

Minutes
Orange Beach Planning Commission
Monday, September 11, 2017 – 4:08 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 4:05 p.m.

B. INVOCATION

Commissioner Christina McInnis 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
Chairman Robert Stuart

Staff Present:

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

Absent:

Vice Chairman Chris Callaghan

E. APPROVAL OF AGENDA

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

F. CONFLICTS OF INTEREST – Commissioner Jimmy Boyd stated he would be abstaining on 0903-SP-17, Safe Harbor, Lot 23.

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 August 14, 2017.
2. Approval of minutes from the Regular Meeting on August 14, 2017.

H. PUBLIC HEARINGS

1. Case No. 0802-PUD-17, GSPS Orange Beach Sales & Service Center PUD

Gulf Shores Power Sports, on behalf of David Paul Brukman, Virginia H. Turner, and Gulf Management Ltd., requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 4.6 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) to allow for a commercial building and sales area for Gulf Shores Power Sports to the east of Zeke's Marina and a single-family residence on the easternmost lot. The property is located at 26713, 26727 and 26749 Perdido Beach Boulevard. Griffin Powell presented staff comment to the Planning Commission. The required parking is 37 spaces and the applicant is providing 40 parking spaces and 55 boat display spaces.

Chairman Robert Stuart opened the public hearing for comments and four people spoke in opposition. Doug Rogers, who is a full-time resident and lives 400 yards east of the property, stated the project will be detrimental to the neighborhood and the surrounding area is single-family residential with the exception of Zekes. Margaret Long stated this is not a good place for the project and does not want more boats in the water. Linda Gates agreed with Margaret Long's comments. She also thinks we should hold out for residential land use in this area. Fred Stimpson is against the project because it is commercial and will devalue his home and lot.

Morgan Kitchens, the owner and applicant, stated his father first opened his business in Gulf Shores and was sensitive to the residential neighbors. He stated the boat slips are subject to Army Corps approval and will not be available for rentals. Blake Kitchens stated he is a resident here. The project will be a clean organized business with low impact. Kit Alexander stated that the number of boat slips needs clarification. Rick Long, GSPS staff, stated he understands the Planning Commission issues. It will not be a public marina and will have a smaller impact. They understand the no wake zone. Ken Montgomery stated all the houses there now have three boat houses each.

Motion made (Moore/Davis) to recommend approval of Preliminary PUD Zoning and approval to City Council subject to staff comments and a maximum of 10 boat slips.

Roll call revealed: Davis, yes; Jeffries, yes; McInnis, no; Mitchell, no; Moore, no; Smith, yes; Boyd, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (5-3).**

2. Case No. 0901-SD-17, Phoenix Orange Beach II Resubdivision

Brett Real Estate Robinson Development Company Inc. requests approval of **Preliminary and Final Minor Subdivision** plat to combine three lots into a single lot for the purpose of constructing the Phoenix Orange Beach II Condominium. The project is located at 26686, 26688 and 26714 Perdido Beach Boulevard in the PUD (Planned Unit Development) 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 (Moore/Davis) to approve preliminary/final plat request. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Stuart, yes. **Approved (8-0).**

3. **Case No. 0902-SD-17, Resubdivision of Lots 5 – 8 of Magnolia Place Subdivision**

Dewberry/Preble-Rish, on behalf of Annapurna Investments LLC, requests approval of **Preliminary and Final Minor Subdivision** plat to resubdivide Lots 5, 6, 7 and 8 of Magnolia Place Subdivision into three lots. The property is located at 26693, 26695, 26697 and 26699 Magnolia Avenue 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 (Davis/Jeffries) to approve preliminary/final plat request. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Stuart, yes. **Approved (8-0).**

4. **Case No. 0905-SD-17, Lynch Resubdivision**

Weygand Surveyors, on behalf of Brian Lynch, requests approval of **Preliminary and Final Minor Subdivision** plat to move the lot line between Lots 17 and 18 of Block 1, Unit 1, Terry Cove North Subdivision to the west. The property is located at 26225 Terry Cove Drive in the RS-1 (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 (Jeffries/Moore) to approve preliminary/final plat request. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Stuart, yes. **Approved (8-0).**

5. **Case No. 0906-SD-17, Mexiwana Subdivision**

James Pat Achee, on behalf of Cordelia E. & Lawrence A. Swain, requests approval of **Preliminary and Final Minor Subdivision** plat for a residential neighborhood subdivision with four lots. The property is located at 28932 Josephine Drive at the southwest corner of the intersection of Josephine Drive and Marjon Lane in the Orange Beach Planning Jurisdiction. 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/Moore) to approve preliminary/final plat request. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Stuart, yes. **Approved (8-0).**

6. **Case No. 0907-SD-17, Chicago Gulf Beach Subdivision**

Hutchinson, Moore & Rauch LLC, on behalf of Cotton Bayou LLC, requests approval of **Final Major Subdivision** to resubdivide and establish 10, 50-foot lots from pre-existing 25-foot lots, one common area lot, and to construct roadways and utilities to serve the lots. The property is located east of the Jefferson Avenue right-of-way, north of Taylor Lane, and west

Of the Madison Avenue right-of-way in the RS-3 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Doug Bailey was present to address the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Motion made (Jeffries/Boyd) to approve preliminary/final plat request. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Stuart, yes. **Approved (8-0).**

7. **Case No. 0908-SD-17, Big Mike's Steakhouse Plat #1**

Lucido Engineering & Surveying LLC and Tarver Service Inc., on behalf of Big Mike's Steakhouse, request approval of **Preliminary and Final Minor Subdivision** plat to combine Lots 7, 8 and 9 of Orange Beach Plaza Subdivision into a single lot. The property is located at 25638 Canal Road in the GB (General Business) zoning district.

Motion made (Mitchell/Boyd) to approve preliminary/final plat request. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Stuart, yes. **Approved (8-0).**

8. **Case No. 0910-ZT-17, Section 10.0309, Landscape Plan Requirements**

The Community Development Department requests recommendation to City Council for a **Zoning Text Amendment** to Section 10.0309 of the Zoning Ordinance to amend the requirements for landscape plans pertaining to site plan review. Griffin Powell presented the proposed zoning text amendment. Staff proposes two amendment options. The first option is to allow landscape plans to be prepared by either an engineer or a landscape architect registered in the State of Alabama. The second option is to allow engineers or landscape architects to prepare a landscape plan if the vehicular use area is equal to or less than (1/2 acres or 1 acre) and require a landscape architect if it exceeds (1/2 acre or 1 acre).

Chairman Robert Stuart opened the public hearing for comments and Vince Lucido spoke in favor of the zoning text amendment. He stated the State of Alabama allows engineers to prepare incidental landscape plans. The Planning Commission discussed incidental and vehicular use area options.

Motion made (Boyd/Smith) to recommend approval of zoning text amendment to City Council to allow engineers or landscape architects to prepare a landscape plan if the vehicular use area is equal to or less than one acre and require a landscape architect if it exceeds one acre. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (8-0).**

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 27085 Canal Road in the GB (General Business) zoning district. (Deferred from the August 2017 meeting). Staff requests deferral until next meeting due to insufficient information provided.

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

2. Case No. 0903-SP-17, Safe Harbor, Lot 23

Mike Collins, on behalf of Sandra Jean Collins, requests approval of **Site Plan Review** to change the use of the property from single-family residential to a marine recreational use and to use the existing building, property, and piers to park vehicles and meet clients to board parasailing boats. The property is located at 27194 Marina Road in the MR (Marine Resort) zoning district. Commissioner Jimmy Boyd recused himself and left the room. Griffin Powell presented staff comments to the Planning Commission. He stated the proposed parking area will be gravel. Craig Johnson was present to address the Planning Commission.

Motion made (Moore/Jeffries) to approve site plan request for change of use. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Stuart, yes. **Approved (7-0).**

Commissioner Jimmy Boyd returned to the Planning Commission.

3. Case No. 0904-SP-17, Sky Condominium

Dewberry/Preble-Rish, on behalf of Leo Joseph, requests approval of **Site Plan Review** for a 35-unit condominium. The property is located at 25768 Perdido Beach Boulevard in the BR-2 (Beach Resort High Density) zoning district. Griffin Powell presented staff comments to the Planning Commission. The project will have a right-in, right-out driveway onto Perdido Beach Blvd. The project requires 112 parking spaces and 115 spaces are being provided. The project will provide emergency beach access along the eastern side of the property. There are no outstanding issues. Henry Norris was present to address the Planning Commission. He stated that the condominiums will be screened in the front. Edward Bahr, who owns a condominium at Summerchase, stated that it is already hard to get onto Perdido Beach Blvd. with the recent road changes.

Motion made (Jeffries/Davis) 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; Stuart, yes. **Approved (8-0).**

4. **Case No. 0909-SP-17, Big Mike's Steakhouse Parking Addition**

Lucido Engineering & Surveying LLC and Tarver Service Inc., on behalf of Big Mike's Steakhouse, request approval of **Site Plan Review** for a parking lot addition at Big Mike's Steakhouse. The property is located at 25638 Canal Road in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. Vince Lucido was present to address the Planning Commission. He stated the proposed parking lot addition will have parking bumpers.

Motion made (Smith/Boyd) 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; Stuart, yes. **Approved (8-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. **Case No. 0704-PUD-17, BPG Proposed Retail Development PUD**

Burton Property Group LLC, on behalf of Gulf Sands Development Inc., requests recommendation to City Council for **Preliminary PUD Approval** to rezone 5.62 acres from GB (General Business) to PUD (Planned Unit Development) for a single tenant freestanding grocery store with a floor area of 43,100 square feet. The property is located at 26080 Canal Road and 4544 Orange Beach Boulevard, the southeastern corner of the intersection of Canal Road and Orange Beach Boulevard. (Deferred from the August 2017 meeting).

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

2. **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 August 2017 meeting).

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

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

The meeting adjourned at 6:08 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman