

Minutes
Orange Beach Planning Commission
Monday, July 10, 2017 – 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 4:18 p.m.

B. INVOCATION

Vice Chairman Chris Callaghan gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner John Davis
Commissioner Bill Jeffries
Commissioner Christina McInnis
Commissioner Annette Mitchell
Commissioner Ralph Moore
Commissioner Lannie Smith
Commissioner Jimmy Boyd
Vice Chairman Chris Callaghan
Chairman Robert Stuart

Staff Present:

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

E. APPROVAL OF AGENDA

There were no changes to the agenda and the agenda stands approved as submitted.

F. CONFLICTS OF INTEREST

Commissioner Christina McInnis stated she would be abstaining from 0602-RZ-17.
Commissioner Bill Jeffries stated he would be abstaining from 0703-PUD-17.

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 May 8, 2017.
2. Approval of minutes from the Regular Meeting on May 8, 2017.
3. Approval of minutes from the Regular Meeting on June 12, 2017.

H. PUBLIC HEARING

1. **CASE NO. 0601-SD-17 – FINAL MAJOR SUBDIVISION APPROVAL – THE RETREAT AT JOSEPHINE – OWNER: LAWRENCE A. & CORDELIA E. SWAIN – APPLICANT: GRAND PROPERTIES LLC** – Request by the applicant for approval of final plat to subdivide a 22.27 acre parcel into a single-family residential subdivision with 14 residential lots, a common area lot, and a private roadway. The subject property is located on MARJON LANE in the Orange Beach Planning Jurisdiction. *Deferred from the Regular Meeting on June 12, 2017.* Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Smith/Jeffries) to approve preliminary/final plat request subject to staff comments. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, no; Stuart, yes. **Approved (8-1).**

2. **CASE NO. 0602-RZ-17 – REZONING – READY MIX SITE DEVELOPMENT REZONING – OWNER: READY MIX USA LLC, 323 SOLUTIONS INC, & DUNN INVESTMENT COMPANY LLC – APPLICANT: RCG-OB** – Request by the applicant for recommendation to City Council to rezone approximately 32.2 acres from I-1 (INDUSTRIAL) to GB (GENERAL BUSINESS). The municipal address is 22801 CANAL ROAD. *Deferred from the Regular Meeting on June 12, 2017.* Commissioner Christina McInnis recused herself from voting and left the room. Griffin Powell presented staff comments to the Planning Commission. Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and one person spoke. Laura Thomas that she owns property zoned I-1 and is used as industrial, which may cause issues with noise.

Motion made (Davis/Callaghan) to recommend GB zoning to City Council. Roll call revealed: Davis, yes; Jeffries, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

Commissioner Christina McInnis returned to the Planning Commission.

3. **CASE NO. 0603-ZT-17 – ZONING TEXT AMENDMENT – SECTION 10.02, ARCHITECTURE RESTRICTIONS, METAL SIDING ON COMMERCIAL BUILDINGS** – Request by the Community Development Department for recommendation to City Council to amend Section 10.02 of the Zoning Ordinance removing allowances for metal siding on the rear and sides of commercial buildings. *Deferred from the Regular Meeting on June 12, 2017.* Griffin Powell presented the proposed zoning text amendment to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Moore/Smith) to recommend approval of zoning text amendment to City Council. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, no; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-1).**

4. **CASE NO. 0605-ZT-17 – ZONING TEXT AMENDMENT – SECTION 5.04, ACCESSORY STRUCTURES AND/OR BUILDINGS, STORAGE CONTAINERS** – Request by the Community Development Department to regulate the use of PODS and metal cargo containers as storage structures. *Deferred from the Regular Meeting on June 12, 2017.* Griffin Powell presented staff comments to the Planning Commission. He stated Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Mitchell/Callaghan) to recommend approval of zoning text amendment to City Council. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, no; Mitchell, yes; Moore, yes; Smith, yes; Boyd, no; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (7-2).**

5. **CASE NO. 0701-SD-17 – FINAL MAJOR SUBDIVISION APPROVAL – SPYGLASS SUBDIVISION – OWNER: 68V SPYGLASS 2016 LLC – APPLICANT: DEWBERRY/PREBLE-RISH** – Request by the applicant for approval of final plat to subdivide 19 acres into a residential subdivision with 88 townhouse lots, common areas, and a platted 50-foot private right-of-way. The municipal address is 26952 CANAL ROAD and is part of the Spyglass Planned Unit Development. Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Callaghan/Smith) to approve final major plat request subject to staff comments and to strike language for final plat for common area 3 on the south side. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

6. **CASE NO. 0702-PUD-17 – PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT APPROVAL – PHOENIX ORANGE BEACH PUD II – OWNER/APPLICANT: BRETT REAL ESTATE ROBINSON DEVELOPMENT COMPANY INC.** – Request by the applicant for recommendation to City Council to rezone 4.8 acres from BR-2 (BEACH RESORT HIGH DENSITY) to PUD (PLANNED UNIT DEVELOPMENT) for a condominium development with 120 units. The municipal addresses are 26686 – 26714 PERDIDO BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and Helen Clark said it's sad to lose open space to the Gulf. She is also concerned about the traffic.

John Brett gave a presentation to the Planning Commission. It included the dwelling units allowed by right versus the proposed project. It will be a smaller building, less density than can be built by right, with more open space. He stated the property is a deep and the building will be 215 feet from the road. The parking garage will be 108 feet right-of-way along the east property line and 44 feet on the west side for landscaping and a sidewalk. The property's underground storm retention system will collect and percolate Highway 182 roadway runoff. The project will provide beach access for the City on the east side for emergency response and an easement will be provided on the south side of the property for beach renourishment and dune restoration.

Motion made (Boyd/Mitchell) to recommend approval of Preliminary and Final PUD approval to City Council subject to staff comments. Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (9-0).**

7. **CASE NO. 0703-PUD-17 – PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL – GREENWAY APARTMENTS PUD – OWNER: LARRY SNYDER & COMPANY – APPLICANT: HUTCHINSON, MOORE & RAUCH LLC** – Request by the applicant for recommendation to City Council to zone 4.41 acres to PUD for an apartment complex with 216 micro efficient units. The subject property is located at the northeast corner of the intersection of ROSCOE ROAD and UNIVERSITY LANE. Griffin Powell presented staff comments to the Planning Commission. He stated the proposed site is outside of the city limits but if approved, will be annexed into the City. Commissioner Bill Jeffries recused himself from voting and left the room. Chairman Robert Stuart opened the public hearing for comments. Greg Leatherbury stated the apartments will provide workforce housing and will be 90% occupied by one person with one-year leases. They offered to provide a pre-annexation agreement but the Legal Department determined that it is not necessary. Larry Snyder stated he has properties that provide similar housing, primarily on college campuses. The Planning Commission discussed the lack of parking and the number of occupants per apartment. Commissioner Annette Mitchell stated she disagrees with the proposed parking but there is a need for workforce housing. It was stated that there is nowhere to walk as compared to a college campus.

Motion made (Callaghan/Boyd) to recommend approval of Preliminary PUD subject to staff comments contingent on annexation. Roll call revealed: Davis, no; McInnis, no; Mitchell, no; Moore, no; Smith, yes; Boyd, yes; Callaghan, no; Stuart, yes. **Forwarded to City Council with a negative recommendation (3-5).**

Commissioner Bill Jefferies returned to the Planning Commission.

8. **CASE NO. 0704-PUD-17 – PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT APPROVAL – BPG PROPOSED RETAIL DEVELOPMENT PUD (ROUSES) – OWNER: GULF SAND DEVELOPMENT INC. – APPLICANT: BURTON PROPERTY GROUP LLC** – Request by the applicant for recommendation to City Council to rezone 5.62 acres from GB (GENERAL BUSINESS) to PUD (PLANNED UNIT DEVELOPMENT) for a proposed development with a freestanding single tenant

grocery store containing a floor area of 43,100 square feet. The municipal addresses are 26080 CANAL ROAD and 4544 ORANGE BEACH BOULEVARD at the southeast corner of CANAL ROAD and ORANGE BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The project shows right-in, right-out driveways onto Canal Road and Highway 161 and two full-movement driveways onto Callaway Drive.

There are seven live oak trees on the site that meet the requirements for heritage tree designation. The revised landscape plan shows the project will retain five of the heritage trees as part of its landscaping. The remaining two are in the middle of the proposed parking drive aisle or parking spaces. Also, there are several trees being removed in the 20-26 inch DBH range. There will be a deficit of 968 inches: 161 6-inch or 322 3-inch tree plantings that are required but not being provided.

The project will have 189 parking spaces. The Zoning Ordinance requires a 43,060 SF grocery store to have 215 spaces.

Chairman Robert Stuart opened the public hearing for comments. Five were in opposition and one voiced concerns. Marcia Arnold, who lives at Magnolia Key Townhomes, stated it is impossible to get in and out of their property. She suggested that the city put infrastructure in place first. How long will it take? Where's the roundabout? Butch Tatum asked how eastbound traffic will turn north on Callaway. Helen Clark asked about the center turn lane. She also stated infrastructure should be in place first. John Hulen agrees with others. He stated that this is the worse traffic area in Orange Beach and the ALDOT improvements are needed. Matel Nelson, who lives in Windward Lakes stated the traffic is bad at Loop Road. People need to practice roundabouts. Cecil Young stated this is a bad traffic area in Orange Beach.

Phillip Burton, Burton Property Group stated the construction will take 12 months. A traffic study has been provided based on Memorial Day weekend traffic counts. He appreciates our comments and has tried to save as many trees as possible. Police Chief Fierro has requested two additional lanes to be constructed on Callaway Drive for sole utilization by the police and emergency response personnel. Phillip Burton stated he has ideas on it. Kit Alexander stated that ALDOT has not provided comments on the Traffic Impact Statement submitted by the applicant and the TIS needs to be based on the current condition of Canal Road.

Motion made (Davis/Callaghan) to defer until the August 14 meeting subject to staff comments and to be considered in two parts (preliminary and then final). Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Deferred (9-0).**

9. **CASE NO. 0705-SD-17 – PRELIMINARY AND FINAL MINOR SUBDIVISION APPROVAL – ANDERSON REPLAT – OWNER: WILLIAM D. & BRENDA ANDERSON – APPLICANT: LUCIDO ENGINEERING & SURVEYING LLC** – Request by the applicant for approval of preliminary and final plat to combine Lot 2 and Lot 3 in Block 2 of Bay La Launch Estates Subdivision into a single lot. The municipal address is 29089 PINE TREE LANE in the RS-1 (Single-Family Residential) zoning district. Griffin

Powell presented staff comments to the Planning Commission. He stated there are no outstanding issues. Chairman Robert Stuart opened the public hearing for comments and no one spoke in opposition.

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

I. SITE PLAN REVIEW

1. **CASE NO. 0707-SP-17 – SITE PLAN REVIEW – KEEL STORAGE BUILDING – OWNER/APPLICANT: MARK KEEL CONSTRUCTION** – Request by the applicant for approval of site plan review for a storage yard and building. The municipal address is 27085 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell stated staff recommends the Planning Commission defer its consideration of this site plan application to the next regular meeting on August 14.

Motion made (Moore/Jeffries) to defer until the August 14 meeting. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Deferred (9-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE SUBMITTAL

1. **CASE NO. 0706-SP-17 – SITE PLAN REVIEW – MATT FOSTER STORAGE YARD – OWNER: MATT FOSTER – APPLICANT: LUCIDO ENGINEERING & SURVEYING LLC** – Request by the applicant for approval of site plan review for an outdoor storage yard on Lot 4 in the Sweet Water Bayou Subdivision. The municipal address is 4404 MONEY BAYOU DRIVE in the GB (General Business) zoning district.

Motion made (Smith/Callaghan) to defer until the August 14 meeting. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Deferred (9-0).**

K. OTHER BUSINESS

L. PUBLIC COMMENTS

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M. ADJOURN

The meeting adjourned at 6:25 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman