

Minutes
Orange Beach Planning Commission
Monday, August 13, 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

Chairman Robert Stuart 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
Commissioner Lannie 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

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

Chairman Robert Stuart stated that Vice Chairman Chris Callaghan is resigning from the Planning Commission and this will be his last meeting.

H. PUBLIC HEARINGS

1. Case No. 0801-SD-18, Shore Acres Subdivision

Dewberry, on behalf of Shine Lee Properties LLC, requests approval of **Preliminary Major Subdivision** to subdivide a 7.5-acre parcel into a single-family residential subdivision with 17 lots. The property is located at 26600 CANAL ROAD in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning

Commission. The proposed subdivision is located on the south side of Canal Road and is west of the Orange Beach Presbyterian Church. All lots comply with the RS-1 requirements and the Subdivision Regulations. The subdivision will have a public 60-foot right-of-way and two cul-de-sac roadways. The applicant has agreed to provide a solid fence in the 10-foot common area along Canal Road to shield the rear of lots from public view.

Chairman Robert Stuart opened the public hearing for comments and no one spoke. Commissioner Pat Simpson asked if there would be a decel lane. Kit Alexander stated that a 17-lot subdivision would not trigger a decel lane. However, Canal Road will be three lanes in this area. Commissioner Annette Mitchell would like to have landscaping between Canal Road and the fencing. Kit Alexander stated that landscaping will be provided as required by the recent zoning ordinance amendment.

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

2. Case No. 0802-SD-18, Replat for Back Bay Condominium

Lieb Engineering, on behalf of the Back Bay Condominium Owner's Association, requests approval of **Preliminary/Final Minor Subdivision** to resubdivide the parcels containing Back Bay Condominium and Lots 29, 30, 31, 32, 33, 34, 35, 36, 40 and 41 of Emma Burkhart Subdivision into two lots. The properties are located at 28160 CANAL ROAD, 4866 WHITE AVENUE and 4610 WHITE AVENUE in the GB (General Business) and RM-2 (Multi-Family Residential High Density) zoning districts. Griffin Powell presented staff comments to the Planning Commission. The applicant has filed a request for site plan approval for a 36,400 SF parking area that will be used for boat storage. The parking area will be located on the northern part of Parcel A. The submitted plat meets the requirements of the Subdivision Regulations and there are no staff conditions. Chairman Robert Stuart opened the public hearing for comments and no one spoke.

Motion made (Jeffries/Callaghan) to approve preliminary/minor plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

3. Case No. 0804-SD-18, Ladner Plat #1

Lucido Engineering & Surveying LLC, on behalf of Kenny Ladner, requests approval of **Preliminary/Final Minor Subdivision** to combine portions of Lots 6, and 7 and all of Lots 8, 9 and 10, Block 3, Gulf Bays Tract Subdivision into a single lot. The property is located on BAY CIRCLE north of the Orange Beach First Baptist Church in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Lots 1 through 5 are located to the east of the property and have a 30-foot right-of-way easement directly west of Bay Circle. All lots comply with the RS-1 requirements and the Subdivision Regulations. There are no staff conditions. Chairman Robert Stuart opened the public hearing for comments. Audy Ladner stated he hoped to be moving here soon.

Motion made (Lannie Smith/Glenn Smith) to approve preliminary/minor plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

4. Case No. 0806-SD-18, Cotton Bayou Holdings Resubdivision

Sawgrass Consulting, on behalf of Cotton Bayou Holdings LLC, requests approval of **Preliminary/Final Minor Subdivision** to combine Lots 7 and 8, Block B, Second Addition to Chicago Gulf Beach Subdivision into a single lot. The property is located at 26810 MOSES ROAD in the RS-3 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. All lots comply with the RS-3 requirements and the Subdivision Regulations. There are no staff conditions. Chairman Robert Stuart opened the public hearing for comments and no one spoke.

Motion made (Mitchell/Jeffries) to approve preliminary/minor plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

5. Case No. 0809-SD-18, Cottages at Hammock Dunes

Greg Kennedy, on behalf of K.O. Investments LLC, requests approval of **Final Major Subdivision** for a single-family residential subdivision with 11 residential lots, a common area for a swimming pool, and a private right-of-way. The property is located at 23916 PERDIDO BEACH BOULEVARD and is part of the Hammock Dunes Planned Unit Development (PUD) Master Plan. Griffin Powell presented staff comments to the Planning Commission. The City approved the property's rezoning from BR-2 to PUD in 2018. The right-of-way will be privately owned and maintained and complies with the master plan. The plat meets the requirements per the Subdivision Regulations. The property owners' association by-laws, articles of incorporation and restrictions and covenants will need to be recorded at the same time as the recordation of the final plat.

Chairman Robert Stuart opened the public hearing for comments and Greg Kennedy asked the Planning Commission about possibly purchasing an adjoining lot to expand the limits of the PUD. No application has been submitted for consideration and no comments were made by the Planning Commission.

Motion made (Simpson/Moore) to approve final major plat subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

6. Case No. 0811-ZT-16, Article 15, Roof and Window Signage

The Community Development Department requests recommendation to City Council for a **Zoning Text Amendment** to Article 15 of the Zoning Ordinance regarding roof and window signage. Griffin Powell presented the proposed zoning text amendment to the Planning Commission. The proposed amendment will prohibit roof signage and limit the size of window signage to twenty-five percent (25%) of window space.

Chairman Robert Stuart opened the public hearing for comments. Randy Hall asked if a window screen printed with images that was recently installed would be allowed. Chuck Smith stated that only images and not advertising products would be allowed. Kit Alexander

read the description of images from the zoning ordinance. Chuck Smith read the description for window signage and temporary signs. For safety purposes police and fire need to be able to see in stores. Kit Alexander spoke about images and art.

Motion made (Lannie Smith/Mitchell) to defer until the September 10, 2018 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (8-0).**

I. SITE PLAN REVIEWS

1. **Case No. 0803-SP-18, Back Bay Condominium Boat Parking Lot**

Lieb Engineering, on behalf of Back Bay Condominium Owner's Association, requests approval of **Site Plan Review** to construct a 36,400-SF parking area that will be used for boat storage for Back Bay Condominium. The property is located at 4610 WHITE AVENUE in the RM-2 (Multi-Family Residential High Density) zoning district. Griffin Powell presented staff comments to the Planning Commission. The boat parking area will be located north of Back Bay Condominium. It will encompass 36,333 SF of gravel area with 36 spaces. The parking area will also contain 20 storage sheds, which will have light blue HardiePlank exterior with asphalt shingles on the roof. The parking area will have a 20-foot setback from the north property line. A wooden privacy fence will be constructed along the west and north sides. There will be a 10-foot landscape strip located between the fence and property lines. Staff conditions include Planning Commission approval for the use of gravel for the parking area.

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

2. **Case No. 0807-SP-18, Liquid Life**

Sawgrass Consulting LLC, on behalf of Liquid Life, requests approval of **Site Plan Review** to construct an 11,300-SF commercial building. The property is located at 4251 ORANGE BEACH BOULEVARD in the NB (Neighborhood Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The maximum building footprint coverage proposed is 10,560 SF for retail and warehouse use. There will be 43 parking spaces provided. The project will have full movement driveway access on Rose Lane. Dollar General has improved Rose Lane to include increasing the roadway width to 28 feet. The site plan shows a 12' by 30' loading space being provided on the building's south side. Exterior lighting shall be arranged as to shield or deflect light away from adjoining properties and shall not have an adverse impact for the surrounding area.

Ercil Godwin and Randy Hall were present to address the Planning Commission. Ercil Godwin stated that the loading area is for FedEx drop-offs and not for 18-wheelers. He stated that the site plan indicates a portion of the building to be warehouse but it is actually unfinished space for storage. He also stated that the proposed use is professional office but is labeled as retail in order to allow for future owners to conduct retail business in the building. Retail land use has a higher parking ration than professional office. Randy Hall stated that the business conducted in the building will consist of staff check-in (8:00 AM), a call center, housekeeping and laundry. Kit Alexander stated that the westerly portion of the building

needs to be labeled as storage, not warehouse. Ercil Godwin stated the building could be modified at a later date to break it into units but today it is strictly for Liquid Life.

Chairman Robert Stuart asked John Lawler if the proposed site plan meets neighborhood business zoning classification requirements. John Lawler stated it could be argued yes and no. He stated that he has seen a CVS drug store in his neighborhood and it is gigantic. He considers a small grocery store as neighborhood business but even grocery stores can be large. He stated that neighborhood business needs to be very specific.

Commissioner Annette Mitchell stated that she does not feel the laundering activity in the building is suitable for the neighborhood business zoning district. Randy Hall stated he did not feel the zoning needed to be changed. Kit Alexander stated property rental is considered as professional office and is allowed in the Neighborhood Business zoning district. She stated that the use of the washers and dryers is accessory to the professional office use and did not change the proposed use of the building. The Planning Commission discussed laundry pick and drop off at this location. Randy Hall stated there are three commercial washers and dryers.

Ercil Godwin stated the proposed business provides jobs and is a daytime operation. Annette asked John Lawler whether this business complies with the requirements of the neighborhood business zoning district. John Lawler stated that the business should have some relation to the neighborhood. Lannie Smith stated that there is no neighborhood in this location for the Neighborhood Business zoning district to support. Annette Mitchell stated that it supports the Terry Cove Harbor subdivision.

Robert Stuart stated he does not want to set precedent. Commissioner Lannie Smith asked what impact this business will have on the neighborhood. Kit Alexander stated it is surrounded by wetlands and the Dollar General is directly across the street. She also stated that extending Rose Lane to the west is prevented by the presence of wetlands.

John Lawler stated that the Neighborhood Business zoning classification is associated with the neighborhood. Chairman Robert Stuart asked whether this could be considered as a Planned Unit Development. Kit Alexander raised concerns about whether this project would fit the design criteria of a Planned Unit Development. Brandon Gibbs asked about the definition of the Neighborhood Business zoning classification. Kit Alexander read the description of the neighborhood business zoning classification as provided in Article 3 of the Zoning Ordinance. Helen Clark stated she agrees with Commissioner Annette Mitchell that this is an appropriate business to be placed in a neighborhood business zoning district. Jerry Johnson stated that Dollar General is appropriate for Neighborhood Business because it serves the neighborhood and he suggested that this project should be considered as a Planned Unit Development as Chairman Robert Stuart suggested. Annette Mitchell stated that this project does not meet the criteria required for a Planned Unit Development.

Chairman Robert Stuart stated he feels this is multi-use and could be considered as a Planned Unit Development zoning. Kathy Lindsey agreed with Jerry Johnson. Vince Lucido stated that the recent changes to the zoning ordinance allow for vacation rentals to be located within the Neighborhood Business zoning district.

Motion made (Lannie Smith/Simpson) to approve site plan request subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, abstained; Stuart, yes. **Approved (7-0-1).**

3. Case No. 0808-SP-18, Baldwin EMC – South Baldwin Pad Cover

Baldwin EMC requests approval of **Site Plan Review** to cover an existing concrete pad with a 100' by 64' open air metal building. The property is located at 21801 UNIVERSITY LANE in the I-1 (Industrial) zoning district. Griffin Powell presented staff comments to the Planning Commission. The proposed building will be 21 feet from the north property line, 97 feet from the mechanic shop to the east, and 125 feet to the warehouse building to the southwest. The proposed building complies with the side setback requirement. The height of the proposed building is approximately 18 feet.

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

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 0805-SP-18, Orange Beach Hotel

Innisfree Hotels, on behalf of Saltaire Association Inc., requests approval of Site Plan Review to construct a 192-room hotel. The property is located at 26026 PERDIDO BEACH BOULEVARD in the BR-2 (Beach Resort High Density) zoning district.

Motion made (Callaghan/Moore) to defer until the September 10, 2018 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (8-0).**

2. Case No. 0810-SP-18, Cactus Cantina Outside Patio

Michael Smith, on behalf of Cantina Properties LLC, requests approval of Site Plan Review to add a 1,200-SF outdoor patio seating area with fencing to the front of the Cactus Cantina restaurant. The property is located at 25311 PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district.

Motion made (Lannie Smith/Callaghan) to defer until the September 10, 2018 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (8-0).**

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 6:03 p.m.

Kit Alexander, Director

Robert Stuart, Chairman