

Minutes
Orange Beach Planning Commission
Monday, December 12, 2016 – 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 4:30 p.m.

B. INVOCATION

Vice Chairman Chris Callaghan 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 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

Absent:

Commissioner Ralph Moore

E. APPROVAL OF AGENDA

Chairman Robert Stuart stated that the order of the agenda would be changed to consider item #12 before item #11 – Port Washington.

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 14, 2016.
2. Approval of minutes from the Regular Meeting on November 14, 2016.

H. PUBLIC HEARING

1. **CASE NO. 1101-SD-16 – PRELIMINARY/FINAL MINOR SUBDIVISION – SUMMER SALT PLAZA, RESUBDIVISION OF LOT 3 – OWNER/APPLICANT: OKS INVESTMENTS LLC** – Request by the applicant for approval of preliminary/final plat to subdivide Lot 3 of Summer Salt Plaza Subdivision into two lots. The subject property is located at the northeast corner of the intersection of PERDIDO BEACH BOULEVARD and SUMMER SALT PLAZA BOULEVARD in the GB (General Business) zoning district. *Deferred from the Regular Meeting on 11/14/2016.* Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing and no one was signed up to speak.

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

2. **CASE NO. 1104-SD-16 – PRELIMINARY MAJOR SUBDIVISION PLAT – ISLEWORTH PRELIMINARY PLAT – OWNER: EASTERN SHORE ACQUISITION LLC & PARLAY INVESTMENTS LLC – APPLICANT: DEWBERRY/PREBLE-RISH** – Request by the applicant for approval of preliminary major subdivision plat to resubdivide Lots 1, 2, 3, 4, 5 and the east one-third of Lots 12, 13, 14, 15 and 16, Block 14, Bear Point Heights Subdivision and Lots 12, 13, 14, 15 and 16, Block 13, Bear Point Heights Subdivision into two lots. The plat also entails right-of-way improvements to Avenue “D.” The subject property is located on the Avenue “D” and Third Street rights-of-way east of the intersection of WILSON BOULEVARD and CANAL ROAD in the RS-2 (Single-Family Residential) zoning district. *Deferred from the Regular Meeting on 11/14/2016.* Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and one person spoke. Jennifer Lawrence asked what was planned for the subdivision and how many houses could be built. There will be no duplexes and there could be two single-family residences per lot.

The applicant is requesting two waivers to the Subdivision Regulations. The waiver request is to reduce the striping length from 160 feet to 15 feet. Also, a waiver request to forgo the sidewalk requirement. The applicant justifies the waiver requests based on the roadway being a dead-end road serving two lots.

Motion made (Smith/Boyd) to approve preliminary major plat request subject to staff comments and two waivers. The waivers include the striping length reduction from 160 feet to 15 feet and to forgo the sidewalk requirement. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

3. **CASE NO. 1201-SD-16 – FINAL MAJOR SUBDIVISION PLAT – HARBOR RIDGE SUBDIVISION FINAL PLAT – OWNER: HARBOR RIDGE 2015 LLC – APPLICANT: DEWBERRY/PREBLE-RISH** – Request by the applicant for approval of final plat for a 22-lot single-family residential subdivision. The subject property is located in the Harbor Ridge PUD Master Plan, and the municipal address is 26221 ST. LUCIA DRIVE. 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/Jeffries) to approve final major plat request subject to staff comments. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

4. **CASE NO. 1202-SD-16 – PRELIMINARY/FINAL MINOR SUBDIVISION – O'REILLY AUTO PART SUBDIVISION – OWNER: M.J. SPECCHIO – APPLICANT: DONALDSON, GARRETT & ASSOCIATES** – Request by the applicant for approval of preliminary/final plat to combine Lots 1 and 2 of Cool Breeze Commercial Park Subdivision into a single lot for the development as a retail auto parts store. 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. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

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

5. **CASE NO. 1204-RZ-16 – REZONING – LOTS 25, 26 AND 27, UNIT 2, CANAL PLACE – OWNER: DMK LLC – APPLICANT: R² GLOBAL INC** – Request by the applicant for recommendation to City Council to rezone the subject property from NB (Neighborhood Business) to GB (General Business). The municipal addresses are 24400, 24410 and 24420 CANAL ROAD. Griffin Powell presented staff comments to the Planning Commission. Barry Dees was present to address the Planning Commission. He stated that the owner would like to have an interior decorating shop, which is not allowed in the NB zoning. Chairman Robert Stuart opened the public hearing for comments and one person spoke. He asked what the future plans would be and asked if the wetlands would be disturbed. Kit Alexander stated there are wetlands and wetland delineation would be required.

Motion made (Boyd/Jeffries) to recommend approval of rezoning to GB to City Council. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, no; Stuart, no. **Forwarded to City Council with a positive recommendation (6-2).**

6. **CASE NO. 1205-SD-16 – PRELIMINARY/FINAL MINOR SUBDIVISION – SMITH SUBDIVISION OF BEAR POINT – OWNER: INGE SMITH – APPLICANT: SMITH, KOLB & ASSOCIATES** – Request by the applicant for approval of preliminary/final plat to combine Lot 724 and the north half of Lot 725 of Bear Point Estates Subdivision into a single lot. The municipal address is 5689 BEAR PONT AVENUE in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Hunter Smith was present to address the Planning Commission. Chairman Robert Stuart opened the public hearing and no one was signed up to speak.

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; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

7. **CASE NO. 1206-SD-16 – PRELIMINARY/FINAL MINOR SUBDIVISION – THE WHARF WEST SIDE SUBDIVISION, PHASE 3 – OWNER: WHARF ENTERTAINMENT – APPLICANT: SAWGRASS CONSULTING** – Request by the applicant for approval of preliminary/final plat to subdivide Lot 5 of The Wharf West Side Subdivision, Phase 2, into two lots. The subject property is in The Wharf PUD Master Plan and is located on WEST WHARF PARKWAY south of The Event Center. Griffin Powell presented staff comments to the Planning Commission. Ercil Godwin and Jim Bibby were 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 (Smith/Mitchell) to approve preliminary/final plat request subject to staff comments. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

8. **CASE NO. 1207-PUDA-16 – PLANNED UNIT DEVELOPMENT MAJOR MODIFICATION – BURRIS FARM MARKET AT THE WHARF – OWNER: WHARF ENTERTAINMENT – APPLICANT: SAWGRASS CONSULTING** – Request by the applicant for recommendation to City Council for approval of a major modification to The Wharf PUD Master Plan for construction of Burris Farm Market, a 6,000-SF facility on 1.07 acres. The subject property is located on WEST WHARF PARKWAY south of The Event Center. Griffin Powell presented staff comments to the Planning Commission. Ercil Godwin and Jim Bibby were present to address the Planning Commission. Ercil Godwin stated that the market building would be a metal frame structure with outside lap siding. Robert Stuart discussed the gravel parking and dust. Commissioners Christina McInnis and Lannie Smith stated that they did not have a problem with gravel parking with the amount of pavement already at The Wharf.

Motion made (Jeffries/Smith) to recommend approval of PUD modification to City Council subject to staff comments. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, no; Stuart, yes. **Forwarded to City Council with a positive recommendation (7-1).**

9. **CASE NO. 1208-SD-16 – PRELIMINARY MAJOR SUBDIVISION APPROVAL – CHICAGO GULF BEACH SUBDIVISION PRELIMINARY PLAT – OWNER: COTTON BAYOU DEVELOPMENT – APPLICANT: HMR** – Request by the applicant for approval of preliminary major subdivision plat to resubdivide and establish 10, 50-foot lots from pre-existing 25-foot lots and to construct roadways and utilities to serve the lots. The subject property is located north of TAYLOR LANE, west of MADISON AVENUE, east of JEFFERSON AVENUE in the RS-3 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and one person spoke. The applicant requests a waiver to maintain the alley width at 12 feet instead of increasing it to 60 feet. The alley is pre-existing and is proposed to be used for its intended purpose of public access. The alley will provide access to five waterfront lots, and the average daily traffic on the proposed 12-foot wide paved road will not warrant a full 60-foot wide right-of-way. A utility easement is proposed to provide utilities to the waterfront lots. Also, the presence of wetlands prevents any construction typing the paving of the alley to any existing or future paving in the Jefferson Avenue right-of-way. Craig Stephenson stated that he approves the road for the fire department. John Loyd stated that finally he likes everything he sees with this property development.

Motion made (Callaghan/Boyd) to approve preliminary major plat request subject to staff comments and one waiver for the alley to provide access to five waterfront lots, and the average daily traffic on the proposed 12-foot wide paved road will not warrant a full 60-foot wide right-of-way. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

10. **CASE NO. 1209-SD-16 – PRELIMINARY MAJOR SUBDIVISION APPROVAL – BEACH VILLAGE SUBDIVISION PRELIMINARY PLAT – OWNER: COTTAGES AT ROMAR LLP – APPLICANT: WAS DESIGN** – Request by the applicant for approval of preliminary major subdivision plat for a single-family residential subdivision with 69 cottage lots (Lots 1 to 69), four common areas (Lots 70 to 73), and one common conservation area. The subject property is in the Beach Village PUD Master Plan, and the municipal address is 23063 PERDIDO BEACH BOULEVARD. 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/Smith) to approve preliminary major plat request subject to staff comments. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

- 11. CASE NO. 1211-PUD-16 – PRELIMINARY AND FINAL PUD APPROVAL – PORT WASHINGTON PUD – OWNER: A. WILMER, TRUSTEE – APPLICANT: DEWBERRY/PREBLE-RISH** – Request by the application for recommendation to City Council for approval to rezone 9.14 acres from GB (General Business) and RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a single-family residential subdivision with 22 lots and a common area along the east side of WASHINGTON BOULEVARD north of CANAL ROAD. Griffin Powell presented staff comments to the Planning Commission. He stated the existing zoning (RS-1) would permit 23 larger lots (75-foot wide) and reduce the proposed common area that will be utilized for stormwater drainage and natural reservation. In addition, a development under standard zoning would require the construction of approximately 1,000 linear feet of roadway. The proposed PUD will have fewer lots than what would be allowed by-right and will not require a roadway, thus the smaller lots (50-foot wide) will allow for more common area for stormwater detention and natural preservation.

Chairman Robert Stuart opened the public hearing for comments and 37 people spoke in opposition. Concerns included drainage, deviation with the setbacks, narrower lots and people backing out onto Washington Blvd especially with school traffic. A question was raised as to whether they have to develop as planned. Kit Alexander stated that by-right the property could be 23 lots and the PUD proposal will have common area to help with stormwater runoff. People were also concerned about the impact this development would have on the valuation of the existing properties. Questions were raised regarding tree removal, wildlife impacts and drainage. Concerns were expressed regarding whether sufficient parking was required and the increase of traffic.

Steve Pumphrey and Allen Cox were present to address the Planning Commission. He stated that initially they considered the by-right plan but it would have resulted in greater tree removal. The proposed PUD does not require the construction of a roadway resulting in greater tree and natural habitat preservation. Allen Cox stated PUD setbacks would allow construction of 1800 square-foot homes and they could not have the garages in the back.

Motion made (Mitchell/Davis) to recommend Preliminary/Final PUD Zoning and Master Plan Approval to City Council subject to staff comments. Roll call revealed: Davis, no; Jeffries, no; McInnis, no; Mitchell, no; Smith, no; Boyd, no; Callaghan, no; Stuart, no. **Forwarded to City Council with a negative recommendation (0-8).**

- 12. CASE NO. 1210-SD-16 – PRELIMINARY MAJOR SUBDIVISION APPROVAL – PORT WASHINGTON PRELIMINARY PLAT – OWNER: A. WILMER, TRUSTEE – APPLICANT: DEWBERRY/PREBLE-RISH** – Request by the applicant for approval of preliminary major subdivision plat for a single-family residential subdivision with 22 lots and a common area. The subject property is located along the east side of WASHINGTON BOULEVARD north of CANAL ROAD. Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments and

two people spoke in opposition. A question was raised as to whether Council has the right to control access of the by-right scenario. Staff stated that the applicant does not own property fronting on Canal Road and access to the property would need to be from Washington Boulevard.

Steve Pumphrey was present to address the Planning Commission. He requested that the subdivision request be deferred until after City Council approval of the PUD.

Motion made (Jeffries/Smith) to defer until Final PUD approval. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Deferred (8-0).**

I. SITE PLAN REVIEW

- 1. CASE NO. 1203-SP-16 – SITE PLAN REVIEW – FLIPDADDY’S RESTAURANT – OWNER/APPLICANT: OKS INVESTMENTS LLC** – Request by the applicant for approval of site plan to construct a restaurant at the northeast corner of SUMMER SALT PLAZA BOULEVARD and PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission.

Motion made (Callaghan/McInnis) to approve site plan request subject to staff comments. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Approved (8-0).**

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE SUBMITTAL

- 1. CASE NO. 1213-SD-16 – PRELIMINARY MAJOR SUBDIVISION APPROVAL – CYPRESS VILLAGE COURTYARD COTTAGES PRELIMINARY PLAT – OWNER: TRULAND HOMES LLC – APPLICANT: SAWGRASS CONSULTING** – Request by the applicant for approval of preliminary subdivision plat to subdivide a 6.9-acre parcel into the single-family residential subdivision with 73 lots. The municipal address is 23909 CANAL ROAD in the Cypress Village PUD Master Plan.

2. **CASE NO. 1214-PUDA-16 – PLANNED UNIT DEVELOPMENT MAJOR MODIFICATION – CYPRESS VILLAGE COURTYARD COTTAGES – OWNER: TRULAND HOMES LLC – APPLICANT: SAWGRASS CONSULTING** – Request by the applicant for recommendation to City Council for approval of a major modification to the Cypress Village PUD Master Plan to change the use of the southeastern parcel from a land condominium with 73 units to a single-family residential subdivision with 73 lots. The municipal address is 23909 CANAL ROAD.

Motion made (Smith/Callaghan) to defer 1213-SD-16 and 1214-PUDA-16 until the January 9, 2017 meeting. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Smith, yes; Boyd, yes; Callaghan, yes; Stuart, yes. **Deferred (8-0).**

K. OTHER BUSINESS

L. PUBLIC COMMENTS

M. ADJOURN

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Robert Stuart, Chairman