

Minutes

Orange Beach Planning Commission

September 12, 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**

Vice-Chairman Lindsey gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Commissioner Bill Jeffries  
Commissioner Annette Mitchell  
Commissioner Matt Wilson  
Commissioner Pat Simpson  
Commissioner Glenn Smith  
Chairman Robert Stuart  
Vice-Chairman Kathy Lindsey

Staff Present:

Griffin Powell, Planner II  
Sherri Descalzo, P&Z Coordinator  
Sean Brumley, GIS Specialist  
Jamie Logan, City Attorney  
Kit Alexander, Community Development Director

**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 to the minutes and the minutes stand approved as submitted.

1. Approval of minutes from Work Session on August 8, 2022.
2. Approval of minutes from the Regular Meeting August 8, 2022.

**H. PUBLIC HEARINGS**

**1. Case No. 0801-CU-22, JPEM Duplex at 29110 Perdido Beach Boulevard**

JPEM LLC requests recommendation to the City Council for approval of a **Conditional Use** to construct a duplex on a beachfront lot located at 29110 Perdido Beach Boulevard in the Single-Family Residential (RS-I) zoning district. Griffin Powell presented to the Planning Commission.

Robert Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

Vice-Chairman Lindsey questioned the stacked parking. Joey Parker, applicant, stated there was plenty of turning radius to allow the front car to pull out. Chairman Stuart asked the fire department if a hammer head was needed. Zack Black, Assistant Fire Marshall, stated the fire department has no concerns and a hammer head is not needed.

Commissioner Mitchell expressed concern that this duplex was too big for this parcel. Joey Parker said they had made the most of the space and that it is functional.

Commissioner Mitchell expressed concerns about protection of the dunes. Joey Parker said they would put a fence up to prevent cars from destroying the dunes.

Chairman Stuart called for the motion and a vote.

*Motion to recommend approval to the City Council for Conditional Use Approval subject to staff comments.*

Motion made and seconded (Wilson/Jeffries) Commissioner Jeffries; no, Commissioner Mitchell; no, Vice-Chairman Lindsey; no, Commissioner Simpson; no, Commissioner Smith; no, Commissioner Wilson; no, Chairman Stuart; no. **Not Approved (7-0)**

**2. Case No. 0804-SD-22, Beach Village Phase 2 Subdivision**

Rowe Engineering, on behalf of Beach Village Resort LLP, requests approval of **Preliminary Major Subdivision** to subdivide Lot 70 of Beach Village Subdivision, A Replat of Lot 2 Southern Visions Subdivision, into four lots and to add a section of common area to the Common Area lot lying west of Lots 5 through 32 of the Beach Village Subdivision. The properties are located at 23063 and 23071 Perdido Beach Boulevard in the Beach Village PUD Master Plan. Commissioner Simpson recused himself and stepped out of the room. Griffin Powell presented to the Planning Commission.

Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart called for the motion and vote.

*Motion to approve Preliminary Major Subdivision subject to staff comments.*

Motion made and seconded (Mitchell/Smith) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (6-0)**

**3. Case No. 0902-PUD-22, Saltwater Cottages PUD**

Jim Brown, on behalf of JWB Bruckmann, requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.73 acres from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a residential development consisting of three single-family residences with a shared single driveway and a single beach walkover. The property is located at 23550 Perdido Beach Boulevard. Griffin Powell presented to the Planning Commission.

Chairman Stuart opened the public hearing.

Pat Smith, Attorney for the Yarbrough family, stated the property is subject to a deed restriction in the covenants requiring residential land use only. He expressed concern that these homes will be short term rentals. He also expressed concerns about drainage and having the parking on the south side of the property.

Chairman Stuart closed the public hearing.

Jim Brown, property owner, stated they will be using brick pavers to absorb and minimize

stormwater runoff. Vehicular parking will be under the house and screened. Chairman Stuart asked if all of the parking will be under the houses. Jim Brown said four will be outside and three under the house.

Commissioner Mitchell asked how short term rental is possible if the covenants do not allow it. Jamie Logan, City Attorney, said this is not a question for the commission and would need to be addressed in a courtroom.

Vice-Chairman Lindsey asked how many homes can be built on the lot by-right. Kit Alexander stated four homes can be built.

Commissioner Mitchell asked Jim Brown why he is submitting the development as a planned unit development. Jim Brown said the shared driveway required a PUD rezoning.

Chairman Stuart called for a vote.

*Motion to recommend approval to the City Council for Preliminary and Final PUD rezoning subject to staff comments.*

Motion made and seconded (Wilson/Simpson) Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

**4. Case No. 0903-PUDA-22, Mariner Lakes PUD Modification - Bel Air Multi-Family Residential**

Dewberry, on behalf of Bel Air Developers LLC, Windward Lakes Villas LLC, and Romar Development Company Inc., requests recommendation to the City Council for approval of **Major PUD Modification** to the Mariner Lakes Planned Unit Development Master Plan to amend the section of the PUD for Bel Air Towers for a multi-family residential development with two buildings, four and five stories in height, and 152 total units. The current approved PUD plan entails three buildings, between 14 and 18 stories in height, and 375 total units. The property is located at 3299 Loop Road and is west of Fairfield Inn and Suites and south of the lake. Griffin Powell presented to the Planning Commission.

Chairman Stuart opened the public hearing.

David Ellis, Arlington Properties, stated their 53 year old company has built over 35,000 units with their own construction company. They are known for building high end, high quality structures. The units will have 1-3 bedrooms. The applicant has met with the Mariner Lakes residents and they are committed to not causing drainage impacts to the subdivision. This apartment complex will have quality amenities with a coffee venue, fitness center, work areas, pools, pavilions, pet dog parks with washing stations and a pet fitness center.

Steve Snodgrass, President of the Villages of Windward Lakes POA said they were very pleased with the developer when they met with them. There are concerns about the stormwater runoff impacts to the Mariner Lakes development. Kit Alexander stated the City is familiar with the Mariner Lakes drainage issues and will work with the engineer to ensure there will be no negative impacts.

Commissioner Jeffries asked how Hurricane Sally affected the area. Steve Snodgrass said they had significant yard flooding.

David Ellis said they would try and purchase the strip of land between Rouses and Windward Lakes to help the subdivision with their drainage issues. Cathy Barnette, Dewberry, said they want to be sensitive to the Mariner Lakes residents' concerns and are committed to working with them.

Chairman Stuart called for a vote.

Motion to recommend approval to City Council for PUD Major Modification rezoning subject to staff comments.

Motion made and seconded Motion (Lindsey/Jeffries) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes.

**Approved (7-0)**

5. Case No. 0904-SD-22, Reserve Cotton Bayou, Replat of Lot 3 Less West 2 Feet and Lot 4 and the West 2 Feet of Lot 5, Block 5, First Addition of Chicago Gulf Beach subdivision

Dewberry, on behalf of Limitless by Truland Homes LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine Lot 3 Less West 2 Feet and Lot 4 and the West 2 Feet of Lot 5, Block 5, First Addition of Chicago Gulf Beach Subdivision into one lot. The property is located on the south side of Taylor Lane in the Single-Family Residential (RS-3) zoning district. Griffin Powell presented to the Planning Commission.

Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing and called for a vote.

Motion to approve Preliminary and Final Major 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 Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

6. Case No. 0905-SP-22, Replat of Lots 3, 4 and 5, Cool Breeze Commercial Park Subdivision

Dewberry, on behalf of Canal Road Lot LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 3, 4 and 5, Cool Breeze Commercial Park Subdivision into one lot. The properties are located on the east side of Canal Square Lane at 24826 Canal Road and 4404 and 4422 Canal Square Lane in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

Chairman Stuart opened public hearing and no one spoke. Chairman Stuart closed the public hearing and called for a vote.

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

Motion made and seconded (Lindsey/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

7. Case No. 0906-PUD-22, Cotton Bayou Cottages PUD

Hercules Investments LLC requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.62 acres from Single-Family Residential (RS-I) to Planned Unit Development (PUD) for a residential development consisting of four single-family residences with a shared single driveway and a single access pier on Cotton Bayou. The property is located at 26400 Cotton Bayou Drive. Griffin Powell presented to the Planning Commission.

Roger Jansen, property owner to the east of the project, stated he is concerned about wetlands and drainage impacts and the constant cycle of renters. Woody Speed, Environmental Specialist, said the US Corp of Engineers is aware of existing wetlands impacts and permits are required from state and federal authorities.

Tem Blalock said he does not like the site layout and it looks like a row house development.

Angela Graham, 26465 Cotton Bayou, asked if there is a prohibition on vacation rentals. Kit Alexander said that the Planning Commission can recommend a prohibition of vacation rentals

as a condition of the PUD.

Rich Nenstiel, property owner to the east of the project, stated that Zeke's PUD is an example of why a PUD can be dangerous in an RS-1 zoning district.

Roger Jansen stated he has concerns about the enforcement of the vacation rental restriction.

Chairman Stuart closed the public hearing and called for a vote.

*Motion made to defer the item to the October 10, 2022 Planning Commission meeting.*

Motion made and seconded (Jeffries/Smith) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

**8. Case No. 0907-SD-22, Replat of Lot 2, Posh Plaza Subdivision**

Gulf Coast Rental Company LLC, on behalf of Dewey Brazelton, requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lot 2 of Posh Plaza Subdivision into two lots. The property is located at 25150 Canal Road in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

Commissioner Mitchell requested clarification on the proposed land use of this property. John Harris, future owner, said it is to remain as warehouse storage.

Chairman Stuart opened the public hearing. Chairman Stuart closed the public hearing and called for a vote.

*Motion to approve Preliminary and Final Subdivision subject to staff comments.*

Motion made and seconded (Jeffries/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

**9. Case No. 0908-PUDA-22, The Wharf PUD Modification - Culver's Restaurant**

Engineering Design Group, on behalf of Wharf Entertainment Properties LLC, requests recommendation to the City Council for approval of **Major PUD Modification** to The Wharf Planned Unit Development Master Plan to construct a 4,500+ square foot building for a Culver's restaurant. The property is located at 23671 Canal Road at the northwest corner of Wharf Parkway East and Canal Road. Griffin Powell presented to the Planning Commission.

Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

Adam Spangrud, Culver's, said they applied coastal architectural elements to the proposed restaurant.

Chairman Stuart asked if the retention pond will be draining to the wetlands to the north and it was confirmed that the outfall would be to the wetlands.

Commissioner Mitchell recommended the elimination of the stone and the utilization of Hardie board with Bahama shutters and a lighter building façade.

Chairman Stuart called for a vote.

*Motion to recommend approval to City Council for PUD Major Modification rezoning subject to staff comments.*

Motion made and seconded (Simpson/Lindsey) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

## I. SITE PLAN REVIEWS

### 1. Case No. 0901-SP-22, Orange Beach Medical Plaza

Mark D. Pavey, on behalf of the City of Orange Beach, requests approval of **Site Plan Review** to construct a 10,000+ square foot medical office building. The property is located at the southwest corner of Orange Beach Boulevard and Bonito Avenue at 4171 Orange Beach Boulevard in the Neighborhood Business (NB) zoning district. Griffin Powell presented to the Planning Commission.

Chairman Stuart asked why the front of the building is not facing Orange Beach Blvd. Mark Pavey said the entrance to the building is toward the parking in the rear but there will be a false front facing Orange Beach Blvd.

*Motion to approve the Site Plan subject to staff comments.*

Motion made and seconded (Mitchell/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

## J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

### 1. Case No. 0802-SP-22, MMM III Enterprises Warehouse Addition

Lucido Engineering & Surveying LLC, on behalf of MMM III Enterprises LLC, requests approval of **Site Plan Review** to construct a 2,000+ square foot warehouse and storage addition to the south side of Melanie Martin Interiors. The property is located at 24820 Canal Road in the General Business (GB) zoning district. *Deferred from the Regular Meeting on August 8, 2022.* Griffin Powell stated this is being deferred to the October 10, 2022. This will be the third and final time they can defer.

*Motion to defer to the October 10, 2022 Planning Commission meeting.*

Motion made and seconded (Mitchell/Wilson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

### 2. Case No. 0202-CU-22, All About Storage Expansion

Engineering Design Group, on behalf of All About Storage, requests recommendation to the City Council for approval of **Conditional Use** to construct four additional mini-warehouse buildings south of the existing buildings. The property is located at 24140 Canal Road in the General Business (GB) zoning district. Griffin Powell said the applicant is requesting a deferral to the October 10, 2022 meeting.

*Motion to defer to the October 10, 2022 Planning Commission meeting.*

Motion made and seconded (Jeffries/Smith) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Simpson; yes, Commissioner Smith; yes, Commissioner Wilson; yes, Chairman Stuart; yes. **Approved (7-0)**

## J. OTHER BUSINESS

Griffin said he anticipates eleven cases to be on the October Planning Commission meeting.

Kit Alexander said the proposed zoning text amendments will be scheduled for the

November Planning Commission meeting.

**K. PUBLIC COMMENTS**

**L. ADJOURN 6:07 PM**



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Kit Alexander



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Chairman Robert Stuart