

Minutes  
Orange Beach Planning Commission  
Monday, September 9, 2019 – 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 4:02 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 Pat Simpson  
Commissioner Glenn Smith  
Commissioner Lannie Smith  
Vice Chairman Ralph Moore  
Chairman Robert Stuart

Staff Present:

John Lawler, City Attorney  
Kit Alexander, Director  
Griffin Powell, Planner II  
Paulette Taylor, Planner I

Absent:

Commissioner Matt Wilson

**E. APPROVAL OF AGENDA** – There was 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 and the minutes stand approved as submitted.

1. Approval of minutes from the Work Session on August 12, 2019.
2. Approval of minutes from the Regular Meeting on August 12, 2019.

**H. PUBLIC HEARINGS**

**1. Case No. 0901-SD-19, Replat for Back Bay Condominium**

Lieb Engineering, on behalf of Back Bay Condominium Owners' Association, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 32, 33, 40 and 41 of Emma Burkhart Subdivision into a single lot. The property is located at 4610 WHITE AVENUE in the RM-2 (Multi-Family Residential High Density) zoning district. Griffin

Powell presented staff comments to the Planning Commission. This application corrects a plat approved in August 2018 and only contains the Back Bay Condominium property. The lot meets the RM-2 zoning requirements and complies with the Subdivision Regulations.

Chairman Robert Stuart opened the public hearing for comments and one person spoke. Linda Webb, owner at Back Bay Condominiums and Board member, stated the plat will combine four lots into one lot and will be used for parking.

**Motion made (Simpson/Lindsey) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

**2. Case No. 0902-SD-19, Rock Point Beach Subdivision**

Rock Point Red Drew LLC requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 1 and 2 of Emerald Shores Subdivision into a single lot. The property is located at 29190 and 29226 PERDIDO BEACH BOULEVARD in the RM-2 (Multi-Family Residential High Density) zoning district. Griffin Powell presented staff comments to the Planning Commission. The lot meets the RM-2 zoning requirements and complies with the Subdivision Regulations. Eric Jackson was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and the following people spoke. Fred Armstrong, who lives at Vista Bella Condominiums, asked what would be built on the lot and voiced concerns about traffic. Mark Dickhute stated he feared condominium towers would be built on the lot and sewage concerns need to be satisfied. Joann Atwell stated she had no comments. Debra Sanders stated she reiterates Mark's concerns. Bud Self is also concerned about traffic. Eric Jackson, Rowe Engineering, stated the owner plans to build one single-family residential structure on the lot.

**Motion made (Lindsey/Jeffries) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

**3. Case No. 0903-SD-19, Smith Wells Subdivision**

Harry O. Smith, on behalf of Bruce A. Wells and Harry O. Smith, requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lot 8 of Perdido Gardens Subdivision into two lots. The property is located on HAYDEN DRIVE east of the intersection of BAYSHORE DRIVE NORTH and VIRGINIA STREET in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The lot meets the minimum zoning requirements for RS-1 and complies with the Subdivision Regulations.

Chairman Robert Stuart opened the public hearing for comments and the following people spoke. Kenneth Bell stated that the subdivision was planned for larger lots and no one wants the plat approved because it changes the density. He stated he was elected to represent 23 people in the Perdido Gardens neighborhood and presented their signatures requesting disapproval of the subdivision plat. There is no active subdivision homeowners' association. Allison Bell stated she is not in favor of the plat request. Wayne Jednat stated he is also in opposition. Linda Webb stated she has no additional comments.

**Motion made (Lannie Smith/Jeffries) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

**4. Case No. 0905-SD-19, Shore Acres Subdivision**

Dewberry, on behalf of 68V Shore Acres 2018 LLC, requests approval of **Final Major Subdivision** to subdivide a 7.5-acres parcel into a residential subdivision containing 17 lots. The property is located at 26600 CANAL ROAD in the RS-1 (Single Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The lots meet the minimum zoning requirements for RS-1. There will be a public 60-foot right-of-way and the roadway width will be 24 feet. Steve Pumphrey was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. Commissioner Annette Mitchell and Chairman Robert Stuart stated this is a model subdivision and they appreciate the development.

**Motion made (Mitchell/Jeffries) to approve final major plat request subject to staff comments.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

**5. Case No. 0906-SD-19, Summer Salt Plaza 2**

Dewberry, on behalf of OKS Investments LLC and Summer Salt Plaza LLC, requests approval of **Preliminary and Final Minor Subdivision** to resubdivide Lots 1, 2B and 5 of Summer Salt Plaza Subdivision to establish a private platted right-of-way for Ruby Lane. The property is located at 24141 PERDIDO BEACH BOULEVARD and SUMMER SALT PLAZA BOULEVARD in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. Lots 1 and 2B meet the minimum zoning requirements for GB. Lot 5 is the site for the proposed Summer Salt PUD. The plat complies with the Subdivision Regulations.

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

**Motion made (Moore/Jeffries) to approve final major plat request subject to staff comments.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

**6. Case No. 0907-PUDA-19, Northern Amenities Master Plan – Pandion Ridge PUD**

Sawgrass Consulting, on behalf of Pandion Ridge LLC, requests recommendation to City Council for approval of a **Major PUD Modification** to the Pandion Ridge PUD Master Plan for an amenities area to be located on 4.34 acres at the southeast corner of the intersection of CANAL ROAD and EAGLE WAY. Griffin Powell presented staff comments to the Planning Commission. The recreational area will be open to the public and offers a mini-golf course, rope course, and batting cages with one building for check-ins and concessions. There will be 50 parking spaces provided. Ercil Godwin was present to address the Planning Commission.

Chairman Robert Stuart opened the public hearing for comments and the following people spoke. Wendy Hamme asked where the proposed development would be located. Chairman Robert Stuart stated the location is past the Wharf on the south side of Canal Road. Jim Bibby spoke in favor of the modification.

Ercil Godwin stated their goal is to build a putt putt golf course with a rope course and batting cages. He stated that the type of amenities could change. Chairman Robert Stuart asked Ercil Godwin if he heard their concerns about RV parks having a secure building for severe storm events. Ercil Godwin stated he would talk with the City to see what is required. There is an existing clubhouse and there are plans for an additional clubhouse. Gary Curl, representing Pandion Ridge, stated the recreational types will be commensurate with other RV parks and the plan is for this facility to be open to the public.

**Motion made (Lannie Smith/Lindsey) to recommend approval of Major PUD Modification to City Council subject to staff comments.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Forwarded to City Council with a positive recommendation 8-0).**

**7. Case No. 0908-SD-19, Cypress Village Courtyard Cottages, Phase 2 Subdivision**

Sawgrass Consulting, on behalf of KJC Investments LLC, requests approval of **Preliminary Major Subdivision** to subdivide Lot 2 of Cypress Village Subdivision into a residential subdivision containing 13 lots. The property is located on the west side of CYPRESS VILLAGE BOULEVARD south of its intersection with WEST CYPRESS WAY in the Cypress Village PUD Master Plan. Griffin Powell presented staff comments to the Planning Commission. The preliminary plat was approved in April 2018 but has expired. Lot widths will range between 35 and 40 feet. Right-of-way width will be 40 feet and the roadway width will be 20 feet.

Chairman Robert Stuart opened the public hearing and the following people spoke. Barry Swanson, resident and board member of the Cypress Village property owners' association, voiced concerns because the sewer was marked on the plan as public and not private. He would like to request that the engineer of record state the sewer is adequate for the existing homes as well as the proposed additional homes. Kit Alexander stated that this subdivision has a long history dating back to 2004. She stated the sewer was supposed to be public but due to issues during construction they were designated to be private. Kit Alexander stated staff is comfortable with the overall drainage, retention and ponds draining to the wetlands to the north.

Ercil Godwin, Sawgrass Consulting, stated there is a long history with the Cypress Village sewer. He was hired by Colonial Properties to perform an evaluation of the infrastructure and found issues with the sanitary sewer. The old sewer was replaced with new sewer and the entire sewer is private. Ercil Godwin stated there are no problems with the storm water and utilities infrastructure. The plan is to build the 13 houses in the next 8-12 months.

Barry Swanson stated he wants assurance that DR Horton and Truland will be responsible and meet city regulations. Kit Alexander stated that the Planning Commission could require certification that the sanitary sewer is adequate to handle additional sewage generated by this development.

Ercil Godwin stated that the sanitary sewer force main is located within the Cypress Village Boulevard right-of-way and there are gate valves to prevent backups. Wendy Hamme stated the DR Horton homes are not attractive and the parking is inadequate. Chairman Robert Stuart stated the Planning Commission has tried to work on parking and it is the responsibility of the home owners' association to regulate parking.

Mike Kimmerling, Fire Chief, stated he has not heard any concerns regarding access issues at Cypress Village. Joe Fierro, Police Chief, stated he has not aware of any parking issues and police enforcement is limited due to the streets being private.

Barry Swanson asked if the plat is for preliminary approval. Kit Alexander stated that the preliminary plat consists of civil drawings for construction of the infrastructure. Prior to final plat recordation, the capital improvements will be inspected by the City and certified by the Engineer of Record or a bond will be provided by the developer. After recordation of the final plat, the lots will be available for purchase.

**Motion made (Lannie Smith/Jeffries) to approve preliminary major plat subject to staff comments and verification from the developer's representative that the sanitary sewer is properly functioning and has adequate sufficient capacity to handle the sewage from this development.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Approved (8-0).**

## I. SITE PLAN REVIEWS

### 1. Case No. 0909-SP-19, Sweat Tire

Lucido Engineering, on behalf of Merrill Thomas, requests approval of **Site Plan Review** to construct a 4,960-SF building for a tire store. The property is located at the southeast corner of the intersection of CANAL ROAD and CYPRESS STREET SOUTH in the GB (General Business) zoning district. Griffin Powell presented staff comments to the Planning Commission. The site is Lot 1 of the Orange Beach Plaza Subdivision. The proposed building meets all required setbacks. The east side of the building is required to have recesses/projections to break up the solid wall appearance. There will be 17 parking spaces provided. They are proposing to have a full-movement driveway onto the private access to the west of the subject site. Vince Lucido, Merrill Thomas and Dewayne Hayes were present to address the Planning Commission.

Kit Alexander stated that Alabama Land Title and Vince Lucido have provided documentation showing that Lot 1 has the right to access the roadway (*labeled as Cypress Street South on the site plan*) to the west of the subject site via a 35-foot access easement. Commissioner Annette Mitchell stated she would like for the building to have a more coastal look. Merrill Thomas stated he will make the building look more coastal.

Chairman Robert Stuart stated his major concern is access to the site. The Pep Boys site has a circular drive to allow semi-trucks to turn around. This site plan shows a truck will need back in to the site in order to offload. This truck movement would be easier if access was on Canal Road. Dewayne Hayes, owner of Sweat Tires, stated there are no 18-wheeler deliveries; it is usually small vans or pick-up trucks.

Commissioner Pat Simpson asked why they did not access Canal Road. Merrill Thomas stated ALDOT would not allow access on Canal Road. He bought the property for a retail business in 2006 and ALDOT would not allow full access on Canal Road. He thinks that access to the westerly drive results in less impact.

Fred Franks, Pastor of Island Church (Christian Life) stated that the roadway to the west of the site is not a City street and is maintained by the church. His concern is that the additional traffic on this roadway will create more chaos on the street with the number of people attending church. He stated last Sunday they had 700 people attend services. In January he anticipates 1,100 people attending three services. Their next project is to repave all of the church parking lots. Hundreds of students meet at the church. On Saturday mornings food is distributed to the community. There are life safety issues with the amount of traffic on the roadway.

Jim Bibby, who attends Island Church, agreed that life safety is an issue and thinks Canal Road would be the best access to the site. Lance Alexander, member of the church, stated Mr. Hayes runs a reputable business and Canal Road is a smart place for businesses. It's not just a Sunday traffic issue; there are also weddings and funerals. The church does receive support from the Orange Beach Police for traffic control. The church has also used their parking lot for first responders after hurricanes.

Nelson Bauer, Deputy Fire Marshal, stated that a site addressed off Cypress Street South would be confusing. The site needs to be addressed off Canal Road for less confusion to first responders. Joe Fierro, Police Chief, stated his department has an officer at the church location for traffic control. His concern is about additional traffic at this location.

Merrill Thomas stated that he is concerned about a Canal Road access being close to Cypress Street and a Canal Road driveway would cause worse congestion. It is a bad layout to have a Canal Road access.

Chairman Robert Stuart asked why use Cypress Street. What about maintenance of Cypress Street? Merrill Thomas stated their easement does not require maintenance of Cypress Street. He will work with the church and be good neighbors. Commissioner Lannie Smith stated that there is an opportunity to improve the queuing of traffic on Cypress Street. Kit Alexander stated that the easement gives both the church and the subject lot the right to access the roadway.

Commissioner Annette Mitchell stated she is thrilled that Sweat Tire is locating here but she could not vote without Fire and Police approval. Please pursue access on Canal Road. Nelson Bauer stated the church access was addressed prior to his employment and he is trying to prevent any confusion.

Commissioner Pat Simpson stated he sees five entrances on Canal Road within 500 feet. John Lawler stated they are entitled to access off Canal Road and he thinks it would be granted. Jeff Silvers spoke in favor of Dewayne Hayes but he has concerns about the first responder access to the 20 acre church site.

Merrill Thomas requested deferral of the site plan request until they contact ALDOT for access on Canal Road.

**Motion made (Lannie Smith/Mitchell) to defer until the October 14 meeting.** Roll call revealed: Jeffries, yes; Mitchell, yes; Lindsey, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Moore, yes; Stuart, yes. **Deferred (8-0).**

- J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE**
- K. OTHER BUSINESS**
- L. PUBLIC COMMENTS**
- M. ADJOURN**

Adjourned at 6:18 p.m.

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Kit Alexander, Director

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Robert Stuart, Chairman