

Minutes  
Orange Beach Planning Commission  
Monday, August 10, 2015 – 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 Chris Callaghan  
Commissioner John Davis  
Commissioner Bill Jeffries  
Commissioner Ralph Moore  
Commissioner Lannie Smith  
Commissioner Mark Williams  
Vice Chairman Tim Blackwell  
Chairman Robert Stuart

Staff Present:

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

Board Member Absent:

Commissioner Annette Mitchell

**E. APPROVAL OF AGENDA**

There were no changes to the agenda and the agenda stands approved as submitted. However, the public hearing was moved to the last item on the agenda.

**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 July 13, 2015.
2. Approval of minutes from the Regular Meeting on July 13, 2015.

**H. PUBLIC HEARING**

1. **CASE NO. 0704-PUD-15 – PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN APPROVAL – PHOENIX ORANGE BEACH CONDOMINIUM PUD – OWNER/APPLICANT: BRETT REAL ESTATE, ROBINSON DEVELOPMENT COMPANY, INC.** – Request by the applicant for recommendation to City Council for approval of Preliminary and Final PUD Zoning and Master Plan to rezone from BR-2 (Beach Resort High Density) to PUD for a 21-floor, 114-unit condominium. The municipal address is 25494 PERDIDO BEACH BOULEVARD.
  
2. **CASE NO. 0705-PUD-15 – PRELIMINARY PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN APPROVAL – COTTAGES AT PARK’S EDGE PUD – OWNER: COTTAGES AT ROMAR, L.L.P. – APPLICANT: WAS DESIGN** – Request by the applicant for recommendation to City Council for approval of Preliminary PUD Zoning and Master Plan to rezone to PUD for a single-family residential development with 77 cottage lots along with an open-air pavilion and pool area. The municipal address is 23063 PERDIDO BEACH BOULEVARD.

**Motion made (Blackwell/Williams) to defer Items 1 and 2 until the September 14, 2015 meeting.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Moore, yes; Smith, yes; Williams, yes; Blackwell, yes; Stuart, yes. **Deferred (8-0).**

3. **CASE NO. 0707-SD-15 – PRELIMINARY/FINAL MAJOR PLAT – BLACKBURN FAMILY DIVISION PLAT 2 – OWNER: DANIEL BLACKBURN – APPLICANT: LUCIDO ENGINEERING & SURVEYING** – Request by the applicant for approval of Preliminary/Final Major Plat to subdivide Lot 4 into three lots with Lot 4A containing 30 acres, Lot 4B 2.56 acres, and Lot 4C 13.26 acres. The subject property is located on Canal Road and Sampson Avenue in the RS-1 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments but no one was signed up to speak.

**Motion made (Stuart/Moore) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Moore, yes; Smith, yes; Williams, yes; Blackwell, yes; Stuart, yes. **Approved (8-0).**

4. **CASE NO. 0801-SD-15 – PRELIMINARY/FINAL MINOR PLAT – CAIN RESUBDIVISION – OWNER: HUBERT CY CAIN – APPLICANT: JASON COOPER** – Request by the applicant for approval of Preliminary/Final Minor Plat to resubdivide Lots 1 and 2, Block 7, First Addition of East Orange Beach Subdivision to turn two existing lots, currently facing Wilson Boulevard, northward to face Magnolia Drive. The municipal address is 5101 WILSON BOULEVARD in the RS-2 (Single-Family Residential) zoning district.

Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments but no one was signed up to speak.

**Motion made (Stuart/Williams) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Moore, yes; Smith, yes; Williams, yes; Blackwell, yes; Stuart, yes. **Approved (8-0).**

**CASE NO. 0802-SD-15 – PRELIMINARY/FINAL MINOR PLAT – PIROQUE LLC RESUBDIVISION – OWNER: PIROQUE, L.L.C. – APPLICANT: J VEAL ARCHITECT** – Request by the applicant for approval of Preliminary/Final Minor Plat to combine Lots 14 and 15, Second Addition of East Orange Beach Subdivision into one lot. The municipal address is 27701 EAST BEACH BOULEVARD in the RS-2 (Single-Family Residential) zoning district. Griffin Powell presented staff comments to the Planning Commission. Chairman Robert Stuart opened the public hearing for comments but no one was signed up to speak.

**Motion made (Stuart/Williams) to approve preliminary/final plat request subject to staff comments.** Roll call revealed: Callaghan, yes; Davis, yes; Jeffries, yes; Moore, yes; Smith, yes; Williams, yes; Blackwell, yes; Stuart, yes. **Approved (8-0).**

5. **CASE NO. 0803-PUD-15 – PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT ZONING AND MASTER PLAN APPROVAL – SKALNEK-KEAHL PUD – OWNER: FISH TRAP CHARTERS – APPLICANT: KAREN SKALNEK/AL KEAHL** – Request by the applicant for recommendation to City Council for approval of Preliminary and Final PUD Zoning and Master Plan to rezone from RS-2 (Single-Family Residential) to PUD for the purpose of allowing reconstruction of single-family dwelling and duplex presently on the lot. The municipal address is 27200 PARK DRIVE. Griffin Powell presented staff comments. He stated that the PUD request is to provide drainage easement and allow the owners to rebuild the existing structures. The single-family dwelling was built in 1968 and the duplex was built in 2000. The zoning ordinance was amended in 2005 to prohibit duplexes in RS-2 and RS-3.

Chairman Robert Stuart opened the public hearing for comments. Al Keahl, owner, stated that he is willing to give up 15 feet property easement for drainage. He is requesting to the ability to rebuild existing structures if damaged. Mr. Keahl stated that his duplex has flooded twice. Lamar Sharpless and Josh Godbold stated they agree with Mr. Keahl and the drainage improvement is necessary. James Phillips stated that he has flooding and something needs to be done. Larry Ramirez also agreed but is concerned about handling as a PUD rezoning as opposed to acquiring a variance from the Board of Adjustment. Steve Taylor agreed but asked why this could not be handled as a variance rather than rezoning the property. He does

not support a PUD within a residential zoning district. Yo Johnson stated that we do need the drainage improvement and asked if the need for a drainage pipe could serve as the hardship necessary for the granting of the variance. She supports the ability of the property owners to rebuild the existing structures and would prefer the issuance of a variance as opposed to the PUD rezoning of the property. Chairman Robert Stuart read a letter from Catherine Watterson in opposition to the PUD. She has no objection to repairing the existing dwellings. Lamar Sharpless spoke in favor of the request due to ongoing flooding.

Kit Alexander stated the City would really like to proceed with the PUD consideration due to the need for the drainage improvements. She stated that the PUD rezoning approval would result in the acquisition of a public drainage easement allowing the city to perform necessary drainage improvements. This improvement would benefit the East Orange Beach neighborhood. She suggested that language be added to the PUD Master Plan specifically stating that it is not the intention of the PUD to increase the density or intensity of this site in any way.

**Motion made (Smith/Jeffries) to recommend approval of PUD Zoning and Master Plan Approval to City Council with language on the plat limiting the number of units and square footage as what is built today.** Roll call revealed: Callaghan, no; Davis, no; Jeffries, yes; Moore, yes; Smith, yes; Williams, yes; Blackwell, no; Stuart, yes. **Forwarded to City Council with a positive recommendation (5-3).**

**I. SITE PLAN REVIEW**

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

**K. OTHER BUSINESS**

Discussion was held on a moratorium for future development. Kit stated that the City Council is requesting input from the Planning Commission after the recent joint City Council/Planning Commission meeting. John Lawler, City Attorney, advised against the moratorium and stated that the City should use the tools it already has in place.

**Motion made (Stuart/Callaghan) recommending support to City Council for a moratorium on high density and multi-family in the Beach Overlay development.** Roll call revealed: Callaghan, no; Davis, yes; Jeffries, no; Moore, no; Smith, no; Williams, no; Blackwell, no; Stuart, no. **Forwarded to City Council with a negative recommendation (1-7).**

**L. PUBLIC COMMENTS**

**M. ADJOURN**

The meeting adjourned at 5:25 p.m.

Respectfully submitted,

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Kit Alexander, Secretary

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Robert Stuart, Chairman