

Minutes
Orange Beach Planning Commission
Monday, May 8, 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 4:25 p.m.

B. INVOCATION

Chairman Robert Stuart gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Jimmy Boyd
Commissioner John Davis
Commissioner Bill Jeffries
Commissioner Christina McInnis
Commissioner Annette Mitchell
Commissioner Ralph Moore
Commissioner Lannie Smith
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 – None.

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 March 13, 2017.
2. Approval of minutes from the Regular Meeting on March 13, 2017.

H. PUBLIC HEARING

1. **CASE NO. 0105-CU-17 – CONDITIONAL USE APPROVAL – ORANGE BEACH #5705 (DOLLAR GENERAL) – OWNER: HOLLIS W. WILLIAMS REVOCABLE TRUST – APPLICANT: THE BROADWAY GROUP** – Request by the applicant for recommendation for conditional use approval to construct a 10,640-SF commercial retail
Planning Commission

store and make associated improvements to Rose Lane. The municipal address is 4225 ORANGE BEACH BOULEVARD in the NB (Neighborhood Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The owner received subdivision approval to merge lots and the Board of Adjustment granted a variance to reduce the parking from 53 to 33 spaces. A 30-foot land use buffer will be required. The applicant is seeking conditional use approval from the City Council on May 16. Bob Broadway was present to address the Planning Commission. He provided a power point presentation of the proposed retail building site plan. He stated they will improve the substandard Rose Lane extending past the property including utilities. Bob Broadway stated the building has been moved closer to the SR161 right-of-way with parking in the rear. He also showed how the delivery truck can maneuver to unload. He stated the sign has been moved to save a live oak tree. Chairman Robert Stuart asked Bob Broadway if he agreed with the staff conditions and he replied yes.

Chairman Robert Stuart opened the public hearing for comments and three people spoke in opposition. Margaret Lauder read an email provided to the Planning Commission. She does not feel a Dollar General should be allowed in Neighborhood Business zoning and it would cause more traffic congestion. Thurston Lauder stated the subdivision was created by his grandfather to be nice residential property. He will be losing money if the property is developed. Helen Clark stated she is also in opposition.

Hollis Williams stated that his parents own the subject property, which is being sold to the Dollar General. He also stated that the Dollar General will improve Rose Lane.

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

2. **CASE NO. 0501-SD-17 – FINAL MAJOR SUBDIVISION APPROVAL – CYPRESS VILLAGE COURTYARD COTTAGES – OWNER: TRULAND HOMES LLC – APPLICANT: SAWGRASS CONSULTING** – Request by the applicant for final major subdivision approval to subdivide a 6.9-acre parcel into a single-family residential subdivision with 73 lots. The municipal address is 23909 CANAL ROAD in the Cypress Village PUD. Griffin Powell presented staff comments to the Planning Commission. Kit Alexander stated that the subdivision has access to the pool and parking per the Master Declaration of Covenants, Conditions and Restrictions for Cypress Village. Chairman Robert Stuart opened the public hearing and no one was signed up to speak.

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

3. **CASE NO. 0502-PUDA-17 – PLANNED UNIT DEVELOPMENT MODIFICATION – POLK’S ORANGE BEACH AT PANDION RIDGE – OWNER: TREHERN INVESTMENTS – APPLICANT: SAWGRASS CONSULTING** – Request by the applicant for recommendation for approval of modification to the Pandion Ridge PUD Master Plan to construct a gas station and drug store on 1.91 acres. The project will be located at the southwest corner of the intersection of CANAL ROAD and PANDION BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The subject property is located at the southwest corner of the intersection of Canal Road and is part of the Pandion Ridge PUD. He stated there is no driveway on Canal Road and will access through Pandion Ridge. Chairman Robert Stuart opened the public hearing for comments and two people spoke in opposition. Amanda Williams, who lives in Azalea Village, is concerned about the increase of traffic at their driveway. Patty Andrews, who lives in Azalea Village, stated it is hard to access Canal Road due to traffic and is in opposition.

Ercil Godwin addressed the Planning Commission. He stated that ALDOT requested site access to be off Stuckey Road. There will be no curb cuts onto Canal Road.

Motion made (Callaghan/Moore) to recommend approval of PUD modification to City Council subject to staff comments. Roll call revealed: 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).**

4. **CASE NO. 0503-PUD-17 – PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT APPROVAL – TURQUOISE PLACE OVERFLOW PARKING PUD – OWNER: TURQUOISE HOA C/O SPECTRUM RESORT – APPLICANT: LUCIDO ENGINEERING & SURVEYING LLC** – Request by the applicant for recommendation on preliminary and final PUD approval to rezone 2.5 acres from RS-1 (Single-Family Residential) to PUD for a temporary overflow parking area for Turquoise Place condominium. The municipal addresses are 26618, 26596, and 26574 PERDIDO BEACH BOULEVARD, west of the Island House Hotel. Griffin Powell presented staff comments to the Planning Commission. The subject property entails four beachfront lots and will contain 132 parking spaces. Guests will use the roadside pedestrian path or a shuttle from the parking lot to Turquoise Place. Griffin Powell stated that in 2003 and 2004 the parking requirements were 1.75 per unit. The number of parking spaces required was 753 and they provided 790 spaces. Based on the number of bedrooms the current required amount of parking would be 933 spaces showing the original project to be deficit 143 spaces based on the current code.

Chairman Robert Stuart opened the public hearing for comments and two people spoke in opposition. Gene Kesling, President of Turquoise POA, who lives on Avenue C and owns a unit in Turquoise, stated that two parking spaces per unit are not enough. The previous parking across Perdido Beach Boulevard was not safe. This parking lot will be a temporary solution with a three-year lease. Ginny Russell, who has owned a lot between Turquoise Condominiums and the proposed parking lot since 1958, stated they hired a lawyer, posted signs and made a gate to keep people from trespassing onto their property. She is concerned about public safety, parking after dark and walking from the parking lot to Turquoise. She also asked about stormwater drainage and lighting. Stephen King, who lives in Turquoise and works for Spectrum, stated they have been working on resolving the parking problems for years. Tony Marzullo, General Manager of Turquoise Place, Spectrum stated they will be making more parking spaces available at Turquoise by moving the staff parking to the proposed parking lot. He stated a shuttle will be provided. Access to the property will require a wristband or card. Turquoise custodial staff will keep the parking lot clean. Reverend James Dane, St. Thomas by the Sea Catholic Church, stated that litter is a problem. He asked about preservation of the scrub oaks and how far the parking lot would be from the beach. He doesn't want the church stained glass window to be blocked by a future tall condo on the subject property. The parking lot will be 483 – 489 feet from the water. David Russell, who lives on Russell Drive, stated that it is dangerous turning into Turquoise Place.

Chairman Robert Stuart asked Vince Lucido if he had any problems with staff comments. He stated he did not. Chairman Stuart asked if employees, contractors (cleaning and painting) and others park within the parking garage. Tony Marzullo stated that cleaners park in the owner's parking space because the cleaning will occur when the units are vacant. He stated the shuttle will run 24 hours a day. Chairman Robert Stuart asked about the finished grade for the parking lot and the trash. Vince Lucido stated that finished grade will probably be at elevation 15 feet. They will have a fence and team members will handle the trash.

Motion made (Boyd/Davis) to recommend approval of Preliminary/Final PUD to City Council subject to staff comments and 1) fence on the west, east and south side around the parking lot perimeter; 2) gravel or stone as approved by staff; 3) bollard lighting 4-5 feet tall; and 4) site restoration to equal or better condition and 5) PUD approval only good for three years and will revert to RS-1 zoning at that time. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, no; Mitchell, yes; Moore, no; Smith, yes; Boyd, yes; Callaghan, no; Stuart, no. **Forwarded to City Council with a positive recommendation (5-4).**

- 5. CASE NO. 0504-SD-17 – PRELIMINARY AND FINAL MINOR SUBDIVISION APPROVAL – BECK PLAT #1 – OWNER: DEBORAH & CLARENCE BECK – APPLICANT: LUCIDO ENGINEERING & SURVEYING LLC** – Request by the applicant for preliminary and final minor subdivision approval to combine Lots 12 and 13 of the East Orange Beach Subdivision into one lot. The municipal addresses are 27117 and 27127 PALMETTO DRIVE in the RS-2 (Single-Family Residential) zoning district. 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 (Mitchell/McInnis) 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, yes; Stuart, yes. **Approved (9-0).**

6. **CASE NO. 0505-SD-17 – PRELIMINARY AND FINAL MINOR SUBDIVISION APPROVAL – RESUBDIVISION OF MOORINGS CONDOMINIUM AND LOT 2 OF THE RESUBDIVISION OF SAUNDERS SUBDIVISION – OWNER: MOORINGS OWNERS ASSOCIATION INC. & ORANGE BEACH REAL ESTATE HOLDINGS I LLC – APPLICANT: HUTCHINSON, MOORE & RAUCH LLC** – Request by the applicant for preliminary and final minor subdivision approval to move the common lot line between The Moorings Condominium property and Lot 2 of the Resubdivision of Saunders Subdivision eastward. The municipal addresses are 27800 and 27844 CANAL ROAD in The Moorings Condominium PUD and the Sportsmen Marina PUD. Griffin Powell presented staff comments to the Planning Commission. Stuart Smith and Bob Green were present to address the Planning Commission.

Motion made (Jeffries/Mitchell) 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, yes; Stuart, yes. **Approved (9-0).**

I. SITE PLAN REVIEW

1. **CASE NO. 0304-SP-17 – SITE PLAN REVIEW – THE SHORES TOWNHOUSE DEVELOPMENT – OWNER: JEFF PATTERSON – APPLICANT: CHRIS GOVAN** – Request by the applicant for approval of site plan review to construct a multi-family residential development containing three buildings and seven units on 4.35 acres. The municipal address is 23727 PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. He stated that approval from the Army Corps of Engineers and Alabama Department of Environmental Management for the wetland fill must be provided. He also stated the Fire Department has concerns regarding firefighter access. Chris Govan and Randy Arp were present to address the Planning Commission. Randy Arp stated there is a permit to access uplands. Chris Govan stated he has an extension for the wetland fill and they will sit down with the Fire Department to make it work.

Motion made (Boyd/Callaghan) to defer until the June meeting to allow the applicant to work out safety concerns. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Deferred (9-0).**

2. **CASE NO. 0401-SP-17 – SITE PLAN REVIEW – O'REILLY AUTO PARTS – OWNER: O'REILLY AUTO PARTS – APPLICANT: C.M. ARCHITECTURE -**
Request by the applicant for approval of site plan review to construct a new O'Reilly Auto Parts retail store with a floor area of approximately 7,500 square feet. The municipal addresses are 24828 and 24830 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. Bryan Osborn, Anderson Engineering was present to address the Planning Commission.

Motion made (Moore/Callaghan) to approve site plan request subject to staff comments to provide ingress-egress easement from Canal Square Lane. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE SUBMITTAL

K. OTHER BUSINESS

1. Discussion on metal-sided buildings and the use of containers as storage and principal buildings.
2. Discussion on the allowable number of commercial accessory buildings.

Kit Alexander addressed the Planning Commission to discuss possible zoning text amendments regarding metal-sided buildings, metal storage containers as accessory buildings and solid private fencing.

L. PUBLIC COMMENTS

M. ADJOURN

The meeting adjourned at 7:48 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman