

Minutes

Orange Beach Planning Commission

March 14, 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**

Commissioner Simpson gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Commissioners Present:

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

Staff Present:

Woody Speed, Environmental Scientist  
Griffin Powell, City Planner  
Sherri Descalzo, P&Z Coordinator  
Sean Brumley, GIS Specialist

**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 Planning Commission meeting on February 14, 2022.

**H. PUBLIC HEARINGS**

**1. Case No. 0104-SD-22, Blackburn Family Subdivision Plat #1, Subdivision of Lot 2**

Lucido Engineering and Surveying LLC, on behalf of Elizabeth F. Taupeka, requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lot 2 of Blackburn Family Plat #1 into

two lots. The property is located on the north side of Canal Road behind 28295 to 28387 Canal Road in the RS-1 (Single-Family Residential) zoning district. *Deferred from the Regular Meeting on February 14, 2022.* Griffin Powell recommended this item be deferred to the next Planning Commission meeting.

*Motion to defer to April 11, 2022 Planning Commission meeting.*

Motion made and seconded (Lindsey/Mitchell) Commissioner Mitchell; yes, Vice Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

**2. Case No. 0301-SD-22, Peed Subdivision, A Resubdivision of Lots 10 and 11, Block 1, Garrett Subdivision**

Julie and Paul Peed request approval of **Preliminary and Final Minor Subdivision** to combine Lots 10 and 11, Block 1, Garrett Subdivision into one lot. The property is located at 26118 Garrett Lane in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented the staff report to the Planning Commission. Chairman Stuart opened the public hearing. James Anderson, 26101 Garrett Lane, inquired about the 10-foot side setback and the encroachment by the outside stairs. Chairman Stuart said the Board of Adjustment has granted variances allowing 4-foot encroachments into the side setbacks for stairs. Griffin Powell stated that 2-foot encroachments had been allowed in the past, and the Board of Adjustment recommended a zoning amendment to allow for a 4-foot encroachment after receiving many variance requests. Mr. Anderson asked about the front setback, and Griffin Powell responded that the front setback is 30 feet. Mr. Anderson asked about the house size. Chairman Stuart stated that will be addressed when the building permit is submitted, and this meeting is for the combining of the lots only. There were no further comments, and Chairman Stuart closed the public hearing.

*Motion to approved Preliminary and Final Minor Subdivision subject to staff comments.*

Motion made and seconded (Mitchell/Robertson) Commissioner Mitchell; yes, Vice Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

**3. Case No. 0302-SD-22, Buena Vista RV Resort PUD Subdivision, Phases 3,4, and 5**

75/25 Investments LLC requests approval of **Preliminary Major Subdivision** for Phases 3, 4 and 5 of the Buena Vista on the Beach Resort consisting of 56 lots (Lots 24-76 and 98-101). These phases are located at the end of Buena Vista Boulevard and Parkside Lane on the west and northwest side of the Buena Vista Planned Unit Development. Griffin Powell recommended this item be deferred to the April 11, 2022 meeting. The applicant is presenting a PUD Modification to City Council on April 5, 2022, to reduce the proposed right-of-way width from 50 to 40 feet.

*Motion to defer to April 11, 2022 Planning Commission meeting subject to staff comments.*

Motion made and seconded (Mitchell/Simpson) Commissioner Mitchell; yes, Vice Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

**4. Case No. 0303-PUD-22, Top Tier Water Sports PUD**

Engineering Design Group, on behalf of Top Tier Water Sports, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 1.5 acres from RM-1 (Multi-Family Residential Low to Medium Density) to PUD (Planned Unit Development) for a parking lot with 50+ parking spaces, a retail/office building, and docks for Top Tier Water Sports boat rentals and dolphin cruises. The property is located at 26023 Perdido Beach Boulevard behind Cottons Restaurant. Griffin Powell presented the staff report to the Planning Commission. Chairman Stuart opened the public hearing.

Jenny Russell, 26071 Russell Drive, expressed concerns about the boat traffic causing a bottleneck on the bayou and the noise associated with the boat charter narration. She also expressed concerns about jet skis causing a life safety issue for swimmers.

John Pilcher owns two lots on the water to the east of the subject properties and three to the south of the waterfront lots. He stated that they are planning to build residential homes and expressed concerns about permitting an additional marina on Cotton Bayou. He stated that his property should be rezoned to GB (General Business) if this new business is approved. He also stated that the roadway to the property is not wide enough to accommodate the proposed use. He expressed concerns about the proposed setbacks of the proposed pier.

Karen Nestle, 26550 Cotton Bayou Drive, expressed concerns that this proposal is an upzoning. She stated that they can no longer swim in Cotton Bayou due to the number of boats and this will produce even greater unsafe conditions. She expressed concerns about the impacts boating has had on the seagrass and Cotton Bayou's unhealthy condition.

Rich Nestle asked whether this business plans to install gas pumps.

Chairman Stuart closed the public hearing.

Jack Fisher, applicant, stated that he has been operating out of Happy Harbor and there is a new owner requiring him to relocate. Most of his boats will be launched up to two times a day. They have 8 and 4 hour rentals and no hourly rentals. He assured that there will never be jet skis rented out of this location. The Dolphin Cruise will go out up to five times a day but only for five months, not year round. The fueling will be from other marinas and there will be no fuel tanks on this property.

Chairman Stuart asked whether fire trucks will be able to perform a proper turnaround onsite. Taylor Bryant, Fire Marshal, stated that the applicant is working to fix the problem and that the 10-foot wide roadway is required to be 20-foot wide.

Steve Brown, Chief of Police, said the proposed use will increase traffic and the public boat ramp is right beside it.

David Dichiaro, Engineering Design Group, stated the two piers they have now are configured in a T-shape. They have received the permit through the USA Army Corp of Engineers.

Jack Fisher commented that the piers will stay within the limits of his property and that Mr. Pilcher will not have an obstruction on his property. He stated that he is talking with the owner of Cottons Restaurant about parking and the widening of the road. The building will be office space and have restrooms on the second floor. All fuel will be from the Caribe or Happy Harbor marina pumps. A gate will be installed to keep people out of the property. There will be no renting of boat slips to the public.

Commissioner Mitchell stated that this property is too small for this type of business. She has concerns about the property containing the Remax office building, Cottons Restaurant and this proposed Top Tier marina and the anticipated difficulties with shared parking. She stated that this is not an upzone but an increase in usage.

Commissioner Simpson mentioned that the existing roadway is very tight, and when the Island Dune fire happened, it was very difficult for the Fire Department to access the buildings. Safety is the biggest concern. Chairman Stuart called for a motion and a vote.

*Motion to recommend approval to City Council of Preliminary and Final PUD subject to staff comments.*

Motion made and seconded (Simpson/Wilson) Commissioner Mitchell; no, Vice Chairman Lindsey; no, Commissioner Simpson; no, Commissioner Smith; no, Commissioner Robertson; no, Commissioner Wilson; no, Chairman Stuart; no. **Not Approved (7-0)**

## **I. SITE PLAN REVIEWS**

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

### **1. Case No. 0304-CU-22, AES Dives Alabama Home Occupation**

Genette Waddell requests recommendation to City Council for **Conditional Use Approval** to

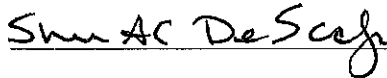
operate a scuba dive charter boat home occupation at the residence located at 26792 Marina Road in the RS-1 (Single-Family Residential) zoning district.  
Griffin Powell stated that the applicant had pulled the request and no Planning Commission action is needed.

**K. OTHER BUSINESS**

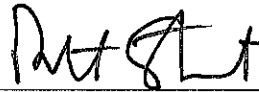
**L. PUBLIC COMMENTS**

**M. ADJOURN**

Adjourned at 4:58 PM



Sherri AC Descalzo



Robert Stuart, Chairman