

Minutes  
Orange Beach Planning Commission  
Monday, January 11, 2021 -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 4:00 p.m.

**B. INVOCATION**

Chairman Robert Stuart gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Commissioner Bill Jeffries  
Commissioner Annette Mitchell  
Commissioner Pat Simpson  
Commissioner Lannie Smith  
Commissioner Matt Wilson (arrived 4:04pm)  
Vice Chairman Ralph Moore  
Chairman Robert Stuart

Staff Present:

Kit Alexander, Director  
Griffin Powell, Planner II  
Sean Brumley, GIS Specialist  
Sherri Descalzo, P&Z Coordinator

**E. APPROVAL OF AGENDA** - There were no changes to the agenda and the agenda stands approved as submitted.

**F. CONFLICTS OF INTEREST** - Chairman Robert Stuart stated he would recuse himself for Item 0104-SP-20, Legacy Key Storage Building.

**G. APPROVAL OF MINUTES AND CERTIFIED RECORDS** - There was one change to previous minutes, spelling of Commissioner Bill Jeffries name from Jefferies to Jeffries. Otherwise the agenda stands approved as submitted.

**1.** Approval of minutes from the Work Session on December 14, 2020.

**2.** Approval of minutes from the Regular Meeting on December 14, 2020.

**H. PUBLIC HEARINGS**

**1. Case No. 1204-PUD-20, Popeyes Orange Beach PUD**

SE Civil LLC, on behalf of Liquid Life Real Estate Sales Inc., Collins Enterprises LLC, and Cactus Cantina Properties LLC, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 3.14 acres from NB (Neighborhood Business) to PUD (Planned Unit Development) for a two-phased commercial development containing a Popeyes restaurant with drive-thru in the first phase and a multi-tenant commercial building totaling 4,200 SF in the second phase. The property is located at 4251 ORANGE BEACH

BOULEVARD. Deferred from the Regular Meeting on December 14, 2020. Griffin Powell presented to the Planning Commission. Phase 1 is Popeyes Restaurant and Phase 2 is a multi-tenant building, 4200 square feet. In 2006 two professional office buildings were approved on the property. In 2018 a 11,300 SF commercial building was approved for the property.

Phase 1 - Popeyes Restaurant - footprint: 2,375 SF - height: single-story

Phase 2 - Multi-Tenant Building - footprint 4,200 SF -three tenant spaces (drive-thru restaurant, retail space, restaurant space) - height: single-story. The entire PUD will have a total building coverage of 6,575 SF. More than 23% of the site is devoted to landscaping. Phase 2 will extend Rose Lane 145 feet to the west. Phase 1 will have two driveways on Rose Lane. Requested deviations from the Zoning Ordinance; allowing use of a restaurant with a drive-thru, allowing the buildings to have the only customer entrance facing east (AL 161) and not customer entrances from Rose Lane, and not having direct pedestrian connectivity between Popeyes and the existing sidewalk along AL 161. The freestanding signs for Popeyes and the Phase 2 building will need to comply with Article 15 of the Zoning Ordinance. Staff comments are as follows: the exterior cladding of the rear side of the Phase 2 building needs to match the other sides, color elevations of Phase 2 building are needed, Suite C of Phase 2 building must have a 1,000 gallon grease trap, and the final grading plan around the dumpster pad needs to ensure that only the area inside the dumpster enclosure drain to the sanitary sewer.

Chairman Robert Stuart opened the public hearing for comments.

Jason Steele, 25921 Bonito Ave was concerned about the quality of life due to light pollution and delivery trucks causing noise pollution. He has three children and the traffic is already an issue and will be worse if this is approved. Larry Smith, 880 Holcomb Blvd, engineer on the project, stated that ALDOT will require a traffic study to determine whether a state highway 161 decel lane is warranted. The site plan indicates the extension of Rose Lane but it should not interfere with the bypass project off of Canal Road. Chairman Stuart was concerned about the nonstop traffic that will happen eight months out of the year. Allison Cooley, 25919 Bonito Ave, stated she has lived there 40 years and is opposed to the development. She stated the Medical Art Center lights already shine into the yards and the traffic was difficult. She also said the dumpsters are picked up at 4:40 am and make noise. More businesses in this location will increase early morning noise. Chairman Stuart asked about the dumpster pick up times. Kit Alexander said that trash service is handled by an independent contractor and that early pickups are necessary to get the trash vehicles in and out of the city before morning traffic. Commissioner Mitchell stated that Popeyes is not a neighborhood business and while she liked the idea, it is not suited for this property. They ought to find another location. Drive thru traffic franchises increase the intensity and will cause a huge influx of traffic, noise and light pollution. Larry Smith said since the project can be considered as a conditional use, it is not an up-zoning from neighborhood business. Kit Alexander stated that although the use is not prohibited, the surrounding property must be considered and the location of the property should be a basis of the decision.

Commissioner Mitchell stated that she loves Popeyes but it needs to be in another location. Commissioner Jeffries agreed and Commissioner Moore said he agreed also. Commissioner Wilson stated he would be in favor of a different location.

**Motion made (Simpson/Mitchell) to recommend approval of preliminary/final PUD to City Council subject to staff comments. Not Approved (7-0).**

**2. Case No. 0101-CU-21, Canal Road Storage**

Canal Road Storage LLC, on behalf of Kent and Kathy Trione, requests recommendation to City Council for **Conditional Use Approval** to convert the existing property from open boat storage to enclosed boat and recreational vehicle storage with two buildings totaling 18,200 SF of building coverage. The property is located at 24689 CANAL ROAD in the GB (General Business) zoning district. Griffin Powell stated the application had been withdrawn to the Planning Commission.

**3. Case No. 0102-SD-21, Thompson Subdivision**

Weygand Wilson Surveyors, on behalf of Jim and Marilyn Thompson, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 783 and 784 of Bear Point Estates Subdivision into one lot. The property is located at 5500 MOBILE AVENUE in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The combined lots meet the minimum zoning requirements for RS-2. The final plat complies with the Subdivision Regulations. The only staff condition is modifying the text in the sewer certification block (City of Orange Beach instead of Orange Beach Sewer Authority).

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Lannie Smith/Moore) to approve preliminary/final plat subject to staff comments. Approved (7-0).**

**4. Case No. 0103-CPA-21, Comprehensive Plan Amendment, PIN 5213 & PIN 50097**

The Community Development Department requests approval of a **Comprehensive Plan Amendment** to change the Future Land Use Map (FLUM) designations for Property PIN 5213 and PIN 50097 from *Residential Mixed* to *Mixed-Use, Low to Medium Intensity Residential*. Griffin Powell presented staff comments to the Planning Commission. Lots are part of the PUD modification to Zeke's Marina for a parking lot expansion. City Council will hold a public hearing and first reading on the Zeke's application on 1/19/2021. Staff recommends deferring consideration of this CPA request to the February 8 Planning Commission meeting.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Lannie Smith/Moore) to defer consideration to the next Planning Commission meeting. Approved (7-0).**

**5. Case No. 0104-RZ-21, Bryant Rezoning**

Matt Bryant, on behalf of Back Bay Condominium Owners Association (COA), requests recommendation to City Council for approval of **Rezoning** to rezone 0.92 acres located at the southeast corner of White Avenue and Canal Road from GB (General Business) to RS-I (Single-Family Residential). The property is located at 4866 WHITE AVENUE and 28160 and 28194 CANAL ROAD. Griffin Powell presented staff comments to the Planning Commission. Each of the lots have a width of 100 feet with areas greater than 13,300 square feet; each lot meets the minimum requirement for RS-I (75 feet, 9000 SF). The rezoning will

require staff to amend the FLUM to change the land use designation of the lots from Commercial Low Intensity to Neighborhood Preservation. This area of Canal Road is primarily single-family residential.

Chairman Robert Stuart opened the public hearing for comments.

Matt Bryant, 29170 Canal Road, stated that the intent is to build four single-family homes. Kit Alexander said it is a change from general business to single-family residential. Chairman Moore asked if this affected the 12-foot right-of-way. Kit Alexander said there is an access for a mobile home to the east. The city owns the 12-foot right-of-way and would be willing to work with them. Commissioner Mitchell asked if the general business residential moratorium affects this rezoning and Kit Alexander stated that it does not.

**Motion made (Wilson/Jeffries) to recommend approval of rezoning from GB to RS-1 to City Council subject to staff comments. Approved (7-0).**

**I. SITE PLAN REVIEWS**

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

**J. OTHER BUSINESS**

1. Request from the Legacy Key COA for approval of a 12-month extension from the site plan review approval for Legacy Key Storage Building (Case No. 0104-SP-20). Griffin Powell presented staff comments to the Planning Commission. Planning Commission had approved the Site Plan Review in February 2020. Applicant requests a 12-month extension to the Site Plan review approval. If approved, the Site Plan review will expire on February 28, 2022. The reason for the request is that the project had to be on hold due to Hurricane Sally. Chairman Stuart asked for a motion.


**Motion made (Smith/Wilson) to extend Site Plan Review for 12 months. Approved (7-0).**

**K. PUBLIC COMMENTS**

**L. ADJOURN**

Adjourned at 4:32 p.m.

  
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Kit Alexander, Director

  
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Robert Stuart, Chairman