



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



**ORANGE BEACH
PLANNING COMMISSION
WORK SESSION**

**Monday, December 12, 2022, 3:00 PM
City Council Chamber
4099 Orange Beach Boulevard**

A. CALL TO ORDER

B. ROLL CALL

C. DISCUSSION ITEMS

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

KO Investments LLC requests approval of **Preliminary and Final Minor 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 Regular Meeting on November 14, 2022.*

2. Case No. 1201-SD-22, Saltwater Cottages Resubdivision

Jim Brown, on behalf of JWB Bruckmann, requests approval of **Preliminary and Final Minor Subdivision** to combine three lots into one lot in accordance with the approved master plan for the Saltwater Cottages Planned Unit Development. The property is located at 23518, 23524 and 23530 Perdido Beach Boulevard.

3. Case No. 1202-SD-22, Cotton Bayou Cottages Subdivision

Hercules Investments LLC requests approval of **Preliminary and Final Minor Subdivision** to subdivide a 1.62-acre lot into two lots. The property is located at 26400 Cotton Bayou Drive in the RS-1 (Single-Family Residential) zoning district.

4. Case No. 1203-PUD-22, Romar Beach Hotel PUD

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. The property is located at 23370 Perdido Beach Boulevard.

5. Case No. 1204-SD-22, Port Washington Subdivision

Dewberry, on behalf of 68V Port Washington 2021 LLC, requests approval of **Final Major Subdivision** for a subdivision containing 16 lots and a common area on 9.14 acres. Lots 1 through 15 will be a single-family residential subdivision, while Lot 16 will contain a multi-family residential development. Lots 1 through 15 will be on the part of the property that is zoned RS-1 (Single-Family Residential), and Lot 16 will be on the part that is zoned GB (General Business). The property is located on the east side of Washington Boulevard north of the intersection of Washington Boulevard and Magnolia Avenue.

6. **Case No. 1206-SD-22, Ray's Subdivision Plat #1**

Lucido Engineering & Surveying LLC, on behalf of Donald W. Ray, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 872 and 881 of Bear Point Estates Subdivision into one lot. The property is located at 29373 and 29741 Bayshore Drive South in the RS-2 (Single-Family Residential) zoning district.

7. **Case No. 1207-ZT-22, Zoning Text Amendment, Article 15, Section 15.0902, Temporary Signs and Standards**

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendment** to modify Section 15.0902, Temporary Signs and Standards, with regard to the size of temporary real estate signs.

D. **ADJOURN**



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



**ORANGE BEACH
PLANNING COMMISSION
REGULAR MEETING**

**Monday, December 12, 2022, 4:00 PM
City Council Chamber
4099 Orange Beach Boulevard**

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. APPROVAL OF AGENDA

F. CONFLICTS OF INTEREST

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS

1. Approval of minutes from the Work Session on November 14, 2022.
2. Approval of minutes from the Regular Meeting on November 14, 2022.

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 **Preliminary and Final Minor 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 Regular Meeting on November 14, 2022.*

2. Case No. 1201-SD-22, Saltwater Cottages Resubdivision

Jim Brown, on behalf of JWB Bruckmann, requests approval of **Preliminary and Final Minor Subdivision** to combine three lots into one lot in accordance with the approved master plan for the Saltwater Cottages Planned Unit Development. The property is located at 23518, 23524 and 23530 Perdido Beach Boulevard.

3. Case No. 1202-SD-22, Cotton Bayou Cottages Subdivision

Hercules Investments LLC requests approval of **Preliminary and Final Minor Subdivision** to subdivide a 1.62-acre lot into two lots. The property is located at 26400 Cotton Bayou Drive in the RS-1 (Single-Family Residential) zoning district.

4. **Case No. 1203-PUD-22, Romar Beach Hotel PUD**

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. The property is located at 23370 Perdido Beach Boulevard.

5. **Case No. 1204-SD-22, Port Washington Subdivision**

Dewberry, on behalf of 68V Port Washington 2021 LLC, requests approval of **Final Major Subdivision** for a subdivision containing 16 lots and a common area on 9.14 acres. Lots 1 through 15 will be a single-family residential subdivision, while Lot 16 will contain a multi-family residential development. Lots 1 through 15 will be on the part of the property that is zoned RS-1 (Single-Family Residential), and Lot 16 will be on the part that is zoned GB (General Business). The property is located on the east side of Washington Boulevard north of the intersection of Washington Boulevard and Magnolia Avenue.

6. **Case No. 1206-SD-22, Ray's Subdivision Plat #1**

Lucido Engineering & Surveying LLC, on behalf of Donald W. Ray, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 872 and 881 of Bear Point Estates Subdivision into one lot. The property is located at 29373 and 29741 Bayshore Drive South in the RS-2 (Single-Family Residential) zoning district.

7. **Case No. 1207-ZT-22, Zoning Text Amendment, Article 15, Section 15.0902, Temporary Signs and Standards**

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendment** to modify Section 15.0902, Temporary Signs and Standards, with regard to the size of temporary real estate signs.

I. **SITE PLAN REVIEWS**

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

1. **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 **Preliminary and Final PUD** to rezone 1.8 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a residential development containing five duplexes. The property is located at 26480 Perdido Beach Boulevard.

K. **OTHER BUSINESS**

L. **PUBLIC COMMENTS**

M. **ADJOURN**

Minutes

Orange Beach Planning Commission Work Session

November 14, 2022 3:00 PM

Council Chambers - Orange Beach Municipal

Complex 4099 Orange Beach Boulevard

A. CALL TO ORDER

Chairman Stuart called the meeting to order at 3:02 PM.

B. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries

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, City Planner

Sherri Descalzo, P&Z Coordinator

Sean Brumley, GIS Specialist

Jamie Logan, City Attorney

C. DISCUSSION ITEMS

1. Case No. 1101-SD-22, Phoenix Key, Phase One Subdivision

Phoenix Key LLC requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 4, 5, 6 and 7 of East Perdido Key, Phase One Subdivision into one lot. The property is located at 29040, 29050, 29060 and 29070 Perdido Beach Boulevard in the Multi-Family Residential High Density (RM-2) and Single-Family Residential (RS-1) zoning districts. Griffin Powell presented to Planning Commission.

Commissioner Lindsey inquired lot 7 will be protected if Brett Robinson does not develop or sells the project. Griffin Powell stated that Lot 7 will be zoned RS-1 and protected.

2. Case No. 1105-ZT-22, Zoning Text Amendments, Articles 4, 5, 8, 10, 12 and 15

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendments** to modify Sections 4.02 (Requirements for Lot Area, Lot Width, and Other Factors), 4.03 (Minimum Setbacks), 5.06 (Number of Principal Buildings on Lot), 8.01 (Required Off-Street Parking), 10.0305 (Considerations in Reviewing Site Plans), 10.0306 (Beach Overlay District), 12.06 (Enforcement), and 15.0902 (Temporary Signs and Standards) of the Zoning Ordinance. Griffin Powell presented to the Planning Commission.

Chairman Stuart asked staff why these text amendments are being presented. Kit Alexander stated that staff continually reviews the zoning ordinance and the proposed changes are to clean up inconsistencies and eliminate ambiguity.

Kit Alexander discussed the subjective nature of the patio/garden home land use and why it is more appropriate to handle under a PUD rezoning.

Kit Alexander stated that the proposed change to the minimum lot size for a property zoned marine resort is due to the allowable marine resort minimum lot size not providing staff the ability to require a single-family residential use on the subject property.

Kit Alexander stated that the Article 10 language that is being struck is ambiguous and subjective. The development criteria for properties are clearly defined in Articles 4 and 5.

Kit Alexander said that the requirement to have hotel and multi-family parking housed within a parking garage below the building was initially intended for beachfront property, not properties located on the north side of Perdido Beach Boulevard. The Article 10 amendments include applying this enclosed parking requirement to beachfront properties only.

Kit Alexander said the change to article 12 is the removal of the requirement to post a zoning sign on properties in violation. Signs are expensive and often disappear. In addition, it is difficult to keep a sufficient number in-house to handle all zoning violations. No other land development regulation violations require the posting of a sign onsite.

Kit Alexander stated that there have been complaints about the size of real estate signage and the proposed article 15 amendment will reduce the allowable size of real estate signage. Commissioner Jeffries asked that code enforcement makes sure election signs are removed now that the election is over.

Chairman Stuart asked if the Planning Commission should vote on each amendment or the proposed amendments as a whole. Kit Alexander said the Commission can vote either way.

3. **Case No. 1104-SP-22, Orange Beach Water Authority Conference Room Expansion**

Mark D. Pavey, on behalf of the Orange Beach Water Authority, requests approval of **Site Plan Review** to add 700+ square feet to the existing building to expand the existing conference room. The property is located at 25097 Canal Road in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission and there were no questions.

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

KO Investments LLC requests approval of **Preliminary and Final Minor 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. Griffin Powell stated that this case did not meet the required deadline and the applicant is asking this item to be deferred.

5. **Case No. 1103-CU-22, Coastal Storage Suites**

Engineering Design Group, on behalf of Coastal Storage Solutions, requests recommendation to City Council for approval of **Conditional Use** for a self-service storage facility consisting of two buildings covering 12,500 square feet and 10 units. The property is located at the southwest corner of Money Bayou Drive and Sweetwater Drive in the General Business (GB) zoning district. Griffin Powell stated that this case did not meet the required deadline and the applicant is asking this item to be deferred.

D. ADJOURN

Adjourned at 3:34 PM

Kit Alexander

Robert Stuart, Chairman

**NOTE: THESE DRAFT MINUTES HAVE NO LEGAL STATUS UNTIL APPROVED
BY THE BOARD OF COMMISSION FROM WHICH THEY ARE TAKEN**

Minutes
Orange Beach Planning Commission
November 14, 2021 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 4:00 PM.

B. INVOCATION

Commissioner Mitchell gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
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

Jack Robertson stated he will recuse himself from Case No. 1104-SD-22.

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 Planning Commission Work Session on October 10, 2022.
2. Approval of minutes from Planning Commission Regular Meeting on October 10, 2022.

H. PUBLIC HEARINGS

1. Case No. 1101-SD-22 Phoenix Key, Phase One Subdivision

Phoenix Key LLC requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 4, 5, 6 and 7 of East Perdido Key, Phase One Subdivision into one lot. The property is located at 29040, 29050, 29060 and 29070 Perdido Beach Boulevard in the Multi-Family Residential High Density (RM-2) and Single-Family Residential (RS-1) zoning districts. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing.

John Brett, Brett Robinson, stated that Lots 4, 5, and 6 will be developed and Lot 7 will be deed restricted and undeveloped.

Chairman Stuart closed the public hearing and called for a vote.

Motion to approve Preliminary and final Minor Subdivision subject to staff comments.

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

Approved (9-0)

2. Case No. 1105-ZT-22, Zoning Text Amendments, Articles 4, 5, 8, 10, 12, and 15

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendments** to modify Sections 4.02 (Requirements for Lot Area, Lot Width, and Other Factors), 4.03 (Minimum Setbacks), 5.06 (Number of Principal Buildings on Lot), 8.01 (Required Off-Street Parking), 10.0305 (Considerations in Reviewing Site Plans), 10.0306 (Beach Overlay District), 12.06 (Enforcement), and 15.0902 (Temporary Signs and Standards) of the Zoning Ordinance. Griffin Powell presented to the Planning Commission.

Meredith Harris, ReMax Orange Beach, stated the reduction of allowable real estate sign area is an added expense for realtors. She requested that the allowable real estate sign area be tied to the overall area of the site.

Chairman Stuart closed the public hearing.

Vice Chairman Lindsey asked if they could vote on all the amendments with the exception of the real estate sign area amendment.

Chairman Stuart called for a vote.

Motion to recommend approval to City Council subject to staff comments with the exception of the real estate sign area component. The real estate sign area amendment to be deferred to the December Planning Commission meeting.

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

Approved (9-0)

I. SITE PLAN REVIEWS

1. Case No. 1104-SP-22, Orange Beach Water Authority Conference Room Expansion

Mark D. Pavey, on behalf of the Orange Beach Water Authority, requests approval of **Site Plan Review** to add 700+ square feet to the existing building to expand the existing conference room. The property is located at 25097 Canal Road in the General Business (GB) zoning district. Commissioner Robertson recused himself and left the room. 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 vote.

Motion to approve Site Plan Review subject to staff comments.

Motion made and seconded (Bauer/Smith) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Simpson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.
Approved (8-0)

Commissioner Robertson was asked to return to the meeting.

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

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

KO Investments LLC requests approval of **Preliminary and Final Minor 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. Griffin Powell stated the applicant had not made 2nd deadline and is requesting a deferral.

Motion to defer to the December 12, 2022 Planning Commission Meeting.

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

Approved (9-0)

2. Case No. 1103-CU-22, Coastal Storage Suites

Engineering Design Group, on behalf of Coastal Storage Solutions, requests recommendation to City Council for approval of **Conditional Use** for a self-service storage facility consisting of two buildings covering 12,500 square feet and 10 units. The property is located at the southwest corner of Money Bayou Drive and Sweetwater Drive in the General Business (GB) zoning district.

Motion to defer to December 12, 2022 Planning Commission Meeting.

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

Approved (9-0)

K. OTHER BUSINESS

1. Election of Officers

Motion to nominate Robert Stuart as Chairman of the Orange Beach Planning Commission.

Motion made and seconded (Mitchell/Lindsey) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, **Approved (8-0)**

Motion to nominate Kathy Lindsey as Vice-Chairman of the Orange Beach Planning Commission.

Motion made and seconded (Stuart/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes. **Approved (8-0)**

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 4:42PM

Kit Alexander

Robert Stuart, Chairman

**NOTE: THESE DRAFT MINUTES HAVE NO LEGAL STATUS UNTIL APPROVED
BY THE BOARD OF COMMISSION FROM WHICH THEY ARE TAKEN**



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



Memorandum

TO: Planning Commission

FROM: Griffin Powell, City Planner

CC: Kit Alexander, Community Development Director
Sean Brumley, GIS Specialist
Sherri Descalzo, Planning Coordinator
Jamie Logan, City Attorney

DATE: December 12, 2022

SUBJECT: **Case No. 1102-SD-22**
Bickers Acres, Resubdivision of Lot 4 of the Resubdivision of Bickers Acres
Preliminary and Final Minor Subdivision

Staff requests that the Planning Commission defer the public hearing and consideration of this application to the next meeting on January 9, 2023.

Additional information is needed from the applicant for staff to review prior to Planning Commission consideration.



Bickers Acres Resub of Lot 4 1102-SD-22

Aerial



November 2022





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



Orange Beach Planning Commission
Meeting – December 12, 2022

Case No. 1201-SD-22
Saltwater Cottages Resubdivision
Preliminary/Final Minor Subdivision Approval

Owner/Applicant: JWB Bruckmann, James B. Newman (Owner)
 P.O. Box 2767, Mobile, AL 36652
 (251) 432-5521

 Jim Brown (Applicant)
 P.O. Box 2488, Orange Beach, AL 36561
 (251) 747-5553, (251) 981-5553, jimbrowninc@att.net

Address of Property:	Tax Parcels:	PPIN:
23518 Perdido Beach Blvd.	05-66-06-13-4-001-024.000	109656
23524 Perdido Beach Blvd.	05-66-06-13-4-001-023.000	32999
23530 Perdido Beach Blvd.	05-66-06-13-4-001-020.000	109655

I. GENERAL INFORMATION

Request: **Preliminary/Final Minor Subdivision Approval**

Jim Brown, on behalf of JWB Bruckmann, requests approval of preliminary and final minor subdivision to combine three lots into one lot in accordance with the approved master plan for the Saltwater Cottages Planned Unit Development.

Location: This beachfront property consists of three lots located southeast of the Beach Getaways real estate office on Perdido Beach Boulevard. The three lots are two 50-foot lots and one 75-foot lot. The two 50-foot lots have historically been vacant. Prior to Hurricane Ivan in September 2004, there was a single-family residence on the 75-foot lot. The damaged structure was removed after the hurricane, and the 75-foot lot has since been vacant.

Present Zoning: PUD (Planned Unit Development – *Saltwater Cottages*)

Present Use: Vacant

Future Land Use: Residential Mixed
This plat facilitates a single-family residential development with three residences and is consistent with the land use designation on the Future Land Use Map.

Surrounding Land Use and Zoning: **North:** Beach Getaways office, Vacant, GB (General Business); Buena Vista RV Resort, PUD (Planned Unit Development – *Buena Vista*)
South: Gulf of Mexico
East: Vacant, RS-1 (Single-Family Residential)
West: Vacant, RS-1 (Single-Family Residential)

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

Nearby Streets: This property fronts on Perdido Beach Boulevard.

Site History:

<i>Date</i>	<i>Description</i>
October 2022	City Council approved the preliminary and final PUD to rezone three lots covering more than 2.6 acres from RS-1 (Single-Family Residential) to PUD for a residential development consisting of three single-family residences with a shared single driveway and a single beach walkover. (Case No. 0902-PUD-22)

II. PLAT REVIEW

<i>Review Item</i>	<i>Compliance</i>	<i>Comments</i>
Application Completeness It is the intent of the Planning Commission to hear only those applications which have fully complied with all requisite application requirements. (Subdivision Regulations, Section 3.6)	Yes	All items required for application completeness have been submitted.
Zoning Requirement (Minimum Lot Area) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (Subdivision Regulations, Section 3.6)	Yes	The Saltwater Cottages PUD master plan, as amended, provides guidance on lot area. The master plan requires the three lots to be combined. The combined lots will have a lot area of more than 2.6 acres.
Zoning Requirement (Minimum Lot Width) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (Subdivision Regulations, Section 3.6)	Yes	The Saltwater Cottages PUD master plan, as amended, provides guidance on lot width. The master plan requires the three lots to be combined. The combined lots will have a lot width of 127 feet.
Utility Services The proposed lots will be served by potable water, sewer and electrical service. (Subdivision Regulations, Sections 3.1.1 (a), 3.2.1 (a), and 3.1.1. (a))	Yes	All required utilities will be provided. This plat will facilitate a PUD with three single-family residences. A single-family residence was on one of the lots prior to Hurricane Ivan in 2004.

<p>Minimum Public Roadway The proposed lots will have the minimum public roadway access as required by code. (<i>Subdivision Regulations, Sections 3.1.1. (b) and 3.2.1 (b)</i>)</p>	Yes	This property fronts on Perdido Beach Boulevard (SR 182). The three single-family residences will have a common driveway onto SR 182.
<p>Capital Improvements Minor plats shall not be required for the lots in the requested plats to meet the requirements of the Subdivision Regulations. (<i>Subdivision Regulations, Sections 3.1.1 (d) and 3.2.1 (d)</i>)</p>	Yes	This request is a minor plat approval to combine three lots, and capital improvements are not required for subdivision compliance.
<p>Flood Plain Requirement All new principal structures shall have a minimum Finish Floor Elevation (F.F.E.) of 12 inches above the centerline of the nearest paved or public street and comply with the minimum F.F.E. as required by the City of Orange Beach Flood Plain Prevention Ordinance, whichever is greater.</p>	Yes	This property is located in the VE-15 and X-Shaded flood zones. All new structures will comply with the City of Orange Beach Flood Damage Prevention Ordinance.
<p>Plat Requirement It is the intent of the Planning Commission to hear only those applications which have fully complied with the Subdivision Regulations, as amended. (<i>Subdivision Regulations, Section 3.6</i>)</p>	Yes	The final plat submitted complies with the Subdivision Regulations.

III. STAFF COMMENTS

1. On October 18, 2022, the City Council approved the preliminary and final PUD proposal to rezone this property from RS-1 to PUD for the purpose of constructing a residential development with three single-family residences with a shared driveway onto Perdido Beach Boulevard and a single beach walkover.
2. One of the staff conditions from the PUD approval is for the applicant to file a preliminary and final plat with the Planning Commission to combine the lots. This plat is satisfying that condition.
3. The plat shows a 30-foot private roadway easement and a deeded building restriction line crossing the lots. The roadway easement and building line are from the original subdivision plat and any enforcement of such will need to come from a court decision and not the City since these are private.

IV. PLANNING COMMISSION ACTION

1. **APPROVE** the requested preliminary and final minor subdivision plat to combine three lots into one lot in accordance with the approved master plan for the Saltwater Cottages Planned Unit Development.
2. **DISAPPROVE** the requested preliminary and final minor subdivision plat with explanation.
3. **CONDITIONALLY APPROVE** the requested preliminary and final minor subdivision plat with modifications.

STAFF CONDITIONS: None

V. MAPS & PLANS

Aerial Map





Saltwater Cottages 1201-SD-22

Aerial



December 2022





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



Orange Beach Planning Commission
 Meeting – December 12, 2022

Case No. 1202-SD-22
Bayou Sunrise Subdivision (formerly Cotton Bayou Cottages Subdivision)
Preliminary/Final Minor Subdivision Approval

Owner/Applicant: Hercules Investments LLC, Jim Brown (Owner/Applicant)
 P.O. Box 2488, Orange Beach, AL 36561
 (251) 747-5553, (251) 981-5553, jimbrowninc@att.net

Address of Property: 26400 Cotton Bayou Dr.	Tax Parcels: 05-65-02-09-0-001-219.000	PPIN: 25175
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I. GENERAL INFORMATION

Request: Preliminary/Final Minor Subdivision Approval

Hercules Investments LLC requests approval of preliminary and final minor subdivision to subdivide a 1.62-acre lot into two lots.

Location: This waterfront property on Cotton Bayou is located more than 150 feet east of Romar Harbor Marina. The property has a lot width of 178 feet and contains 1.62 acres. According to GIS aerials since 1996, there have been no structures on the property, but there was a boat pier on the property around 2001. The property is a portion of Lot 9, First Addition to the Garrett Subdivision.

Present Zoning: RS-1 (Single-Family Residential)

Present Use: Vacant

Future Land Use: Neighborhood Preservation
The proposed two-lot subdivision is consistent with this land use designation on the Future Land Use Map.

Surrounding Land Use and Zoning:
North: Single-Family Residential, RS-1 (Single-Family Residential)
South: Cotton Bayou
East: Single-Family Residential, RS-1 (Single-Family Residential)
West: Single-Family Residential, RS-1 (Single-Family Residential)

Special Districts: **Overlay Zoning:** Restricted Height Overlay District
Neighborhood District: East Orange Beach
Airport Zone: Transitional Surface E
Flood Zone: AE-12

Nearby Streets: This property fronts on Cotton Bayou Drive.

Site History:

<i>Date</i>	<i>Description</i>
October 2022	The applicant proposed a preliminary and final PUD to rezone this property from RS-1 (Single-Family Residential) to PUD for a residential development consisting of four single-family residences with a shared driveway onto Cotton Bayou Drive and a single access pier with four boat slips on Cotton Bayou. The Planning Commission gave the request a favorable recommendation, but the City Council denied the PUD request. (Case No. 0906-PUD-22)

II. PLAT REVIEW

<i>Review Item</i>	<i>Compliance</i>	<i>Comments</i>
Application Completeness It is the intent of the Planning Commission to hear only those applications which have fully complied with all requisite application requirements. (Subdivision Regulations, Section 3.6)	Yes	All items required for application completeness have been submitted.
Zoning Requirement (Minimum Lot Area) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (Subdivision Regulations, Section 3.6) The minimum lot area in the RS-1 zoning district is 9,000 square feet. (Zoning Ordinance, Section 4.02)	Yes	The plat complies. Lot 1 will have a lot area of 33,455 square feet or 0.77 acres, while Lot 2 will have a lot area of 37,419 square feet or 0.86 acres.
Zoning Requirement (Minimum Lot Width) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (Subdivision Regulations, Section 3.6) The minimum lot width in the RS-1 zoning district is 75 feet. (Zoning Ordinance, Section 4.02)	Yes	The plat complies. Both lots will have a lot width of 89 feet measure at a right angle to the lot depth.
Utility Services The proposed lots will be served by potable water, sewer and electrical service. (Subdivision Regulations, Sections 3.1.1 (a), 3.2.1 (a), and 3.1.1. (a))	Yes	All required utilities will be provided.
Minimum Public Roadway The proposed lots will have the minimum public roadway access as required by code. (Subdivision Regulations, Sections 3.1.1. (b) and 3.2.1 (b))	Yes	This property fronts on Cotton Bayou Drive. The lots will have a shared driveway onto Cotton Bayou Drive. The plat shows a 24-foot (12 feet on each lot) non-exclusive easement for ingress and egress for the shared driveway.
Capital Improvements Minor plats shall not be required for the lots in the requested plats to meet the requirements of the Subdivision Regulations. (Subdivision Regulations, Sections 3.1.1 (d) and 3.2.1 (d))	Yes	This request is a minor plat approval to subdivide one lot into two lots, and capital improvements are not required for subdivision compliance.

<p>Flood Plain Requirement All new principal structures shall have a minimum Finish Floor Elevation (F.F.E.) of 12 inches above the centerline of the nearest paved or public street and comply with the minimum F.F.E. as required by the City of Orange Beach Flood Plain Prevention Ordinance, whichever is greater.</p>	Yes	This property is located in the AE-12 flood zone. All new structures will comply with the City of Orange Beach Flood Damage Prevention Ordinance.
<p>Plat Requirement It is the intent of the Planning Commission to hear only those applications which have fully complied with the Subdivision Regulations, as amended. (<i>Subdivision Regulations, Section 3.6</i>)</p>	Yes	The final plat submitted complies with the Subdivision Regulations.

III. STAFF COMMENTS

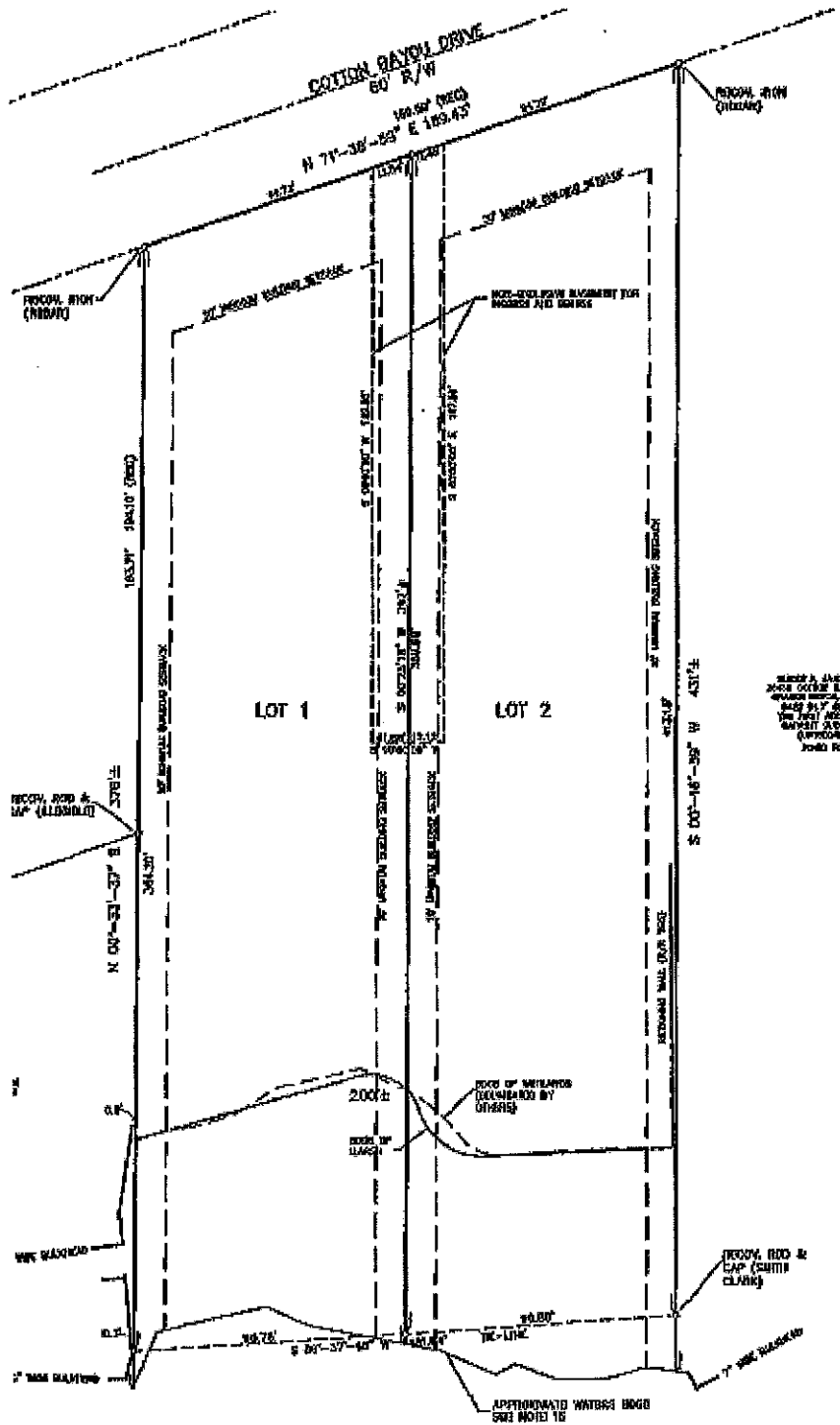
1. Earlier this year, the applicant had submitted a request for preliminary and final PUD approval to rezone the property from RS-1 to PUD for a residential development containing four single-family residences on one lot. The PUD request also entailed a single driveway onto Cotton Bayou Drive and a single pier with four boat slips on Cotton Bayou. On October 18, the City Council denied the PUD request.
2. On each lot, the applicant has two by-right options: (a) one single-family residence on each lot; or (b) two single-family residences on each lot since each lot has a lot area meeting or exceeding 26,250 square feet and a lot width meeting or exceeding 75 feet.
3. The lots will have a shared driveway onto Cotton Bayou Drive. The plat shows a 24-foot (12 feet on each lot) non-exclusive easement for ingress and egress for the shared driveway.
4. The name of this subdivision has been changed to Bayou Sunrise Subdivision from Cotton Bayou Cottages Subdivision. The original submittal and public notice advertisements list the latter name, but staff requested a name change since the latter is too similar to other subdivisions in Orange Beach.

IV. PLANNING COMMISSION ACTION

1. **APPROVE** the requested preliminary and final minor subdivision plat to subdivide a 1.62-acre lot into two lots.
2. **DISAPPROVE** the requested preliminary and final minor subdivision plat with explanation.
3. **CONDITIONALLY APPROVE** the requested preliminary and final minor subdivision plat with modifications.

STAFF CONDITIONS: None

Final Plat





Cotton Bayou SD 1202-SD-22

Aerial

200 Feet

100

0

December 2022





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



Orange Beach Planning Commission
Meeting – December 12, 2022

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:
23370 Perdido Beach Blvd.

Tax Parcels:
05-66-06-13-3-001-104.000

PPIN:
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 also approved in August 2021, but it expired in August 2022 without an extension being requested.

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. (Case No. 0905-SP-04)
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. (Case No. 0102-V-06)
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. (Case No. 1105-SP-06)
January 2007	City Council approved the rezoning of the church property from RS-1 to RM-2. (Case No. 0101-RZ-07)
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. (Case No. 0704-PUD-21)

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.

Use	Unit of Measure	Required			Provided	
		Parking Ratio	Parking		Parking	
			Regular	HC	Regular	HC
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 and will exceed 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 has indicated 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. Staff has recommended to the hotel that it consider constructing a fence or wall along the west lot line to alleviate some of these concerns and to provide additional buffer screening.

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 fire 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.

2. 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.

Floor	2021	2022		
	Total	Existing	New	Total
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.
3. 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.
 4. 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. Staff has recommended to the hotel that it consider constructing a fence or wall along the west lot line to alleviate some of these concerns and to provide additional buffer screening.
 5. 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 fire vehicles.

VII. PLANNING COMMISSION ACTION

1. Recommend to City Council **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. Recommend to City Council **APPROVAL WITH CONDITIONS** of preliminary and final PUD.

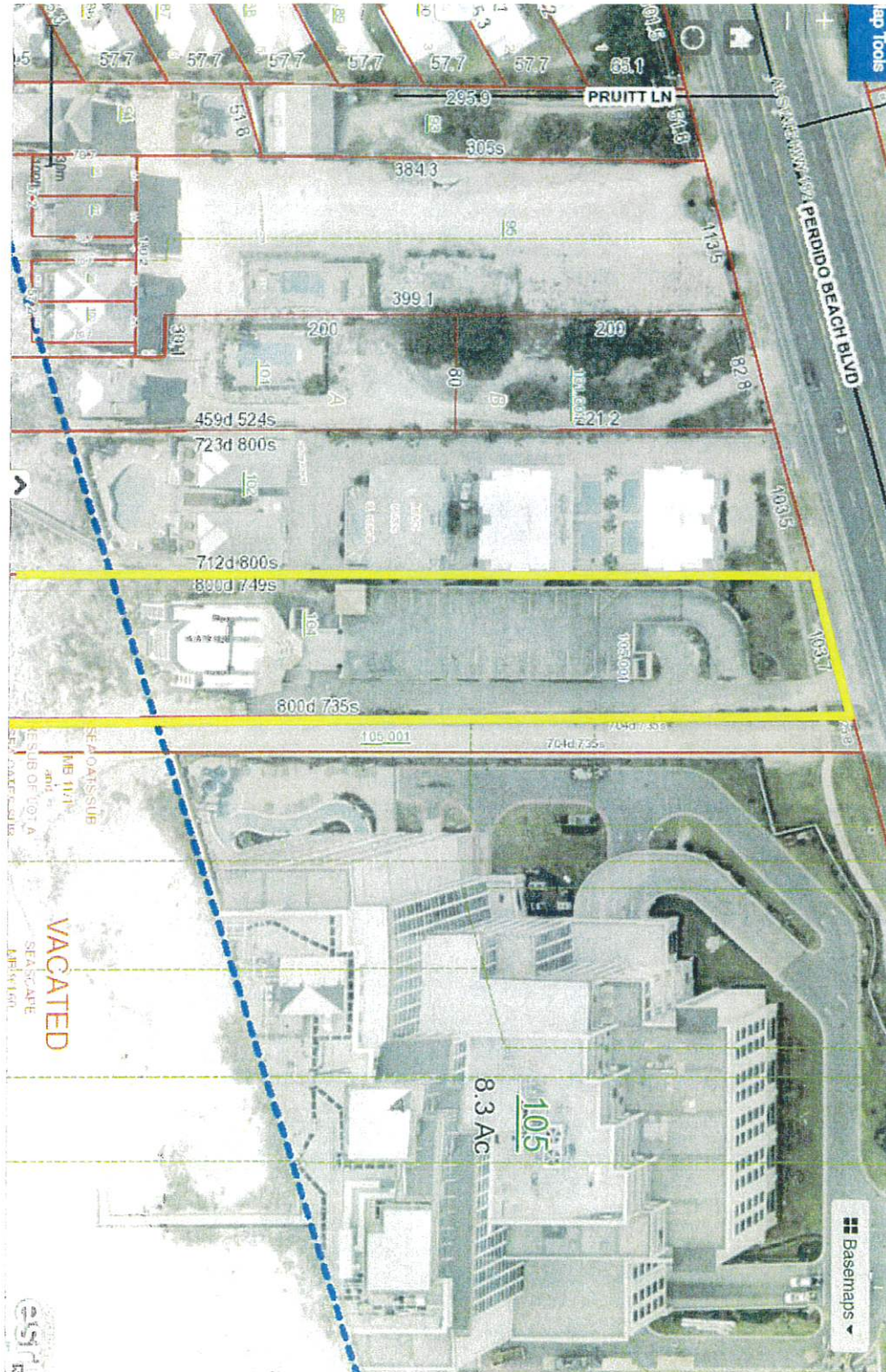
STAFF CONDITIONS:

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. The property owner to the west (Beach Music) has expressed concerns of hotel guests trespassing onto their property and swimming pool areas. Staff recommends the applicant consider installing a fence or wall along the west side lot line to alleviate some of these concerns and to provide additional buffer screening.
 3. Coastal Permits will be required for this project.
3. Recommend to City Council **DENIAL** of preliminary and final PUD.

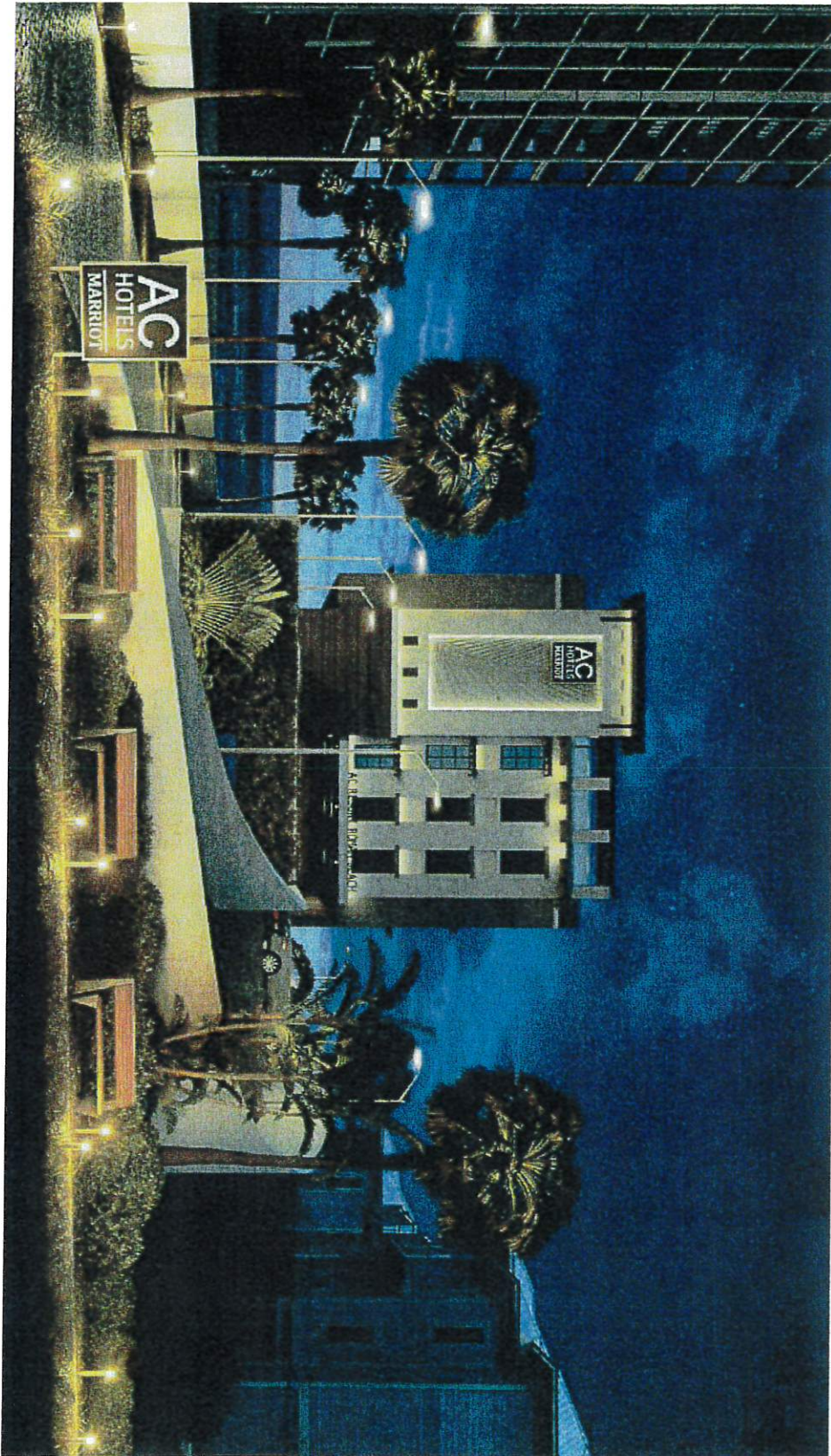
VIII. MAPS & PLANS

Aerial Map



Hotel Elevations







Romar Beach Hotel 1203-PUD-22

Aerial

0 150 300 Feet

December 2022





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



Orange Beach Planning Commission
 Meeting – December 12, 2022

Case No. 1204-SD-22
Port Washington Subdivision
Final Major Subdivision

Owner/Applicant: 68V Port Washington 2021 LLC, Sam Kearns (Owner)
 707 Belrose Ave., Daphne, AL 36526
 (251) 901-4110, permitting@terracoredev.com

Dewberry, Justin Britt (Applicant)
 25353 Friendship Rd., Daphne, AL 36526
 (251) 929-9783, dewberry-daphnepermitting@dewberry.com

Address of Property:	Tax Parcels:	PPIN:
Washington Blvd., north of Canal Rd. & Magnolia Ave.	05-65-02-04-1-001-003.000	37745

I. GENERAL INFORMATION

Request: Final Major Subdivision

Dewberry, on behalf of 68V Port Washington 2021 LLC, requests approval of final major subdivision for a subdivision containing 16 lots and a common area on 9.14 acres. Lots 1-15 will be a single-family residential subdivision, while Lot 16 will contain a multi-family residential development. Lots 1-15 will be on the part of the property that is zoned RS-1 (Single-Family Residential), and Lot 16 will be on the part that is zoned GB (General Business).

Location: This property contains 9+ acres and is located on the east side of Washington Boulevard, north of Canal Road and Magnolia Avenue. The property was platted as Lots 3 and 4 of the First Addition of Gulf Bays Tract Subdivision in 1910.

Present Zoning: North 7.14 acres – RS-1 (Single-Family Residential)
 South 1.70 acres – GB (General Business)

Present Use: Vacant

Future Land Use: Neighborhood Preservation, Residential Mixed
The Future Land Use Map (FLUM) designates the northerly 7.14 acres for Neighborhood Preservation. The remaining 1.70 acres to the south was recently amended from Commercial Center Low Intensity to Residential Mixed.

Lots 1-15 will be a single-family residential subdivision with lots meeting the minimum RS-1 requirements. Vacation rentals (14 days or less) will not be allowed due to the RS zoning. The proposed single-family residential subdivision is consistent with the Neighborhood Preservation designation on the Future Land Use Map.

Lot 16 will contain a multi-family residential development with two buildings and a total of 18 units. The amended land use designation of Residential Mixed allows multi-family residential buildings.

Surrounding Land Use and Zoning: **North:** Undeveloped, RS-2 (Single-Family Residential)
South: Undeveloped, GB (General Business); Spyglass Townhouses, PUD (Planned Unit Development – *Spyglass*)
East: Liberty Linen, GB (General Business)
West: Single-Family Residential, RS-1 (Single-Family Residential)

Special Districts: **Overlay Zoning:** Restricted Height Overlay District
Neighborhood District: East Orange Beach
Airport Zone: Precision Instrument Approach
Flood Zone: X

Nearby Streets: The property has frontage on Washington Boulevard. Port Washington Circle and Sequoia Lane will be the two streets within the subdivision.

Site History:

<i>Date</i>	<i>Description</i>
December 2016	The property owner at the time proposed preliminary and final PUD approval to rezone 9+ from RS-1 and GB to PUD for a single-family subdivision with 22 lots with driveway access onto Washington Boulevard and a common area located behind the 22 lots. The Planning Commission gave the request an unfavorable recommendation, and the applicant pulled the request prior to City Council consideration. <i>(Case No. 1211-PUD-16)</i>
December 2016	The property owner at the time proposed preliminary major subdivision approval to subdivide 9+ acres into a 22-lot subdivision consistent with the master plan proposed in Case No. 1211-PUD-16. The Planning Commission deferred consideration, and the application never came back for consideration. <i>(Case No. 1210-SD-16)</i>
June 2021	City Council denied the request for preliminary and final PUD approval to rezone 9+ acres from RS-1 and GB to PUD for a single-family residential subdivision containing 24 lots, with the typical lot having a lot width of 50 feet and an average lot size of 5,500 square feet. <i>(Case No. 0601-PUD-21)</i>
October 2021	Planning Commission approved the preliminary major subdivision for a subdivision containing 16 lots and a common area on 9.14 acres. Lots 1 through 15 will be a single-family residential subdivision on the section of the property zoned RS-1, while Lot 16 will contain a multi-family residential development on the section near Canal Road zoned GB. <i>(Case No. 1003-SD-21)</i>
October 2021	Planning Commission approved the site plan review for a multi-family residential development containing two buildings and 18 total units on Lot 16. <i>(Case No. 1004-SD-21)</i>

December 2021	Planning Commission amended the Future Land Use Map in the Comprehensive Plan to change the future land use designation of Lot 16 from Commercial Center Low Intensity to Residential Mixed. (Case No. 1206-CPA-21)
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II. PLAT REVIEW

Review Item	Compliance	Comments
<p>Application Completeness It is the intent of the Planning Commission to hear only those applications which have fully complied with all requisite application requirements. (Subdivision Regulations, Section 3.6)</p>	Yes	All items required for application completeness have been submitted.
<p>Zoning Requirement (Minimum Lot Area) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (Subdivision Regulations, Section 3.6) The minimum lot area in the RS-1 zoning district is 9,000 square feet. The minimum lot area in the GB zoning district is 20,000 square feet. (Zoning Ordinance, Section 4.02)</p>	Yes	The plat complies. In the RS-1 section, Lots 1-15 will have an average lot size of 9,150 SF and will have a lot range between 9,000 and 10,176 SF. Lot 16 will exceed the minimum lot area requirement for GB with a lot size of 78,890 SF or 1.81 acres.
<p>Zoning Requirement (Minimum Lot Width) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (Subdivision Regulations, Section 3.6) The minimum lot width in the RS-1 zoning district is 75 feet. The minimum lot width in the GB zoning district is 100 feet. (Zoning Ordinance, Section 4.02)</p>	Yes	In the RS-1 section, Lots 1-15 will meet the required minimum lot width of 75 feet. Lot 16 is in the GB section and will have a lot width of 237 feet along Washington Boulevard and 300+ feet along Sequoia Lane.
<p>Utility Services The proposed lots will be served by potable water, sewer and electrical service. (Subdivision Regulations, Sections 3.1.1 (a), 3.2.1 (a), and 3.1.1. (a))</p>	Yes	All lots within the subdivision will have the required utility services.
<p>Minimum Public Roadway The proposed lots will have the minimum public roadway access as required by code. (Subdivision Regulations, Sections 3.1.1. (b) and 3.2.1 (b))</p>	Yes	All lots within the subdivision will front on a 60-foot right-of-way and 24-foot wide street. The two streets within the subdivision will be Port Washington Lane and Sequoia Lane.
<p>Flood Plain Requirement All new principal structures shall have a minimum Finish Floor Elevation (F.F.E.) of 12 inches above the centerline of the nearest paved or public street and comply with the minimum F.F.E. as required by the City of Orange Beach Flood Plain Prevention Ordinance, whichever is greater.</p>	Yes	The property is located in the X flood zone. All new structures will comply with the City of Orange Beach Flood Damage Prevention Ordinance.
<p>Plat Requirement It is the intent of the Planning Commission to hear only those applications which have fully complied with the Subdivision Regulations, as amended. (Subdivision Regulations, Section 3.6)</p>	Yes	The final plat submitted complies with the subdivision regulations.

III. DESIGN REVIEW

1. **Roadways:** The subdivision will have two streets, Port Washington Lane and Sequoia Lane. Both streets will be located within 60-foot rights-of-way. The street pavement width will be 24 feet, with ribbon curbing 1 foot in width on each side. Each side will have a sidewalk 5 feet in width and a sodded area 10.5 feet in width between the ribbon curbing and sidewalk. There will be a distance of 1.5 feet between the sidewalk and the front lot line of the residential lots.
2. **Street Lighting:** Street lighting will be provided within the subdivision. The lighting will be 150 watt high pressure sodium bulb, while the pole height will be 15.5 feet.
3. **Water:** The Orange Beach Water Authority will provide water services to the lots in the subdivision.
4. **Sewage Collection and Treatment:** The Orange Beach Public Utilities Department will provide sewer services to the lots in the subdivision.
5. **Sidewalks:** All lots in the subdivision will front on a sidewalk 5 feet in width. The sidewalks not abutting the single-family lots will be installed when the streets and other capital improvements are constructed. The sidewalks in front of the single-family lots and within the multi-family development on Lot 16 will be installed at the time those structures are constructed.
6. **Electricity:** Baldwin EMC will provide electrical services to the lots in the subdivision.

IV. STAFF COMMENTS

1. The subdivision will have a common area north of the single-family residential lots and a buffer area 10 feet in width between Lots 8-15 and east side lot line. The common area will encompass 3 acres and will include detention ponds and preserved wetlands. The preserved wetlands are located in the north and northeast sections of the property and total 1.14 acres. The property owner association for the subdivision will be responsible for the ownership and maintenance of the common area.
2. The property owner proposes a multi-family residential development on Lot 16, which is zoned GB or General Business. The development will contain two buildings and 18 total units.
3. Lots 1-7 will have rear frontage to Washington Boulevard. A notation has been placed on the plat restricting access to Washington Boulevard. Per Section 5.0203 of the Zoning Ordinance, double front lots are required to have 30-foot setbacks on each street unless there is a note on the recorded plat restricting access to one of the streets. If a note is provided on the plat, then the rear yard setback shall be 20 feet.
4. Vacation rentals will be prohibited in the single-family subdivision due to its RS-1 zoning.

V. PLANNING COMMISSION ACTION

1. **APPROVE** the request for final major subdivision for a subdivision containing 16 lots and a common area on 9.14 acres. Lots 1-15 will be a single-family residential subdivision, while Lot 16 will contain a multi-family residential development. Lots 1-15 will be on the part of the property that is zoned RS-1 (Single-Family Residential), and Lot 16 will be on the part that is zoned GB (General Business).

2. **DISAPPROVE** the request for final major subdivision with explanation.
3. **CONDITIONALLY APPROVE** the request for preliminary major subdivision with modifications.

STAFF CONDITIONS:

1. Per section 3.3.6 of the subdivision regulations, the following must be provided prior to final plat recordation:
 - (c) all documents and other assurances, including deed restrictions, articles of incorporation and bylaws, prepared in accordance with the laws of the State and satisfactory to the city attorney, to establish a means of common ownership and management of all common areas, facilities and improvements, intended for use by some or all of the occupants of the subdivision, but not proposed to be provided, owned, operated or maintained at general public expense. All documents required pursuant to the provisions of this section must be, following review and approval by the city, filed with the Office of the Probate Judge, Baldwin County. These documents must be provided prior to recordation of the final plat.
2. Per section 3.3.7 of the subdivision regulations, the following must be submitted prior to final plat recordation:
 - (a) Performance security required.
In order to receive final plat approval prior to installation of all improvements, the subdivider/developer shall provide and maintain sufficient full performance security guaranteeing the installation and approval of all private on and off site improvements and the installation and acceptance of all public on and off site improvements that have not been completed. Prior to recordation of the final plat, the subdivider/developer shall submit the performance security on forms provided by the city. Such performance security shall comply with all statutory requirements, be satisfactory to the city attorney and appropriate staff and be in an amount equal to 125% of a certified engineer's estimate, subject to approval by the appropriate city staff.
 - (b) Performance security not required.
If all private improvements have been approved and inspected by the city and all improvements have been inspected and approved by the city and, the subdivider/developer shall not be required to provide performance security upon final plat approval.
3. Per section 3.3.9 of the subdivision regulations, the following must be presented on the final plat:
 - (a) when improvements are constructed, completed and approved prior to final plat recordation:
 2. certification by registered land surveyor or engineer to accuracy of survey and plat and placement of monuments and property corners;

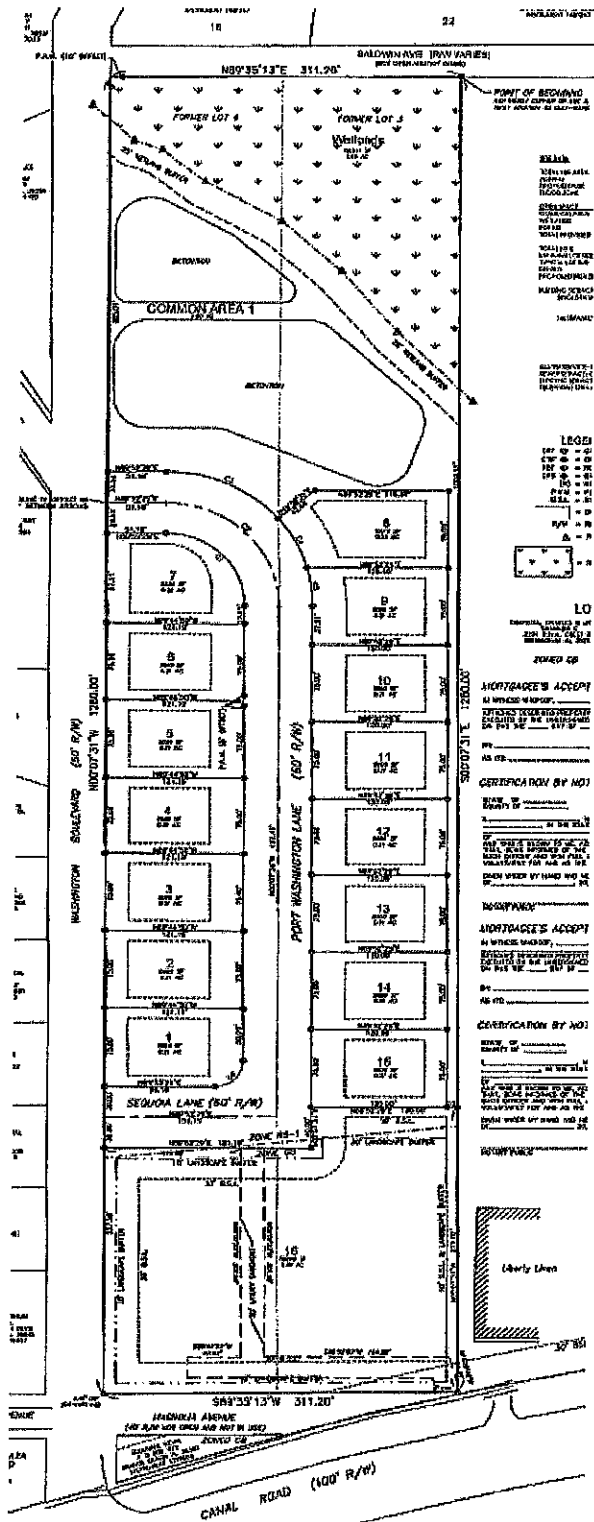
- (b) when improvements are constructed, completed and accepted subsequent to final plat recordation, certification by registered land surveyor or engineer to the accuracy of the survey and plat and placement of monuments and property corners is required.
- 4. These items must be addressed prior to Planning Commission Chairman signature being placed on final plat for recordation.

VI. MAPS & PLANS

Aerial Map



Final Plat



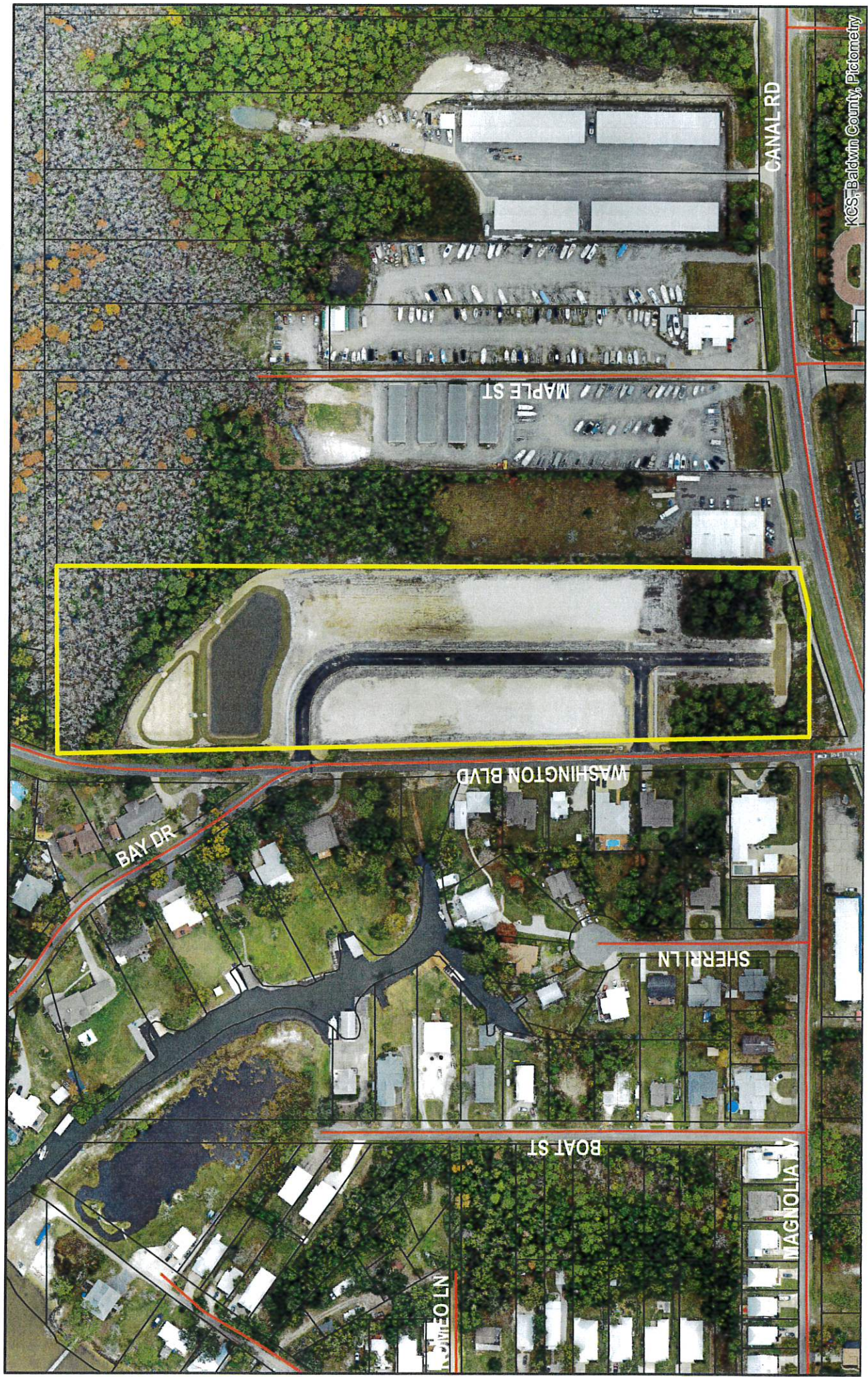


Port Washington SD 1204-SD-22

Aerial



December 2022





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



Orange Beach Planning Commission
 Meeting – December 12, 2022

Case No. 1206-SD-22
Ray’s Subdivision Plat #1
Preliminary/Final Minor Subdivision Approval

Owner/Applicant: Donald W. Ray (Owner)
 4851 Wharf Pkwy., Suite 1107, Orange Beach, AL 36561
 (251) 213-1489

Lucido Engineering & Surveying LLC, Vince Lucido (Applicant)
 24693 Canal Rd., Suite A, Orange Beach, AL 36561
 (251) 967-3250, vincelucido@lucidoeng.com, sherrylee@lucidoeng.com

Address of Property:	Tax Parcels:	PPIN:
29737 Bayshore Drive South	05-62-07-37-0-007-068.000	17105
29741 Bayshore Drive South	05-62-07-37-0-007-066.000	112536

I. GENERAL INFORMATION

Request: Preliminary/Final Minor Subdivision Approval

Lucido Engineering & Surveying LLC, on behalf of Donald W. Ray, requests approval of preliminary and final minor subdivision to combine Lots 872 and 881 of Bear Point Estates Subdivision into one lot.

Location: This property is located on the north side of Bayshore Drive South between Baldwin Avenue and Florida Avenue. Lot 872 (29737 Bayshore Drive South) is vacant. In November 2022 the property owner obtained a permit from the Community Development Department to move the mobile home that had existed on Lot 881 (29741 Bayshore Drive South) from the lot.

Present Zoning: RS-2 (Single-Family Residential)

Present Use: Vacant

Future Land Use: Neighborhood Preservation
The purpose of this plat is to combine two residential lots and complies with the land use designation on the Future Land Use Map.

Surrounding Land Use and Zoning: North: Vacant, RS-2 (Single-Family Residential)
 South: Single-Family Residential, RS-2 (Single-Family Residential)
 East: Single-Family Residential, RS-2 (Single-Family Residential)
 West: Single-Family Residential, RS-2 (Single-Family Residential)

Special Districts: **Overlay Zoning:** Restricted Height Overlay District
Neighborhood District: East Orange Beach
Airport Zone: Precision Instrument Approach
Flood Zone: X

Nearby Streets: This property fronts on Bayshore Drive South.

Site History: There have been no Planning Commission actions on this property.

II. PLAT REVIEW

<i>Review Item</i>	<i>Compliance</i>	<i>Comments</i>
Application Completeness It is the intent of the Planning Commission to hear only those applications which have fully complied with all requisite application requirements. (<i>Subdivision Regulations, Section 3.6</i>)	Yes	All items required for application completeness have been submitted.
Zoning Requirement (Minimum Lot Area) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (<i>Subdivision Regulations, Section 3.6</i>) The minimum lot area in the RS-2 zoning district is 5,000 square feet. (<i>Zoning Ordinance, Section 4.02</i>)	Yes	The plat complies. The lots combined will have a lot area covering 18,754 square feet or 0.43 acres.
Zoning Requirement (Minimum Lot Width) It is the intent of the Planning Commission to hear only those applications which have fully complied with all requirements of the Zoning Ordinance, No. 172 as amended. (<i>Subdivision Regulations, Section 3.6</i>) The minimum lot width in the RS-2 zoning district is 50 feet. (<i>Zoning Ordinance, Section 4.02</i>)	Yes	The plat complies. The lots combined will have a lot width of 100 feet.
Utility Services The proposed lots will be served by potable water, sewer and electrical service. (<i>Subdivision Regulations, Sections 3.1.1 (a), 3.2.1 (a), and 3.1.1. (a)</i>)	Yes	All required utilities are provided.
Minimum Public Roadway The proposed lots will have the minimum public roadway access as required by code. (<i>Subdivision Regulations, Sections 3.1.1. (b) and 3.2.1 (b)</i>)	Yes	This property fronts on Bayshore Drive South.
Capital Improvements Minor plats shall not be required for the lots in the requested plats to meet the requirements of the Subdivision Regulations. (<i>Subdivision Regulations, Sections 3.1.1 (d) and 3.2.1 (d)</i>)	Yes	This request is a minor plat approval to combine two lots, and capital improvements are not required for subdivision compliance.

<p>Flood Plain Requirement All new principal structures shall have a minimum Finish Floor Elevation (F.F.E.) of 12 inches above the centerline of the nearest paved or public street and comply with the minimum F.F.E. as required by the City of Orange Beach Flood Plain Prevention Ordinance, whichever is greater.</p>	Yes	This property is located in the X flood zone. All new structures will comply with the City of Orange Beach Flood Damage Prevention Ordinance.
<p>Plat Requirement It is the intent of the Planning Commission to hear only those applications which have fully complied with the Subdivision Regulations, as amended. (<i>Subdivision Regulations, Section 3.6</i>)</p>	Yes	The final plat submitted complies with the Subdivision Regulations.

III. STAFF COMMENTS

No additional staff comments.

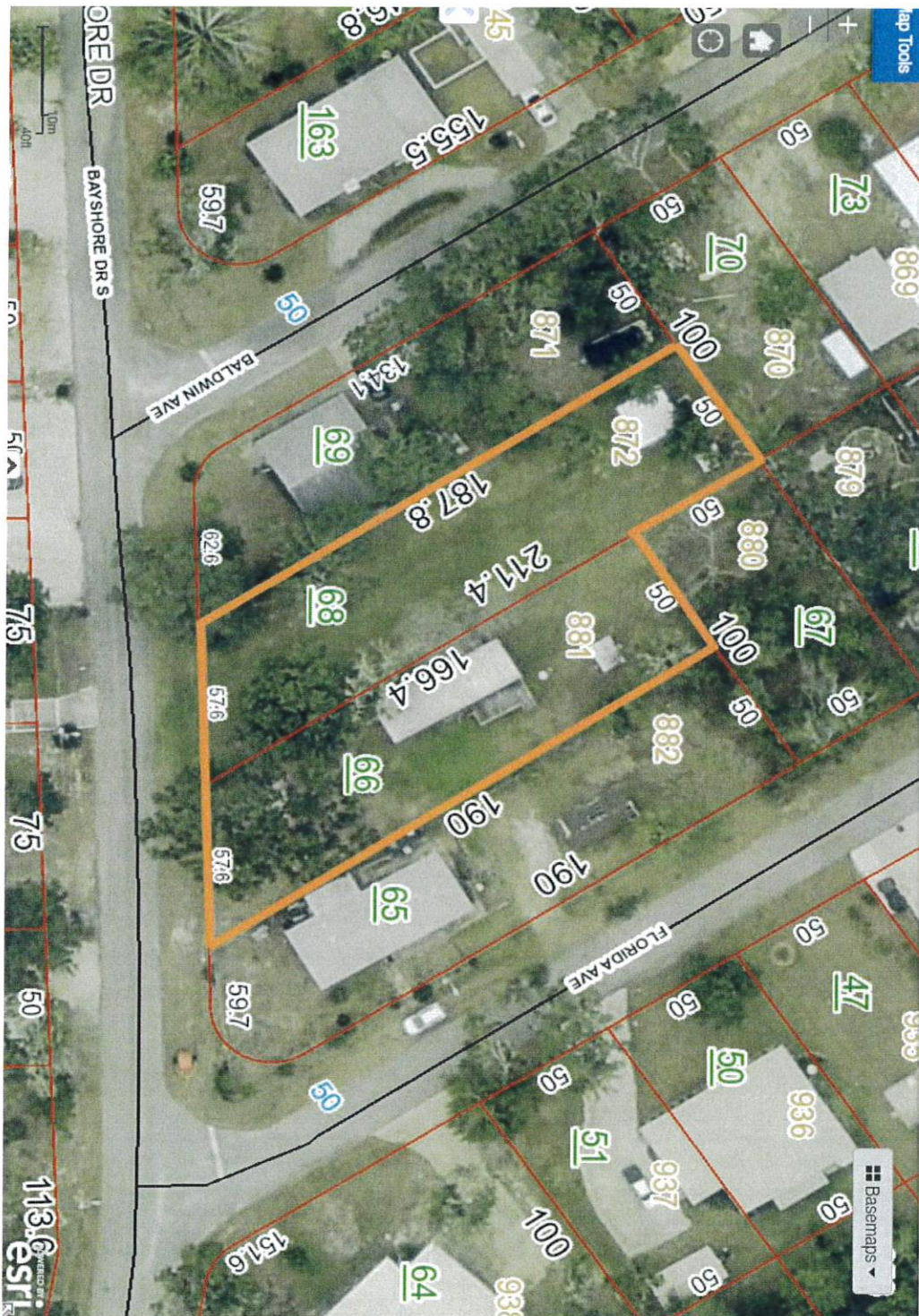
IV. PLANNING COMMISSION ACTION

1. **APPROVE** the requested preliminary and final minor subdivision plat to combine Lots 872 and 881 of Bear Point Estates Subdivision into one lot.
2. **DISAPPROVE** the requested preliminary and final minor subdivision plat with explanation.
3. **CONDITIONALLY APPROVE** the requested preliminary and final minor subdivision plat with modifications.

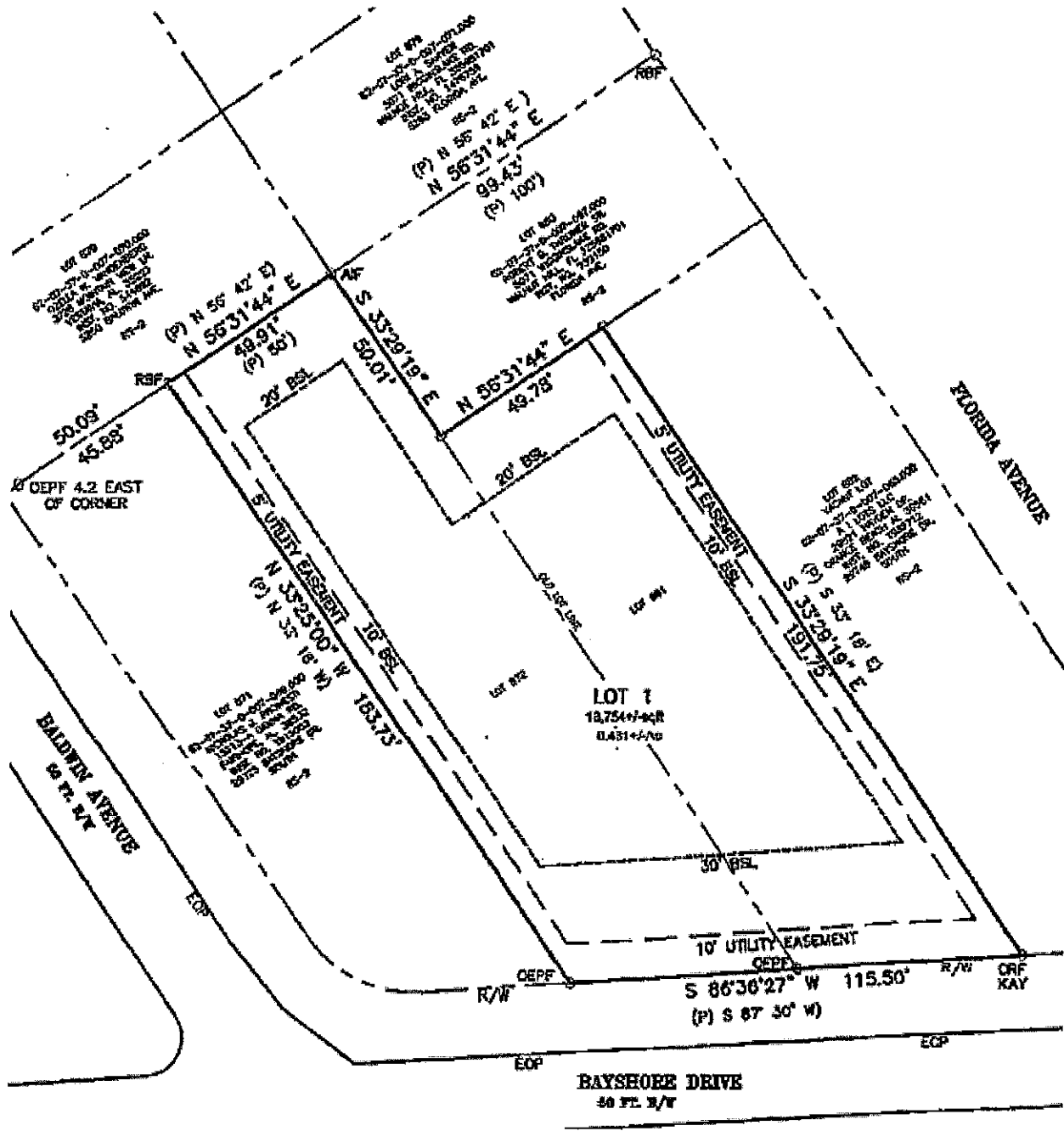
STAFF CONDITIONS: None

V. MAPS & PLANS

Aerial Map



Final Plat



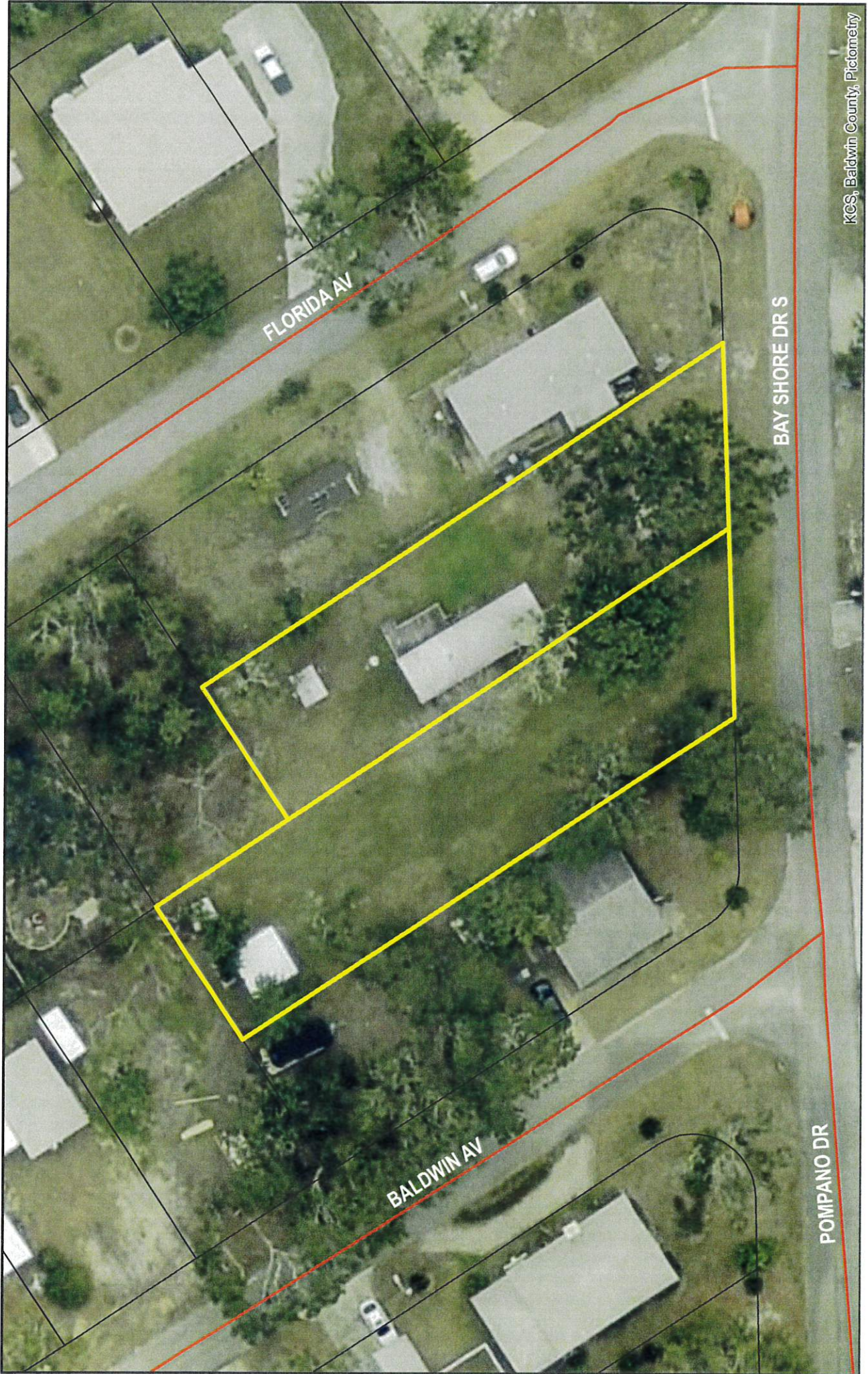


Ray's Subdivision Plat #1 1206-SD-22

Aerial



December 2022





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



Memorandum

TO: Planning Commission

FROM: Griffin Powell, City Planner

CC: Kit Alexander, Community Development Director
Sean Brumley, GIS Specialist
Sherri Descalzo, Planning Coordinator
Jamie Logan, City Attorney

DATE: December 12, 2022

SUBJECT: **Case No. 1207-ZT-22**
Article 15, Section 15.0902, Temporary Signs and Standards
Zoning Text Amendment

Staff requests that the Planning Commission defer the public hearing and consideration of this zoning text amendment to the next meeting on January 9, 2023.

The purpose of this zoning text amendment is to establish new dimension standards for real estate signs for single-family residential and duplex lots. Additional discussions are needed before an amendment is presented to the Planning Commission.



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



Memorandum

TO: Planning Commission

FROM: Griffin Powell, City Planner

CC: Kit Alexander, Community Development Director
Sean Brumley, GIS Specialist
Sherri Descalzo, Planning Coordinator
Jamie Logan, City Attorney

DATE: December 12, 2022

SUBJECT: **Case No. 1205-PUD-22**
Jones Duplex PUD
Preliminary and Final PUD Approval

Lucido Engineering & Surveying LLC, on behalf of Rodney C. Jones, requests recommendation to City Council for approval of Preliminary and Final PUD to rezone 1.8 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a residential development containing five duplexes. The property is located at 26480 Perdido Beach Boulevard, east of the proposed parking garage for the Turquoise Place Condominium.

The applicant was unable to submit revised plans on second deadline.

Staff requests that the Planning Commission defer the public hearing and consideration of this application to the next meeting on January 9, 2023.

This is the first deferral request.