



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



**ORANGE BEACH
PLANNING COMMISSION
WORK SESSION**

**Monday, January 9, 2023, 3:00 PM
City Council Chamber
4099 Orange Beach Boulevard**

A. CALL TO ORDER

B. ROLL CALL

C. DISCUSSION ITEMS

1. **Case No. 1207-ZT-22, Zoning Text Amendment, Article 15, Sections 15.0702 and 15.0902, Temporary Signs and Standards**

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendment** to modify Sections 15.0702 and 15.0902 with regard to temporary residential real estate signs. *Deferred from Regular Meeting on December 12, 2022.*

2. **Case No. 0104-SD-23, Buena Vista RV Resort PUD Subdivision, Phase 3A**

75/25 Investments requests approval of **Final Major Subdivision** for Phase 3A of the Buena Vista RV Resort PUD Subdivision consisting of 10 lots (Lots 24-29, 42-43, and 63-64). Phase 3A is located on Parkside Lane and Lakeside Drive on the west side of the Buena Vista RV Resort.

3. **Case No. 0105-SD-23, Mariner One Subdivision**

Dewberry, on behalf of Windward Lakes Villas LLC and Bel Air Developers LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine four lots into one lot in accordance with the major amendment to the Mariner Lakes Planned Unit Development Master Plan that was approved in October 2022. The property is located at 3299 Loop Road.

4. **Case No. 0106-PUD-23, 3 T's Shrimping Company PUD**

October Investments LLC requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 5.2 acres from GB (General Business) to PUD (Planned Unit Development) for a commercial development consisting of a 7,300-SF restaurant and 20,800-SF warehouse. The property is located at 25431 Canal Road.

5. **Case No. 0101-SP-23, OSO Early Restaurant Kitchen Expansion**

Robertson Commercial requests approval of **Site Plan Review** to expand the kitchen more than 400 square feet at the OSO Early Restaurant. The property is located at 27370 Canal Road in the MR (Marine Resort) zoning district.

6. Case No. 0102-SP-23, Orange Beach Store

Orange Beach Store, on behalf of AGLC LLC, requests approval of **Site Plan Review** to construct a 7,000-SF commercial building at the northwest corner of the intersection of Orange Beach Boulevard and Perdido Beach Boulevard at The Shoppes at Palm Pointe. The property is located at 25777 Perdido Beach Boulevard in the GB (General Business) zoning district.

D. ADJOURN



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



**ORANGE BEACH
PLANNING COMMISSION
REGULAR MEETING**

**Monday, January 9, 2023, 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 December 12, 2022.
2. Approval of minutes from the Regular Meeting on December 12, 2022.

H. PUBLIC HEARINGS

1. **Case No. 1207-ZT-22, Zoning Text Amendment, Article 15, Section 15.0702 and 15.0902, Temporary Signs and Standards**

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendment** to modify Sections 15.0702 and 15.0902 with regard to temporary residential real estate signs. *Deferred from Regular Meeting on December 12, 2022.*

2. **Case No. 0104-SD-23, Buena Vista RV Resort PUD Subdivision, Phase 3A**

75/25 Investments requests approval of **Final Major Subdivision** for Phase 3A of the Buena Vista RV Resort PUD Subdivision consisting of 10 lots (Lots 24-29, 42-43, and 63-64). Phase 3A is located on Parkside Lane and Lakeside Drive on the west side of the Buena Vista RV Resort.

3. **Case No. 0105-SD-23, Mariner One Subdivision**

Dewberry, on behalf of Windward Lakes Villas LLC and Bel Air Developers LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine four lots into one lot in accordance with the major amendment to the Mariner Lakes Planned Unit Development Master Plan that was approved in October 2022. The property is located at 3299 Loop Road.

4. Case No. 0106-PUD-23, 3 T's Shrimping Company PUD

October Investments LLC requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 5.2 acres from GB (General Business) to PUD (Planned Unit Development) for a commercial development consisting of a 7,300-SF restaurant and 20,800-SF warehouse. The property is located at 25431 Canal Road.

I. SITE PLAN REVIEWS

1. Case No. 0101-SP-23, OSO Early Restaurant Kitchen Expansion

Robertson Commercial requests approval of **Site Plan Review** to expand the kitchen more than 400 square feet at the OSO Early Restaurant. The property is located at 27370 Canal Road in the MR (Marine Resort) zoning district.

2. Case No. 0102-SP-23, Orange Beach Store

Orange Beach Store, on behalf of AGLC LLC, requests approval of **Site Plan Review** to construct a 7,000-SF commercial building at the northwest corner of the intersection of Orange Beach Boulevard and Perdido Beach Boulevard at The Shoppes at Palm Pointe. The property is located at 25777 Perdido Beach Boulevard in the GB (General Business) zoning district.

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. *Deferred from Regular Meeting on December 12, 2022.*

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

Lucido Engineering & Surveying LLC, on behalf of Rodney C. Jones, requests recommendation to City Council for approval of **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. *Deferred from Regular Meeting on December 12, 2022.*

K. OTHER BUSINESS

1. Request for a 12-month extension for Case No. 0202-SD-22, Summer Salt Phase 2 Subdivision.

L. PUBLIC COMMENTS

M. ADJOURN

Minutes
Orange Beach Planning Commission Work Session
December 12, 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 3:01 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. 1102-SD-22, Bickers Acres, Resubdivisiion 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.* Griffin Powell explained the applicant submitted the proposed final plat prior to the deadline but additional information is needed. The applicant is requesting the item to be deferred to the January 9, 2023 Planning Commission meeting.
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. Griffin Powell presented to the Planning Commission.
3. **Case No. 1202-2-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. Griffin Powell presented to the Planning Commission. The name of the subdivision has been changed to Bayou Sunrise Subdivision.
Commissioner Mitchell asked if the project is proposing a single driveway for both lots and Griffin Powell confirmed that one driveway is to be provided for both lots.
Vice Chairman Lindsey stated that each lot will have a pier. Kit Alexander stated that each pier will be allowed six boat slips.
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. Griffin Powell presented to the Planning Commission.

Craig Johnson, representing the applicant, said the roof top will be an outdoor bar. They have redesigned the building to incorporate shutters and awnings, adding more coastal elements. Commissioner Mitchell suggested utilization of gooseneck lighting on the building façade.

Craig Johnson said the pool has been eliminated from the project due to concerns about impacts to the neighboring property to the west.

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 northerly part of the property zoned RS-1 (Single-Family Residential), and Lot 16 will be on the southerly part 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. Griffin Powell presented to the Planning Commission.

Commissioner Bauer expressed concerns about the fortitude of the grassed hammerhead on the multi-family parcel and the visibility obstruction caused by trees at the northerly subdivision access onto Washington Boulevard. Kit Alexander stated that staff will address the hammerhead during site permitting of the multi-family parcel. She stated that staff will verify the visibility obstruction in the field and follow-up with Public Works.

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. Griffin Powell presented to the Planning Commission.

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. Griffin Powell asked for this item to be deferred to the January 9, 2023 Planning Commission meeting.

8. **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. Griffin Powell stated this item did not make deadline and the applicant is asking for this item to be deferred to the January 9, 2023 Planning Commission meeting.

D. ADJOURN

Adjourned at 3:40 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
December 12, 2022 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 4:01 PM.

B. INVOCATION

Chairman Stuart 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

None

G. APPROVAL OF MINUTES AND CERTIFIED RECORDS

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

1. Approval of minutes from Work Session Planning Commission meeting on November 14, 2022.
2. Approval of minutes from regular Planning Commission 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.* Griffin Powell stated the applicant is asking for a deferral to the January 9, 2023 Planning Commission meeting.

Motion to defer the item to the January 9, 2023 meeting.

Motion made and seconded (Simpson/Wilson) 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. 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. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing and no one was signed up to speak. Chairman Stuart closed the Public Hearing.

Motion to approve the Minor Subdivision subject to staff comments.

Motion made and seconded (Bauer/Wilson) 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).**

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. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing and no one was signed up to speak. Chairman Stuart closed the Public Hearing.

Motion to approve the Minor Subdivision subject to staff comments.

Motion made and seconded (Jeffries/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).**

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. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

Ben Boles stated he received the public notice the same day as tonight's meeting. He expressed concerns that there is insufficient proposed parking and no spaces are being provided for the hotel workers. The plans show the fire lane will be used for deliveries. He expressed concern that the guests would use the neighboring properties' pools. He expressed concerns about the ability for a

fire apparatus to access the upper stories. He stated that the roof bar does not have buffers on the east and west sides and he has concerns about noise and trash from the bar. He questioned whether the bar will be open to the general public or strictly patrons.

Buddy Trahan, Phoenix West 2 Board President, expressed concerns about the insufficient number of parking spaces.

Ian Boles said that there are an insufficient number of parking spaces being provided. He also expressed concerns about the patrons using the pools on the Beach music property directly west.

Vince Lucido spoke on behalf of the Boles. He asked about the additional parking deck. Craig Johnson, consultant for the applicant, stated there is no additional parking deck proposed. He stated that the ramp and the front entrance will be widened.

Adam Martin, developer, stated the hotel will have full time security to police all areas of the property. Full time work staff will be shuttled to the property from another location.

Chairman Stuart asked about the coastal elements of the building façade. Adam Martin said the brown brackets mimicked the local high and middle school buildings. Louvers on the roof were taken from new construction in the area. They are willing to change the color of the building if that is desired. Chairman Stuart asked if they would be willing to add more shutters. Commissioner Mitchell said a lighter color would allow look coastal and the addition of gooseneck lighting is desirable.

Commissioner Jeffries asked about food service to the bar area. Adam Martin said all the food would be prepared in the first floor kitchen.

Chairman Stuart asked the Fire Department if they had concerns about the site layout. Chief Kimberling said that there is a 20-foot clearance underneath the building. The truck only requires a 19-foot clearance and the department will work off the front of the building. Commissioner Bauer stated concerns about delivery trucks parking in the fire lane. There will need to be signs posted designating the fire lane.

Ian Boles said he would rather have a 17-story building that conforms to the setbacks. This project is too tight.

Chairman Stuart closed the Public Hearing.

Commissioner Bauer stated that the plans do not show the stairwell landing in the parking lot. The stairwell in the parking lot will cause the loss of parking spaces and the loss of one room. Kit Alexander said that could be handled administratively, prior to the City Council meeting.

Chairman Stuart called for a vote.

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

Motion made and seconded (Simpson/Wilson) 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).**

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 and Lot 16 will contain a multi-family residential development. Lots 1 through 15 will on the part of the property that is zoned RS-1 (Single-Family Residential) and Lot 16 will 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. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing and no one was signed up to speak. Chairman Stuart closed the

Public Hearing.

Commissioner Jeffries asked about the status of the multi-family construction on Lot 16. Kit Alexander stated that permits have not been applied for.

Chairman Stuart called for a vote.

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

Motion made and seconded (Jeffries/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).**

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. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing and no one was signed up to speak. Chairman Stuart closed the Public Hearing.

Motion to approve subject to staff comments.

Motion made and seconded (Bauer/Robertson) 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).**

7. Case No. 1207-ZT-22, Zoning Text Amendment, Article 152 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. Griffin Powell requested a deferral until January 2023.

Motion to defer the item to the January 9, 2023 meeting.

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; Chairman Stuart, yes. **Approved (9-0).**

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. Griffin Powell asked for a deferral to the January 2023 meeting.

Motion to defer the item to the January 9, 2023 meeting subject.

Motion made and seconded (Mitchell/Wilson) 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

Griffin Powell provided the items expected on the January 9, 2023 meeting agenda.

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:11PM

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**



Memorandum

TO: Planning Commission

FROM: Griffin L. Powell, City Planner

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

DATE: January 9, 2023

SUBJECT: **Case No. 1207-ZT-23**
Zoning Text Amendments
Article 15 – Temporary Signs and Standards
(Residential Real Estate Signs)

The Community Development Department requests recommendation to the City Council for approval of a zoning text amendment to Section 15.0902, Temporary Signs and Standards, to establish guidelines for temporary residential real estate signs.

The purpose of this memorandum is to provide a summary of the proposed changes:

1. The new size guidelines will pertain only to residential real estate signs in single-family residentially zoned areas, existing single-family residential and duplex land uses, and single-family residential and duplex planned unit developments.

All other temporary signs (commercial, multi-family residential, special events, construction sites, etc.) will be allowed a sign face area up to 64 square feet total and 32 square feet per sign face.

2. The allowable size for residential real estate signs will be determined based on the road frontage of the lot.

<i>Road Frontage</i>	<i>Total Sign Area</i>	<i>Per Sign Face</i>	<i>Sign Dimension</i>
= or < 200 feet	8 SF	4 SF	2' by 2'
> 200 feet, = or < 400 feet	32 SF	16 SF	4' by 4'
> 400 feet	64 SF	32 SF	4' by 8'

3. For new subdivisions containing single-family and duplex lots, a residential real estate sign will be allowed in the common area near the entrance into the subdivision. The sign of this sign shall not exceed 48 square feet total and 24 square feet per sign face (4' by 6' sign). The sign will advertise lots for sale in the new subdivision, and this does not restrict individual lots from having a 2' by 2' sign.
4. This amendment also proposes that real estate signs be allowed on each road frontage for corner lots and through lots. The sign face area will be determined by the corresponding road frontage upon which the sign is placed.
5. Section 15.0702 will be amended to exempt all residential and commercial real estate signs from permit requirements.

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**CITY OF ORANGE BEACH
ZONING TEXT AMENDMENT**

**CASE NO. 1207-ZT-22
SECTIONS 15.0702 AND 15.0902**

AN ORDINANCE to amend and reordain Sections 15.0702 and 15.0902 of the Orange Beach Zoning Ordinance to establish guidelines for temporary residential real estate signs.

SECTION 1: Section 15.0702 of the Orange Beach Zoning Ordinance is hereby amended and reordained to read as follows:

(p. 10-11)

15.0702 Signs Exempt from Permit Requirements

A permit is not required for the following types of signs, after proper notification is made to the sign administrator:

- a. An official sign or notice issued by any court, public agency, or office.
- b. A traffic directional, warning, or information sign authorized by any public agency.
- c. A private street or road name sign or a traffic directional sign, which does not exceed two (2) square feet per sign face.
- d. Any one (1) square foot sign for each three hundred (300) feet of frontage on a tract of land, except for campaign signs. (rev. 02/22/2012)
- e. Any two (2), one (1) square foot signs per residential lot.
- f. ~~One (1), four (4) square foot residential real estate sign. Two (2) back to back faces of four (4) square feet are permitted.~~ Residential real estate signs referenced in Section 15.0992, b., 1. These signs are independent of any other sign and are not allowed in conjunction with any other real estate sign requiring a permit, nor is the sign area cumulative with any other signs that may or may not require a permit. (rev. 09/04/2001)

- 37 g. ~~One (1) commercial real estate sign which does not exceed six (6) square feet per sign face~~
38 ~~per three hundred (300) feet of property frontage.~~ Temporary signs advertising the sale of
39 property referenced in Section 15.0902, a., and b., 1. These signs are independent of any
40 other sign and are not allowed in conjunction with any other real estate sign requiring a
41 permit, nor is the area cumulative with any other sign that may or may not require a permit.
42 ~~(rev. 09/04/2004)~~
43
- 44 h. An ingress/egress sign which does not exceed three (3) square feet per sign face.
- 45
- 46 i. Signs that are an integral part of vending machines or such other machines or portable
47 holding facility for goods and/or services located on an already licensed premises, whether
48 illuminated or not. (rev.06/01/1999)
- 49
- 50 j. Lots with single-family dwellings and duplexes may have one (1), four (4) square foot
51 campaign sign per candidate per side of right-of-way frontage. The sign may be double-
52 faced. (rev. 02/22/2012)
- 53
- 54 k. Commercially zoned lots may have one (1), four (4) square foot campaign sign per candidate
55 for each three hundred (300) feet of frontage on a public right-of-way. The sign may be
56 double-faced. (rev. 02/22/2012)
- 57
- 58

59 **SECTION 2:** Section 15.0902 of the Orange Beach Zoning Ordinance is hereby amended and
60 reordained to read as follows:

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62 (p. 15-14)

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64 **15.0902 Temporary Signs and Standards**

65
66 **a. Types**

67
68 The following types of signs are classified as "temporary signs":

- 69
- 70 1. Special event signs.
 - 71 2. *Grand Opening* and *Going Out of Business* signs of business and services.
 - 72 3. Signs for work under construction.
 - 73 4. Land subdivision or development signs.
 - 74 5. Signs advertising the sale of lease of property upon which they are located.

- 75 6. Banners, pennants, balloons, flags, portable signs and inflatable signs.
76
77 7. Window signs not permanently affixed to a window or door that are intended to be
78 displayed for a limited period of time. (rev. 10/16/2018)

79 **b. Area, Height, Location:**

- 80
81 1. **Area:** The total area of temporary signs, not including residential real estate signs, shall
82 not exceed sixty-four (64) square feet total and thirty-two (32) square feet per sign face.
83 ~~Real estate signs shall comply with Section 15.0702, f. or g. as applicable or this Section.~~
84 ~~Real estate sign area is not cumulative; in no situation shall more real estate sign area~~
85 ~~than that allowed independently either in this Section or Section 15.0702 f. or g. be~~
86 ~~permissible on any lot. (rev. 09/04/2001)~~

87
88 For residential real estate signs on lots that are single-family residentially zoned or have
89 single-family or duplex dwellings or are located in single-family or duplex planned unit
90 developments, the total area of a residential real estate sign on a lot that has road
91 frontage equal to or less than two hundred (200) feet shall not exceed eight (8) square
92 feet total and four (4) square feet per sign face; the total area of a residential real estate
93 sign on a lot that has road frontage more than two hundred (200) feet but equal to or less
94 than four hundred (400) feet shall not exceed thirty-two (32) square feet total and sixteen
95 (16) square feet per sign face; and the total area of a residential real estate sign on a lot
96 that has road frontage more than four hundred (400) feet shall not exceed sixty-four (64)
97 feet total and thirty-two (32) square feet per sign face. For new subdivisions containing
98 single-family and duplex dwellings, a residential real estate sign not exceeding forty-eight
99 (48) square feet total and twenty-four (24) square feet per sign face will be allowed in the
100 common area near the entrance into the subdivision to advertise the lots for sale within
101 the subdivision.

102
103 Real estate signs shall be allowed for each road frontage on corner lots and through lots,
104 and the total sign area shall be determined by the corresponding road frontage upon
105 which the sign is placed.

106
107 Real estate signs shall comply with Section 15.0702, f. or g. as applicable or this Section.
108 Real estate sign area is not cumulative; in no situation shall more real estate sign area
109 than that allowed independently either in this Section or Section 15.0702 f. or g. be
110 permissible on any lot.

112 **2. Height:** The maximum height of temporary signs shall not exceed eight (8) feet, while the
113 lower edge shall not exceed four (4) feet in height from the average grade.

114
115 **3. Location:**

116
117 **(a)** No temporary sign shall be located so as to obstruct or impair drivers' vision at
118 business ingress/egress points and at intersections.

119
120 **(b)** Except for real estate signs which conform to the provisions of this article, no
121 temporary sign shall be located nearer than one hundred (100) feet to any church,
122 cemetery, public building, historic site or district, or the intersection of two or more
123 public streets or highways.

124
125 **(c)** Except for real estate signs which conform to the provisions of this article, temporary
126 signs are not to be located any closer than one hundred (100) feet from any other
127 sign on the same premises.

128
129 **4.** The sign administrator will determine the appropriate area, height and location of
130 banners, balloons, flags, portable signs and inflatable signs.

131
132 **c. Time Limits:**

133
134 **1.** Special event signs may be erected no sooner than fourteen (14) days preceding a
135 special event and shall be removed within forty-eight (48) hours following the special
136 event. The same event shall not be advertised more frequently than four (4) times per
137 year.

138
139 **2.** *Grand Opening and Going Out of Business* signs may be erected for a period not to
140 exceed thirty (30) days and no more than one (1) occurrence per year.

141
142 **3.** Project signs for work under construction may be erected upon the issuance of a final
143 development permit on the construction site during the construction and shall be removed
144 within seven (7) days following the issuance of the Certificate of Occupancy.

145
146 **4.** Temporary signs announcing the subdivision of land may be erected on the land being
147 developed and shall be removed when one hundred percent (100%) of the development

148 lots are conveyed, or for a term not to exceed one (1) year, whichever comes first. An
149 extension may be permitted by the Administrator.

150

151 5. Signs advertising the sale or lease of property shall be removed at the completion of the
152 transaction advertised.

153

154 6. Banners, pennants, balloons, flags, portable signs and inflatable signs may be permitted
155 for a maximum of seven (7) days by the Sign Administrator. A time limit beyond seven (7)
156 days requires the approval of the City Council. (rev. 12/17/2002)

157

158 7. Schools and non-profit organizations may be permitted not more than five (5) temporary
159 signs or banners for duration of no longer than seven (7) days upon notification of the
160 sign administrator. Signs or banners must be removed within twenty-four (24) hours of
161 the end of the event. (rev. 12/17/2002)

162

163 8. Temporary window signs may be permitted for a maximum of fourteen (14) days by the
164 Sign Administrator. (rev. 10/16/2018)

165

166 **d. Permits:**

167

168 Unless specifically exempted pursuant to Sections 15.0702 and 15.0703, a temporary sign is
169 subject to the permit requirement of Section 15.0701.

**ZONING TEXT AMENDMENT
CITY OF ORANGE BEACH**

**CASE NO. 1207-ZT-22
SECTIONS 15.0702 AND 15.0902**

CLEAN VERSION

Section 15.0702 – Page 10-11

Exempting all residential and commercial real estate signs from permit requirements.

15.0702 Signs Exempt from Permit Requirements

A permit is not required for the following types of signs, after proper notification is made to the sign administrator:

- a. An official sign or notice issued by any court, public agency, or office.
- b. A traffic directional, warning, or information sign authorized by any public agency.
- c. A private street or road name sign or a traffic directional sign, which does not exceed two (2) square feet per sign face.
- d. Any one (1) square foot sign for each three hundred (300) feet of frontage on a tract of land, except for campaign signs. (rev. 02/22/2012)
- e. Any two (2), one (1) square foot signs per residential lot.
- f. Residential real estate signs referenced in Section 15.0992, b., 1. These signs are independent of any other sign and are not allowed in conjunction with any other real estate sign requiring a permit, nor is the sign area cumulative with any other signs that may or may not require a permit. (rev. 09/04/2001)
- g. Temporary signs advertising the sale of property referenced in Section 15.0902, a., and b., 1. These signs are independent of any other sign and are not allowed in conjunction with any other real estate sign requiring a permit, nor is the area cumulative with any other sign that may or may not require a permit. (rev. 09/04/2001)
- h. An ingress/egress sign which does not exceed three (3) square feet per sign face.
- i. Signs that are an integral part of vending machines or such other machines or portable holding facility for goods and/or services located on an already licensed premises, whether illuminated or not. (rev.06/01/1999)
- j. Lots with single-family dwellings and duplexes may have one (1), four (4) square foot campaign sign per candidate per side of right-of-way frontage. The sign may be double-faced. (rev. 02/22/2012)
- k. Commercially zoned lots may have one (1), four (4) square foot campaign sign per candidate for each three hundred (300) feet of frontage on a public right-of-way. The sign may be double-faced. (rev. 02/22/2012)

15.0902 Temporary Signs and Standards

a. Types

The following types of signs are classified as "temporary signs":

1. Special event signs.
2. *Grand Opening* and *Going Out of Business* signs of business and services.
3. Signs for work under construction.
4. Land subdivision or development signs.
5. Signs advertising the sale of lease of property upon which they are located.
6. Banners, pennants, balloons, flags, portable signs and inflatable signs.
7. Window signs not permanently affixed to a window or door that are intended to be displayed for a limited period of time. (rev. 10/16/2018)

b. Area, Height, Location:

1. **Area:** The total area of temporary signs, **not including residential real estate signs**, shall not exceed sixty-four (64) square feet total and thirty-two (32) square feet per sign face.

For residential real estate signs on lots that are single-family residentially zoned or have single-family or duplex dwellings or are located in single-family or duplex planned unit developments, the total area of a residential real estate sign on a lot that has road frontage equal to or less than two hundred (200) feet shall not exceed eight (8) square feet total and four (4) square feet per sign face; the total area of a residential real estate sign on a lot that has road frontage more than two hundred (200) feet but equal to or less than four hundred (400) feet shall not exceed thirty-two (32) square feet total and sixteen (16) square feet per sign face; and the total area of a residential real estate sign on a lot that has road frontage more than four hundred (400) feet shall not exceed sixty-four (64) feet total and thirty-two (32) square feet per sign face. For new subdivisions containing single-family and duplex dwellings, a residential real estate sign not exceeding forty-eight (48) square feet total and twenty-four (24) square feet per sign face will be allowed in the common area near the entrance into the subdivision to advertise the lots for sale within the subdivision.

Real estate signs shall be allowed for each road frontage on corner lots and through lots, and the total sign area shall be determined by the corresponding road frontage upon which the sign is placed.

Real estate signs shall comply with Section 15.0702, f. or g. as applicable or this Section. Real estate sign area is not cumulative; in no situation shall more real estate sign area than that allowed independently either in this Section or Section 15.0702 f. or g. be permissible on any lot.

2. **Height:** The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.

3. Location:

- (a) No temporary sign shall be located so as to obstruct or impair drivers' vision at business ingress/egress points and at intersections.
- (b) Except for real estate signs which conform to the provisions of this article, no temporary sign shall be located nearer than one hundred (100) feet to any church, cemetery, public building, historic site or district, or the intersection of two or more public streets or highways.
- (c) Except for real estate signs which conform to the provisions of this article, temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.

- 4. The sign administrator will determine the appropriate area, height and location of banners, balloons, flags, portable signs and inflatable signs.

c. Time Limits:

- 1. Special event signs may be erected no sooner than fourteen (14) days preceding a special event and shall be removed within forty-eight (48) hours following the special event. The same event shall not be advertised more frequently than four (4) times per year.
- 2. *Grand Opening* and *Going Out of Business* signs may be erected for a period not to exceed thirty (30) days and no more than one (1) occurrence per year.
- 3. Project signs for work under construction may be erected upon the issuance of a final development permit on the construction site during the construction and shall be removed within seven (7) days following the issuance of the Certificate of Occupancy.
- 4. Temporary signs announcing the subdivision of land may be erected on the land being developed and shall be removed when one hundred percent (100%) of the development lots are conveyed, or for a term not to exceed one (1) year, whichever comes first. An extension may be permitted by the Administrator.
- 5. Signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised.
- 6. Banners, pennants, balloons, flags, portable signs and inflatable signs may be permitted for a maximum of seven (7) days by the Sign Administrator. A time limit beyond seven (7) days requires the approval of the City Council. (rev. 12/17/2002)
- 7. Schools and non-profit organizations may be permitted not more than five (5) temporary signs or banners for duration of no longer than seven (7) days upon notification of the sign administrator. Signs or banners must be removed within twenty-four (24) hours of the end of the event. (rev. 12/17/2002)
- 8. Temporary window signs may be permitted for a maximum of fourteen (14) days by the Sign Administrator. (rev. 10/16/2018)

d. Permits:

Unless specifically exempted pursuant to Sections 15.0702 and 15.0703, a temporary sign is subject to the permit requirement of Section 15.0701.



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



Orange Beach Planning Commission
 Meeting – January 9, 2023

Case No. 0104-SD-23
Buena Vista RV Resort PUD Subdivision, Phase 3A Final Plat
Final Major Subdivision

Owner/Applicant: 75/25 Investments LLC, Jim Brown (Owner/Applicant)
 P.O. Box 2488, Orange Beach, AL 36561
 (251) 981-5533, jimbrowninc@att.net

Address of Property:
 Buena Vista Blvd.

Tax Parcels:
 05-65-06-13-1-001-005.000

PPIN:
 4016

I. GENERAL INFORMATION

Request: Final Major Subdivision

75/25 Investments LLC requests approval of final major subdivision for Phase 3A of the Buena Vista RV Resort consisting of 10 lots (Lots 24-29, 42-43, and 63-64).

Location: Phase 3A is located on Parkside Lane and Lakeview Drive on the west side of the Buena Vista RV Resort.

Present Zoning: PUD (Planned Unit Development – *Buena Vista RV Resort*)

Present Use: Undeveloped

Future Land Use: Mixed Use, Low to Medium Intensity Residential
Recreational vehicle resorts are recommended in the mixed use land use designation. This plat is compatible with the Future Land Use Map.

Surrounding Land Use and Zoning:
North: Gulf State Park
South: RV Lots, Common Area, PUD (Planned Unit Development – *Buena Vista RV Resort*)
East: RV Lots Common Area, PUD (Planned Unit Development – *Buena Vista RV Resort*)
West: Powerline Road, Power Substation, GB (General Business)

Special Districts:
Overlay Zoning: Beach Overlay District
Neighborhood District: Beach Resort

Special District: Airport Zone: None
Flood Zone: X-Shaded, AE-10

Nearby Streets: These lots will have frontage on Parkside Land and Lakeview Drive.

Site History:

<i>Date</i>	<i>Description</i>
August 2007	City Council gave preliminary PUD approval to rezone 31.6 acres from GB to PUD for a RV resort subdivision containing 111 lots along with common amenities. (Case No. 0602-PUD-07)
December 2007	City Council gave final PUD approval to rezone 31.6 acres from GB to PUD for a RV resort subdivision containing 111 lots along with common amenities. (Case No. 1107-PUD-07)
December 2007	Planning Commission approved the preliminary major plat to subdivide a lot covering 31.6 acres into a RV subdivision containing 111 lots and having a 50-foot right-of-way. (Case No. 1108-SD-07)
November 2008	Planning Commission approved the final major plat for Lots 1-11 or Phase 1 and the Lot 2 Outparcel. (Case No. 1101-SD-08)
May 2013	City Council approved a major PUD modification to construct a recreational and office facility on the commercial lot at the intersection of Perdido Beach Boulevard and Buena Vista Boulevard. (Case No. 0402-PUDA-13)
August 2013	Planning Commission approved the final major plat for Lots 12-19 and 106-111 or Phase 1B. (Case No. 0805-SD-13)
August 2014	Planning Commission approved the final major plat for Lots 20-23, 61, 77, and 91-105 or Phase 1C. (Case No. 0801-SD-14)
November 2015	City Council approved a minor PUD modification to combine Lots 97-101 and a detention area in Phase 1C into one lot for an additional amenities area. (Case No. 1103-PUDA-15)
November 2015	Planning Commission approved the preliminary and final minor plat to combine Lots 97-101 and a detention area in Phase 1C into one lot. (Case No. 1104-SD-15)
May 2016	Planning Commission approved the preliminary major plat for Lots 78-90 or Phase 2B. With no construction activities commencing, the preliminary plat approval for this phase expired in May 2017. (Case No. 0503-SD-16)
September 2016	City Council approved a major PUD modification to change the Buena Vista RV subdivision into a RV and single-family residential subdivision and to establish building footprint and gross floor area size ranges. The modification also changed the lot setbacks to 5 feet from all lot lines. (Case No. 0502-PUDA-16)
November 2020	Planning Commission approved the preliminary major plat for Lots 78-90 or Phase 2B. (Case No. 1105-SD-20)
February 2022	Planning Commission approved the final major plat for Lots 78-90 or Phase 2B. (Case No. 0203-SD-22)
April 2022	City Council approved a minor PUD amendment to reduce the right-of-way width for Phases 3, 4 and 5 from 50 to 40 feet. (Case No. 0306-PUDA-22)
April 2022	Planning Commission approved the preliminary major subdivision for Phases 3, 4 and 5 of the Buena Vista RV Resort consisting of 56 lots. (Case No. 0302-SD-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.

<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. <i>(Subdivision Regulations, Section 3.6)</i></p>	Yes	The Buena Vista RV Resort PUD, as amended, provides the guidelines for lot areas in the subdivision. The typical lot area will be 3,500 SF. On Lakeview Drive, the lot area ranges will be between 3,900 and 4,500 SF. On Parkside Drive, the lot area ranges will be between 3,500 and 4,700 SF.
<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. <i>(Subdivision Regulations, Section 3.6)</i></p>	Yes	The Buena Vista RV Resort PUD, as amended, provides the guidelines for lot widths in the subdivision. The typical lot width in these three phases will be 50 feet.
<p>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></p>	Yes	These lots will have all required utilities.
<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	The lots in Phase 3A will front on Parkside Lane and a new road called Lakeview Drive. The roads in this subdivision are privately owned and maintained and have a pavement width of 30 feet.
<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 three phases are located in the X-Shaded and AE-10 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 complies with the Subdivision Regulations.

III. DESIGN REVIEW

- **Roadways:** The rights-of-way (ROW) and roads within the subdivision are privately owned and maintained. The preliminary and final PUD plans approved in 2007 show the ROW width being 50 feet. The subsequent plats approved for the first two phases have adhered to the 50-foot ROW width. For the final three phases, the City amended the PUD master plan in April 2022 to reduce the ROW width from 50 to 40 feet.

The road design for the final three phases will be the same as the previous phases. The total road width will be 30 feet, with 6-inch curbing on both sides and 3-foot wide sidewalk pavers on one side of the road.

- **Water:** The Orange Beach Water Authority will provide water services for all lots.
- **Sewage Collection and Treatment:** The Orange Beach Public Utilities Department will provide sewage services for all lots.

- **Sidewalks:** There are no traditional sidewalks in the Buena Vista subdivision. A walking path is delineated within the road via pavers. The width of the walking path is 3 feet.
- **Electricity:** Baldwin EMC will provide electrical services for all lots.

IV. STAFF COMMENTS

1. Phase 3A will entail 10 lots. These lots are Lots 24-29, 42-43, and 63-64.

V. PLANNING COMMISSION ACTION

1. **APPROVE** the final major subdivision for Phase 3A of the Buena Vista RV Resort consisting of 10 lots (Lots 24-29, 42-43, and 63-64).
2. **DISAPPROVE** the final major subdivision with explanation.
3. **CONDITIONALLY APPROVE** the final 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:
 - (a) when improvements are constructed, completed and accepted prior to final plat recordation:
 1. as-built locations of all roadways, utilities, and capital improvements, including, but not limited to, plan and profile representations;
 2. as-built drawings, signed and sealed by a registered engineer or land surveyor.
 - (b) when improvements are constructed, completed and accepted subsequent to final plat recordation:
 1. certificate of cost estimate of all required improvements, signed and sealed by a registered engineer, to be reviewed for approval by the city;
 2. performance security bond
 - (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. Prior to final plat approval by the Planning Commission, 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 or the subdivider/developer's contract for the work, 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 public improvements have been inspected and accepted 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 accepted prior to final plat recordation:

1. certification by registered engineer that all capital improvements have been installed in accordance with the approved construction drawings, all applicable regulations of the Zoning Ordinance, Subdivision Regulations, Stormwater Management Regulations and appropriate utilities; and

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.

VI. MAPS & PLANS

Aerial Map



Buena Vista Phase 3A 0104-SD-23

Aerial



January 2023





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



Orange Beach Planning Commission
Meeting – January 9, 2023

Case No. 0105-SD-23
Mariner One Subdivision
Preliminary/Final Minor Subdivision Approval

Owner/Applicant: Bel Air Developers LLC, Windward Lakes Villas LLC, John Morrissey (Owner)
5634R Columbia Ave., St. Louis, MO 63189
(636) 532-2800, johnm@broadmoorgroup.net

Dewberry, Cherice Brannan (Applicant)
25353 Friendship Rd., Daphne, AL 36526
(251) 929-9782, dewberry-daphneplanning@dewberry.com

Property Address:	Tax Parcels:	PPIN:
3299 Loop Rd.	05-65-03-08-0-000-002.004	61163
	05-65-03-08-0-000-002.002	73328
	05-65-04-17-0-000-001.022	73327
	05-65-04-17-0-000-001.048	222963

I. GENERAL INFORMATION

Request: Preliminary/Final Minor Subdivision Approval

Dewberry, on behalf of Bel Air Developers LLC and Windward Lakes Villas LLC, requests approval of preliminary and final minor subdivision to combine four lots into one lot in accordance with the major amendment to the Mariner Lakes PUD Master Plan that was approved in October 2022.

Location: This section of the Mariner Lakes PUD, formerly the site of the proposed Bel Air Towers, is an area covering 6.86 acres west of the Fairfield Inn and Suites Hotel and south of the 4.5-acre lake. The west side of this property fronts on Loop Road south of the common recreation area owned by the Mariner Lakes Association.

Present Zoning: PUD (Planned Unit Development – *Mariner Lakes*)

Present Use: Undeveloped

Future Land Use: Residential Mixed
Bel Air Towers was approved in 2006 as a high-rise multi-family residential development with four towers and 480 total units. The project was later amended to reduce the development to three towers and 375 total units. In October 2022 the City Council approved a major amendment to the PUD master plan for a multi-family residential development with two buildings and 152 total units. This request to combine four lots into one lot is consistent with the land use designation on the Future Land Use Map.

Surrounding Land Use and Zoning:
North: Single-Family Houses (Windward Lakes Subdivision), Duplexes (Leeward Village Subdivision), PUD (Planned Unit Development – *Mariner Lakes*)
South: Gulf Beach Shopping Center, Vacant, Waffle House, GB (General Business)
East: Fairfield Inn and Suites Hotel, PUD (Planned Unit Development – *Mariner Lakes*)
West: Townhomes (The Villages at Mariner Lakes), Common Recreation Area, PUD (Planned Unit Development – *Mariner Lakes*)

Special Districts:
Overlay Zoning: Beach Overlay District
Neighborhood District: Beach Resort
Airport Zone: Transitional Surface E
Flood Zone: X-Shaded, AE-11

Nearby Streets: The west side of this property fronts on Loop Road south of the common recreational area owned by the Mariner Lakes Association.

Site History:

<i>Date</i>	<i>Description</i>
1980s	The original Mariner Lakes PUD Master Plan designates this property as Phase III or Future Development.
August 2004	City Council approved the preliminary plans for a major amendment to the Mariner Lakes PUD Master Plan to construct 6 condominium towers and a total of 168 units on this property. <i>(Case No. 0706-PUDA-04)</i>
January 2005	City Council approved the final plans for a major amendment to the Mariner Lakes PUD Master Plan to construct 6 condominium towers and a total of 168 units on this property. <i>(Case No. 1205-PUDA-04)</i>
May 2006	City Council approved the preliminary plans for a major amendment to the Mariner Lakes PUD Master Plan to construct 4 condominium towers and a total of 480 units on this property. The project was called Bel Air Towers. <i>(Case No. 0401-PUDA-06)</i>
January 2007	City Council approved the final plans for a major amendment to the Mariner Lakes PUD Master Plan to construct 4 condominium towers and a total of 480 units on this property. The approval for Bel Air Towers was site specific for the first tower that was to be located where the Fairfield Inn and Suites Hotel is today. The first tower was to contain 14 floors and 105 units. The remaining three towers were to require site plan specific approval at a future date. <i>(Case No. 0701-PUDA-06)</i>
August 2007	City Council approved a major amendment to the Mariner Lakes PUD Master Plan to change the area designated for the first tower from a condominium with 105 units to a hotel with 120 lodging rooms (later reduced to 116). This amendment reduced the total units for Bel Air Towers from 480 to 375 units. <i>(Case No. 0805-PUDA-07)</i>
December 2007	Planning Commission approved the preliminary and final minor plat to subdivide 12.27 acres into two lots, with Lot 1 being for Bel Air Towers and Lot 2 being for the Fairfield Inn and Suites Hotel. <i>(Case No. 1201-SD-07)</i>

December 2017	Planning Commission approved the preliminary and final minor plat to subdivide 9.41 acres into two lots, with the first lot being the lake and the second lot being the upland area. <i>(Case No. 1207-SD-17)</i>
January 2021	City Council approved a minor amendment to the Mariner Lakes PUD Master Plan to relocate an isolated wetland to an area adjacent to the existing lake and to relocate the second tower of the Bel Air Towers project southward roughly 70 feet. <i>(Case No. 1208-PUDA-20)</i>
October 2022	City Council approved a major amendment to the Mariner Lakes PUD Master Plan to amend the section of the PUD for Bel Air Towers for a multi-family residential development with two buildings, five and four stories in height, and 152 total units. The previous plan called for three building, between 14 and 18 stories in height, and 375 total units. <i>(Case No. 0903-PUDA-22)</i>
January 2023	City Council approved a minor amendment to the Mariner Lakes PUD Master Plan and the October 2022 amendment to reduce the height of the south building from 5 to 4 floors and to reduce the number of units in the south building from 70 to 64 units (reducing the total units from 152 to 146 units). The amendment also entails increasing the building footprint of the south building by 3,900 square feet. <i>(Case No. 0103-PUDA-23)</i>

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>	Yes	The plat complies. The Mariner Lakes PUD Master Plan, as amended, dictates the minimum lot area. The major amendment approved in October 2022 required that the four lots be combined for the proposed development. The combined lots will have a lot area of 6.86 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. <i>(Subdivision Regulations, Section 3.6)</i>	Yes	The plat complies. The Mariner Lakes PUD Master Plan, as amended, dictates the minimum lot width. The major amendment approved in October 2022 required that the four lots be combined for the proposed development. The combined lots will have a lot width of nearly 200 feet along Loop Road.
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 will be provided for the proposed development.
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 Loop Road south of the common recreational area owned by the Mariner Lakes Association.

<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>	<p>Yes</p>	<p>This is a minor plat to combine four lots into one lot, and no capital improvements are required for subdivision compliance.</p>
<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>		<p>This property is located in the X-Shaded and AE-11 flood zones. All new structures will comply with the City of Orange Beach Flood Damage Prevention Ordinance.</p>
<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>	<p>Yes</p>	<p>The final plat submitted complies with the Subdivision Regulations.</p>

III. STAFF COMMENTS

1. This plat will meet one of the staff conditions with the approval of Case No. 0903-PUDA-22 in October 2022. The major amendment to the Mariner Lakes PUD Master Plan was for a new multi-family residential development containing two buildings and 152 total units on the undeveloped section of the PUD west of the Fairfield Inn & Suites Hotel, replacing the 2007 plans for the Bel Air Towers development with three buildings and 375 total units.

Section 3.2 of the Subdivision Regulations prohibits the construction of structures across lot lines and requires a plat approved by the Planning Commission to combine the lots.

IV. PLANNING COMMISSION ACTION

1. **APPROVE** the preliminary and final minor subdivision to combine four lots into one lot in accordance with the major amendment to the Mariner Lakes PUD Master Plan that was approved in October 2022.
2. **DISAPPROVE** the preliminary and final minor subdivision with explanation.
3. **CONDITIONALLY APPROVE** the preliminary and final minor subdivision with modifications.

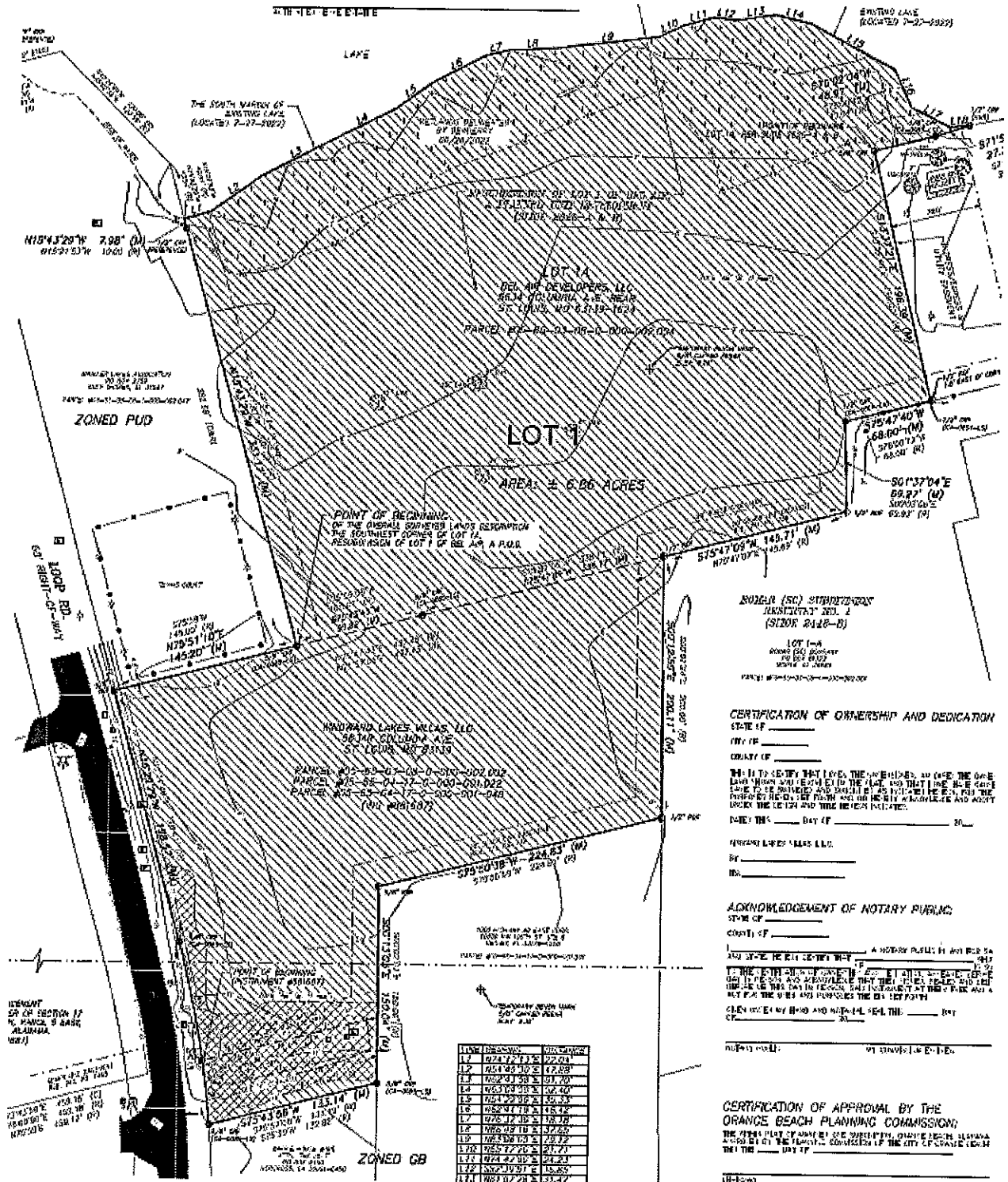
STAFF CONDITIONS: None

V. MAPS & PLANS

Aerial Map



Final Plat





Mariner Lakes 0105-SD-23

Aerial



January 2023





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



Orange Beach Planning Commission
 Meeting – January 9, 2023

Case No. 0106-PUD-23
3 T's Shrimping Company PUD
Preliminary and Final PUD Approval

Owner/Applicant: October Investments LLC, Greg Scott (Owner/Applicant)
 P.O. Box 189, Orange Beach, AL 36561
 (251) 209-1204, gscott@cariberesort.com

Address of Property:
 25431 Canal Rd.

Tax Parcels:
 05-65-03-05-0-000-032.000

PPIN:
 7020

I. GENERAL INFORMATION

Request: Preliminary and Final PUD Approval

October Investments LLC requests recommendation to the City Council for approval of preliminary and final PUD to rezone 5.2 acres from GB (General Business) to PUD (Planned Unit Development) for a commercial development consisting of a 7,300-SF restaurant and 20,800-SF warehouse.

Location: This property is an undeveloped lot located on the north side of Canal Road between Bayside Estates Mobile Home Park and the new Sunset Villas residential subdivision. The property is Lot 2, Block 11 of the Gulf Bays Tract Subdivision, and the physical address is 25431 Canal Road.

Present Zoning: GB (General Business)

Present Use: Undeveloped

Future Land Use: Commercial High Intensity
The proposed land uses in this PUD are a restaurant and warehouse and are common features and consistent with the commercial high intensity land use designation.

Surrounding Land Use and Zoning:
North: Undeveloped, RS-1 (Single-Family Residential)
South: Undeveloped, Vinyl Solutions, Visual Effects, Printing Pros, GB (General Business)
East: Sunset Villas Subdivision, PUD (Planned Unit Development – *Sunset Villas*)
West: Bayside Estates, PUD (Planned Unit Development – *Bayside Estates*)

Special Districts: **Overlay Zoning:** Restricted Height Overlay
Neighborhood District: Northwest Orange Beach
Airport Zone: Precision Instrument Approach
Flood Zone: X, X-Shaded, AE-9, AE-10

Nearby Streets: This property fronts on Canal Road.

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

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 **Northwest Orange Beach District**. The proposed PUD complies with the mission of this district as follows:

Mission Statement for the Northwest Orange Beach District

The City of Orange Beach seeks to preserve, protect and maintain the integrity of the existing neighborhoods while providing an opportunity for suitable mixed-residential and commercial developments, integrating Traditional Neighborhood Design Criteria (TND) and limiting the use of cul-de-sacs. The City also seeks to provide additional water access and create a viewshed to be enjoyed by all.

Applicant's Response: The purpose of this development is to create a mixed-use property containing a restaurant and warehouse space. The property on the east side has been developed into small lots, single-family residential project. The property to the west is a mobile home park. The general area contains numerous businesses, strip malls, an apartment complex, and medium-density residential projects. Also, this development will serve as the new ABC warehouse area instead of the current location by Orange Beach High School.

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. The applicant indicates that the PUD is adhering to 11 of the 12 design objectives.

- **A maximum choice in the types of environment; occupancy tenure, such as cooperatives, individual ownership, condominium and leasehold; housing type; lot sizes; and community facilities available to existing and potential residents at all economic levels:** The submitted PUD has a drive-thru restaurant. The applicant states that one of the common complaints amongst employees and families with children is the lack of affordable and fast meal options. This PUD seeks to help in that regard.
- **More usable and suitably located open space, recreation areas and other common facilities:** According to the applicant, the current site is undeveloped and not accessible to outside parties. This PUD will be available to all customers.

- **More convenience in location of accessory commercial and service areas:** This PUD will facilitate the relocation of the ABC warehouse from its current location next to Orange Beach High School. The ingress and egress will be much better suited to deliveries at this location, and the restaurant will provide another option in the main commercial area in Orange Beach.
- **Maximum enhancement and minimal disruption of existing natural features and amenities:** The applicant indicates that this PUD will plant several more trees than exist currently on the site.
- **Promote a transition between adjacent and nearby zoning districts, land uses, and development intensities:** The adjacent land is used as medium intensity residential. All surrounding uses are general business uses. A small restaurant and low traffic warehouse are compatible with the surrounding land uses.
- **The preservation of trees, habitat, outstanding natural topography and geologic features and prevention of soil erosion:** According to the applicant, the current lot has hardly any vegetation. This PUD will greatly increase the vegetation and will provide a plan for water retention.
- **A creative use of land related physical development which allows an orderly transition from urban and suburban uses to rural or undeveloped areas:** The applicant indicates that the northern portion of this property is vacant and is adjacent to undeveloped property along Wolf Bay.
- **More efficient and economic arrangement of varied land use, buildings, circulation systems and facilities:** According to the applicant, the proposed access road on the east side of the development will better facilitate traffic to the warehouse and restaurant.
- **Project phasing that will ensure the balanced and coordinated development of varied land uses and public facilities and services needed to support them:** The PUD will have two phases. The restaurant and warehouse will be built at the same time and will be the first phase of the development. The second phase will be future development in the area north of the warehouse pending a wetland mitigation analysis (this will require a major amendment to the PUD master plan).
- **Better utilization of sites characterized by special features of geographic location, topography, size or shape:** By placing the access corridor on the east side, the PUD was able to move the warehouse to the back of the property while only necessitating a slight adjustment to the buffer on the west side where the warehouse is situated according to the applicant.
- **Superior development and redevelopment which is more desirable than that which would occur through strict application of the zoning code:** The applicant states that the proposed design allows for visually less desirable warehouse to be pushed towards the rear of the property while offering a custom designed small restaurant to the street front.

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.)

The proposed PUD is a commercial development that will contain the following:

- A proposed single-story restaurant with a building coverage of 7,300 square feet.
- A proposed two-unit warehouse with a total building coverage of 20,800 square feet. The property owner plans to move the ABC warehouse presently west of Orange Beach High School to this location.

The applicant indicates that the restaurant and warehouse buildings will be built at the same time for the first phase of the development. The second phase will be future development in the area north of the warehouse building pending a wetland mitigation analysis. The second phase will require a major amendment to the PUD master plan approved by the Planning Commission and City Council.

Under the current GB zoning, multi-family residential dwellings and a wide variety of commercial uses are permitted. Outside automobile storage, outside boat storage, salvage yards, contractor storage yards, car wash facilities, cable TV operations, funeral homes, gas stations, and night clubs are a few of the permitted uses in GB zoning. The by-right plan provided by the applicant shows a proposed single-story building with a floor area of nearly 17,000 square feet and an extensive parking area containing 169 parking spaces. Based on the parking, the by-right building would be for retail commercial use. The by-right plan also shows a 15-foot land use buffer and a solid wall 8 feet in height on the east and west sides.

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.)

The proposed PUD is a commercial development. All common areas will be managed and maintained by the owner or leaser of the property.

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.)

Based on the uses proposed, the PUD will be short of the parking requirements by two parking spaces. As the following table shows, the restaurant and warehouse storage and office use requires 101 parking spaces, and the site plan shows 99 parking spaces being provided. The parking deficit will be a requested zoning deviation.

Use	Unit of Measure	Required			Provided	
		Parking Ratio	Parking		Parking	
			Regular	HC	Regular	HC
Restaurant	7,300 SF	1 per 100 SF	73			
Warehouse Storage	20,000 SF	1 per 800 SF	25			
Warehouse Office	800 SF	1 per 280 SF	3			
TOTAL SPACES REQUIRED & PROVIDED			101		99	

Fifty-five parking spaces or 56 percent of the parking spaces provided will be constructed on pervious pavers. The remaining parking spaces and vehicular use area will be constructed on asphalt.

Staff had concerns about the six parking spaces behind the restaurant and vehicles queuing from the drive-thru menu board blocking access to these parking spaces. The applicant indicates that the six parking spaces will be for the restaurant employees.

The PUD will have a full-movement driveway onto Canal Road.

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.)

Due to the single-family residential land uses to the east (Sunset Villas Subdivision) and west (Bayside Estates Mobile Home Park), Section 4.05 of the Zoning Ordinance requires a land use buffer of 30 feet on both sides along with screening consisting of a solid fence 8 feet in height and dense landscaping 8 feet in height at the time of planting. The ordinance allows for the land use buffer to be reduced to 15 feet if a solid wall 8 feet in height and 4 inches thick is provided in lieu of the solid fence.

This PUD proposes two zoning deviations to the aforementioned requirements.

For the first deviation, the applicant requests to reduce the buffer distance from 30 feet to 10 feet. On the west side abutting Bayside Estates, the site plan shows the warehouse building, dumpster area, and vehicular use area located in the 30-foot area. On the east side abutting Sunset Villas, the site plan shows the main driveway and vehicular use area within the 30-foot area. Within the proposed 10-foot area, there will be dense landscaping.

The second deviation involves screening. The applicant proposes to forgo constructing a solid fence or wall in the 10-foot area. However, dense landscaping either meeting or exceeding the 8-foot height requirement will be provided. The PUD proposes southern live oaks (8-10' height) and red cluster bottlebrush, hardy red oleanders, and sweet viburnum shrubs (8' height) on the west side between the warehouse and side lot line. On the west and east sides between the vehicular use areas and the side lot lines, the PUD proposes red maple trees (10-12' height) and southern live oaks (10-12' height) and red cluster bottlebrush, hardy red oleanders, and sweet viburnum shrubs (8' height).

There are a couple of issues with the requested deviations. First, staff recommends a solid fence be provided in the 10-foot buffer areas where the vehicular use areas are located because of concerns about vehicle lights shining into residential dwellings, particularly those in Bayside Estates. Second, residents in Bayside Estates have expressed concerns about the dumpster area location being 10 feet from the side lot line and potential issues with the odor. The applicant may want to consider moving the dumpster to another area on the development.

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 restaurant and warehouse buildings will have building or wall signage. The building or wall signage will have to comply with the sign face guidelines per Article 15 of the Zoning Ordinance.

The development will have a freestanding sign along Canal Road. The sign face area will need to comply with the sign face area allowance for commercial developments in Article 15 of the Zoning Ordinance. There are two concerns with the freestanding sign. First, it is recommended that the freestanding sign be moved toward the center of the property and away from the west lot line to reduce the impact to Bayside Estates to the west. Second, clarification is needed as to why the ABC Select Spirit sign is on the freestanding sign if the business will have only a warehouse facility and not a retail use on the premises.

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.)

The restaurant will be a single-story building with a height of 33 feet and 3 inches to the peak of the highest roof surface.

The warehouse will be a single-story building with a height of 30 feet to the peak.

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.)

The master plan indicates the landscaped area encompasses 25.8 percent of the project site. The minimum required is 20 percent.

Along the perimeter landscape area along Canal Road, the PUD will be required to provide 7 trees. The PUD will provide 7 trees to meet this requirement.

As for the hardwood or shade tree requirement based on the vehicular use area, the PUD will be required to provide 44 hardwood or shade trees and will provide 44 such trees to meet this requirement.

The landscape plan indicates in its tree mitigation calculations that 50 trees are required but are only providing 27 trees. There is a deficit of 23 trees. These trees can be planted in the wetlands area with a detailed plan on species, location, planting methods and success criteria.

V. DEVIATIONS FROM THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS

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

- Section 4.0503, a. (Required Buffer Width): Due to the residential land uses to the east and west, a 30-foot land use buffer is required on both sides. The PUD requests the land use buffer be reduced from 30 to 10 feet on the west side for the warehouse building, dumpster area, and vehicular use area, and be reduced from 30 to 10 feet on the east side for the vehicular use area and drive aisle.
- Section 4.0504 (Buffer Screening Requirement): No fencing is shown on the submitted plans. The PUD proposes southern live oaks (8-10' height) and red cluster bottlebrush, hardy red oleanders, and sweet viburnum shrubs (8' height) on the west side between the warehouse and side lot line. On the west and east sides between the vehicular use areas and the side lot lines, the PUD proposes red maple trees (10-12' height) and southern live oaks (10-12' height) and red cluster bottlebrush, hardy red oleanders, and sweet viburnum shrubs (8' height).
- Section 10.02 (Architectural Standards): This section prohibits metal-sided buildings, except for mini-warehouse building under certain conditions. The PUD requests for the warehouse building to have metal siding and for metal-panel walls around the rear window on the east side of the restaurant.
- Section 8.01 (Required Off-Street Parking): Overall, this PUD requires 101 parking spaces (73 spaces for the restaurant, 25 spaces for the warehouse, and 3 spaces for the warehouse office). The submitted plans show 99 parking spaces being provided. The PUD has a parking deficit of 2 spaces. Also, the drive-thru queuing from the menu board will block the six parking spaces behind the restaurant, but the applicant indicates that these spaces will be for the restaurant employees.

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

VI. STAFF COMMENTS

1. For the proposed freestanding sign along Canal Road, staff has the following comments:

- The freestanding sign needs to be moved toward the center of the property and away from west lot line to reduce the impact to the neighboring residential properties to the west.
- Clarification is needed as to why the ABC Select Spirit sign is on the freestanding sign if the business will have only a warehouse facility and not a retail use on the premises.

2. The plans provided show no fencing along the east and west lot lines. This is a requested zoning deviation as part of the PUD request. Dense landscaping at a minimum height of 8 feet is provided. Staff recommends that solid fencing be provided in the buffer area on the east and west sides between the vehicular use areas and side lot line. Staff has concerns about vehicle lights shining into the residential dwellings on both sides.

3. Concerns have been expressed to our office about the location of the dumpster being 10 feet from the west lot line and the impact on the residential dwellings to the west. The project may want to consider another location on the premises for the dumpster. The applicant also needs to make sure the proposed dumpster is adequate to serve both a restaurant and warehouse.

4. As for exterior lighting, the height of the poles for the exterior lights shall not exceed 26 feet and be kept to a height considerate of the residential land uses to the east and west. Exterior lighting shall be arranged as to shield and deflect lights away from the adjoining properties and public streets and shall not have an adverse impact on the residential land uses to the east and west.
5. The landscape plan provided has a deficit on trees proposed on the site. More specifically, the tree mitigation plan indicates that 50 trees are required, and 27 trees are provided. There is a deficit of 23 trees. These trees can be planted in the wetlands area with a detailed plan on species, location, planting methods and success criteria.
6. The Fire Department has the following general comments:
 - Both proposed buildings will require a sprinkler system.
 - Providing signage around the dedicated apparatus turn around.
7. Staff had concerns about the six parking spaces behind the restaurant and vehicles queuing from the drive-thru menu board blocking access to these parking spaces. The applicant indicates that the six parking spaces will be for the restaurant employees. It is recommended that “employee parking only” signage be provided for these parking spaces.

VII. PLANNING COMMISSION ACTION

1. Recommend to City Council **APPROVAL** of preliminary and final PUD to rezone 5.2 acres from GB (General Business) to PUD (Planned Unit Development) for a commercial development consisting of a 7,300-SF restaurant and 20,800-SF warehouse.
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 zoning deviations:
 - **Section 4.0503, a. (Required Buffer Width):** Due to the residential land uses to the east and west, a 30-foot land use buffer is required on both sides. The PUD requests the land use buffer be reduced from 30 to 10 feet on the west side for the warehouse building, dumpster area, and vehicular use area, and be reduced from 30 to 10 feet on the east side for the vehicular use area and drive aisle.
 - **Section 4.0504 (Buffer Screening Requirement):** No fencing is shown on the submitted plans. The PUD proposes southern live oaks (8-10' height) and red cluster bottlebrush, hardy red oleanders, and sweet viburnum shrubs (8' height) on the west side between the warehouse and side lot line. On the west and east sides between the vehicular use areas and the side lot lines, the PUD proposes red maple trees (10-12' height) and southern live oaks (10-12' height) and red cluster bottlebrush, hardy red oleanders, and sweet viburnum shrubs (8' height).
 - **Section 10.02 (Architectural Standards):** This section prohibits metal-sided buildings, except for mini-warehouse building under certain conditions. The PUD requests for the warehouse building to have metal siding and for metal-panel walls around the rear window on the east side of the restaurant.
 - **Section 8.01 (Required Off-Street Parking):** Overall, this PUD requires 101 parking spaces (73 spaces for the restaurant, 25 spaces for the warehouse, and 3 spaces for the warehouse office). The submitted plans show 99 parking spaces being provided. The PUD has a parking deficit of 2 spaces. Also, the drive-thru queuing from the menu board will block the six parking

spaces behind the restaurant, but the applicant indicates that these spaces will be for the restaurant employees.

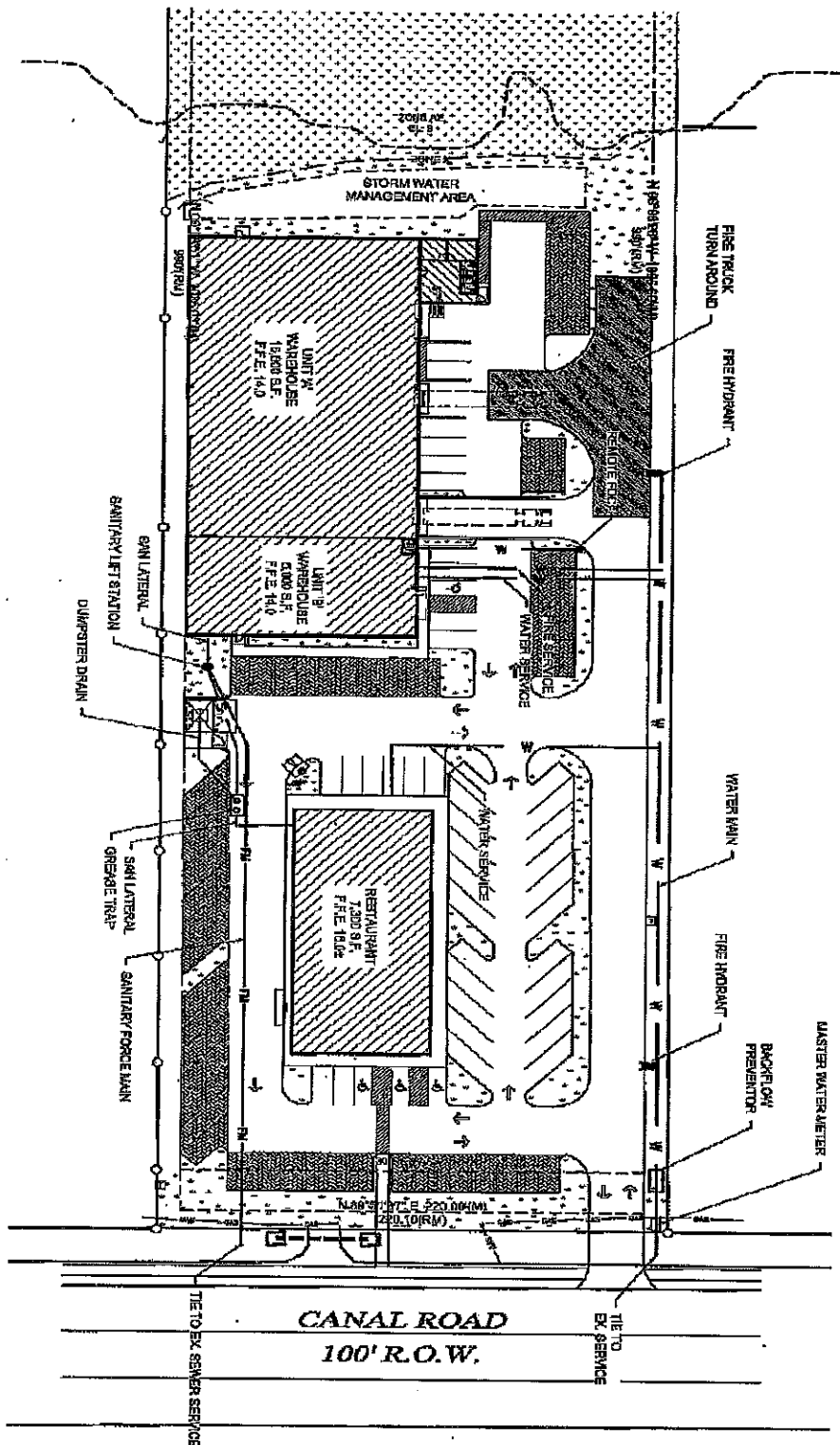
2. Providing site plan concurrence from the Alabama Department of Transportation (ALDOT) on the location of the proposed driveway onto Canal Road.
 3. The sign face area for the proposed freestanding sign along Canal Road and all building signs shall comply with Article 15 of the Zoning Ordinance.
 4. It is recommended that the freestanding sign along Canal Road be moved toward the center of the property and away from west lot line to reduce the impact to the neighboring residential properties to the west.
 5. If the warehouse is to be a storage facility only for the ABC Select Spirit business and there is no proposed retail use, clarification is needed as to why their signage is on the proposed freestanding sign along Canal Road. The proposed parking does not facilitate a retail use for ABC Select Spirit.
 6. It is recommended that solid fencing be provided in the buffer area on the east and west sides between the vehicular use areas and side lot line. There are concerns about vehicle lights shining into the residential dwellings on both sides.
 7. Concerns have been expressed to our office about the location of the dumpster being 10 feet from the west lot line and the impact on the residential dwellings to the west. The project may want to consider another location on the premises for the dumpster.
 8. Providing concurrence from the solid waste collection agency on the proposed location of the dumpster. Also, confirm that the proposed dumpster is adequate to serve both a restaurant and warehouse facility.
 9. The height of the poles for the exterior lights shall not exceed 26 feet and be kept to a height considerate of the residential land uses to the east and west. Exterior lighting shall be arranged as to shield and deflect lights away from the adjoining properties and public streets and shall not have an adverse impact on the residential land uses to the east and west.
 10. Currently the landscape plan has a deficit of trees proposed on site. These trees can be planted in the wetlands area with a detailed plan on species, location, planting methods and success criteria.
 11. Both proposed buildings will require a sprinkler system.
 12. Providing signage around the dedicated apparatus turn around.
 13. Adding "employee only parking" signage to the six parking spaces located behind the restaurant at the menu board queuing location.
3. Recommend to City Council **DENIAL** of preliminary and final PUD.

VIII. MAPS & PLANS

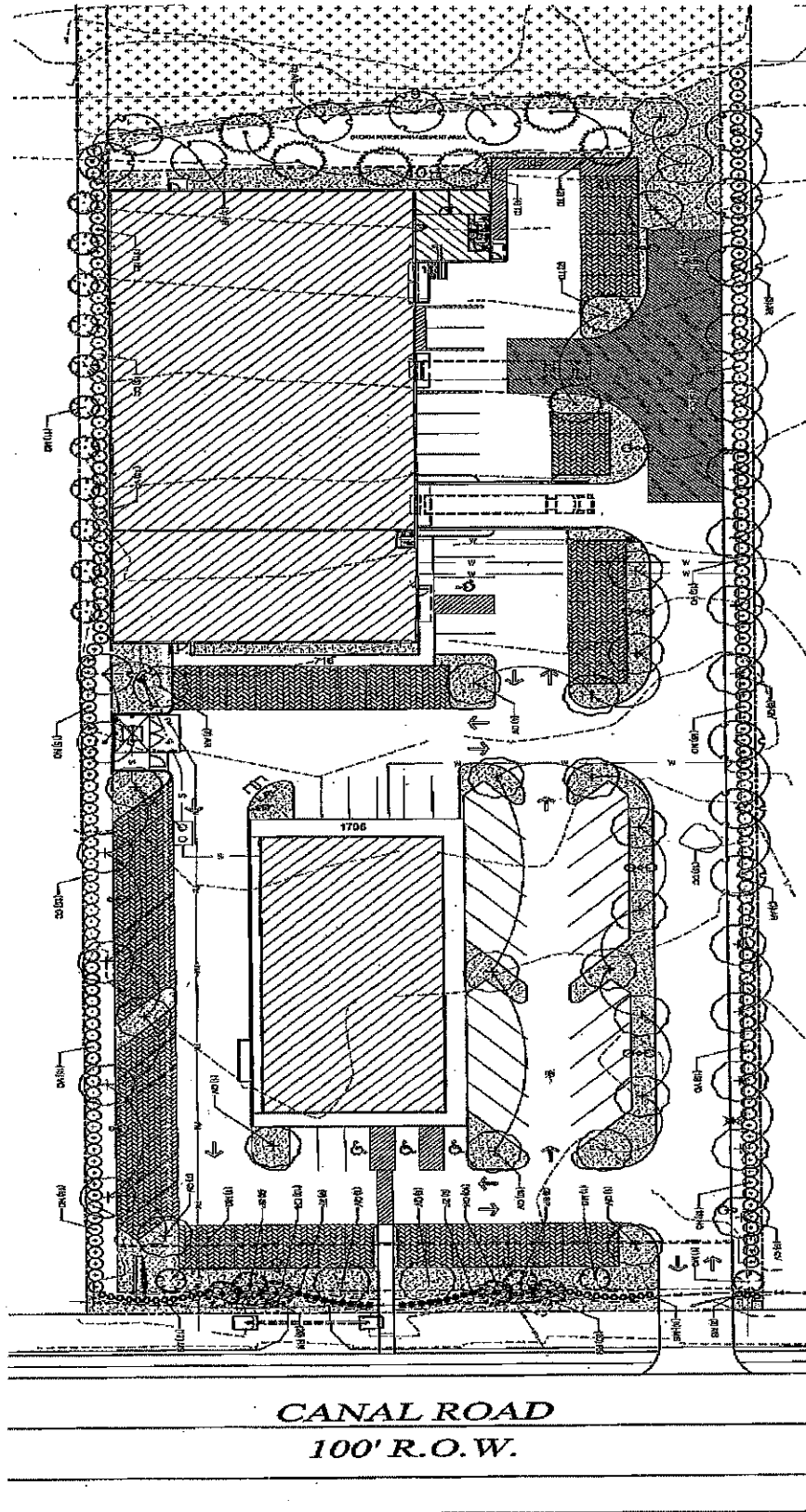
Aerial Map



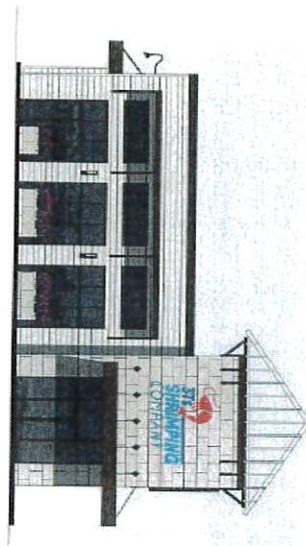
PUD Master Plan



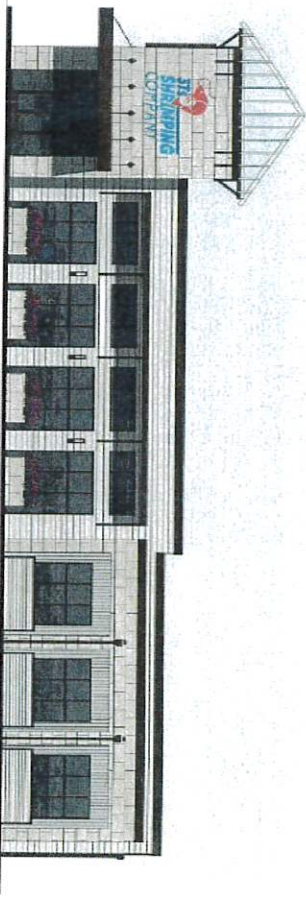
Landscape Plan



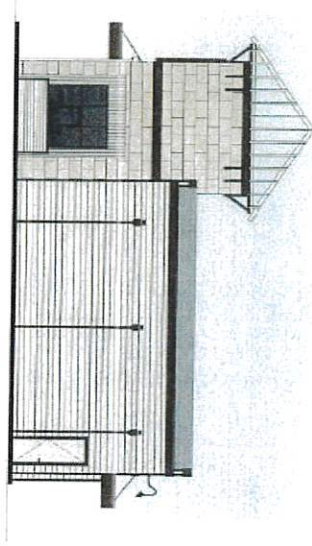
Restaurant Building Elevations



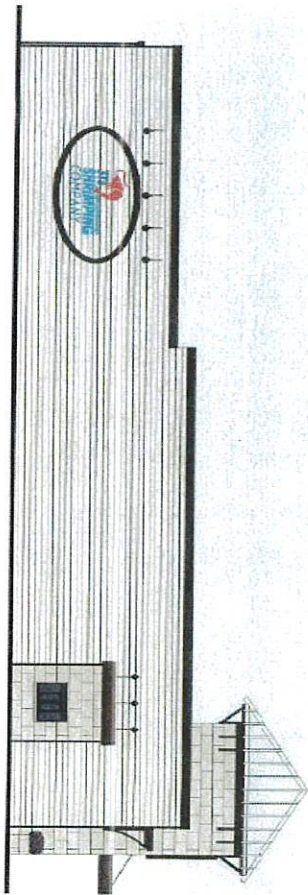
SOUTH ELEVATION



EAST ELEVATION

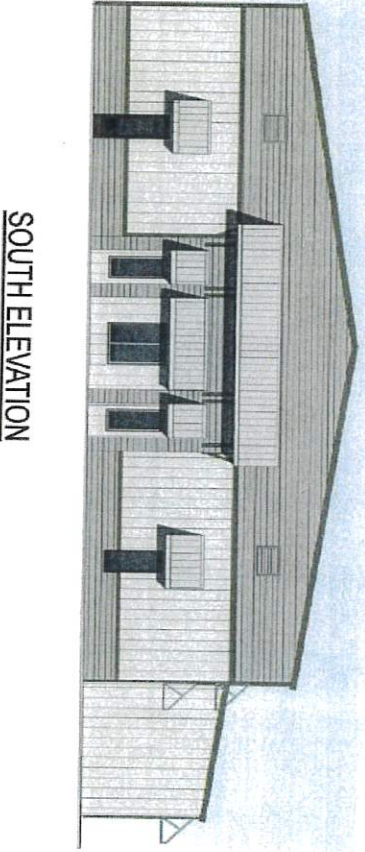
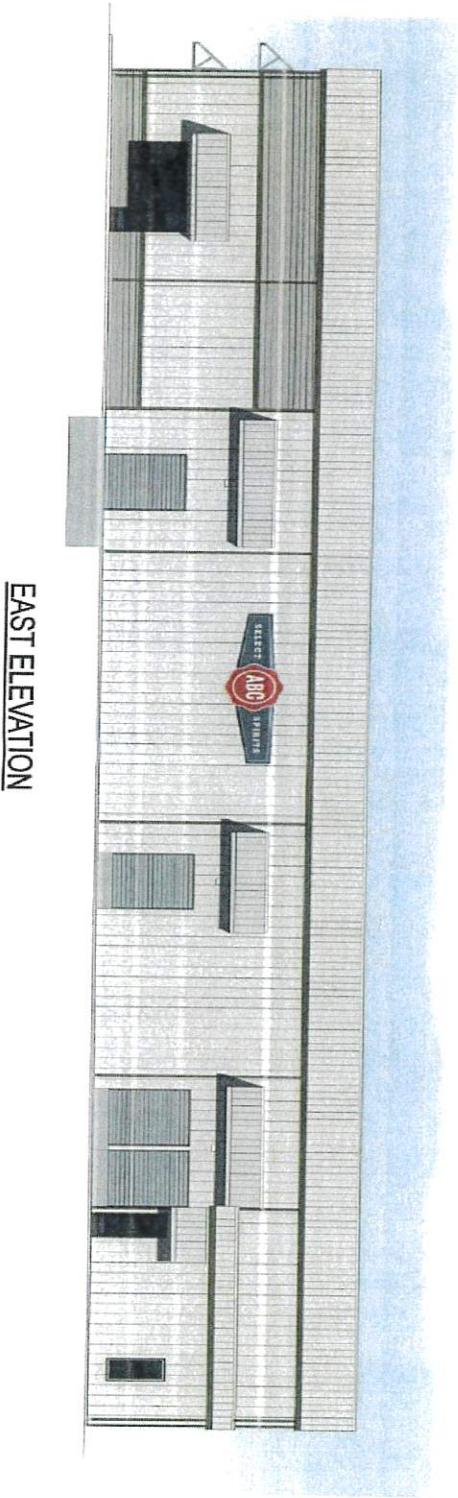


NORTH ELEVATION



WEST ELEVATION

Warehouse Building Elevations



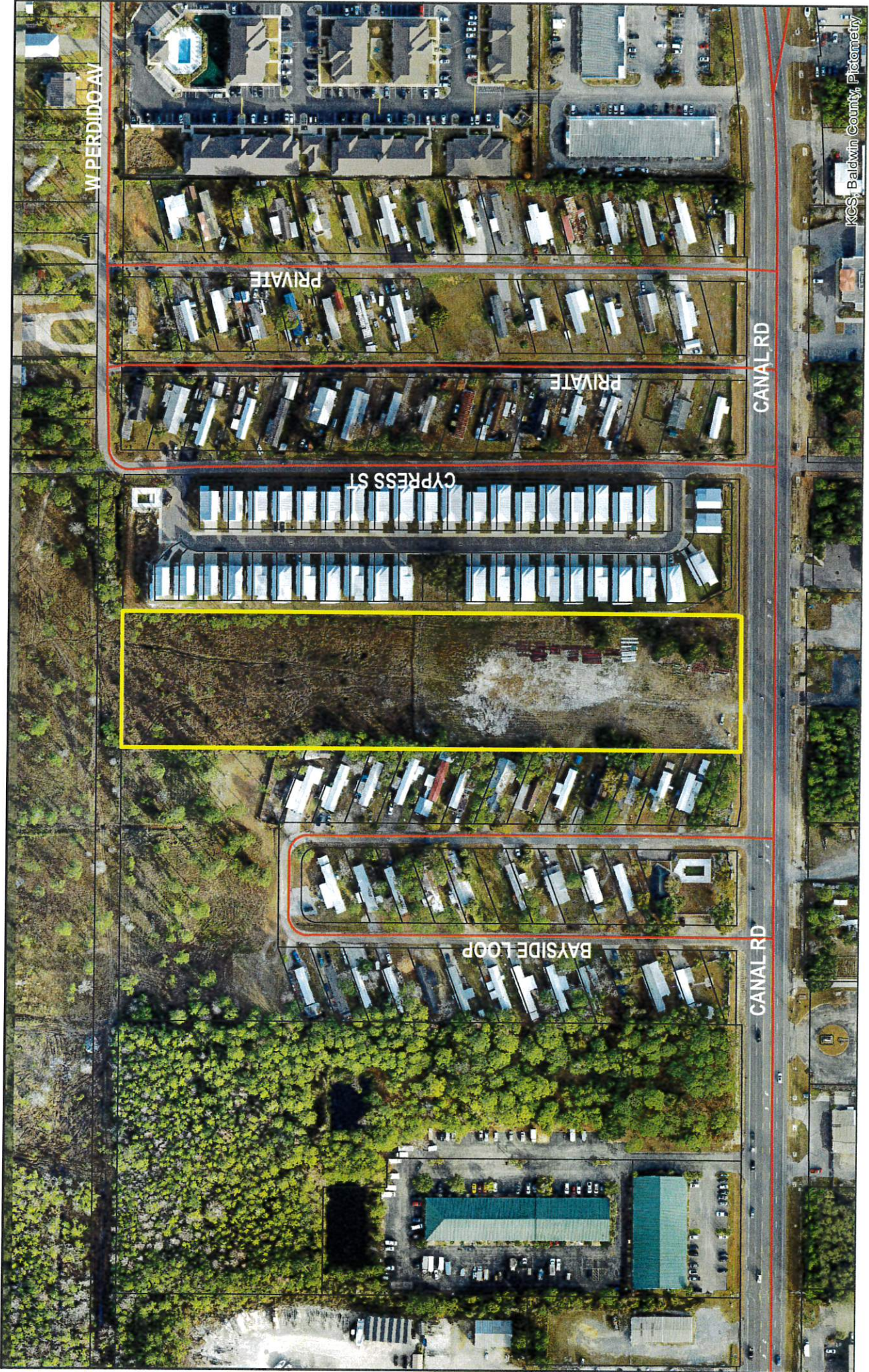


3T's Shrimping Company 0106-PUD-23

Aerial



January 2023





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



Orange Beach Planning Commission
Meeting – January 9, 2023

Case No. 0101-SP-23
OSO Early Restaurant Kitchen Expansion
Site Plan Review

Owner/Applicant: Robertson Commercial, Wayne Robertson (Owner/Applicant)
118 Pass Drive, Gulf Shores, AL 36542
(501) 279-6575, softmartwr@gmail.com

Property Address:
27370 Canal Rd.

Tax Parcels:
05-65-02-12-0-000-074.000

PPIN:
60497

I. GENERAL INFORMATION

Request: Site Plan Review

Robertson Commercial requests approval of site plan review to expand the kitchen more than 400 square feet at the OSO Early Restaurant.

Location: The OSO Early Restaurant is located at 27370 Canal Road at the southeast corner of the intersection of Canal Road and Wilson Boulevard. The building was historically known as Snappers Lounge and was totally remodeled in 2010 and converted into a pizza restaurant known as Bella Luna Pizzeria.

Present Zoning: MR (Marine Resort)

Present Use: OSO Early Restaurant

Future Land Use: Mixed-Use, Low to Medium Intensity Residential
Restaurants are a common feature and use in this land use designation, and the proposed kitchen expansion is consistent with the Future Land Use Map (FLUM)

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

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 is a corner lot with frontage on Canal Road to the north and Wilson Boulevard to the west.

Site History:

<i>Date</i>	<i>Description</i>
October 2010	Board of Adjustment granted a variance to Section 5.1204, a. of the Zoning Ordinance for the purpose of altering the former Snappers Lounge building and allowing the altered building to maintain the existing setback encroachments on the north and west sides. <i>(Case No. 1001-V-10)</i>
April 2011	Planning Commission approved the site plan review to renovate the existing building and to construct additional parking to accommodate a new pizza restaurant. <i>(Case No. 0401-SP-11)</i>
May 2011	Planning Commission approved the preliminary and final minor plat to combine Lots 1 through 6 of Bear Point Heights Estate Subdivision into a single lot. <i>(Case No. 0501-SD-11)</i>

II. BUILDING & SITE PLAN REVIEW

1. The purpose of this site plan review is to expand the kitchen area for the OSO Early Restaurant located at 27370 Canal Road.
2. The existing restaurant building has a floor area of 4,627 square feet.
3. The proposed addition will be on the rear side of the restaurant building and will have a floor area of 477 square feet.
4. Per Section 10.0310, f. of the Zoning Ordinance, attached additions to a building that exceed 400 square feet require a site plan review approval from the Planning Commission.
5. The proposed addition will increase the floor area of the restaurant building to 5,104 square feet.
6. There are no setback issues with the proposed addition.
7. The new addition will have lap siding and metal roofing similar to the existing restaurant building.
8. With the additional floor area, 51 parking spaces will be required for the restaurant (5,104/100). On January 4, 2023, the site was visited and a parking analysis was conducted. There are 53 parking spaces available on the property. Therefore, the restaurant and expansion will meet the required parking. A site plan with the parking count is provided.

III. STAFF COMMENTS

There are no additional staff comments.

IV. PLANNING COMMISSION ACTION

1. **APPROVE** the requested site plan review to expand the kitchen more than 400 square feet at the OSO Early Restaurant.
2. **CONDITIONALLY APPROVE** the requested site plan review with any conditions, limitations or requirements necessary to effectuate the requirements of the Zoning Code and carry out the spirit and purpose of the Comprehensive Plan.

STAFF CONDITIONS:

1. A Type 1 Hood Suppression System will be required for all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.
3. **DISAPPROVE** the requested site plan review stating the reasons the said plan was denied with specific references to those sections of applicable municipal ordinances on which the said denial was based.

V. MAPS & PLANS

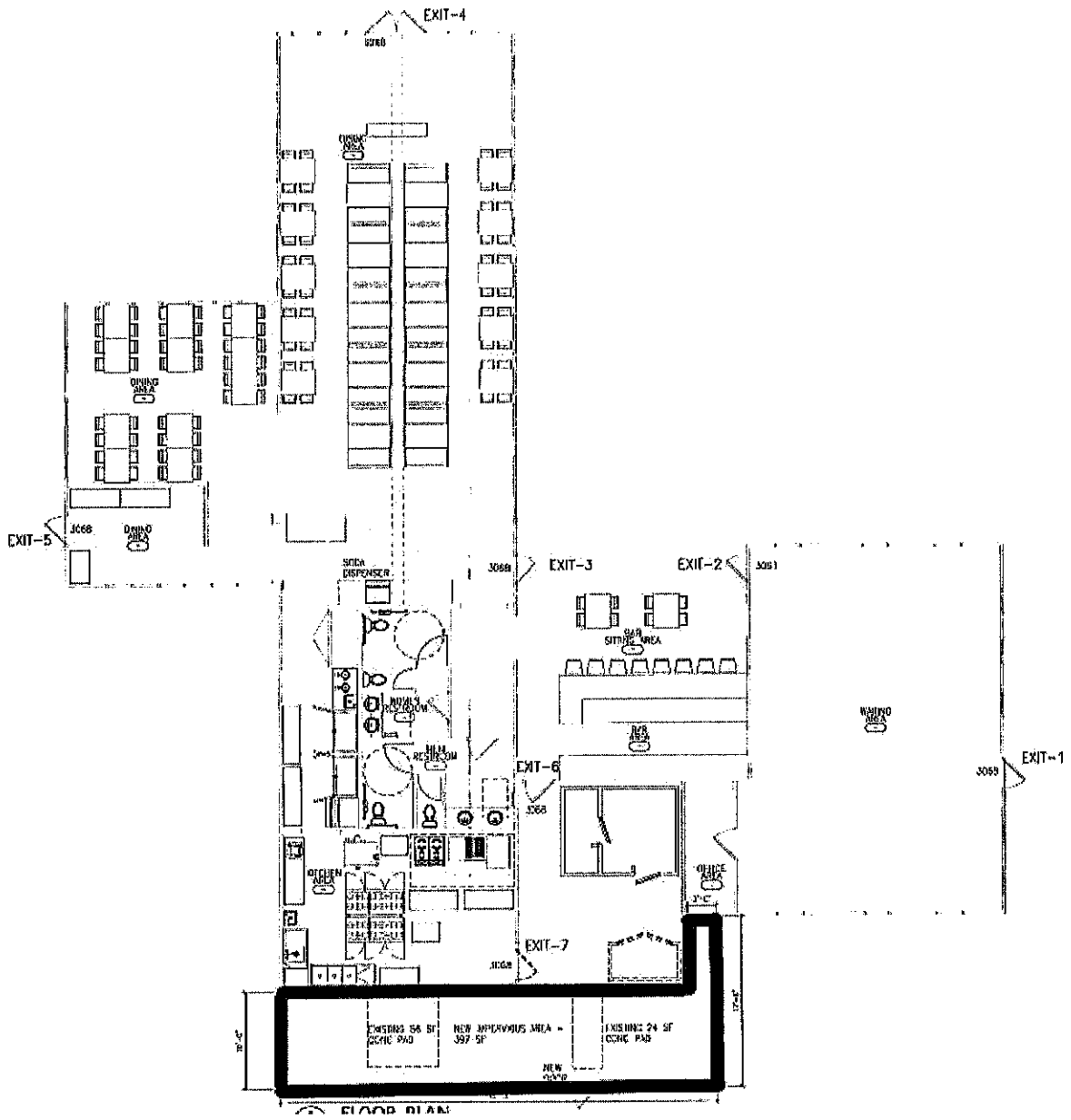
Aerial Map



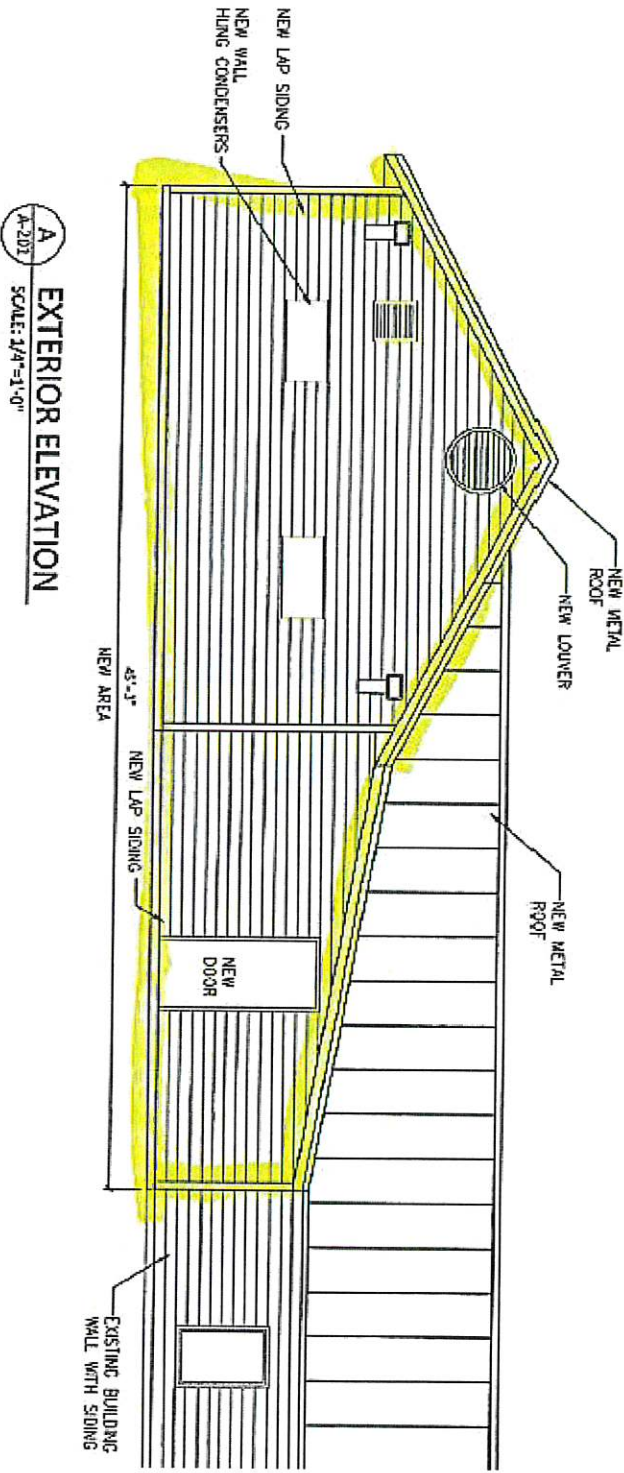
Site Plan with Parking Analysis (yellow indicates the kitchen addition)



Floor Plans (black box shows kitchen addition)



Building Elevations



OSO Early Kitchen Expansion 0101-SP-23

Aerial

January 2023





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



Orange Beach Planning Commission
Meeting – January 9, 2023

Case No. 0102-SP-23
Orange Beach Store
Site Plan Review

Owner/Applicant: AGLC LLC (Owner)
P.O. Box 1250, Selma, AL 36702

Orange Beach Store, Alex Edgeworth (Applicant)
26830 Canal Rd., Orange Beach, AL 36561
(251) 256-0002, alex@mcinnis.net

Property Address: 25777 Perdido Beach Blvd. **Tax Parcels:** 05-65-03-08-0-000-003.000 **PPIN:** 1213

I. GENERAL INFORMATION

Request: Site Plan Review

Orange Beach Store, on behalf of AGLC LLC, requests approval of site plan review to construct a 7,000-SF commercial building at the northwest corner of the intersection of Orange Beach Boulevard and Perdido Beach Boulevard at The Shoppes at Palm Pointe.

Location: This property is the vacant portion of The Shoppes at Palm Pointe retail center located northwest of the intersection of Perdido Beach Boulevard and Orange Beach Boulevard. The physical address of this location is 25777 Perdido Beach Boulevard. Starbucks and AT&T are located to the west of this property, while Chronic Tacos is to the north.

Present Zoning: GB (General Business)

Present Use: Vacant

Future Land Use: Commercial High Intensity
Retail commercial buildings are a common feature and consistent for the commercial high intensity land use designation.

Surrounding Land Use and Zoning: North: The Shoppes at Palm Pointe, GB (General Business)
 South: CoastAL, PUD (Planned Unit Development – *CoastAL*)
 East: Walgreens, GB (General Business)
 West: The Shoppes at Palm Pointe, GB (General Business)

Special Districts: **Overlay Zoning:** Beach Overlay District
Neighborhood District: Beach Resort
Airport Zone: Transitional Surface E
Flood Zone: X-Unshaded, AE-11

Nearby Streets: This property is a corner parcel with frontage on Orange Beach Boulevard to the east and Perdido Beach Boulevard to the south.

Site History:

<i>Date</i>	<i>Description</i>
January 2007	Planning Commission approved the site plan review for a retail development at the intersection of Perdido Beach Boulevard and Orange Beach Boulevard consisting of nine buildings and covering more than 190,000 square feet of commercial floor space. (Case No. 0104-SP-07)
October 2008	Board of Adjustment denied a request from CVS Pharmacy for a variance to Section 15.0804 of the Zoning Ordinance to allow for an additional freestanding sign at the Palm Pointe retail development. (Case No. 1002-V-08)

II. BUILDING & SITE PLAN REVIEW

1. **Density, Building Size, Building Setbacks, Building Height:** Pursuant to Section 4.02, 4.03 and 4.04 of the Zoning Ordinance, the following standards apply:

<i>Standards</i>		<i>Required/Allowed</i>	<i>Proposed</i>
Lot Area			44,432 SF (1.02 acres)
Building Footprint		Max. – 24,882 SF Min. – 1,000 SF	7,000 SF (under roof) 4,656 SF (covered porch) 11,656 SF (total)
Maximum Building Footprint Coverage		56%	26%
Gross Floor Area			7,000 SF
Floor Area Ratio			0.157
Building Footprint Setback	Front	25 feet	39 feet
	Rear	30 feet	(leased area)
	East Side	20 feet	42 feet
	West Side	20 feet	(leased area)
Building Height		20 floors	22.5 feet to peak

2. **Parking:** Pursuant to Section 8.0101 of the Zoning Ordinance, the following parking standards apply:

<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>
Retail Store	7,000 SF	1 space per 200 SF	35			
Regular & Handicapped Required & Provided			33	2	52	3
TOTAL SPACES REQUIRED & PROVIDED			35		55	

- This project will utilize the existing driveways that the shopping center uses onto Orange Beach Boulevard and Perdido Beach Boulevard.
 - The retail store will have a loading area (one loading berth) at the building's northwest corner.
3. **Landscaping and Buffering:** Pursuant to Article 16 and Section 4.05 of the Zoning Ordinance, the following landscaping and buffering requirements apply:
- This site is part of the overall Palm Pointe retail development, which overall exceeds the 20-percent landscape requirement. As for the leased area for this development (1.02 acres), about 17 percent will be impervious and landscaped with sod, trees and hedges.
 - This site has 412 linear feet of frontage along Perdido Beach Boulevard and Orange Beach Boulevard. Per Article 16, 12 trees will be required in the perimeter landscape area, and 12 trees will be provided.
 - Based on the vehicular use area provided, the project will be required to provide 17 hardwood or shade trees and will provide 17 such trees to meet the requirement.
 - No land use buffering is required since this is a commercial area along two arterial roadways.
4. **Architectural Appearance:** Pursuant to Sections 10.0305 and 10.0306 of the Zoning Ordinance, the following architectural standards apply:
- The building will have a covered porch on all four sides.
 - The building will have windows and customer entrances on the east side facing Orange Beach Boulevard and the south side facing Perdido Beach Boulevard.
 - Based on the color elevations provided, the walls and porch columns will be white, and the shutters on the walls will have a teal appearance.
 - The exterior material or cladding for the building will be hardie lap siding, and the roofing will be a seam metal roof.
 - There will be two roofline features, eaves or overhangs (from the covered porch), and sloped roofing.
 - The plans submitted show roof signage on the east, south and west sides. Section 15.06, 15. of the Zoning Ordinance prohibits signs affixed to roofs. The project will have the following options: (1) work with staff to have the signage placed on the walls or porch columns; or (2) obtain a variance from the Board of Adjustment to Section 15.06, 15. to allow for the roof signage.
 - Since the proposed retail store is part of the Palm Pointe retail development, the retail development has two freestanding signs, one on Perdido Beach Boulevard and the other on Orange Beach Boulevard, and Article 15 will not allow for an additional freestanding sign.
5. **Site Layout:** Pursuant to Section 10.0305 of the Zoning Ordinance, the following site layout standards apply:
- All parking for the retail store will be located on the west side of the building.
 - The parking area will have interior planting areas spaced no greater than 10 parking spaces apart.
 - There are existing sidewalks on the east and south sides of the project area as required by the Beach Overlay District, and the retail store will have sidewalk connectivity to the existing sidewalk.
 - There will be exterior lighting around the building and parking area. The pole heights will be 15 feet, well below the 26-foot maximum. The exterior lighting will not have a negative impact on the surrounding area.
 - This project will have an enclosed trash receptacle area on the northeast corner of the parking area. The civil and landscape plans will need to be consistent on the exact location.

III. STAFF COMMENTS

1. The plans submitted show roof signage on the east, south and west sides. Section 15.06, 15. of the Zoning Ordinance prohibits signs affixed to roofs. The project will have the following options: (1) work with staff to have the signage placed on the walls or porch columns; or (2) obtain a variance from the Board of Adjustment to Section 15.06, 15. to allow for the roof signage.

Since the proposed retail store is part of the Palm Pointe retail development, the retail development has two freestanding signs, one on Perdido Beach Boulevard and the other on Orange Beach Boulevard, and Article 15 will not allow for an additional freestanding sign.

IV. PLANNING COMMISSION ACTION

1. **APPROVE** the requested site plan review to construct a 7,000-SF commercial building at the northwest corner of the intersection of Orange Beach Boulevard and Perdido Beach Boulevard at The Shoppes at Palm Pointe.
2. **CONDITIONALLY APPROVE** the requested site plan review with any conditions, limitations or requirements necessary to effectuate the requirements of the Zoning Code and carry out the spirit and purpose of the Comprehensive Plan.

STAFF CONDITIONS:

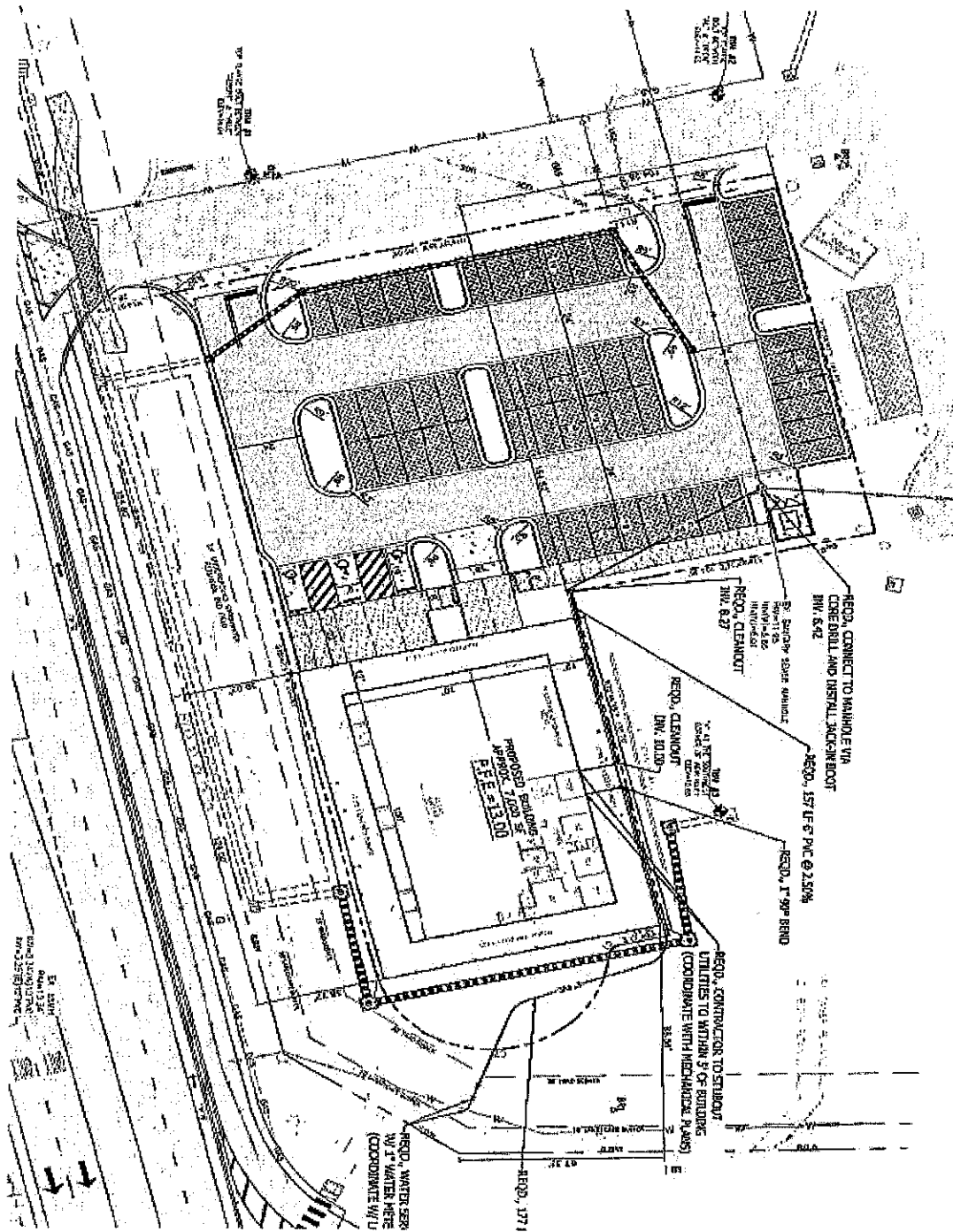
1. Providing notation on the exterior lighting plan stating that exterior lights shall be arranged to shield or deflect light away from adjoining properties and public streets and shall not have an adverse impact on the surrounding area.
 2. Coordinating the location of the trash receptacle area on the civil and landscape plans.
 3. Section 15.06, 15. of the Zoning Ordinance states that signs affixed to roofs are prohibited. The project will have the following options: (1) work with staff to affix the signs to the walls or to the porch columns; or (2) obtain a variance from the Board of Adjustment to allow for the signs to be affixed to the roof on the west, south and east sides of the building.
 4. All onsite runoff from impervious areas will need to be routed to the existing onsite underground exfiltration system. The underground exfiltration system needs to be evaluated by the project engineer to ensure proper functionality. There is concern about the condition of the facility due to exposure to weather and lack of maintenance. This may be addressed prior to site permits issuance.
3. **DISAPPROVE** the requested site plan review stating the reasons the said plan was denied with specific references to those sections of applicable municipal ordinances on which the said denial was based.

V. MAPS & PLANS

Aerial Map



Site Plan

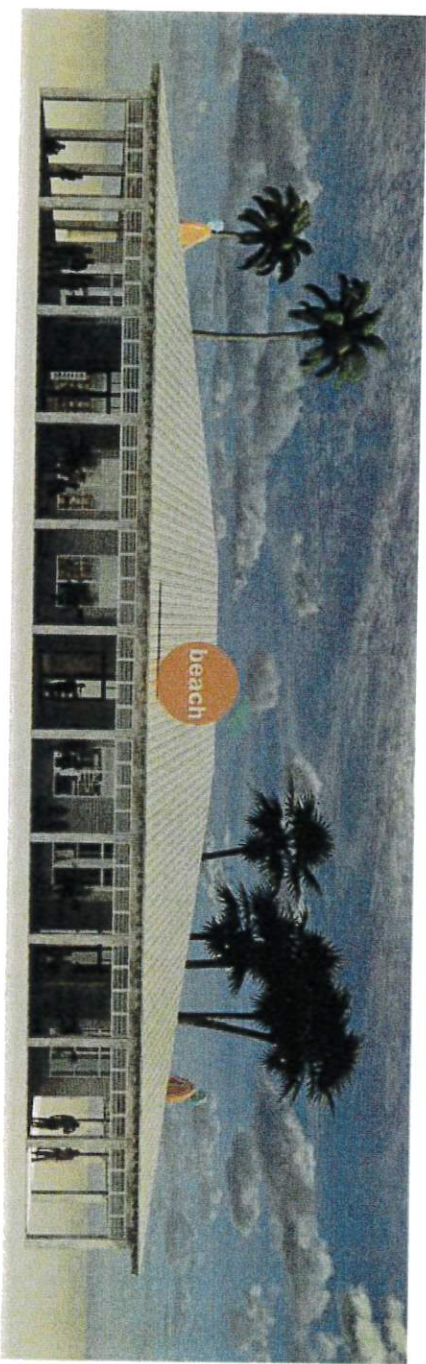


Building Elevations

SOUTH PERSPECTIVE



SOUTH ELEVATION



ENTRY



Orange Beach Store 0102-SP-23

Aerial

January 2023





Memorandum

TO: Planning Commission

FROM: Griffin L. Powell, City Planner

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

DATE: January 9, 2023

SUBJECT: **Case No. 0202-SD-22**
Summer Salt Planned Unit Development, Phase Two
Preliminary Plat Approval Extension

1. On February 14, 2022, the Planning Commission approved the preliminary major subdivision combining Area 5 of Summer Salt Phase One with Lot 101 of Summer Salt Plaza 2 and subdividing the 22.0 acres into the second phase of the Summer Salt PUD residential subdivision consisting of 31 cottage lots. The lots in this phase are Lots 86 through 116.
2. Per Section 3.3.4 of the Subdivision Regulations, the preliminary plat approval shall be effective and binding for 12 months. At the end of the 12 months, if no physical work is actively progressing, the plat is null and void, and the applicant must submit a new preliminary plat. The applicant may request one 12-month extension if formally requested prior to the default of the preliminary plat.
3. The preliminary plat approval from Case No. 0202-SD-22 will expire on February 28, 2023.
4. On December 2, 2022, the applicant submitted a letter to the Community Development Department requesting a 12-month extension.
5. The applicant indicates that the project is under construction but will not be completed in time to submit for the final plat approval.
6. If the Planning Commission approves this request, the new expiration for the preliminary plat will be February 29, 2024.