

Minutes
Orange Beach Planning Commission
February 13, 2023 4:00 PM
Council Chambers - Orange Beach Municipal Complex
4099 Orange Beach Boulevard

A. CALL TO ORDER

Chairman Stuart called the meeting to order at 4:03 PM.

B. INVOCATION

Commissioner Bauer gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Annette Mitchell
Commissioner Pat Simpson
Commissioner Jack Robertson
Commissioner Glenn Smith
Commissioner Matt Wilson
Commissioner Nelson Bauer
Vice Chairman Kathy Lindsey
Chairman Robert Stuart

Staff Present:

Kit Alexander, Community Development Director
Griffin Powell, Planner II
Sherri Descalzo, P&Z Coordinator
Sean Brumley, GIS Specialist
Jamie Logan City Attorney

E. APPROVAL OF AGENDA

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

F. CONFLICTS OF INTEREST

Commissioner Bauer and Chairman Stuart will abstain from the vote on Case No. 0107-SP-23, Orange Beach Board of Education Central Office.

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS

There were no changes to the minutes and the minutes stand approved as submitted.

1. Approval of minutes from Work Session Planning Commission meeting on January 9, 2023.
2. Approval of minutes from Regular Planning Commission meeting on January 9, 2023.

H. PUBLIC HEARINGS

1. Case No. 1102-SD-22, Bickers Acres, Resubdivision of Lot 4 of the Resubdivision of Bickers Acres

KO Investments LLC requests approval of a **Preliminary Major Subdivision** to subdivide Lot 4, Resubdivision of Bickers Acres, into two lots. The property is located at 5211 Carleton Lane

North in the Single-Family Residential (RS-1) zoning district. *Deferred from the Planning Commission Meeting on January 9, 2023.* Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

Thomas Harrison, 5146 Sampson Ave, asked whether the land use of these lots will be residential. Griffin Powell stated the land use is required to be single-family residential but the size of the lots allows for two homes on each lot. Commissioner Lindsey asked whether vacation rentals are allowed and Griffin Powell said they are not allowed in the RS-1 zoning district.

Helen Clark, 28706 Sampson Ave, said she is concerned the homes will be small and have no garage. She has concerns about insufficient parking. She expressed concerns about an increase of noise, traffic and speeding on Sampson Avenue. Chairman Stuart said this case is strictly a consideration of a subdivision of the land, not land use.

Theresia Mullen, 28704 Sampson, asked who will be responsible for maintenance of Carleton Lane and expressed concern about the width of the roadway. Kit Alexander stated the City will maintain the road.

David Dichiaro, 28678 Sampson, stated the existing gravel road (Carleton Lane) does not meet the subdivision regulations. The road should be widened to 24 feet and paved. He requested that the road be extended to Canal Road. He expressed concern about Sampson being a dead end road with no other way to enter/exit the subdivision as required by the fire code.

Bob Burton, 28707 Sampson, stated he is opposed to this subdivision. He said that adding this many people to the neighborhood will be a safety issue due to increased traffic.

Mark Froemming, 28931 Sampson, objected to two homes being allowed on each lot. Kit Alexander, Community Development Director, stated that the Planning Commission can require the roadway to be paved and increased to 24 feet wide. She said that Tim Tucker, Public Works Director, informed Community Development that the road can remain gravel and he is not requiring it to be paved but the Planning Commission can override his determination.

Mary Koch, Donnie Koen, Craig Ratkey, Justin Solt, Jason Buck, Don Cohen, and John Stever, residents in the neighborhood, expressed concerns about the safety of the neighborhood and the increase of noise and traffic this development will cause.

Chairman Stuart closed the public hearing.

Greg Kennedy said the road will be able to withstand 70,000 pounds and currently handles concrete and garbage trucks.

Commissioner Bauer asked the Fire Marshall, Taylor Bryant, about the fire code requirement regarding multiple ingress/egresses from the subdivision. Taylor Bryant said this is a minor subdivision of one lot and does not trigger the requirement to provide an additional ingress/egress from the Sampson Avenue neighborhood.

Commissioner Robertson asked if it is possible to widen the road to 24 feet. Kit Alexander stated that a 24-foot wide road leaves little room for utilities within the right-of-way.

Commissioner Robertson asked about the safety issues associated with increased traffic. Kit Alexander said a traffic study would indicate that this street does not have a level of service that would prohibit the ability to subdivide this lot.

Greg Kennedy said it would be a great expense to pave the road and the gravel road will support construction vehicles and first responders.

Chairman Stuart asked about the need for a condominium owners' association. Kit Alexander said that if two houses are built on one lot, the owner has the option of land condominium ownership for each house on the lot.

Commissioner Bauer said a 20-foot road is adequate for emergency response vehicles. Chairman Stuart called for a motion and a vote.

Motion to approve the Preliminary Major Subdivision subject to staff comments.

Motion made and seconded (Bauer/Simpson) Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Smith, yes; Commissioner Simpson, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (8-0)

2. Case No. 1205-PUD-22, Jones Duplexes PUD

Lucido Engineering & Surveying LLC, on behalf of Rodney C. Jones, requests recommendation to City Council for approval of a **Preliminary and Final PUD** to rezone 1.8 acres from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a residential development containing five duplexes. The property is located at 26480 Perdido Beach Boulevard. *Deferred from Regular Meeting on January 9, 2023.* Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing.

Ginny Russell, 26071 Russell Drive, owns property east of the subject property. She said she supported the Turquoise parking garage and also supports this project.

Chairman Stuart closed the public hearing.

Chairman Stuart asked whether any overflow parking is being provided. Forrest Daniell, architect, said the number of provided spaces exceeds the parking requirement.

Commissioner Mitchell requested a privacy fence around the dumpster.

Forrest Daniell stated the fire department has room for the fire apparatus to turn around on the site and will not need to back into Perdido Beach Blvd.

Chairman Stuart called for a motion and vote.

Motion to recommend approval of the Planned Unit Development to City Council subject to staff comments.

Motion made and seconded (Wilson/Bauer) Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Smith, yes; Commissioner Simpson, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, no; Chairman Stuart, yes.

Approved (7-1)

3. Case No. 0201-SD-23, Lost Bay Townhomes, A Subdivision of Parcel A & Parcel C

Engineering Design Group, on behalf of Alva Gordon Barnhill, requests approval of a **Preliminary and Final Minor Subdivision** to combine two lots into one lot. The property is located south of the Brett/Robinson Laundry Facility and Posh Interiors and west of The Island Church in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing and called for a motion and a vote.

Motion to approve the Preliminary and Final Minor Subdivision subject to staff comments.

Motion made and seconded (Robertson/Smith) Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Smith, yes; Commissioner Simpson, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (8-0)

4. Case No. 0202-CU-23, JPEM Duplex at 29110 Perdido Beach Blvd.

JPEM LLC requests recommendation to the City Council for approval of a **Conditional Use** to construct a duplex on a beachfront lot located at 29110 Perdido Beach Boulevard in the Single-Family Residential (RS-1) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

Joey Parker stated the number of bedrooms was decreased removing the need to stack more than two cars underneath the structure.

Chairman Stuart called for a motion and a vote.

Motion to recommend approval of Conditional Use to City Council subject to staff comments.

Motion made and seconded (Simpson/Robertson) Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Smith, yes; Commissioner Simpson, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (8-0)

5. Case No. 0204-CPA-23, Comprehensive Plan Amendment, PIN 58938 & PIN 47431

The Community Development Department requests approval of a **Comprehensive Plan Amendment** to change the Future Land Use Map (FLUM) designations for Property PIN 58938 and PIN 47431 from *Commercial High Intensity* to *Residential Mixed*. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the Public Hearing and called for a motion and a vote.

Motion to recommend approval of the Comprehensive Plan Amendment to City Council subject to staff comments.

Motion made and seconded (Bauer/Robertson) Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Smith, yes; Commissioner Simpson, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (8-0)

I. SITE PLAN REVIEWS

1. Case No. 0107-SP-23, Orange Beach Board of Education Central Office

Sawgrass Consulting, on behalf of the City of Orange Beach, requests approval of a **Site Plan Review** to construct a 6,400-SF office building for the Orange Beach Board of Education. The property is located at 4544 and 4550 Orange Beach Boulevard in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

Ercil Goodwin, Sawgrass Engineering, stated he is the consultant for the project and Superintendent Randy Wilkes thanked the City for the space.

Chairman Stuart called for a motion and a vote. Commissioner Bauer and Chairman Stuart abstained.

Motion to approve the site plan subject to staff comments.

Motion made and seconded (Robertson/Lindsey) Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Smith, yes; Commissioner Simpson, yes; Commissioner Robertson, yes; Commissioner Wilson, yes.

Approved (6-0)

2. Case No. 0203-SP-23, Abaco Orange Beach

Abaco Orange Beach LLC requests approval of a **Site Plan Review** for a condominium development consisting of 9 buildings and 259 total dwelling units along with a marina on Terry Cove. The development will be constructed in four phases. The property is located at the southern end of Griffith Marina Road and Captain Trent Lane at 4443 and 4459 Captain Trent Lane in the Marine Resort (MR) zoning district. Griffin Powell presented to the Planning Commission.

Chairman Stuart asked if two additional parking spaces can be added to Phase 1. Henry Norris, architect, said two more spaces in Phase 1 would not be a problem.

Ron Schultz, Edgewater, said the plans show six slips to be dedicated to the Lattof family; five residential slips and one commercial vehicle slip. This is due to the fact that their pier was destroyed by Hurricane Sally. Kit Alexander stated the development needs to provide parking for the Lattof slips; 1.5 spaces per residential slip and 3 spaces for the commercial slip. Ron Schultz said the parking for those slips will be located on the Lattof property. Chairman Stuart expressed concern that people using those slips will be parking at the subject site, not the Lattof property. Chairman Stuart asked whether the Lattof slips could be sold to another party. Ron Schultz said no, they are strictly designated for the Lattofs. Chairman Stuart expressed concern that the slips would be used commercially. Kit Alexander stated that if adequate parking is provided onsite for these additional Lattof slips, it should not be a problem. Henry Norris said he will add the parking needed for the additional six slips. Henry Norris said that he would be fine with a vote contingent on legal department review of the agreement. Ron Schultz said the commercial vessel is not greater than 25 feet. David Head said they will limit the marina to one commercial vessel. Chairman Stuart called for a motion and a vote.

Motion to approve Site Plan subject to staff comments and subject to legal department review of the Lattof boat slip agreement, appropriate parking for the condo units, five (5) residential slips and one (1) 25-foot commercial vessel slip.

Motion made and seconded (Simpson/Robertson) Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Smith, yes; Commissioner Simpson, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (8-0)

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

Griffin Powell said there are five projects for the March Planning Commission meeting.

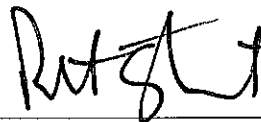
L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 6:48PM



Kit Alexander



Robert Stuart, Chairman