

Minutes

Orange Beach Planning Commission

December 13, 2021 4:00 PM

Council Chambers - Orange Beach Municipal Complex

4099 Orange Beach Boulevard

**A. CALL TO ORDER**

Chairman Stuart called the meeting to order at 4:01 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 Matt Wilson  
Commissioner Jack Robertson  
Commissioner Glenn Smith  
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  
John Lawler City Attorney

**E. APPROVAL OF AGENDA**

There were no changes to the agenda and the agenda stands approved as submitted.

**F. CONFLICTS OF INTEREST**

Commissioner Wilson will excuse himself from both the public hearing and vote for Case No. 1205-PUDA-21 Orange Beach Marina PUD Modification.

**G. APPROVAL OF MINUTES AND CERTIFIED RECORDS**

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

1. Approval of minutes from Planning Commission Work Session meeting on November 8, 2021.
2. Approval of minutes from regular Planning Commission meeting on November 8, 2021.

## H. PUBLIC HEARINGS

### 1. Case No. 1201-SD-21, Sunset Central Plat#1

Lucido Engineering & Surveying LLC, on behalf of Sunset Central LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine a portion of Lots I, 2, 11, 12, 13 and 14 of Walker Estates Subdivision into one lot. The property is located at 28731 Sampson Avenue in the RS-I (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commissioner. There were no public comments or questions.

#### Motion to approve Preliminary and Final Minor Subdivision subject to staff comments.

Motion made and seconded Mitchell/Simpson, Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approved (9-0)**

### 2. Case No. 1202-SD-21, Williamson Plat #1

Lucido Engineering & Surveying LLC, on behalf of Jodi Williamson, requests approval of **Preliminary and Final Minor Subdivision** to modify the lot line between Lots I and 2 of Magnolia Trace Subdivision. The property is located at 26562 and 26564 Magnolia Avenue in the RS-I (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commissioner. There were no public comments or questions.

#### Motion to approve Preliminary and Final Minor Subdivision subject to staff comments.

Motion made and seconded (Jeffries/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)**

### 3. Case No. 1203-SD-21, Moondance at Perdido Bay Subdivision (Mississippi Avenue PUD)

Engineering Design Group, on behalf of Two Fishes Properties LLC, requests approval of **Preliminary Major Subdivision** to subdivide 9.8 acres into a single-family residential subdivision containing 27 lots along with common area in accordance with the Moondance/Mississippi Avenue PUD Master Plan. The property is located at 5362 Mississippi Avenue. Griffin Powell presented staff comments to Planning Commission. No one from the audience spoke.

Kit Alexander discussed the overall drainage of the property. There is a gully that receives and conveys Perdido Gate drainage through the property. Developers will need to provide a drainage collection and conveyance system along the northwest property line and existing trees need to be removed. Replacement trees will be provided for the tree removal.

Chairman Stuart asked about the piers for the lots on the water. David Dichiara, Engineering Design Group, stated each lot will have a private dock and a common pier will be built and maintained by the homeowners.

Commissioner Simpson asked about the pie shape lot located just north of the northerly Mississippi access. Kit Alexander stated it will be included on the final plat but excluded

from the PUD.

Motion to approve Preliminary Major Subdivision subject to staff comments.

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)**

4. **Case No. 1204-PUD-21, Cactus Cantina PUD**

Sawgrass Consulting LLC, on behalf of Cactus Properties LLC, requests recommendation to City Council for **Preliminary and Final PUD Approval** to rezone 2.5 acres from NB (Neighborhood Business) to PUD (Planned Unit Development) for a commercial development containing two buildings, a 6,300-SF dine-in restaurant and a 2,205-SF future commercial building. The property is located at 4251 Orange Beach Boulevard. Griffin Powell presented staff comments to Planning Commission. There were no public comments or questions.

Commissioner Mitchell asked about the floor area in comparison to the existing Canal Road restaurant. Bobby Wade, owner, said the existing restaurant is 4900-SF and the new one will be 6000-SF. This new development will provide more parking.

Kit Alexander stated a SRI 61 decel lane needs to be built, especially when ALDOT constructs the Orange Beach By-Pass.

Commissioner Simpson asked if there will be outdoor live entertainment. Bobby Wade said they do not plan to have outdoor music.

Vice-Chairman Lindsey inquired about the future retail space. Doug Chaffin, Sawgrass Consulting, said it will be either retail or office space.

Chairman Stuart stated that the parking needs to be conforming and Doug Chaffin confirmed that it will be conforming.

Commissioner Jeffries asked how this proposal is different from the previously proposed Popeyes Restaurant. Kit Alexander stated there is a greater amount of traffic when the restaurant provides a drive-thru.

Commissioner Mitchell wanted to know if the proposal will affect a resident behind the location. Kit Alexander said there are wetlands surrounding the property and no residential lots abut the site.

Motion to recommend approval of Preliminary and Final PUD subject to staff comments and the construction of a decel lane on SRI 61 at Rose Lane.

Motion made and seconded (Lindsey/Smith) 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. 1205-PUDA-21, Orange Beach Marina PUD Modification - Parking Area Addition**

Lucido Engineering & Surveying LLC, on behalf of Earle Long III and OBM Inc., requests recommendation to City Council for approval of **Major PUD Modification** to the Orange Beach Marina PUD Master Plan for the following: (1) rezone Lots 62-64 of Terry Cove Subdivision Unit I on Marina Road and Lot 49 of Terry Cove Subdivision Unit I on Cove Drive from RS-I (Single-Family Residential) to PUD (Planned Unit Development) for inclusion into the Orange Beach Marina PUD Master Plan; (2) to construct additional parking and boat/trailer storage of Lots 62-64 of Terry Cove Subdivision Unit I; and (3) to approve a 16' by 32' retail storage building. The property is located at 27075 Marina Road. Chairman Stuart asked Commissioner Wilson to remove himself. Griffin Powell presented staff comments to the Planning Commission.

Kit Alexander commented on the grassed pavers. They are reinforcement for either a grass or gravel vehicular use area.

Charlie Ward, 27276 Cove Drive, stated he has been a permanent resident for 37 years and if this had not been a holiday meeting there would be more people. He stated the development will be a major harm to him. He said he has not seen any surveyors on the site and questioned the date of the property survey. He asked about the proposed use of lot 49. He said that marinas are not good neighbors. He stated that the proposal needs to comply with the subdivision covenants. He said the Coast Guard previously reported pollution by the marina and they were spraying detergent in the water because they had been dumping diesel fuel.

John Bohannon stated that he has lived in the area since 1993 and he owns property adjacent to the marina. He said there was a previous lawsuit upholding the existing Terry Cove subdivision covenants and the proposed development does not comply with the covenants. Chairman Stuart said the Planning Commission's abilities are limited with regard to subdivision covenants and restrictions.

Tim Payne, 27224 Marina Road, lives directly across from the Orange Beach Marina. He stated the property is full of trash and the marina should keep their property up. During the tourist season there is parking on his yard, public drunkenness, nudity and public urination. Mr. Payne has posted no trespassing signs and put up a chain to restrict people from coming onto his driveway.

Steve Todd, 27214 Marina Road, asked if the boat trailer parking will allow overflow parking from the Boggy Point Boat Launch.

Linda Bohannon wanted to know if the rezoning to PUD will allow for a future high-rise condo development.

Chairman Stuart closed the public hearing.

Bennett Long said they love the city and he has a home on Cove Drive. Marina Road is a unique road as it has residential uses, marinas, restaurants and boat rental. Orange Beach Marina does not want to up-zone and the proposal will not increase traffic. They are trying to manage the marina better by providing needed parking. There are 317 existing parking spaces and the marina has 160 employees and 161 boat slips.

Chairman Stuart asked if the land has been recently surveyed. Vince Lucido said that it was surveyed in 2018 and also resurveyed in 2021.

Kit Alexander stated that Lot 49 has been used as a marina lot for 25 years and is legally nonconforming. The PUD will bring this lot into conformity with the zoning ordinance.

Bennett Long said the existing onsite green space only allows for twenty additional parking spaces. The boat trailer parking will be for existing tenants only.

Chairman Stuart asked if a parking garage was in the works. Bennett Long said the presented garage scenario shows a "By-Right" scenario but is not being considered.

Simpson asked if the gated area will have 24-hour access. Bennett Long said yes but a security guard will be posted to ensure Marina Road traffic will not be impacted.

Chairman Stuart expressed a concern that there are not many RS-I zoning districts left in the City.

Commissioner Mitchell said as much as she loves the Orange Beach Marina and its success, she cannot support rezoning an RS-1 zoning district.

Vince Lucido stated that the setbacks will stay the same. The fuel truck will no longer drive down Cove Drive and will access the tanks through the parking lot. Vince Lucido said the gate will be set back 40-feet from road feet to prevent impacts to marina Road traffic.

Motion to recommend approval of (Major PUD Modification subject to staff comments and the boat storage and parking areas to be constructed of grass with the grass pave system.

Motion made and seconded (Mitchell/Jeffries) Commissioner Jeffries, yes; Commissioner Mitchell, no; Vice Chairman Lindsey, no; Commissioner Simpson, no; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, abstain; Commissioner Bauer, no; Chairman Stuart, no. **Not Approved (5-3)**

6. **Case No. 1206-CPA-21, Comprehensive Plan Amendment, PIN37745**

The Community Development Department requests approval of **Comprehensive Plan Amendment** to change the Future Land Use Map (FLUM) designation for the southerly 1.81 acres of Property PJN 37745 from Commercial Low Intensity to Residential Mixed. The property is located at the northeast corner of the intersection of Washington Boulevard and Magnolia Avenue. Griffin Powell presented staff comments to the Planning Commission. Case is closed to the public.

Motion to approve.

Motion made and seconded (Jeffries/Smith) 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. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE**

1. **Case No. Case No. Case No. 1101-SP-21, Sunset Auto**

Guy Investments LLC, on behalf of Charlie Guy Inc., requests approval of **Site Plan Review** to convert and refurbish the property and existing building at 25893 Canal Road for an automobile sales business. The property is located west of Paris Ace Hardware in the GB (General Business) zoning district. *Deferred from the Regular Meeting on November 8, 2021.* Chairman Stuart said this is a unique situation. Kit Alexander said ACE Hardware is having the same problem.

Motion to defer to January 10, 2022 Planning Commission meeting

Motion made and seconded (Lindsey/Simpson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approved (9-0)**

**J. OTHER BUSINESS**

**K. PUBLIC COMMENTS**

**L. ADJOURN**

Adjourned at 6:14 PM



Kit Alexander



Robert Stuart, Chairman