



PLANNING & ZONING
COMMUNITY DEVELOPMENT DEPARTMENT
P.O. BOX 2432
ORANGE BEACH, ALABAMA 36561



Orange Beach City Council
Meeting – February 7, 2023

Case No. 1203-PUD-22
Romar Beach Hotel PUD
Preliminary and Final PUD Approval

Owner/Applicant: Shiv Sugar Hospitality LLC, Virendra Patel (Owner)
23370 Perdido Beach Blvd., Orange Beach, AL 36561
(251) 747-1461, ken@anrgroup.com

ANR Group, Adam Martin (Applicant)
1585 Gulf Shores Pkwy., Gulf Shores, AL 36542
(800) 984-1982, amartin@anrgroup.com

Address of Property:	Tax Parcels:	PPIN:
23370 Perdido Beach Blvd.	05-66-06-13-3-001-104.000	3292

I. GENERAL INFORMATION

Request: Preliminary and Final PUD Approval

ANR Group, on behalf of Shiv Sugar Hospitality LLC, requests approval of preliminary and final PUD to rezone 1.8 acres from RM-2 (Multi-Family Residential High Density) to PUD (Planned Unit Development) for the purpose of converting the existing building into a hotel.

This PUD request was originally approved in August 2021, but it expired in August 2022 without an extension being requested.

Planning Commission: The Planning Commission held a public hearing and considered this application at its regular meeting on December 12, 2022. Three persons from the neighboring property to the west (Beach Music) and one person from the neighboring property to the east (Phoenix West II) expressed concerns and opposition to this application. The Planning Commission approved its motion for **favorable recommendation subject to staff conditions** on a 9-0 vote.

Location: This property is a beachfront lot located at 23370 Perdido Beach Boulevard. The existing building was formerly the Romar Beach Baptist Church and was constructed in 2007. The Phoenix West II condominium tower is located to the east of this property, and the Beach Music duplex development is to the west.

Present Zoning: RM-2 (Multi-Family Residential High Density)
PUD (Planned Unit Development – *Romar Beach Hotel PUD*)

Present Use: Romar Beach Baptist Church (former location)

Future Land Use: Resort High Intensity
This PUD proposes to convert the former church building to a hotel. Hotels are a recommended land use in the Resort High Intensity land use designation.

Surrounding Land Use and Zoning: **North:** Village of Tannin commercial area, PUD (Planned Unit Development - *Village of Tannin*)
South: Gulf of Mexico
East: Phoenix West II, PUD (Planned Unit Development – Phoenix West II)
West: Beach Music, RM-2 (Multi-Family Residential High Density)

Special Districts: **Overlay Zoning:** Beach Overlay District
Neighborhood District: Beach Resort
Airport Zone: None
Flood Zone: X-Shaded, AO, VE-15

Nearby Streets: This property fronts on Perdido Beach Boulevard.

Site History:

<i>Date</i>	<i>Description</i>
August 2004	The church submitted for approval for site plan review to expand its building to include a ground floor picnic area, a second floor auditorium expansion, and a third floor dormitory. The applicant pulled the request prior to Planning Commission consideration. <i>(Case No. 0905-SP-04)</i>
January 2006	The Board of Adjustment approved a variance to allow an encroachment of 15 feet into the required 20-foot setback on the west side for a proposed parking garage. <i>(Case No. 0102-V-06)</i>
November 2006	The Planning Commission approved the site plan review to allow the church to reconstruct its building after it was destroyed by Hurricane Ivan in September 2004. The new church building consists of 5 floors with a 2-level parking garage between the building and Highway 182. <i>(Case No. 1105-SP-06)</i>
January 2007	City Council approved the rezoning of the church property from RS-1 to RM-2. <i>(Case No. 0101-RZ-07)</i>
August 2021	City Council gave preliminary and final PUD approval to rezone 1.8 acres from RM-2 to PUD for the purpose of converting the former Romar Beach Baptist Church building into a hotel with 76 lodging rooms. The PUD expired in August 2022. <i>(Case No. 0704-PUD-21)</i>

II. COMPREHENSIVE PLAN REVIEW

Section 7.03 of the Zoning Ordinance states that it is the purpose and intent of the PUD Ordinance to have developments that promote the goals of the Comprehensive Plan and that no PUD shall be approved unless it is consistent with the goals of the Comprehensive Plan. The *City of Orange Beach Preservation and Growth Management Plan, 2020-2035* shows the property as part of the **Beach Resort District**. The proposed PUD complies with the mission of this district as follows:

Beach Resort

The City of Orange Beach seeks to continue to adhere to the Beach Overlay District requirements, increase pedestrian paths that encourage pedestrian traffic between developments, sustain and enhance commercial development and expand facilities at existing beach access points.

The applicant states that the existing building needs significant maintenance and improvements. The purpose of this project is to update, renovate and improve the aesthetics to make this building as appealing and attractive as the neighboring properties. This project will enhance an existing structure rather than demolishing it. The end goal of this project is to bring a high-end hotel to Orange Beach.

III. PUD DESIGN STANDARDS

Section 7.03 of the Zoning Ordinance states that all proposed PUD shall achieve one or more of the following design standard objectives:

- **Superior development and redevelopment which is more desirable than that which would occur through strict application of the zoning code. (Section 7.03, K.)**

The applicant contends that this PUD is a solution to the need of additional hotel options in the city. Under the existing zoning, hotels are not permitted.

IV. PUD MASTER PLAN REVIEW

Section 7.04 of the Zoning Ordinance states that an approved PUD shall be considered a separate zoning district in which development plans, as approved, establish the specific restrictions and regulations customized to fit the type of plan proposed by which the development shall be governed. Restrictions may be greater or lesser than the ones otherwise imposed by the Zoning Ordinance and Subdivision Regulations to achieve a development that fits the Comprehensive Plan and PUD Design Standards.

1. **Density: The criteria for establishing an average density includes the land use plan for the area, existing surrounding density, density permitted by the existing zoning classification, adequacy of existing and proposed public facilities and services and site characteristics. Density must generally conform to the requirements as set out in Article 4 of this ordinance and conform to the Comprehensive Plan. (Section 7.04, A.)**

This property contains 1.83 acres. The proposed hotel will be an AC Hotels by Marriot and will contain 76 lodging rooms. All lodging rooms will have a floor area less than 600 square feet and will count as 0.50 units for density calculations. The proposed hotel will be a six-story structure (2 parking levels, 3 habitable levels, 1 rooftop amenity), and the maximum densities permitted are 42 units per acre and 84 lodging rooms per acre. This PUD will have a density of 20.7 units per acre and 41.5 lodging rooms per acre, both well below the maximum densities permitted.

Under the current zoning of RM-2, multi-family residential condominiums are allowed by right, but hotels are not. The by-right plan provided by the applicant shows 76 allowable condominium units in a 17-story structure, equating to the maximum density of 42 units per acre. The by-right condominium requires 174 parking spaces and provides 197 parking spaces. This hotel will have 127 total beds and a gross floor area of more than 85,600 square feet. The by-right condominium shows 173 bedrooms (assuming one bed per bedroom) and a gross floor area exceeding 242,000 square feet. The following table compares this PUD with a by-right project under RM-2.

<i>Unit of Measure</i>	<i>Proposed PUD</i>	<i>By-Right Project</i>
Units	76 lodging rooms (38 units)	76 units
Density	20.7 units/acre (41.5 lodging rooms/acre)	42 units/acre
Beds	127	More than 173
Gross Floor Area	85,600 SF	242,000 SF

2. **Common Open Space:** At least 20 percent of the area covered by a Final Development Plan shall be landscaped or provide common open space owned and operated by the owner/developer or dedicated to a homeowner association or similar group. (Section 7.04, B.)

This PUD is for a hotel that will be a commercial entity who will own and manage the building and all outside areas. At least 24 percent of the site will be landscaped.

3. **Access and Parking:** All streets, thoroughfares and access ways shall be designed to effectively relate to the major thoroughfare plans of the City of Orange Beach. Adequate off-street parking shall generally conform to the off-street parking requirements set forth in Article 8 of the Zoning Ordinance unless otherwise approved. (Section 7.04, C.)

The hotel will have 76 lodging rooms. All lodging rooms will have a floor area less than 600 square feet and will require 1.25 parking spaces per room per the zoning ordinance. The following table presents the required and provided parking for this PUD.

<i>Use</i>	<i>Unit of Measure</i>	<i>Required</i>				<i>Provided</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>HC</i>	<i>Regular</i>	<i>HC</i>	
Lodging Rooms (less than 600 SF)	76 rooms	1.25 spaces per room	95				
Regular & Handicapped Required & Provided			91	4	91	5	
TOTAL SPACES REQUIRED & PROVIDED			95		96		

The hotel will have 96 parking spaces, exceeding the parking requirement by one parking space. All parking will be located within the existing parking structure.

The hotel will have a rooftop bar. A note on the civil plans indicates that the rooftop bar will be for hotel guests and will not be open to the general public. The hotel will have strict policy of having unauthorized vehicles on the premises towed.

A note on the architectural plans states that one employee will be permitted to park on the premises, while all other employees will be shuttled to the premises from an off-site location. The hotel developer has also provided a letter affirming such.

The hotel will have 25 compact parking spaces (8' x 18'). The zoning ordinance allows up to 25 percent of required parking and 100 percent of excess parking to be compact spaces. This project meets the allowable requirement.

The hotel will utilize the existing full-movement driveway onto Perdido Beach Boulevard. There will be an emergency vehicle turnaround area located on the north side of the property between the parking structure and Perdido Beach Boulevard. This project will increase the width of the existing driveway on the east side to 26 feet for emergency vehicle access. The third and upper floors of the hotel will cantilever 6 feet over the east driveway leaving 20 feet of open air area for

emergency vehicles. The Fire Department indicates that the east side cantilever presents no issues.

4. **Perimeter Requirements:** The Planning Commission the City Council may impose the requirement that structures, buildings and streets located at the perimeter of the development be permanently screened to protect the privacy of the adjacent existing uses. (Section 7.04, D.)

If this were a new development, a land use buffer 30 feet in width would be required along the west side due to the duplex residential land use to the west. In 2006 the Board of Adjustment approved a variance to allow an encroachment of 15 feet into the 20-foot rear setback on the west side for the proposed parking structure for the Romar Beach Baptist Church.

The hotel will construct additional floor area for the third and upper floors in front of the existing building. On each floor, the new construction area will cover nearly 7,200 square feet. There will also be an additional floor for a rooftop bar. The rooftop bar will cover more than 5,900 square feet. This PUD requests a waiver to Section 4.05 of the zoning ordinance to allow the new construction area to have a setback of 20 feet from the west lot line to match the setback of the existing building.

The landscape plan on this and the previous submission shows landscaping being installed along the west lot line. Since this hotel will not have a pool according to the plans provided, the property owner to the west (Beach Music) has concerns that hotel guests may trespass on their property to utilize the swimming pools. Upon staff recommendation, the applicant has amended the site and landscape plans to add an architecturally compatible fence or wall to the west side of the parking structure and existing building to provide a buffer between the hotel and Beach Music.

5. **Signage:** The size, location, design and nature of signs, if any, and the intensity and direction of area floodlighting shall be detailed in the application and must generally conform to the sign regulations in Article 15, unless the massing and scale of the PUD would make additional or different requirements desirable. Signs must nonetheless fit the design character of the development. (Section 7.04, E.)

The hotel will have building signs on the front (north) and rear (south) facades. Each of these signs will have a sign face area of more than 30 square feet. There will also be lettering on the front façade above the second level of the parking structure. The letter sign will have a sign face area covering 22 square feet. There will also be a freestanding sign positioned between the parking structure and Perdido Beach Boulevard. All signage will comply with the sign regulations in Article 15 of the zoning ordinance.

6. **Height Limitation:** The criteria for establishing height limitations includes the land use plan for the area, existing surrounding building heights, heights permitted by the existing zoning classification, adequacy of existing and proposed public facilities and services and site characteristics. Height limitations must generally conform to the requirements as set out in Article 4 of this ordinance and conform to the Comprehensive Plan as well as the architectural standards set out in Article 10. (Section 7.04, F.)

This PUD will increase the height of the building from 5 to 6 floors with the addition of the rooftop bar. The overall height, however, will decrease from 90 feet and 4 inches to 82 feet with the removal of the church steeple.

This PUD proposes to increase the gross floor area of the third, fourth and fifth floors by constructing additional floor area over the existing parking structure. Each floor currently has a floor area of 5,846 square feet. The addition of 7,187 square feet on each level will bring the total floor area to 13,024 square feet. The additional floor area will equate to 12 lodging rooms on the third level and 17 rooms on each of the fourth and fifth levels.

7. Landscaping and Tree Protection: The criteria for landscaping, removal of trees and protection of heritage trees should generally conform to the requirements of Article 16. (Section 7.04, G.)

At least 24 percent of the site will be landscaped. As with the previous approval, this PUD requests a waiver to Section 4.03 of the zoning ordinance to eliminate the 5-foot landscape area between the east driveway and the east lot line for the purpose of increasing the width of the pavement to 26 feet for emergency vehicle access.

In the landscape area between the parking structure and Perdido Beach Boulevard, this PUD proposes an emergency vehicle turnaround area. The Fire Department will need to approve the paving to ensure that it can support the weight of the fire vehicles. With regard to the existing pedestrian-oriented area (POA) sidewalk, the project engineer proposes to keep the sidewalk straight to be consistent and connected with the sidewalks on the neighboring properties. The sidewalk will be reconstructed with heavy duty concrete to support the weight of the emergency vehicles.

V. DEVIATIONS FROM THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS

1. This PUD proposes the following deviations to the zoning ordinance.

• **Section 4.03, Minimum Setbacks**

Whenever a vehicular use area is located within a side setback, a landscape area 5 feet in width is required between the vehicular use area and the side lot line. The Romar Beach Baptist Church installed the 5-foot landscape area between the east driveway and east lot line when the church was built. This PUD is requesting to forgo this requirement to allow the width of the east driveway to be increased to 26 feet to accommodate emergency vehicles.

• **Section 4.05, Buffering Between Uses**

Whenever a high impact use (hotel) abuts a low impact use (duplexes), then a land use buffer 30 feet in width is required. The buffer is required to have fencing and landscaping not less than 8 feet in height. This PUD requests a deviation to Section 4.05 for the new construction area on the third and upper floors to be 20 feet from the west lot line and consistent with the setback of the existing building. In 2006 the Board of Adjustment granted the Romar Beach Baptist Church a setback variance to encroach 15 feet into the west side setback for the parking structure.

2. This PUD proposes no deviations from the subdivision regulations.

VI. STAFF COMMENTS

1. The Romar Beach Hotel PUD was originally approved in August 2021, but the PUD expired in August 2022 without an extension being requested or granted. This application is somewhat of a renewal of the PUD that was approved in August 2021. The developer has added more floor area and a rooftop bar that was not part of the previous request.

- This PUD will add to the floor area of the existing building. The additional floor area will primarily be on the third, fourth and fifth floors along with an additional level for a rooftop bar. The table on the following page presents the floor area approved with the PUD in 2021 and the existing and proposed floor area with this PUD.

<i>Floor</i>	<i>2021</i>	<i>2022</i>		
	<i>Total</i>	<i>Existing</i>	<i>New</i>	<i>Total</i>
First Floor	20,560	18,533	2,027	20,560
Second Floor	20,120	18,532	1,588	20,120
Third Floor	12,230	5,846	7,178	13,024
Fourth Floor	12,230	5,846	7,178	13,024
Fifth Floor	12,230	5,846	7,178	13,024
Sixth Floor (Roof)	0	0	5,927	5,927
Total	77,370 SF	54,603 SF	31,076 SF	85,679 SF

- The new construction area in the PUD approved in 2021 represented a 42 percent in the total floor area.
 - The proposed PUD will have 8,309 square feet more new construction area than the PUD approved in 2021.
 - The new construction in this PUD represents a 57 percent increase in the total floor area.
 - This PUD will add 7,178 square feet to the third, fourth and fifth floors and an additional level for a rooftop bar.
 - The third, fourth and fifth floors will cantilever over the driveway on the east side. The cantilevering section will be at least 20 feet from the east lot line.
- The third, fourth and fifth floors of the hotel will cantilever 6 feet over the east driveway leaving 20 feet of open air area for emergency vehicles. The Fire Department has indicated that the east side cantilever presents no issues.
 - The landscape plan on this and the previous submission shows landscaping being installed along the west lot line. Since this hotel will not have a pool according to the plans provided, the property owner to the west (Beach Music) has concerns that hotel guests will trespass onto their property to utilize the swimming pools behind the duplexes. Upon staff recommendation, the applicant has amended the site and landscape plans to add an architecturally compatible fence or wall to the west side of the parking structure and existing building to provide a buffer between the hotel and Beach Music.
 - In the landscape area between the parking structure and Perdido Beach Boulevard, this PUD proposes an emergency vehicle turnaround area. The Fire Department will need to approve the paving to ensure that it can support the weight of the fire vehicles. With regard to the existing pedestrian-oriented area (POA) sidewalk, the project engineer proposes to keep the sidewalk straight to be consistent and connected with the sidewalks on the neighboring properties. The sidewalk will be reconstructed with heavy duty concrete to support the weight of the emergency vehicles.

VII. CITY COUNCIL ACTION

- APPROVAL** of preliminary and final PUD to rezone 1.8 acres from RM-2 (Multi-Family Residential High Density) to PUD (Planned Unit Development) for the purpose of converting the existing building into a hotel.

2. **APPROVAL WITH CONDITIONS** of preliminary and final PUD.

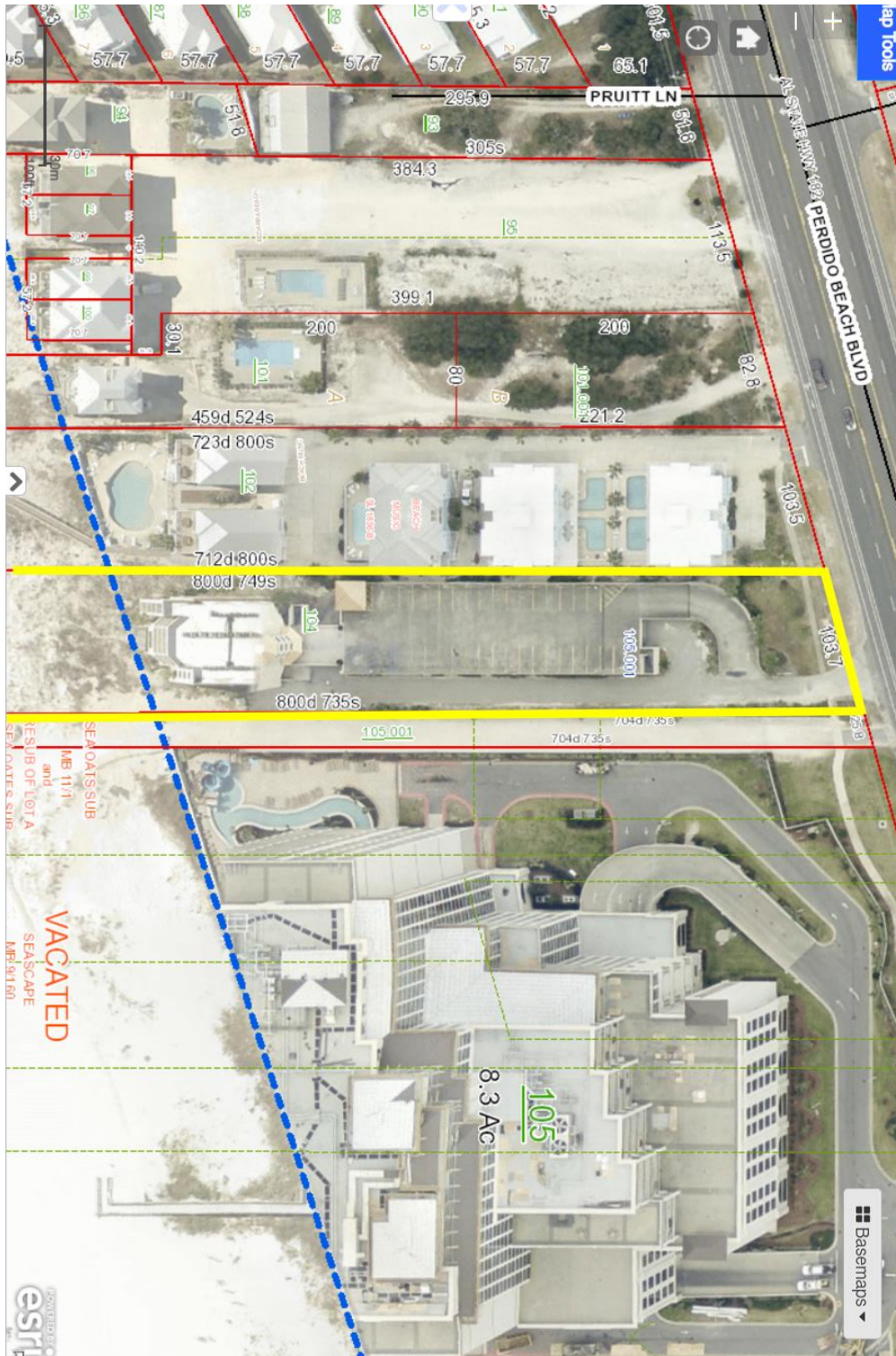
STAFF CONDITIONS:

1. Planning Commission and City Council approvals of the following deviations to the zoning ordinance.
 - Section 4.03, Minimum Setbacks: Eliminating the required landscape area of 5 feet on the east side between the east driveway and east lot line to accommodate the increase in the width of the east driveway to 26 feet.
 - Section 4.05, Buffering Between Uses: Allowing the new construction areas on the third, fourth, fifth and rooftop levels to have a setback of 20 feet instead of 30 feet from the west side lot line to match the setback of the existing building.
2. Coastal Permits will be required for this project.

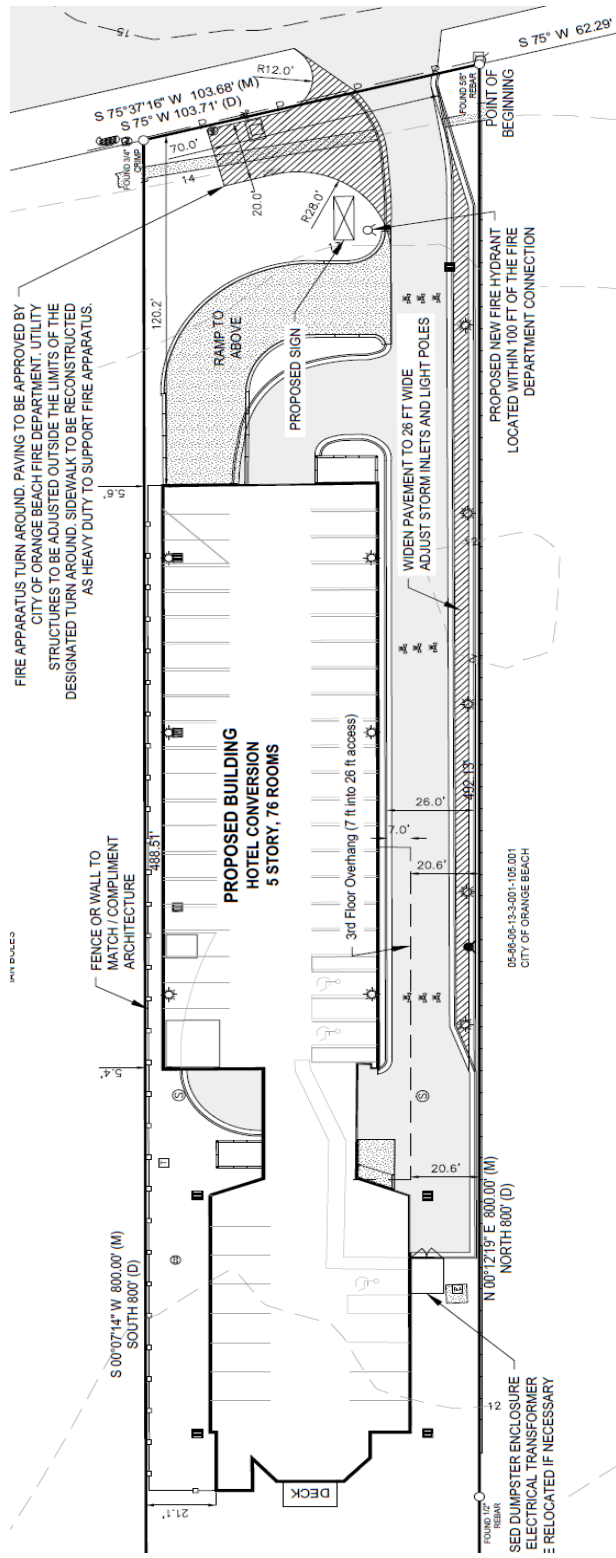
3. **DENIAL** of preliminary and final PUD.

VIII. MAPS & PLANS

Aerial Map



PUD Master Plan



Hotel Elevations





