles. There will be 114 additional parking spaces located throughout the PUD. Of the 114 spaces, 58 spaces will be dedicated to the required parking for the 58 cottages, leaving the remaining 56 spaces as overflow for guests. The cottages will be four stories (three habitable levels with four sleeping rooms and parking underneath). The maximum height will be 50 feet.

The lot widths for the cottages will be 35 feet with 5-foot setbacks for front, rear and sides. The lot widths for single-family dwellings will be 53 feet with front setback 20 feet; rear setback 15 feet and sides 5 feet. The proposed roadway width is 22 feet with a 4-foot sidewalk located on the cottage lots and in the right-of-way for the single family dwellings. The Americans with Disability Act (ADA) requires the width of sidewalks to be 5 feet.

Grant Rish and David Diehl were present to address the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and the following people spoke. Grant Rish stated that more parking has been added with amenities including a putting green. Truland Homes will be the builder. The proposed project is a better alternative than a high-rise development. 251 apartments could be built by-right. David Diehl stated they had looked at options for General Business zoning but preferred something less intense. He stated that providing a five-foot sidewalk would not be an issue.

Frank Massey, Romar Lakes, encouraged the Planning Commission to approve the residential development instead of apartments. David Rauch, representing Live Bait, stated he is not totally opposed but approval might affect Live Bait's ability to provide outdoor music due to the noise ordinance. Complaints from over 100 residents would provide a hardship on the existing business. Greg Kennedy, OKS Investments, stated that historically Live Bait used the subject site for parking and this could be their reason for opposing the development.

Janice Boyd, Romar Lakes, stated that the four-story cottages will be above tree height and will be very visible. She feels they are trying to squeeze too much into the empty space which will affect existing infrastructure as well as add more traffic. David Rauch stated that a decimal decrease in noise allowance could shut down venues for Live Bait. Frank Massey stated that Live Bait is one business versus 75 owners at Romar Lakes, who want the residential development.

Commissioner Bill Jeffries asked if Live Bait has violated noise ordinance. Staff indicated that they are not aware of noise ordinance violations. Kit Alexander stated that if there are no nearby residential dwellings City Council can approve an exception to allow outdoor music until 2:00 a.m. Otherwise, outdoor music cessation would be required at 9:00 p.m. weekdays and 10:00 p.m. weekends.

Commissioner Annette Mitchell asked what is unique with this PUD. John Lawler stated that unique could be more open space or something exceptional for the City. It looks like we are waivers are being requested and there is nothing unique and not enough parking. Kit Alexander read the description of a PUD from the Zoning Ordinance.

Chairman Robert Stuart asked Grant Rish if there is an issue with changing the gravel to paving and increasing the sidewalk width to five feet to comply with ADA regulations. Grant Rish stated there will be no issue with the changes. Chairman Robert Stuart asked about the

backyard slope to the pond water for some of the cottage lots. Jason Estes, Dewberry, that there won't be much of a slope and the HOA will maintain the slope.

Commissioner Lannie Smith asked if the four-story cottages would have an elevator and Grant Rish stated he did not know the answer. Police Chief Joe Fierro was concerned about the roadway width for the cottages with only three parking spaces. The cottages are made for short-term rentals and renters will bring more than three vehicles. He does have concerns about parking in the 22-foot roadway. Deputy Fire Marshal Nelson Bauer stated if there is a problem with parking in the roadway we will require signage and markings. Commissioner Lannie Smith stated he was concerned about the limited setbacks. Nelson Bauer stated that five-foot overhangs are regulated by the 2018 International Building Code. Adam Roberson, Plans Examiner, stated that blocking is a new way to prevent fire from spreading. The 2018 International Building Code is changed to draft through solid soffit.

Commissioner Lannie Smith asked if the Truland homes would be board and batten. Grant Rish stated it would be similar to Park's Edge. He also stated that there will be roadway signage and violators will be towed. Commissioner Annette Mitchell was concerned about density, setbacks, waterfront cottages and not meeting the spirit of a PUD.

Chairman Robert Stuart asked Grant Rish if Truland would consider less density. Grant Rish stated they would have to go a different route and it would be similar to Spyglass and Gulfstream townhomes. Commissioner Annette Mitchell asked to see the by-right comparison again. There could be 251 apartment units compared to the proposed 112 single-family units. Commissioner Bill Jeffries stated he did not attend the Summer Salt public hearing in September but he feels the applicant has addressed concerns.

Commissioner Kathy Lindsey stated the Planning Commission is charged with applying the definition of PUD as provided in the zoning ordinance. How is this application exceptional? She is not sure it meets those requirements. Commissioner Robert Stuart asked Grant Rish if he would consider less lots and lowering density. Grant Rish stated he does not see that happening and thinks it does offer something significant to the City.

Motion made (Lannie Smith/Jeffries) to recommend approval of Preliminary PUD to City Council subject to staff comments and hard surface parking; reduce the rear setback to 14 feet to allow five-foot sidewalks; non-combustible siding or combustible siding with sprinkler and no parking signage on roadway. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, no; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-1).**

3. Case No. 1102-PUD-18, Broken Sound PUD

Dewberry, on behalf of Zachris Limited Partnership, requests recommendation to City Council for **Preliminary PUD Approval** to rezone 7.5 acres located at the northeast corner of the intersection of LAUDER LANE and PELICAN PLACE from RM-2 (Multi-Family Residential High Density) to PUD (Planned Unit Development) for a single-family residential subdivision with 40 lots. Griffin Powell presented staff comments to the Planning Commission. There will be three housing types, which will have three to four bedrooms. Each dwelling will have parking to accommodate four vehicles. The development will have

20 additional parking spaces located throughout the PUD. All parking spaces will be constructed with permeable crushed rock. RM-2 zoning allows for a multi-family development. There will be a 10-foot landscape buffer along the west side facing Lauder Lane and along the south side facing Pelican Place. The lot width will be 46 feet with setbacks of 18 feet in the front, 8 feet in the rear and 5 feet sides. The proposed right-of-way width is 40 feet with a four-foot sidewalk located on each lot. The Americans with Disabilities Act (ADA) requires sidewalk widths of five feet. Grant Rish and David Diehl were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and four people spoke in opposition. Grant Rish stated there will be 40 single-family homes with six-month minimum rental restrictions. The homes will be three to four bedrooms with four parking spaces. They plan to use natural buffers with a nature trail around the pond, a gazebo, and a playground area. The development will be similar to Park's Edge. He stated that they could construct multi-family townhomes by-right.

Wayne Riser spoke against the development. He stated his property has a PUD to the east, to the north and now one proposed to his west.. He has maintained the Pelican Place roadway, which needs to be widened and brought up to compliance. He stated that the developer should not be able to use the Pelican Place roadway. He stated the property is 75% wetlands. Luke Crenshaw stated it is a nightmare getting in and out of Lauder Lane onto Canal Road. He is against the development because it is too dense. Kit Alexander stated that Mayor Kennon has made it a priority to have a traffic signal installed at Lauder Lane on Canal Road. A warrant analysis is being conducted which would include traffic signals at Gulf Bay Road and Lauder Lane working together. This cannot happen until Canal Road is widened in spring 2020.

Wade Stevens, land owner and representing Lauder Place POA, reiterated the same concerns with traffic. He stated that perhaps a temporary light could be used in peak season, which would be an alternate solution between now and 2020. Devon Potts stated that currently traffic is backed up at Lauder Lane and asked when it will be widened. Chairman Robert Stuart asked Grant Rish and David Diehl if they would be willing to participate in something realistic based on a traffic study.

Chairman Robert Stuart asked about the possibility of heavy landscaping. Kit Alexander stated a landscape plan will be requested. Commissioner Bill Jeffries asked when construction would begin. Grant Rish stated construction will probably begin in 2020.

Chairman Robert Stuart asked Grant Rish and David Diehl if they would like to defer until the December meeting. They replied yes.

Motion made (Simpson/Moore) to defer until the December 10, 2018 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

4. Case No. 1103-RZ-18, Lauder Pelican Subdivision Rezoning

Dewberry, on behalf of Zachris Limited Partnership, requests recommendation to City Council for **Rezoning** to rezone 2.41 acres located east of LAUDER LANE and 300 feet

south of the intersection of CANAL ROAD and LAUDER LANE and northeast of the intersection of LAUDER PLACE and LAUDER LANE from GB (General Business) and RM-2 (Multi-Family Residential High Density) to RS-1 (Single-Family Residential). Griffin Powell presented staff comments to the Planning Commission. The property was originally zoned RS-1. In 1992 the City approved a rezoning request to provide this parcel two zoning designations. The 50' by 300' section on the north side along Canal Road was rezoned to GB, while the remaining part to the south was rezoned to RM-2. Grant Rish and David Diehl were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and three people spoke in opposition. Cheryl Quinn spoke against the development because of the traffic. Wayne Riser stated it is already too dangerous getting onto Canal Road. He stated the property is too wet and questioned drainage. He feels someone needs to say no. Devon Potts stated the proposed zoning is right out his front door. He stated that the road has to be widened and it's hard to get in and out of Lauder Lane.

Motion made (Lannie Smith/Wilson) to defer until the December 10, 2018 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

5. Case No. 1104-SD-18, Lauder Pelican Subdivision

Dewberry, on behalf of Zachris Limited Partnership, requests **Preliminary/Final Minor Subdivision Approval** to subdivide 33.03 acres into a subdivision containing one commercial lot, five residential lots, and two conservation lots. The property is located on the south side of CANAL ROAD, east of LAUDER LANE, and north of PELICAN PLACE in the GB (General Business) and RM-2 (Multi-Family Residential High Density) zoning districts. Griffin Powell presented staff comments to the Planning Commission. He stated that Lot 1 will front on Canal Road; Lots 2, 3 and 4 will be located on Lauder Lane. Lot 5 will be a corner lot at the intersection of Lauder Lane and Pelican Place. Lot 6 will front on Pelican Place. City Council approval of the rezoning of Lots 2, 3 and 4 from GB and RM-2 to RS-1 will be required prior to the Chairman's signature on the final plat. Grant Rish and David Diehl were present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments. Grant Rish and David Diehl stated they would like to defer the subdivision request until the December meeting. Cheryl Quinn will wait until the next meeting to discuss her concerns. Wayne Riser asked about whether improvements could be made to the Pelican Place roadway. Kit Alexander stated that she would need to verify whether it was a city street and confer with the Public Works Director.

Motion made (Mitchell/Simpson) to defer until the December 10, 2018 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

6. Case No. 1105-PUDA-18, Cottages at Tannin PUD

Hercules Investments LLC requests recommendation to City Council for approval of **Major PUD Modification** to The Village of Tannin PUD (Planned Unit Development) for a residential development with 14 single-family residential lots on 1.10 acres located on the northwest corner of the intersection of PERDIDO BEACH BOULEVARD and MIDDLE GATE and west of MEETINGHOUSE SQUARE. Griffin Powell presented staff comments to the Planning Commission. In July 1999 the City Council approved a request from George Gounares to modify the Tannin PUD Master Plan to allow for a medical clinic. This modification is for 14 two-story dwellings and a common area on the property. The proposed lot width is 37 feet with setbacks in the front 1.5 feet; rear 5 feet and side 5 feet with 55% open space. The plans show the roadway width to be 18 feet. Emergency vehicles require a roadway width of at least 20 feet. There are also maintenance concerns as the gravel will be displaced onto the paved roadway by vehicles backing out from the driveways. For public sidewalks, ADA guidelines require paved instead of gravel walkways. Jim Brown was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and three people spoke. Roy McMillan stated that the modification does not fit with the original intent. Park's Edge has too many vehicles and he has an issue with getting in and out of the subdivision. He is totally against the request. Michael Saffold stated that not everyone is in opposition. He stated that this project is different from Park's Edge because they would be using the west exit. George Gounares stated years ago McCollough Institute wanted the property to be a clinic. The deed restrictions were lifted and Dr. McCollough sold the property to Jim Brown. He stated access to Perdido Beach Blvd will be difficult and there are not a lot of good solutions for this property.

Jim Brown stated the request is for a modification to the existing PUD and not a new PUD. He stated he will make the road wider; however, this proposal is similar to the existing Tannin roadway. Roy McMillan stated he would like to reiterate this is a lot of houses for the space and it will be an eye sore coming into Tannin.

Chairman Robert Stuart stated he would like to see wider roads. Jim Brown stated he will address parking in the covenants. Commissioner Annette Mitchell was concerned about the full bathroom downstairs. Jim Brown stated he would change it to a half bath on the first floor. Chairman Robert Stuart asked about a 20 foot roadway width with a curb. Nelson Bauer, Deputy Fire Marshal was concerned about the gravel and parking.

Motion made (Mitchell/Jeffries) to recommend approval of PUD modification to City Council subject to staff comments including the roadway widened to 20 feet and change full bath to half bath on first floor. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, no; Wilson, yes; Stuart, no.
Forwarded to City Council with a positive recommendation (7-2).

Motion amended to include removing the gravel per the plans and the addition of brick pavers. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes. **Forward to City Council with a positive recommendation (9-0).**

7. Case No. 1107-PUDA-18, Sunset Park Subdivision

Sunset Park LLC requests recommendation to City Council for approval of **Major PUD Modification** to the Sunset Park PUD (Planned Unit Development) Master Plan to change the proposed development from a single-family condominium development with 60 units to a single-family residential subdivision with 44 lots. The property is located at 25473 CANAL ROAD at the northwest corner of CANAL ROAD and CYPRESS STREET. Griffin Powell stated that the applicant has requested to be deferred until the December meeting.

Motion made (Simpson/Moore) to defer until the December 10, 2018 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

8. Case No. 1108-SD-18, Sunset Park Subdivision

Sunset Park LLC requests approval of **Preliminary Major Subdivision** for a single-family residential subdivision with 44 lots. The property is located at 25473 CANAL ROAD at the northwest corner of CANAL ROAD and CYPRESS STREET. Griffin Powell stated that the applicant has requested to be deferred until the December meeting.

Motion made (Mitchell/Simpson) to defer until the December 10, 2018 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

I. SITE PLAN REVIEWS

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 0606-PUDA-18, Orange Beach PUD Modification

Lucido Engineering & Surveying LLC, on behalf of Earle Long III and OBM Inc., requests recommendation to City Council for approval of **Major PUD Modification** to the Orange Beach Marina PUD (Planned Unit Development) Master Plan for the following: (1) to rezone 2.22 acres from RS-1 (Single-Family Residential) to PUD for inclusion into the Orange Beach Marina PUD; and (2) to expand the parking area and add a boat storage area. The property is located at 27075 MARINA ROAD. *Deferred from the Regular Meeting on September 10, 2018.* Griffin Powell stated that the applicant has requested to be deferred until the March 2019. The Planning Commission discussed the length of time for deferrals.

Motion made (Mitchell/Lannie Smith to defer until the March 2019 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, no; Moore, no; Simpson, no; Glenn Smith, no; Lannie Smith, no; Wilson, no; Stuart, no. **Denied (7-2).**

2. Case No. 0904-SP-18, The Shores Townhouses

Chris Govan, on behalf of Jeff Patterson, requests approval of **Site Plan Review** to construct a residential development containing three buildings and seven units on 4.35 acres. The property is located at 23727 PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district. *Deferred from the Regular Meeting on October 8, 2018.*

Motion made (Wilson/Moore) to defer until the December 10, 2018 meeting. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, yes. **Deferred (9-0).**

K. OTHER BUSINESS

1. Election of Chairman and Vice Chairman.

Motion made (Mitchell/Lannie Smith) to nominate Robert Stuart as Chairman and Ralph Moore as Vice Chairman. Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Moore, abstained; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Stuart, abstained. **Approved (7-0-2).**

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 6:40 p.m.

Kit Alexander, Director

Robert Stuart, Chairman