

Minutes
Orange Beach Planning Commission
Monday, July 9, 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

Vice Chairman Chris Callaghan 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
Chairman Robert Stuart

Staff Present:

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

Absent:

Vice Chairman Chris Callaghan

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

F. CONFLICTS OF INTEREST

Commissioner Lannie Smith stated he would be abstaining from 0701-PUD-18.
Chairman Robert Stuart stated he would be abstaining from 0701-PUD-18.

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 June 11, 2018.
2. Approval of minutes from the Regular Meeting on June 11, 2018.
3. Approval of minutes from the Special Called Meeting on June 25, 2018.

H. PUBLIC HEARINGS

1. Case No. 0606-PUDA-18, Orange Beach Marina 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 Planned Unit Development (PUD) Master Plan for the following: (1) to rezone

2.22 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for inclusion into the Orange Beach Marina PUD; (2) to expand the parking area; and (3) to construct a new marina office building. The property is located at 27075 MARINA ROAD. *(Deferred from the June 2018 meeting).*

Motion made (Moore/Mitchell) to defer until the September 20, 2018 meeting. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Stuart, yes. **Deferred (7-0).**

Chairman Robert Stuart and Commissioner Lannie Smith left the room. Commissioner Annette Mitchell presided over the meeting.

2. Case No. 0701-PUD-18, Phoenix Gulf Towers PUD

Brett Real Estate Robinson Development Company requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 5.8 acres from BR-2 (Beach Resort High Density) to PUD (Planned Unit Development) for a condominium project involving two buildings, both 26 stories in building height and containing 96 units for a total of 192 units. Each building will include a 7 story parking garage on the north side. The property is located at 23008 PERDIDO BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The beachfront property is the former Windemere Condominium and Winfield Resort sites located west of Sugar Beach Condominiums and east of Palm Beach Condominiums. Each tower will have 26 stories with 24 residential floors. The building footprint separation is 24 feet. The zoning ordinance requires a minimum of 20% percent of the total developable site to be devoted to landscaping. The proposed landscaping area north of the CCL is 18.25 percent. The proposed number of units is 192; the allowable number is 243. The proposed density is 33 units/acre; the allowable density is 42 units/acre. The maximum building coverage is 12.2%; the allowable number is 56%. There will be 520 parking spaces provided.

Kit Alexander stated that Phillip West would like to have beach access be a minimum of 10 feet wide. John Brett was present to address the Planning Commission. He stated that the project will be built in two phases with the west tower being built first. Commissioner Annette Mitchell asked about the laydown area and if the color could be more appealing for the parking tower. John Brett stated they will have off-site parking at the sales office and will also provide a shuttle for parking to their laundry building on Canal Road. He stated that the parking decks will have a glass look with landscaping in the front.

Commissioner Annette Mitchell opened the public hearing for comments and four people were signed up to speak. Joe Law stated he was undecided because of the growth with condominiums being built. He asked if the Planning Commission and City Council were required to approve the project. Commissioner Annette Mitchell stated that the Planning Commission makes a recommendation to City Council. She stated that the PUD is less dense than what could be built by-right.

Kevin Gilliland, Palm Beach Resorts, asked about the height and location in relation to Palm Beach Condominiums. He asked if wind or shadowing studies were provided. Kit Alexander stated there was no wind study. Mr. Gilliland asked about the construction time and noise being generated from the site. John Brett stated that there is noise with the piling which lasts

three to four months and then again when concrete is poured. Depending on permitting the construction could possibly start 10 months from now and last for 12–14 months before the second building starts construction.

Carson Gay stated he was concerned with the density and would like to slow down on construction. Commissioner Annette Mitchell stated that ALDOT has jurisdiction over the main roadways. Jill and William King had no comments.

Motion made (Jeffries/Moore) to recommend approval of Preliminary and Final PUD to City Council subject to staff comments and the beach access be a minimum of 10 feet wide. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes. **Forwarded to City Council with a positive recommendation (5-0).**

Chairman Robert Stuart and Commissioner Lannie Smith returned to the room at 4:42 p.m. Chairman Robert Stuart presided over the meeting.

3. Case No. 0702-PUDA-18, Spyglass PUD Modification

DR Horton Inc. requests recommendation to City Council for approval of **PUD Modification** to the Spyglass Planned Unit Development (PUD) Master Plan to modify the setbacks on four townhouse buildings and to relocate the sidewalks. The property is located at 26952 CANAL ROAD. Griffin Powell presented staff comments to the Planning Commission. A recent site and building inspection on the townhouse building located on Lots 57-60 found the driveway distance between the front of the garage and the edge of roadway pavement to be 18 feet. Inspection of the three other townhouse buildings currently under construction, Lots 65-68, 69-74 and 39-44, found the same driveway distance between the garage and edge of roadway pavement. The result is vehicles located in front of the garages being parked in the sidewalk location.

The applicant proposes to modify the Spyglass PUD Master Plan to establish a front setback of six feet for the aforementioned four townhouse buildings (20 units). These lots are Lots 57-60, 65-68, 69-74 and 39-44.

The proposed modification establishes the following front setbacks for the remaining buildings: 11-foot front setback: Lots 17-22, 23-38, 29-34, 35-38, 45-50, and 51-56; 12-foot front setbacks for Lots 1-6, 7-10, 11-16, 61-64, 75-78, 79-84 and 85-88.

The applicant requests to modify the sidewalk layout to have the sidewalk rerouted behind Lots 57-60, 61-64 and 39-44. There will be no sidewalk in front of the lots with the six-foot front setback. Sidewalks will remain in front of the remaining buildings and lots.

Chairman Robert Stuart opened the public hearing for comments and no one spoke.

Motion made (Moore/Mitchell) to recommend approval of PUD modification to City Council subject to staff comments. Roll call revealed: Jeffries, yes; Mitchell, yes; Moore, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (7-0).**

I. SITE PLAN REVIEWS

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

Adjourned at 4:48 p.m.

Kit Alexander, Director

Robert Stuart, Chairman