

Minutes
Orange Beach Planning Commission
Monday, November 14, 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 4:00 p.m.

B. INVOCATION

Vice Chairman Chris Callaghan 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
Commissioner Jimmy Boyd
Vice Chairman Chris Callaghan

Staff Present:

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

Absent:

Chairman Robert Stuart

E. APPROVAL OF AGENDA – Commissioner Annette Mitchell and City Attorney John Lawler stated that they would be abstaining from Case No. 1107-SP-16 ABC Store at 25803 Perdido Beach Blvd.

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 October 10, 2016.
2. Approval of minutes from the Regular Meeting on October 10, 2016.

H. PUBLIC HEARING

1. **CASE NO. 1005-PUD-16 – PRELIMINARY AND FINAL PUD APPROVAL – GULF STREAM PUD – OWNER: MICHAEL J. SPECCHIO – APPLICANT: DEWBERRY/PREBLE-RISH**

– Request by the applicant for recommendation to City Council to rezone 10.11 acres at the end of Canal Square Lane from GB (General Business) to PUD (Planned Unit Development) to construct a 56-unit townhouse development. The municipal address is 24830 CANAL ROAD. *Deferred from the Regular Meeting on 10/10/2016.* Griffin Powell presented staff comments to the Planning Commission. He stated that there will be two parking spaces for each townhouse and 12 guest parking spaces on Gulf Stream Circle. There is a minimum six-month lease. There are no violations for the site. Steve Pumphrey was present to address the Planning Commission. Vice Chairman Chris Callaghan opened the public hearing for comments and five people spoke. Ricky and Elizabeth McDuffie stated they are not in favor of the proposed development. They oppose the setback being reduced from 30 to 20 feet. They would also like the privacy fence to be taller than six feet. Wayne Riser stated he owns property to the southwest. He suggested moving development to center of site and mitigating the wetlands. He also stated that PUDs do not maintain their property. George Sinak stated that PUDs are a disaster. He does not think there is enough parking spaces provided and it is not a good development as submitted. Bubba Ray, previous owner of the property, stated the site has a significant amount of wetlands.

Steve Pumphrey stated that Nathan Cox has a contract to buy the property. Canal Square Lane will be reconstructed to city standards. He also stated the proposed development will be similar to the recently approved Spyglass PUD. Vice Chairman Chris Callaghan stated he would prefer preliminary PUD approval at this time.

Motion made (Jeffries/Mitchell) to recommend Preliminary PUD master plan approval and zoning to City Council subject to staff comments. Roll call revealed: Davis, no; Jeffries, yes; McInnis, no; Mitchell, yes; Moore, no; Smith, no; Boyd, yes; Callaghan, yes. **Forwarded to City Council with a 4-4 recommendation.**

2. **CASE NO. 1006-SD-16 – PRELIMINARY MAJOR SUBDIVISION APPROVAL – GULF STREAM PUD, A RE-SUB OF LOT 7 COOL BREEZE COMMERCIAL PARK – OWNER: MICHAEL J. SPECCHIO – APPLICANT: DEWBERRY/PREBLE-RISH**

– Request by the applicant for approval of preliminary major subdivision plat to subdivide Lot 7 of Cool Breeze Commercial Park into 56 townhouse lots with common areas. The subject property is 10.11 acres located at the end of Canal Square Lane, and the municipal address is 24830 CANAL ROAD. *Deferred from the Regular Meeting on 10/10/2016.*

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

3. **CASE NO. 1102-CU-16 – CONDITIONAL USE APPROVAL – POPE DUPLEX, LOT 5 WOLF BAY TERRACE, UNIT 4 – OWNER: STEPHEN K. & JANE POPE – APPLICANT: CWEAT LLC** – Request by the applicant for recommendation to City Council for conditional use approval to construct a duplex on Lot 5, Unit 4, Wolf Bay Terrace Subdivision. The municipal address is 24940 IVY LANE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Vice Chairman Chris Callaghan opened the public hearing for comments and no one was signed up to speak.

Motion made (Davis/Jeffries) to recommend conditional use approval subject to staff comments to City Council. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes. **Forwarded to City Council with a positive recommendation (8-0).**

4. **CASE NO. 1103-CU-16 – CONDITIONAL USE APPROVAL – POPE DUPLEX, LOT 6 WOLF BAY TERRACE, UNIT 4 – OWNER: STEPHEN K. & JANE POPE – APPLICANT: CWEAT LLC** – Request by the applicant for recommendation to City Council for conditional use approval to construct a duplex on Lot 6, Unit 4, Wolf Bay Terrace Subdivision. The municipal address is 24936 IVY LANE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Vice Chairman Chris Callaghan opened the public hearing for comments and no one was signed up to speak.

Motion made (Smith/Jeffries) to recommend conditional use approval subject to staff comments to City Council. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes. **Forwarded to City Council with a positive recommendation (8-0).**

5. **CASE NO. 1105-SD-16 – PRELIMINARY/FINAL MINOR SUBDIVISION – SANDPIPER STORAGE SUBDIVISION – OWNER: GULF SHORES AIRPORT WAREHOUSE LLC – APPLICANT: ROMAR MINI STORAGE** – Request by the applicant for approval of preliminary/final plat to combine Lot 9 and 10 of the Sweet Water Bayou Subdivision into a single lot. The municipal addresses are 4396 and 4398 MONEY BAYOU DRIVE in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. He stated there are no outstanding violations for the site. Vice Chairman Chris Callaghan opened the public hearing for comments and no one was signed up to speak.

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

6. CASE NO. 1106-ZT-16 – ZONING TEXT AMENDMENT – ARTICLES 2, 8 AND 16: MINI WAREHOUSE STORAGE PARKING, VEHICULAR USE AREA PAVING STANDARDS, VEHICULAR USE AREA AND PERIMETER LANDSCAPING –

Request by the Community Development Department for recommendation to City Council to amend Articles 2, 8 and 16 of the Zoning Ordinance to establish parking requirements for mini warehouse storage facilities, to modify the paving standards for vehicular use areas for multi-family residential, commercial and industrial developments, and to modify perimeter landscaping requirements for new development or redevelopment. Griffin Powell presented the proposed zoning text amendment to the Planning Commission. Vice Chairman Chris Callaghan opened the public hearing for comments and no one was signed up to speak.

Motion made (Smith/Mitchell) 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. **Forwarded to City Council with a positive recommendation (8-0).**

I. SITE PLAN REVIEW

1. CASE NO. 1107-SP-16 – SITE PLAN REVIEW – ABC STORE @ 25803 PERDIDO BEACH BOULEVARD – OWNER: JEM LLC – APPLICANT: CASHBURN BRETT ARCHITECTURE

Request by the applicant for approval of site plan to renovate and add 1,800 square feet to the existing building and to convert the use from a convenience store to a retail liquor store. The municipal address is 25803 PERDIDO BEACH BOULEVARD in the GB (General Business) zoning district. Commissioner Annette Mitchell recused herself and stepped down. Griffin Powell presented staff comments to the Planning Commission. He stated the required parking spaces have been provided. The applicant will replace the chain link fence on the east property with a solid wood privacy fence. There are no outstanding violations on the site. Courtney Brett was present to address the Planning Commission. She stated that the gasoline tanks will be removed from the site. She also stated that this liquor store intended to replace the liquor store that will be removed from the Winn Dixie Shipping Plaza. Annette Mitchell stated she has owned a unit at Grand Caribbean since it was built. She stated there is a negative image associated with a liquor store and it is not family friendly. She also stated that there have been problems with trespassing and litter from this site. The restrictions for liquor stores located within 500 feet of public parks were discussed. Kit Alexander explained that when City Council passed the zoning text amendment to buffer public parks from liquor stores, the map that was presented at the time of the ordinance amendment did not include state park land, only municipal parks. Based on this finding, our Legal Department made the determination that the buffer was intended from municipal parks

only. Therefore, the 500 foot distance separation from the Cotton Bayou Beach Access did not apply. Kit Alexander also stated that this is a by-right development and staff has made a determination that the site complies with the zoning ordinance and land development regulations.

Motion made (Smith/Jeffries) to approve site plan request subject to staff comments. Roll call revealed: Davis, no; Jeffries, yes; McInnis, no; Moore, no; Smith, yes; Boyd, yes; Callaghan, no. **Failed due to lack of affirmative votes (4-3).** Kit Alexander requested that the Planning Commission provide the reasons for denial. Vice Chairman Chris Callaghan stated that he does not want any additional liquor stores in Orange Beach. He also did not agree with the Legal Department's interpretation that the state park land is not a public park with regard to the 500-foot buffer requirement. Commissioner Ralph Moore stated that he did not like the aesthetic of the building.

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE SUBMITTAL

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 Summer Salt Plaza Boulevard and Perdido Beach Boulevard in the GB (General Business) zoning district.

Motion made (Moore/Jeffries) to defer until the December 12, 2016 meeting. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes. **Deferred (8-0).**

2. **CASE NO. 1104-SD-16 – PRELIMINARY MAJOR SUBDIVISION PLAT – ISLEWORTH – 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.

Motion made (Moore/Jeffries) to defer until the December 12, 2016 meeting. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes. **Deferred (8-0).**

K. OTHER BUSINESS

1. Election of officers.

Motion made (Davis/Smith) to nominate Robert Stuart as Chairman. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, yes. **Approved (8-0).**

Motion made (Mitchell/Davis) to nominate Chris Callaghan as Vice Chairman. Roll call revealed: Davis, yes; Jeffries, yes; McInnis, yes; Mitchell, yes; Moore, yes; Smith, yes; Boyd, yes; Callaghan, abstained. **Approved (7-1-0).**

L. PUBLIC COMMENTS

M. ADJOURN

The meeting adjourned at 5:25 p.m.

Respectfully submitted,

Kit Alexander, Secretary

Chris Callaghan, Vice Chairman