

Minutes  
Orange Beach Planning Commission  
Monday, October 12, 2020 – 4:00 P.M.  
Council Chambers – Orange Beach Municipal Complex  
4099 Orange Beach Blvd.

**A. CALL TO ORDER**

Chairman Robert Stuart called the meeting to order at 4:06 p.m.

**B. INVOCATION**

Chairman Robert Stuart gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Commissioner Bill Jeffries  
Commissioner Kathy Lindsey  
Commissioner Annette Mitchell  
Commissioner Glen Smith  
Commissioner Lannie Smith  
Commissioner Lannie Smith  
Commissioner Matt Wilson  
Vice Chairman Ralph Moore  
Chairman Robert Stuart

Staff Present:

John Lawler, City Attorney  
Kit Alexander, Director  
Sean Brumley, GIS Specialist  
Griffin Powell, Planner II  
Paulette Taylor, Planner I

**E. APPROVAL OF AGENDA** – There was no change to the agenda and the agenda stands approved as submitted.

**F. CONFLICTS OF INTEREST** – None.

**G. APPROVAL OF MINUTES AND CERTIFIED RECORDS** – There was no change to the minutes and the minutes stand approved as submitted.

1. Approval of minutes from the Regular Meeting on August 10, 2020.

**H. PUBLIC HEARINGS**

1. **Case No. 0901-SD-20, Replat of Lots 51 and 52, Lauder Place, Unit 2 Subdivision**

Traci Kontoulas requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 51 and 52 of Lauder Place, Unit 2 Subdivision into a single lot. The property is located at 24603 TARPON LANE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The new lot meets the

minimum requirements for the RS-1 zoning district and the plat complies with the Subdivision Regulations. There are no staff comments. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Simpson/Mitchell) to approve preliminary/final plat subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**2. Case No. 0902-SD-20, Sampson Oak Subdivision**

KO Investments LLC requests approval of **Preliminary and Final Minor Subdivision** to subdivide 2.5 acres between Canal Road and Sampson Avenue into four lots, with two lots fronting on Canal Road and two lots fronting on Sampson Avenue. The property is located east of the Orange Beach United Methodist Church in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The new lots meet the minimum requirements for the RS-1 zoning district and the plat complies with the Subdivision Regulations. There are no staff comments. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Simpson/Mitchell) to approve preliminary/final plat subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**3. Case No. 0907-SD-20, Resubdivision of Lot 2 of Cypress Village Subdivision, a Planned Unit Development**

Dewberry, on behalf of KJC Investments LLC, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 1.53 acres into four lots for single-family houses. The property is Lot 2 of the Cypress Village PUD Subdivision and is located on the west side of Cypress Village Boulevard, 500 feet north of the intersection of Cypress Village Boulevard and Canal Road. Griffin Powell presented staff comments to the Planning Commission. Lots 1 and 3 will have frontage via a flag connection to the boulevard. Lots 2 and 4 will have access to the boulevard via an ingress/egress easement on the flag connections on Lot 1 and 3. Houses in the new subdivision will be single story and will have three to four bedrooms. The plat complies with the Subdivision Regulations.

As a staff condition, City Council must approve the minor PUD modification for Lot 2 on October 20, 2020. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. Commissioner Bill Jeffries asked if the retention pond to the north should be fenced. Kit Alexander stated there could be discussion regarding the fence at the City Council PUD Modification public hearing on October 20.

**Motion made (Lannie Smith/Glenn Smith) to approve preliminary/final plat subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**4. Case No. 0908-PUDA-20, Broken Sound PUD Modification (36 Lots)**

Dewberry, on behalf of Katherine LTD, requests recommendation to City Council for approval of **Major PUD Modification** to the Broken Sound PUD Master Plan to reduce the total lots in the single-family residential subdivision from 40 lots to 36 lots, with the typical

lot having a lot size of 3,900 square feet and a lot width of 50 feet. The property is located at the northeast corner of the intersection of Lauder Lane and Pelican Place. Griffin Powell presented staff comments to the Planning Commission. There are no changes in the setbacks. The houses will have four to five bedrooms. Each lot will have a total of six parking spaces. Four spaces will be located in the exterior parking area in front of the house and two spaces in the two-car garage for each house. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

Housing rentals will be six months and more. There will be a 10-foot landscape buffer provided along the west (Lauder Lane) and the south (Pelican Place). Subdivision sidewalks will connect to the existing sidewalks on the west side of Lauder lane. During the Work Session there was discussion regarding a fence on Pelican Place.

John Avent, 68 Ventures, was present to address the Planning Commission. He stated there are significant oak trees included in the landscape plan. He doesn't see a need for a fence along the Pelican Place right-of-way unless required by the Planning Commission. Kit Alexander stated in lieu of a fence they could prohibit driveways on Pelican Place. Commissioner Annette Mitchell would like a fence on the inside of the vegetation. John Avent stated that property owners would walk out of their house and see a fence.

Chairman Robert Stuart asked Woody Speed if they would have to cut down vegetation to install a fence. Woody Speed responded possibly vegetation would need to be cut. Commissioner Lannie Smith asked if the existing vegetation was big enough to keep people from driving through it. Woody Speed replied yes and no. Commissioner Annette Mitchell stated that vegetation comes and goes and we have an obligation to protect Pelican Place. Kit Alexander responded that the driveway prohibition could be a requirement enforceable with the PUD.

**Motion made (Lannie Smith/Wilson) to recommend approval of PUD Modification to City Council subject to staff comments; the natural vegetation cannot be disturbed along the on Pelican Place right-of-way other than maintenance; no driveways on Pelican Place and the HOA documents and PUD plan will stipulate at least six-month rentals.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation (9-0).**

**5. Case No. 0909-SD-20, Broken Sound PUD Subdivision**

Dewberry, on behalf of Katherine LTD, requests approval of **Preliminary Major Subdivision** to subdivide 7.46 acres into a single-family residential subdivision containing 36 lots along with a private right-of-way and common areas in accordance with the Broken Sound PUD Master Plan. The property is located at the northeast corner of the intersection of Lauder Lane and Pelican Place. Griffin Powell presented staff comments to the Planning Commission. All lots will front on a 5-foot wide sidewalk located in the private ROW. City Council approval of PUD modification on October 20, 2020 is required. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Wilson/Simpson) to approve preliminary major plat subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**6. Case No. 1001-SD-20, Roberson Subdivision**

Kenneth L. Roberson requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lot 1-A of Boyd Park Subdivision into two lots. The property is located at the southwest corner of Park Drive and Park Lane in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The new lots meet the minimum requirements for the RS-2 zoning district and comply with the Subdivision Regulations. Chairman Robert Stuart opened the public hearing for comments and the following people spoke.

Kevin Tillman stated he has a severe drainage problem. All of the water has been redirected to their homes and there needs to be a provision for drainage to protect their property. Sandra Coaker stated she dug a ditch trying to get water to drain from the pond up the street that comes through her yard. She also stated that there is moisture in her flooring and wants to see something done. Scott Wallace stated the stormwater will double with more runoff and the stormwater needs to go back into the ground. He understands there are new rules to build houses up higher but the displaced water will drain onto the neighbors. The guidelines need to be changed. He asked to delay the plat request until something can be done about the drainage. Billy Wallace stated he has been in Orange Beach since 1961. After a few years, the City dug a ditch and installed a culvert to help with drainage. He also stated it helped until there was more building.

Kit Alexander showed on the aerial that the area is in a bowl on Pine Road. Both Pine Road and Washington Blvd drain to that location and these people are affected. It's always wet and muddy. We cannot design a plan for a 30 inch storm event. Hurricane Sally got a storm surge one foot higher than Hurricane Ivan. Kit Alexander stated she would like to meet with them and walk the properties for possible work in the right-of-way. She stated she will work with the contractor to minimize the drainage effects. Commissioner Lannie Smith stated if the plat meets the regulations Planning Commission has to grant approval.

**Motion made (Jeffries/Moore) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**7. Case No. 1002-SD-20, Robinson Grove PUD Subdivision**

GPJ Investments LLC requests approval of **Final Major Subdivision** to subdivide 1.69 acres into a single-family residential subdivision with 14 lots along with a common swimming pool area and boat access to Terry Cove. The property is located at 4576 WALKER KEY BOULEVARD. Griffin Powell presented staff comments to the Planning Commission. There are no sidewalks or street lights proposed. The subdivision will have access to Canal Road via an easement on Walker Key Blvd. All capital improvements must be constructed by the developer and inspected and approved by the City prior to the Planning Commission signing the final plat. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Mitchell/Lannie Smith) to approve final major subdivision plat subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**8. Case No. 1004-SD-20, Cottages at Tannin, Resubdivision of Lot I**

Hercules Investments LLC requests approval of **Preliminary and Final Minor Subdivision** to resubdivide Lot I by adding nearly 3.6 feet to the west side of Lot I and maintaining the private right-of-way width of 29 feet as originally proposed in the Cottages at Tannin PUD Master Plan. The property is located at the northwest corner of the intersection of Perdido Beach Boulevard and Middle Gate, west of Meetinghouse Square. Griffin Powell presented staff comments to the Planning Commission. This plat only pertains to Lot I and it complies with the Subdivision Regulation. There are no staff conditions. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Jeffries/Simpson) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**I. SITE PLAN REVIEWS**

**1. Case No. 0903-SP-20, Thomas Warehouse Addition**

South Alabama Investment Group LLC requests approval of **Site Plan Review** to construct a 38' by 70' warehouse addition to an existing office building. The property is located at 4401 MONEY BAYOU DRIVE in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The north and south sides of the addition will have exterior building material and color matching the existing building. The west or rear side will be painted metal. There will be eleven parking spaces provided. All roof runoff from the addition will be collected and conveyed onsite to the south side of the property. Commissioner Pat Simpson asked how they would access the addition from the existing building. Laura Thomas stated there will be a double door into the new warehouse as well as an exterior door.

**Motion made (Mitchell/Wilson) to approve site plan request subject to staff comments.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**2. Case No. 0904-SP-20, Gulf Coast Rental Auxiliary Parking**

Lucido Engineering and Surveying LLC, on behalf of Dewey Brazelton, requests approval of **Site Plan Review** to construct a gravel parking area encompassing nearly 37,600 square feet for an overflow parking area. The property is an undeveloped lot located behind the Dollar General at 25130 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The parking area will provide 92 spaces with crossties for delineation. The use of gravel as a paving alternative requires Planning Commission approval. There will be an enclosed storage and wash area on the east side with an eight-foot high wood privacy fence. The enclosed storage area will have a 40' by 60' concrete pad area. Exterior lighting will be provided. The Fire Department has requested improvement to the existing road. Vince Lucido was present to address the Planning Commission.

Commissioner Pat Simpson asked if the wash down area would be for beach chairs, paddle boards, etc. Vince Lucido stated the owner wants the wash down area and it will not be used for boats. Commissioner Pat Simpson asked if a space could be rented for a boat. Vince

Lucido stated that a boat could be parked on the lot. He also stated there will be a phone application to reserve a spot on a daily, weekly or monthly basis.

Chairman Robert Stuart stated there were concerns about the condition of the road presented at the Work Session. He stated there is a need for additional parking but has concerns with the gravel lot. Vince Lucido stated that Dewey Brazelton owns the subject property, which is leased to a tenant. He stated the road could be repaired but he could not commit to this condition.

Commissioner Annette Mitchell asked if the parking was for vehicles or would it be used for storage. Kit Alexander stated that the owner needs to define how long vehicles could be stored on the lot. Vince Lucido stated the rates are for short rentals and the price would be too elevated for long-term parking.

Chairman Robert Stuart stated the road needs to be maintained. Commissioner Annette Mitchell stated she has concerns about the maintenance of the road. Kit Alexander stated if the lot is used for storage fencing would be required. Vince Lucido stated the intent of the use is for condominium overflow parking. He asked if the site plan could be approved with conditions.

**Motion made (Mitchell/Wilson) to approve site plan request subject to the auxiliary parking lot be asphalt and the road to the lot must be repaired, resurfaced and maintained. The parking lot must be striped.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

**3. Case No. 0905-SP-20, Lot 3A Canal Square Two-Tenant Building**

Goodwyn, Mills and Cawood, on behalf of Stimpson and Foley LLC, requests approval of **Site Plan Review** to construct a two-tenant drive-thru restaurant building. The property is located at the southwest corner of the intersection of Canal Road and Canal Square Lane at 24824 CANAL ROAD in the GB (General Business) zoning district. The east tenant space will have a drive-thru lane for five vehicles. The project will have two driveways onto Canal Square lane. Signage details will be provided by future tenants and will require approval from staff. Amanda Thompson was present to address the Planning Commission. She stated the east tenant will be Smoothie King and there will not be a drive thru for the west tenant. Commissioner Annette Mitchell asked if the building could have a more coastal look for staff to approve. Kit Alexander will provide the revised architectural drawings of the coastal look to the Planning Commission.

**Motion made (Jeffries/Simpson) to approve site plan request subject to staff comments and a coastal look for the building.** Roll call revealed: Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Approved (9-0).**

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

**1. Case No. 0802-PUD-20, Orange Beach Cantina PUD**

Sawgrass Consulting, on behalf of Liquid Life Real Estate, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 2.47 acres from NB

(Neighborhood Business) to PUD (Planned Unit Development) for a commercial development containing two buildings, with the first building being a restaurant with outdoor seating and the second building including a restaurant with a drive- thru along with additional floor space for offices. The property is located at 4241 ORANGE BEACH BOULEVARD at the northwest corner of the intersection of Rose Lane and Orange Beach Boulevard. *Deferred from the Regular Meeting on August 10, 2020.*

**Motion made (Jeffries/Moore) to defer until the November 9 meeting. Roll call revealed:** Jeffries, yes; Lindsey, yes; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, yes; Stuart, yes. **Deferred (9-0).**

**K. OTHER BUSINESS**

**L. PUBLIC COMMENTS**

**M. ADJOURN**

Adjourned at 5:55 p.m.

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Kit Alexander, Secretary

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Robert Stuart, Chairman