

Minutes
Orange Beach Planning Commission
Monday, March 13, 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 4:00 p.m.

B. INVOCATION

Commissioner John Davis 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
Vice Chairman Chris Callaghan
Chairman Robert Stuart

Staff Present:

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

Absent:

Commissioner Jimmy Boyd

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 Regular Meeting on February 13, 2017.

H. PUBLIC HEARING

1. **CASE NO. 1005-PUD-16 (AMENDED) – PRELIMINARY PUD APPROVAL – GULF STREAM PUD – OWNER: MICHAEL J. SPECCHIO – APPLICANT: DEWBERRY / PREBLE-RISH** – Request by the applicant for recommendation to City Council to rezone 11 acres at the end of Canal Square Lane from GB (General Business) to PUD (Planned Unit

Development) to construct a 64-unit townhouse development and to also provide 50+ additional parking spaces. The municipal addresses are 24830 CANAL ROAD and 4394 CANAL SQUARE LANE. Kit Alexander presented staff comments to the Planning Commission. The owner increased the PUD to 10.8 acres, added eight units and 66 parking spaces. Each three-bedroom two-bath unit will have two parking spaces. Staff did not receive the landscape plan until Friday, March 10. David Diehl was present to address the Planning Commission. He stated that the purchase of lot 6 will add more parking. They also have concerns about the water and drainage. Chairman Robert Stuart opened the public hearing for comments and two people spoke. Wayne Riser stated the property was a wet piece of land that has illegally filled in the past. He also said that something needs to be done with the drainage and traffic. He is totally against the development as it is planned. Margaret Long spoke for Betty McDuffie. She stated they also have concerns about the water. She suggested that they mitigate and build in the middle.

Motion made (Mitchell/Callaghan) to recommend approval of PUD zoning and Preliminary Master Plan to City Council. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a favorable recommendation (8-0).**

- 2. CASE NO. 0301-SD-17 – PRELIMINARY/FINAL MINOR PLAT – ERNY-SMITH RESUBDIVISION – OWNERS: BRIAN ERNY, INGE SMITH – APPLICANT: WEYGAND SURVEYORS** – Request by the applicant for approval of preliminary/final plat to resubdivide Lots 722 and 723 of Bear Point Estates Subdivision and Smith Subdivision of Bear Point (Lots 724 and the North Half of 725) from three lots into two lots. The municipal addresses are 5689 BEAR POINT AVENUE and 5703 BEAR POINT AVENUE in the RS-2 (Single-Family Residential) zoning district. Kit Alexander presented staff comments to the Planning Commission. The applicant is requesting to divide three lots into two lots. Trent Wilson was present to address the Planning Commission. Chairman Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Moore/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; Callaghan, yes; Stuart, yes. **Approved (8-0).**

- 3. CASE NO. 0302-SD-17 – PRELIMINARY MAJOR SUBDIVISION APPROVAL – THE RETREAT AT PIRATES COVE – OWNER: LAWRENCE A. & CORDELIA E. SWAIN – APPLICANT: GRAND PROPERTIES LLC** – Request by the applicant for approval of preliminary subdivision plat to subdivide a 22.27-acre parcel into a single-family residential subdivision with fourteen lots and a common area lot. The subject property is located on MARJON LANE in the Orange Beach Planning Jurisdiction. Kit Alexander presented staff comments to the Planning Commission. She stated that the property is in not in our corporate limits but in our planning jurisdiction. The request is a preliminary plat to subdivide 22 acres into fourteen lots. The road will be private and the applicant will improve Marjon Lane to twenty feet.

They are also requesting four waivers from the subdivision regulations: Section 4.1.2 (Right-of-Way Width) reduced from sixty feet to fifty feet between the Marjon Lane entrance into the subdivision. Section 4.1.2. (Roadway Width) reduced from 24 feet to 18 feet. Section 4.1.11 (Roadway Markings) omit yellow-painted double-lined centerline due to the gated community with a single access point. Section 4.5 (Sidewalks) omit sidewalks to decrease the impact on existing vegetation.

Trey Jinright, Jade Consulting and Pat Atchee were present to address the Planning Commission. Trey Jinright was agreeable with the staff comments. Chairman Stuart opened the public hearing for comments. Danny Calhoun reserved the right to speak later. The Planning Commission discussed at length the waiver request to reduce the roadway width from 24 feet to 18 feet.

Motion made (Davis/Jeffries) to approve preliminary major plat subject to staff comments and the requested waivers with the reduced roadway width to be 22 feet. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Callaghan, yes, Stuart, yes. **Approved (8-0).**

I. SITE PLAN REVIEW

1. **CASE NO. 0205-SP-17 – SITE PLAN REVIEW – HUDSON MARINA BACK BAY – OWNER/APPLICANT: RODNEY JONES** – Request by the applicant for approval of site plan to convert the use of the subject property from single-family residential to a marina for the docking of a passenger cruise vessel, pontoon boats, and jet skis and to improve and extend Callaway Drive to the project site. The municipal address is 26135 CANAL ROAD in the MR (Marine Resort) zoning district. *Deferred from the Regular Meeting on 02/13/2017.* Kit Alexander presented staff comments. The applicant requests to add 288 SF to the existing garage and convert it to a marina office and restrooms to dock a 125 passenger dolphin cruise vessel and provide rental of twelve pontoon boats and twelve jet skis. The pier shown on the site plan is proposed as a future phase. Rodney Jones and Vince Lucido were present to address the Planning Commission. Kit Alexander voiced concerns about the negative impact the marina would have on Canal Road traffic. She is recommending a traffic study and ALDOT approval. The marina would be required to comply with the landscaping requirements in Article 16 of the Zoning Ordinance. Vince Lucido stated that the request is a change of use and not a rezoning.

Butch Tatum, who lives next to the marina property, stated he enjoys Hudson Marina and it is done correctly. He is totally for the site plan request and owners have the right to use the property as marine resort. Richard Lemire, Magnolia Key Townhomes, stated that they have problems getting into and out of their driveway. He thinks this will create more problems. Barbara Mosely, who lives to the east of the property, is concerned about drainage. She asked how much fill will be used for the road and parking lot. She wanted to know where the water will go. She would like to see more fencing. Kit Alexander stated that the property would drain away from Callaway Lane and north to the bay.

Don Downey, Magnolia Key Townhomes, is concerned about the number of boats and the bay's ability to accommodate the additional traffic. Bill Lazenby, Magnolia Key Townhomes, is concerned about the traffic and the additional people turning around in their driveway. Michael Dearborn, who owns property on Raley Lane, asked whether flood zone regulations apply to parking lots. Lannie Smith stated there are no flood zone restrictions for parking lots.

Rodney Jones stated he would like to live in the house. Commissioner Chris Callaghan was concerned about the traffic impacts and the effect on nearby single family property. Commissioner Christina McInnis asked for Rodney Jones to compare the proposed marina with Hudson Marina. Rodney Jones stated it would probably be 20% of the activity as compared to Hudson Marina. Commissioner Annette Mitchell questioned whether there would be two additional handicap parking spaces or whether the amount of parking would remain the same as shown on the site plan. Kit Alexander stated that two parking spaces could be converted to handicap parking. Chairman Robert Stuart stated the Planning Commission expressed concerns that the site plan did not include the plans for the marina. Rodney Jones stated it is a change of use and not a rezoning. He stated that the application as presented is what he wants to build.

Robert Stuart stated the Planning Commission is voting on a change of use to convert the dwelling from single family to marina office. Kit Alexander stated that there is no specific change of use review process in the zoning ordinance and changes of use are handled as site plan review. Kit Alexander read Article 10.0307 from the Zoning Ordinance. *"The Planning Commission shall not give final site plan approval unless it finds that such site plan conforms to all applicable provisions of the Zoning Ordinance and that the safety and convenience of the public are properly provided for."* Discussion was held on traffic, marine resort zoning and allowable uses. John Lawler stated that the Planning Commission could approve a change of use subject to the site plan approved.

Motion made (Callaghan/Davis) to approve site plan request subject to staff comments and the parking lot a paved hard surface. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, no; Moore, no; Smith, no; Callaghan, no, Stuart, yes. **Denied (4-4).**

Kit Alexander stated that a reason for disapproval by the Planning Commission is required. Vice Chairman Chris Callaghan stated his reason for denial would be Article 10.0307 and not enough information for approval. Commissioner Lannie Smith stated his reason for denial is the impact on public safety, the intensity of the site is not in harmony with the surrounding area and noise. Commissioner Ralph Moore voiced the same.

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

Planning Commission
Page 5
March 13, 2017

M. ADJOURN

The meeting adjourned at 5:35p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman