

Minutes  
Orange Beach Planning Commission  
Monday, June 10, 2019 – 4:05 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 4:05 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  
Commissioner Matt Wilson  
Vice Chairman Ralph Moore  
Chairman Robert Stuart

Staff Present:

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

**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 and the minutes stand approved as submitted.

1. Approval of minutes from the Work Session on May 13, 2019.
2. Approval of minutes from the Regular Meeting on May 13, 2019.

**H. PUBLIC HEARINGS**

**1. Case No. 0402-PUD-19, Summer Salt PUD**

Dewberry, on behalf of OKS Investments LLC, requests recommendation to City Council for **Final PUD Approval** to rezone 42.67 acres from GB (General Business) to PUD (Planned Unit Development) for a residential development containing 54 single-family residential lots and 58 cottage lots. The property is located on the north end of SUMMER SALT PLAZA BOULEVARD north of The Ruby Slipper restaurant. *Deferred from the Regular Meeting on May 13, 2019.* Griffin Powell presented staff comments to the Planning Commission. He

stated the differences from the Preliminary PUD approval. The existing lake will no longer be enlarged as provided in the original submittal. All single-family lots will not have five parking spaces; only nine lots will. Forty single-family lots will have four parking spaces and five single-family lots will have three spaces. There will be thirty overflow parking spaces. The total number of parking spaces for single-family residences will decrease from 270 to 250. Four feet of the cottage sidewalks will be in the right-of-way four feet and one foot within the private lots. The rear setback from single-family lots will decrease from 14 to 10 feet. The berm/landscaping will be provided in the southeast corner near Live Bait.

Griffin Powell then stated the differences from the April 2019 submittal. There are no overflow parking spaces provided for single-family overflow. The side setback for the street side of the corner lots were reduced from 20 to 10 feet. The downstairs cottage bathroom shower has been removed. A new floor layout has been provided for the cottages.

The PUD will be developed in two phases. Phase 1 will have 31 cottages and 54 single-family residences. Phase 2 will have 27 cottages. The common open space is 65%. The 58 cottage lots will have front, rear and side setbacks of five feet. The right-of-way width is 32 feet and the roadway width is 22 feet. The cottages will have four sleeping rooms with three parking spaces underneath the structure and one parking space in the overflow parking area. The 54 single-family lots will have setbacks of 20 feet front, 10 feet rear and 5 feet side. The right-of-way width is 40 feet and the roadway width is 22 feet. The single-family residences will have three to four sleeping rooms provided in three housing types. Lots will have three to five parking spaces and thirty spaces in the overflow area. Under the current GB zoning, condominiums and apartments can be built by right.

Concern was raised by the Planning Commission about the cottage living room on the fourth floor being utilized as a sleeping room. Planning Commission was concerned that the direct connection of the living room to a full bath would cause this room to be utilized as a sleeping room.

Chairman Robert Stuart opened the public hearing for comments and one person was signed up to speak. Vince Lucido, representing the Orange Beach Water Board, stated that the four-story cottages will need a larger water main for a larger feeder size into the buildings.

Steve Pumphrey and Will Lowery were present to address the Planning Commission. Will Lowery stated the builder does not want to remove the doorway from the fourth floor living area into the bathroom. Chairman Robert Stuart stated the PUD needs more parking. He asked how a fire truck would get in between two cars parked on the road. Steve Pumphrey stated they can't avoid this situation and the street is not substandard. Chairman Robert Stuart asked them to address the changes from the last plan. Will Lowery stated he doesn't see the fourth floor living area as a sleeping room. He also stated that if this development is not built the existing owner will cram as many apartments as possible on the property. Will Lowery stated that he does not believe they will be able to remove the cottage living room door to the full bathroom. Commissioner Bill Jeffries asked why not use the same floor plan for both the third and four floors. Commissioner Annette Mitchell agrees with Commissioner Bill Jeffries; the third and fourth floor should have the same floor plan and she could vote yes in good faith. Greg Kennedy asked for a five-minute break to discuss the floor plan.

Time out: 4:35 p.m.  
The meeting reconvened at 4:38 p.m.

Will Lowery returned and stated they would concede to removing living room door connection to the bathroom. Commissioner Lannie Smith stated that removing the door helps but bunk beds can still be put in the living room. Greg Kennedy stated that the trend today is to have more than one sitting area. Police Chief Joe Fierro stated there are two issues: the number of sleeping rooms and parking. You are going to have more people sleeping on sofas.

**Motion made (Mitchell/Lannie Smith) to recommend approval of Final PUD to City Council subject to staff comments and the door being removed from the fourth floor living area into the bathroom.** Roll call revealed: Jeffries, no; Lindsey, no; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, no; Stuart, yes. **Forwarded to City Council with a positive recommendation subject to staff comments (6-3).**

**2. Case No. 0403-SD-19, Summer Salt PUD, Phase One**

Dewberry, on behalf of OKS Investments LLC, requests approval of **Preliminary Major Subdivision** for the first phase of the Summer Salt PUD that will contain 54 single-family residential lots and 31 cottage lots located on approximately 21.41 acres. The property is located on the north end of SUMMER SALT PLAZA BOULEVARD north of The Ruby Slipper restaurant. *Deferred from the Regular Meeting on May 13, 2019.* Griffin Powell presented staff comments to the Planning Commission. This application is associated with the Summer Salt Final PUD approval. The roadway width will be 22 feet with one-foot curbing on each side. The sidewalk width will be five feet. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak.

**Motion made (Simpson/Lannie Smith) to approve preliminary major plat request subject to staff comments.** Roll call revealed: Jeffries, no; Lindsey, no; Mitchell, yes; Simpson, yes; Glenn Smith, yes; Lannie Smith, yes; Wilson, yes; Moore, no; Stuart, yes. **Approved (6-3).**

**3. Case No. 0404-SD-19, Resubdivision of Lot 5A, A Resubdivision of Lots 2 and 5 of Summer Salt Plaza Subdivision**

Dewberry, on behalf of OKS Investments LLC, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 42.67 acres into two lots to accommodate a future residential development. The property is located on the north end of SUMMER SALT PLAZA BOULEVARD north of The Ruby Slipper restaurant in the GB (General Business) zoning district. *Deferred from the Regular Meeting on May 13, 2019.* Griffin Powell presented staff comments to the Planning Commission. Both lots meet the minimum requirements for the GB zoning district and will front on Summer Salt Plaza Blvd right-of-way. The plat complies with the Subdivision Regulations. As part of staff conditions, the existing Summer Salt subdivision covenants will need to be amended to reflect the changes made to the final plat.

Chairman Robert Stuart opened the public hearing for comments. Jim Owen asked for clarification regarding the covenants restrictions. Kit Alexander stated that there may need to be changes to the covenants with regard to changes in the plat lot configuration.

**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).**

**4. Case No. 0601-SD-19, Phoenix Gulf Towers Resubdivision**

Brett Real Estate Robinson Development Company, Inc., on behalf of Phoenix Gulf Towers LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 1, 2 and 3 of Windmere Subdivision into one lot for the purpose of constructing the Phoenix Gulf Towers PUD development. The property is located at 22988 and 23008 PERDIDO BEACH BOULEVARD and is part of the Phoenix Gulf Towers Planned Unit Development Master Plan. Griffin Powell presented staff comments to the Planning Commission. The plat complies with the Subdivision Regulations and there are no staff conditions.

Chairman Robert Stuart opened the public hearing for comments and one person was signed up to speak. Kevin Gilliland stated he had received clarification and was good with the plat request.

**Motion made (Lannie Smith/Wilson) 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).**

**5. Case No. 0602-SD-19, Zona Plat #1**

Engineering Design Group LLC, on behalf of Michael J. Zona, requests approval of **Preliminary and Final Minor Subdivision** to combine Lot 3 and the East 41 feet of Lot 4 Block 3 of Garrett Subdivision into one lot. The property is located at 26051 COTTON BAYOU DRIVE in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. The plat meets the RS-1 requirements and complies with the Subdivision Regulations. There are no staff conditions. 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 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).**

**6. Case No. 0603-SD-19, The Wharf East Side Subdivision (Phase 2)**

Sawgrass Consulting, on behalf of Wharf Entertainment Properties LLC, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 41+ acres into three lots and a private right-of-way. The property is located at the intersection of CANAL ROAD and WHARF PARKWAY EAST and is part of The Wharf Planned Unit Development Master Plan. Griffin Powell presented staff comments to the Planning Commission. Roughly 1,300 feet of Wharf Parkway East will be platted as a private right-of-way. Chairman Robert Stuart opened the public hearing for comments and no one was signed up to speak. Ercil Godwin stated that a Tom Thumb convenience store is proposed for one of the lots.

**Motion made (Lindsey/Mitchell) 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. 0604-SD-19, Cotton Dunes Subdivision**

Sawgrass Consulting, on behalf of Chris & Barbara Ybarra, Island Dunes Resort Condominium, Donald M. Russell, Jr., and Blue Palms LLC, requests approval of **Preliminary and Final Minor Subdivision** for a subdivision that will contain five lots. The property is located at 26009, 26023 and 26021 PERDIDO BEACH BOULEVARD and is in the GB (General Business) and RM-1 (Multi-Family Residential Low to Medium Density) zoning districts. Griffin Powell stated the applicant has requested the item to be deferred.

**Motion made (Moore/Lindsey) to defer until the July 8, 2018 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).**

**I. SITE PLAN REVIEWS**

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

**K. OTHER BUSINESS**

Chairman Robert Stuart asked for the definition of PUD. John Lawler stated it is a unique use of property with open space. He stated the first application (Summer Salt) was actually a subdivision with smaller lots. The Planning Commission has power of control. The PUD is a great tool. Kit Alexander stated an example of PUD is a single-family development with conservation easements. Natural habitat is a benefit.

**L. PUBLIC COMMENTS**

**M. ADJOURN**

Adjourned at 5:15 p.m.

---

Kit Alexander, Director

---

Robert Stuart, Chairman