

Minutes
Orange Beach Planning Commission
Monday, October 9, 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 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 September 11, 2017.
2. Approval of minutes from the Regular Meeting on September 11, 2017.

H. PUBLIC HEARINGS

1. Case No. 1002-PUD-17, Sunset Park PUD

WAS Design, on behalf of Sunset Park LLC, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 5.18 acres from MHP (Mobile Home Park) to PUD (Planned Unit Development) to allow for a single-family cottage, fee-simple condominium development with 60 units. The property is located at 25473 Canal Road.

Griffin Powell presented staff comments to the Planning Commission. Each cottage will be three habitable levels on piling (four stories). Each unit will have four sleeping rooms. There will be three areas with 20 units each. There will be three parking spaces located underneath the cottages and one exterior parking located along the 24-foot private roadway. Kit Alexander stated the proposed PUD will provide a 10-foot drainage easement within the setback along the Cypress Street frontage. The storm sewer will serve as the outfall from the subject site and will be sized to allow for the increased stormwater runoff from the site. Storm sewer is needed to provide an outfall for the proposed Canal Road widening project. Troy Strunk was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments. George Ingle, Bay La Launch Mobile Home Estates, had no questions. Nine residents of Sunset Mobile Home Park spoke in opposition. Derek Gardner provided a petition against the proposed zoning change of Sunset Mobile Home Park. The petition was signed by 45 residents of the park. He stated that the families will be homeless and forced to relocate with no means. Cody Wiggins stated the residents were blindsided. He moved here for the school district and would be forced to relocate. Jeff Cummings owns a mobile home and would be forced to relocate with no means. Andrea Cowen's grandmother and mother live and own a cab. She works at Walmart and would have no place to go. Lana Brown said that she wants to reiterate what was stated by others. She doesn't know what to do. Janice Hammer was very upset and is struggling with her health. She stated she has nowhere to go. She asked to please reconsider the request. Debra Sue Barnes stated she can't imagine moving and doesn't have funds to move her mobile home. She asked for reimbursement of \$20,000 to move her mobile home. Jennifer Wadsworth stated her mother is Debra Barnes and had invested money to have her mobile home. She has no money to relocate.

Troy Strunk and Stacey Ryals responded to questions from the Planning Commission. Stacey Ryals stated that all written leases are month-to-month. He owns 12 mobile homes in Sunset Mobile Home Park. He does have other rental properties. Troy Strunk stated the proposed development will have brick pavers.

Motion made (Smith/Callaghan) to recommend approval of Preliminary and Final PUD approval 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, no. **Forwarded to City Council with a positive recommendation (8-1).**

2. Case No. 1003-SD-17, East 180 U-Store It Addition Plat

Lucido Engineering & Surveying LLC, on behalf of Paul M. Pankey III, requests approval of **Preliminary and Final Minor Subdivision** plat to combine four parcels into a single parcel. The properties are located at 24250 Canal Road and 4404 Lindsey Lane. Griffin Powell presented staff comments to the Planning Commission. Lindsey Lane is a private roadway. The new development will not have access to Lindsey Lane and must access the existing driveway onto Canal Road. Utilities will be also provided via Canal Road, not Lindsay Lane. He stated there were no outstanding issues. Baker Davis, Lucido Engineering, was present to address the Planning Commission.

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

3. **Case No. 1006-ZT-17, Section 2.02, Privacy Fence**

The Community Development Department requests recommendation to City Council for a **Zoning Text Amendment** to Section 2.02 to modify the definition of *Privacy, Opaque or Solid Fence*. Griffin Powell presented the proposed zoning text amendment. Chain-link fencing with attachments such as slats, panels, fabric or similar materials is not included in the definition of a solid, privacy fence.

Motion made (Mitchell/Moore) 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, yes; Callaghan, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (9-0).**

I. **SITE PLAN REVIEWS**

1. **Case No. 0707-SP-17, Keel Storage Building**

Mark Keel requests approval of **Site Plan Review** for a storage building and outdoor storage yard. The property is located at 27085 Canal Road in the GB (General Business) zoning district. (Deferred from the September 2017 meeting). Griffin Powell presented staff comments to the Planning Commission. He stated there are violations on the site. Mark Keel was present to address the Planning Commission. Chuck Smith, Code Enforcement Officer, read the list of outstanding violations still on the site as of October 4, 2017. The list included illegal and on-permitted storage of fill material; illegal and non-permitted storage of vehicles, equipment, etc.; storage of construction material and containers; storage of concrete debris and junk; and non-approved driveway and damaged sidewalks. Mark Keel stated he will clear up the violations and he will not be stock piling fill. He stated it will be a good looking building. Kit Alexander stated there is no signed and sealed boundary and topographic survey. Commissioner Annette Mitchell asked Mark Keel why the plans had not been provided. Mark Keel stated he has hired Jason Wooten, Wooten Engineering, to prepare the survey and plans. Commissioner Annette Mitchell and Kit Alexander stated the City will work with the applicant on making deadline.

Motion made (Mitchell/Davis) to defer site plan request until the November 13 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).**

2. Case No. 1001-SP-17, Fresenius Medical Office Building

YB Orange Beach LLC, on behalf of Bank Trust, requests approval of **Site Plan Review** for a 3,100-SF building on 2.47 acres that will serve as a medical office for Fresenius Kidney Care. The property is located at 4251 Orange Beach Boulevard in the NB (Neighborhood Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. He stated the project will have two phases. At this time, the applicant requests approval for the first phase that will allow for a modular building to serve as its medical office. There will be a second phase encompassing a larger building. Site Plan approval will be required for the second phase. The roadway and utility improvements within the Rose Lane right-of-way will be constructed to City of Orange Beach standards and specifications. Patrick Tolbert was present to address the Planning Commission. He stated the temporary building will be onsite for two to four years. The modular building will go away with the building of phase 2. The Planning Commission stated that they recognize the need for a dialysis center but has issues with the modular and its location next to the City's medical building.

Motion made (Jeffries/Smith) to approve site plan request subject to staff comments. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, no; Mitchell, no; Moore, no; Smith, yes; Boyd, no; Callaghan, no; Stuart, no. **Denied (3-6).**

The site plan request was denied due to the non-compliance with Article 10.0305.b, Appearance of Site and Structures.

3. Case 1004-SP-17, East 180 U-Store It Addition Site Plan

Lucido Engineering & Surveying LLC, on behalf of Paul M. Pankey III, requests approval of **Site Plan Review** for a 27,200-SF climate control mini-warehouse building that will be an addition for East 180 U-Store It. The properties are located at 24250 Canal Road and 4404 Lindsey Lane in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. Lindsey Lane is a private roadway. New development will not have access to Lindsey Lane and must access the existing driveway onto Canal Road. Utilities will be also provided via Canal Road, not Lindsay Lane. The applicant has submitted a preliminary and final plat application to combine the four parcels into a single parcel. There is no outstanding building or zoning issues on the subject property.

Motion made (Callaghan/Moore) to approve site plan 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).**

4. Case No. 1005-SP-17, Caribe on the Beach East Condominium

Dewberry/Preble-Rish, on behalf of Caribe on the Beach East LLC, requests approval of **Site Plan Review** for a condominium with 100 units. The property is located at 26026 Perdido Beach Boulevard in the BR-2 (Beach Resort High Density) zoning district. Griffin Powell presented staff comments to the Planning Commission. There will be 93 units with 262 parking spaces provided. The number of required parking spaces is 261. Forrest Daniell was present to address the Planning Commission. The Planning Commission expressed concerns

about a separate lockout unit being provided for some of the condominium units and not being considered a separate condominium unit. The lockout units had a separate access to the common corridor and a kitchen and therefore should be considered a separate condominium unit which affects parking and density. The Planning Commission stated that the approved Caribe West project also needs to be revised to eliminate the lockout units or additional parking must be provided.

Motion made (Boyd/Moore) to defer site plan request until the November 13 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

1. Case No. 0706-SP-17, Matt Foster Storage Yard

Lucido Engineering & Surveying LLC, on behalf of Matt Foster, requests approval of **Site Plan Review** for an outdoor storage yard. The property is located at 4404 Money Bayou Drive in the GB (General Business) zoning district. (Deferred from the September 2017 meeting).

Motion made (Smith/Moore) to defer until the November 13 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

Chairman Robert Stuart announced that Pat Simpson will be replacing Commissioner John Davis whose term expires November 2017. Robert Stuart, Annette Mitchell, Chris Callaghan and Ralph Moore will serve as the Zoning Text Committee.

L. PUBLIC COMMENTS

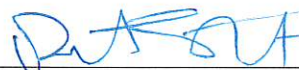
M. ADJOURN

The meeting adjourned at 6:08 p.m.

Respectfully submitted,



Kit Alexander, Secretary



Robert Stuart, Chairman