

Minutes  
Orange Beach Planning Commission  
Monday, September 14, 2015 – 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 Chris Callaghan gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Commissioner Chris Callaghan  
Commissioner John Davis  
Commissioner Bill Jeffries  
Commissioner Christina McInnis  
Commissioner Annette Mitchell  
Commissioner Ralph Moore  
Commissioner Lannie Smith  
Commissioner Mark Williams  
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** – Commissioner Chris Callaghan and Commissioner Annette Mitchell stated that they would be abstaining from items 0901-PUD-15 and 0902-SD-15.

**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 on August 10, 2015.
2. Approval of minutes from the Regular Meeting on August 10, 2015.

## H. PUBLIC HEARING

1. **CASE NO. 0704-PUD-15 – PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN APPROVAL – PHOENIX ORANGE BEACH CONDOMINIUM PUD – OWNER/APPLICANT: BRETT REAL ESTATE, ROBINSON DEVELOPMENT COMPANY, INC.** – Request by the applicant for recommendation to City Council for approval of Preliminary and Final PUD Zoning and Master Plan to rezone from BR-2 (Beach Resort High Density) to PUD for a 21-floor, 114-unit condominium. The municipal address is 25494 PERDIDO BEACH BOULEVARD. *Deferred from Regular Meeting on 08/10/2015.*
  
2. **CASE NO. 0705-PUD-15 – PRELIMINARY PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN APPROVAL – COTTAGES AT PARK’S EDGE PUD – OWNER: COTTAGES AT ROMAR, L.L.P. – APPLICANT: WAS DESIGN** – Request by the applicant for recommendation to City Council for approval of Preliminary PUD Zoning and Master Plan to rezone to PUD for a single-family residential development with 77 cottage lots along with an open-air pavilion and pool area. The municipal address is 23063 PERDIDO BEACH BOULEVARD. *Deferred from Regular Meeting on 08/10/2015.*  
  
**Motion made (Stuart/Moore) to defer Items 1 and 2 until the October 12, 2015 meeting.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Mitchell, yes; McInnis, yes; Moore, yes; Smith, yes; Williams, yes; Stuart, yes. **Deferred (9-0).**
  
3. **CASE NO. 0901-PUD-15 – PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN APPROVAL – THE EDGE PUD – OWNER: PARADISE INVESTMENTS, L.L.C. – APPLICANT: FORREST DANIELL & ASSOCIATES** – Request by the applicant for recommendation to City Council for approval of Preliminary and Final PUD Zoning and Master Plan to rezone from RM-2 (Multi-Family Residential High Density) to PUD for a 34-unit, 23-story condominium. The municipal address is 29244 and 29246 PERDIDO BEACH BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. The applicant is seeking preliminary approval at this time. Final approval will be requested after approval from the U.S Fish and Wildlife. Forrest Daniell was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and three people spoke in opposition. John Barton, President of Legacy Key Condominium Owners Association, voiced concerns with construction equipment and parking. Daniel Craven, Attorney for Broadmoor Condominiums, stated there was a lawsuit that awarded an irrevocable easement

to Broadmoor. He stated that Broadmoor does not have a problem with a multi-family development built in compliance with the RM-2 zoning district requirements, however, they do not support the PUD zoning due to density and parking issues. Mary Manolakis, who lives across the street from the project, voiced concerns over parking.

Forrest Daniell stated that they are proposing three stories less than the height and density are less than what is permitted by right. The setbacks are off the property line and they meet the parking requirements. He also stated that the Broadmoor encroaches with their pool deck. Workers will be shuttled to the site during construction. Kit Alexander stated that compliance with the incremental side yard setbacks and the 30-foot zoning buffer on the east side of the property would cause an approximate 17,000 SF decrease in the condominium gross floor area.

**Motion made (Stuart/Williams) to recommend approval of Preliminary PUD Zoning and Master Plan approval to City Council subject to staff comments.** Roll call revealed: Callaghan, abstained; Davis, no; Jeffries, no; Mitchell, abstained; McInnis, no; Moore, yes; Smith, no; Williams, yes; Stuart, no. **Forwarded to City Council with a negative recommendation (2-5-2).**

- 4. CASE NO. 0902-SD-15 – PRELIMINARY/FINAL MINOR PLAT – THE EDGE RESUBDIVISION – OWNER: PARADISE INVESTMENT, L.L.C. – APPLICANT: LUCIDO ENGINEERING & SURVEYING** – Request by the applicant for approval of Preliminary/Final Minor Plat to combine Lots 1 and 2 of Emerald Shores Subdivision into a single lot. The municipal address is 29244 and 29246 PERDIDO BEACH BOULEVARD in the RM-2 (Multi-Family Residential High Density) 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 (Smith/Jeffries) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Mitchell, yes; McInnis, yes; Moore, yes; Smith, yes; Williams, yes; Stuart, yes. **Approved (9-0).**

- 5. CASE NO. 0903-SD-15 – FINAL MAJOR PLAT – PARK BEACH SUBDIVISION FINAL PLAT (PARKS EDGE) – OWNER/APPLICANT: HERCULES INVESTMENTS, L.L.C.** – Request by the applicant for approval of Final Plat for a 30-lot residential subdivision. The subject property is located northwest of the Village of Tannin PUD and southeast of the Gulf State Park. Griffin Powell presented staff comments to the Planning Commission. Don Rowe 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 (Stuart/Mitchell) to approve major final plat request subject to staff comments.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Mitchell, yes; McInnis, yes; Moore, yes; Smith, yes; Williams, yes; Stuart, yes. **Approved (9-0).**

- 6. CASE NO. 0904-ZT-15 – ZONING TEXT AMENDMENT – ARTICLES 2, 4, 8 AND 10 –PARKING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS AND RESTAURANTS AND ACCESS REQUIREMENTS FOR BEACHFRONT DEVELOPMENTS** – Request by the Community Development Department for a recommendation to City Council for amendments to Articles 4, 8 and 10 of the Zoning Ordinance to address the following: (1) modifying the definition of *bedroom*; (2) amending the parking requirements for single-family dwellings and duplexes; (3) adding guest parking requirements for multi-family residential developments; (4) requiring conditional use approval for new single-family dwellings and duplexes with five or more bedrooms; (5) including outdoor seating area in the determination of the required number of parking spaces for restaurants; and (6) strengthening requirements for commercial buildings to be placed closer to State Highway 182 in the Beach Overlay District. Griffin Powell presented the proposed zoning text amendments. Chairman Robert Stuart opened the public hearing for comments. Jimmy Boyd questioned whether a five-bedroom home could be built on a 50-foot lot with five stacked parking spaces. Planning Commission responded that that scenario would require conditional use approval by the City Council.

**Motion made (Stuart/Mitchell) to recommend approval of the zoning text amendment excluding the parking garage language.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Mitchell, yes; McInnis, yes; Moore, yes; Smith, yes; Williams, yes; Stuart, yes. **Forwarded to City Council with a favorable recommendation (9-0).**

**I. SITE PLAN REVIEW**

**J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE SUBMITTAL**

**K. OTHER BUSINESS**

Due to his recent change in job status from part-time to full-time employment with the City, Tim Blackwell resigned from the Planning Commission.

**Motion made (Stuart/Williams) to nominate Chris Callaghan as Vice Chairman.** Roll call revealed: Callaghan, abstained; Davis, yes; Jeffries, yes; Mitchell, yes; McInnis, yes; Moore, yes; Smith, yes; Williams, yes; Stuart, yes. **Approved (8-0-1).**

**L. PUBLIC COMMENTS**

James Sanders, who resides at 29766 Bayshore Drive South, voiced concerns with construction of a 16,500 sq. ft. residence located at 29812 Bayshore Drive South on a 100-foot lot. He stated his quality of life is compromised. He stated that new homes should be similar to existing homes in neighborhoods. He also voiced concerns about construction worker parking, materials unloaded and left unattended, workers tossing trash in neighbors' recycle cans and noisy construction being performed before 7:00am. Jane Horne stated that she wants changes to be made that will prevent this from happening in the future. Steve Brannock stated that his vacant lots are being used for construction worker parking and he has found trash on his property. Kit Alexander stated that the property is located in an AE flood zone and the building is in compliance with the 30% maximum lot coverage as required by the Zoning Ordinance. She stated that the house is large due to the property owner combining two lots into one parcel. Chairman Robert Stuart stated that the Planning Commission will take their concerns into consideration with the help of staff and will rely on the code enforcement currently in place to address neighbor concerns.

**M. ADJOURN**

The meeting adjourned at 5:18 p.m.

Respectfully submitted,

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Kit Alexander, Secretary

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Robert Stuart, Chairman