

Minutes
Orange Beach Planning Commission
Monday, December 11, 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 4:06 p.m.

B. INVOCATION

Chairman Robert Stuart gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Jimmy Boyd
Commissioner Bill Jeffries
Commissioner Christina McInnis
Commissioner Annette Mitchell
Commissioner Ralph Moore
Commissioner Pat Simpson
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 November 13, 2017.
2. Approval of minutes from the Regular Meeting on November 13, 2017.

H. PUBLIC HEARINGS

1. Case No. 1201-SD-17, LaDolce Vita, Phase 1 Plat

Sawgrass Consulting, on behalf of Bella Rio Development, requests approval of **Preliminary and Final Minor Subdivision** plat to combine five lots into a single lot. The property is located at 29401 PERDIDO BEACH BOULEVARD in the RM-2 (Multi-Family Residential High Density) zoning district. Griffin Powell presented staff comments to the Planning Commission. In November 2017, the Planning Commission approved a site plan on the subject property for a 140-unit condominium development. There are no outstanding

building or zoning violations on the property. Ercil Godwin was present to address the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and two people were signed up to speak. William Campbell, owner at Jubilee Landing who spoke personally, was concerned about boat slips and easements. He also would not want overflow detention. Greg Leatherbury, representing Jubilee Landing stated that there is an old easement for boat slips which he would provide to staff.

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

2. Case No. 1203-SD-17, Sampson Avenue Subdivision

Dewberry/Preble-Rish, on behalf of Annapurna Investments LLC, requests approval of **Preliminary and Final Minor Subdivision** plat to subdivide a 0.44-acre lot into two lots. The property is located at the northeast corner of CANAL ROAD and SAMPSON AVENUE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. There are no outstanding building and zoning violations on the property. Chairman Robert Stuart opened the public hearing for comments and two people spoke. Helen Clark, who lives on Sampson Avenue, stated Sampson Avenue is known for large oaks trees. She is concerned about flooding and traffic. Godbee Smith stated the width of Sampson Avenue is very narrow.

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

3. Case No. 1204-SD-17, Jamaica Estates Subdivision

Sawgrass Consulting, on behalf of Daniel Blackburn, requests approval of **Preliminary and Final Minor Subdivision** plat to subdivide a 3.21-acre parcel into five lots. The property is located at the northwest corner of CANAL ROAD and SAMPSON AVENUE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The property to be subdivided is also part of a PUD request that is on the agenda. This property will be a single-family residential subdivision. Chairman Robert Stuart opened the public hearing for comments and three people were signed up to speak. Sherry Lee, who spoke for her mother Betty Phillips, was concerned about flooding on Sampson Avenue and asked for landscaping for Jamaica Estates. She voiced opposition against the upcoming PUD application. Ralph Young was concerned about drainage. Helen Clark asked about the ingress/egress access.

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

4. Case No. 1205-PUD-17, Hammock Dunes PUD

WAS Design, on behalf of Greg Kennedy, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 1.47 acres from BR-2 (Beach Resort High Density) to PUD (Planned Unit Development) for a single-family residential subdivision project with 10 new single-family houses, a common area pool, and 2 existing single-family houses. The property is located at 23916 PERDIDO BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The master plan indicates there are no front setbacks, and the front roof overhang encroaches into the private right-of-way. Staff has concerns with the number of parking spaces provided for the existing two residential structures on the property. Each residential structure contains nine sleeping rooms with detached garages. Staff has concerns about the minimal width of the proposed private road right-of-way, the lack of shoulder within the right-of-way, the minimal setbacks of the proposed structures and the lack of overflow parking. Greg Kennedy, Troy Strunk and Don Rowe were present to address the Planning Commission. Justin Pearce, Fire Chief, stated he had spoken with Greg Kennedy about the turnaround for emergency vehicles. Joe Fierro, Police Chief, is concerned about parking and the road width. Greg Kennedy requested to defer his application until the January meeting.

Motion made (Mitchell/Moore) to defer until the January 8, 2018, meeting. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (9-0).**

5. Case No. 1206-SD-17, Wilson Drive Estates Subdivision

Goodwyn, Mills & Cawood, on behalf of Al Thomas, requests approval of **Preliminary and Final Minor Subdivision** plat to modify part of the common lot line between two lots. The properties are located at 29031 WILSON DRIVE and 29062 WILSON DRIVE. Griffin Powell presented staff comments to the Planning Commission. The property is located within our Planning Jurisdiction. The plat will move the lot line 91 feet to the south. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

6. Case No. 1207-SD-17, Mariner Lakes Subdivision

Hutchinson, Moore & Rauch LLC, on behalf of Bel Air Developers LLC, requests approval of **Preliminary and Final Minor Subdivision** plat to subdivide a 9.41-acre parcel into two lots with one lot being the lake and the second lot being uplands. The property is located on the south side of LOOP ROAD in the Mariner Lakes Planned Unit Development. Griffin Powell presented staff comments to the Planning Commission. There are no outstanding building or zoning violations on the property. Robert Cummings, HMR, was present to address the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and no one spoke.

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

7. Case No. 1208-PUD-17, Blackburn PUD

Dan Blackburn requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 49 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a low impact, single-family rental cottage development, owners' houses, and a single-family residential subdivision for a total of 58 dwelling units. Development amenities include bayfront recreational opportunities, common pool facility, walking trails, and an existing lake. The property is located on CANAL ROAD and is northwest of the intersection of CANAL ROAD and SAMPSON AVENUE. Griffin Powell presented staff comments to the Planning Commission. The PUD is a single-family residential development with family houses and rental cottages located on 49 acres. The density on the property equates to 1.8 units per acre. The PUD master plan states all houses, cabins, and/or dwelling units constructed within the PUD may be used for short, medium, and/or long-term rental purposes. The PUD master plan indicates that accessory structures may be built prior to the primary structure. The required parking is 138 spaces and 182 spaces are being provided. Staff is suggesting that preliminary PUD approval be considered at this time, followed by final PUD consideration at a later date.

Chairman Robert Stuart opened the public hearing for comments and 19 spoke in opposition. Sherry Lee for Betty Phillips spoke in opposition earlier and was concerned about flooding. Sue Bailey stated this is a lot of houses on 49 acres, which backs up to her property. There will be increased traffic and flooding. David Claunch is also concerned about flooding and heavy traffic on Canal Road behind his house. Nathan Chiles is concerned about traffic and drainage. Mary Kochis stated this is a single-family area and does not want to see rentals. She is concerned about traffic and the loss of wildlife. Donnie Koen stated he thought this area was residential and asked about the lake and traffic. Eugene LeVert is concerned about density, traffic and short-term rentals. He asked to consider the vision of single family land use in this area. Blakely Ellis asked about access to waterfront property. He is concerned about single-family residential, tree preservation and vacation rentals. Alonzo Bunch stated that he concurs with what others have stated. Ricky Lindsey has spent many summers here and is now a full-time resident. He stated we want people that live here and are not renters. He would like this developed as RS-1. Kathy Lindsey stated her family founded Orange Beach in the 1800's. She considers this city as a place to visit and live. A PUD is not in keeping with the long term plan for Orange Beach. Jim McCready spoke about the watershed and Raley Bayou. He wants to keep Orange Beach friendly and nice. Charlotte Culbreth is concerned about flooding, loss of animals, and traffic. She would like to see it kept residential. Steve Culbreth is concerned about flooding and traffic on Canal Road. Ralph Young spoke about density and keeping the area RS-1. Kit Alexander stated that the density is not greater than standard RS-1 zoning; however, it could be considered a commercial development since it is a short term rental project. The density is 1.8 units per acre. Lee Pearson, who spoke for her mother Elizabeth Pearson, stated that the east end of Orange Beach is unique. She is concerned about drainage, density, and traffic. She asked the Planning Commission to consider the character of Orange Beach. Richard Pearson stated

single family is what the community is about and is concerned about traffic. Jake Abernathy stated he doesn't want renters and the area will lose its small town feeling. Drew Rambo was concerned about drainage.

Ercil Godwin was present to address the Planning Commission. He stated that the property is large enough for one duplex per acre. They are requesting 58 units to be built in phases. There will be a second, limited access to Sampson Avenue for emergency response. Dan Blackburn stated he would manage all property rentals and they will not use the access road beside Mr. Rambo. Commissioner Lannie Smith stated he could not support preliminary and final approval at the same time. Vice Chairman Chris Callaghan responded to comments from the public. Commissioner Annette Mitchell stated that she supports single family zoning and there could be more density by right.

Motion made (Jeffries/Smith) to recommend approval of preliminary PUD zoning to City Council subject to staff comments. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, no; Mitchell, no; Moore, no; Simpson, no; Smith, yes; Callaghan, no; Stuart, no. **Forwarded to City Council with a negative recommendation (3-6).**

The Planning Commission recessed at 6:30 p.m. The meeting reconvened at 6:35 p.m.

8. Case No. 1210-SD-17, Dale Davis Plat #2

Lucido Engineering & Surveying, on behalf of Dale Davis, requests approval of **Preliminary and Final Minor Subdivision** plat to subdivide a 0.64-acre lot from Dale Davis Plat #1 into four residential lots. The property is located at 5299 PINE ROAD in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. This plat will restore the original lot lines. Chairman Robert Stuart opened the public hearing for comments and one person spoke. Randy McKinney stated he will be purchasing the property.

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

I. SITE PLAN REVIEWS

1. Case No. 1209-SP-17, Contractor's Storage Yard

Lieb Engineering, on behalf of Tom Mueller, requests approval of **Site Plan Review** for a contractor laydown yard on 1.37 acres. The property is located on CANAL ROAD south of the Orange Beach Public Library in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. He stated that the subject property will be used as lay down storage for the property owner. There are no outstanding building or zoning violations on the property. Chris Lieb was present to address the Planning Commission. He stated that Tom Mueller owns a deck and dock business and will use the property for storage during construction. He will come back at a later date for site plan approval for a building. He stated the access gate will be recessed into the property to allow for a truck and trailer to pull off entirely outside the road right-of-way.

Motion made (Callaghan/Moore) to approve site plan request subject to staff comments.
Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes;
Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Approved (9-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 1202-PUD-17, Achee Properties PUD

Achee Builders LLC, on behalf of Jeanne Birkenhauer, MD, requests recommendation to City Council for **Preliminary PUD Approval** to zone 19 acres to PUD (Planned Unit Development) for a single-family residential subdivision with 62 lots. The property is located at the southeast corner of ROSCOE ROAD and RUSSIAN ROAD.

Motion made (Smith/Callaghan) to defer until the January 8, 2018 meeting. Roll call revealed: Boyd, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Simpson, yes; Smith, yes; Callaghan, yes; Stuart, yes. **Deferred (9-0).**

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman