

Minutes
Orange Beach Planning Commission
October 10, 2022 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 4:07 PM.

B. INVOCATION

Commissioner Bauer gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Annette Mitchell
Vice-Chairman Kathy Lindsey
Commissioner Jack Robertson
Commissioner Glenn Smith
Commissioner Matt Wilson
Commissioner Nelson Bauer
Chairman Robert Stuart

Staff Present:

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

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 Meeting on September 12, 2022.
2. Approval of minutes from Regular Meeting on September 12, 2022.

PUBLIC HEARINGS

1. Case No. 906-PUD-22, Cotton Bayou Cottages PUD

Hercules Investments LLC requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.6 acres from Single-Family Residential (RS-1) 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. *Deferred from the Regular Meeting on September 12, 2022.*

Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

Commissioner Smith said the floor plan indicates the houses will be used for vacation rentals. Kit Alexander said the PUD will prohibit vacation rentals.

Vice-Chairman Lindsey asked how many homes can be built "by-right". Kit Alexander stated two homes can be built on each lot and each lot will have a driveway. A common pool is not allowed per the zoning ordinance.

Commissioner Mitchell voiced concerns about the proposed stacked parking.

Commissioner Mitchell asked for clarification of the public benefit of this project. Jim Brown stated there will be four boat slips as opposed to twelve slips and one driveway instead of two.

Commissioner Jeffries asked about impacts to the wetlands. Jim Brown stated the wetlands will be protected by an upland seawall.

Tem Blalock asked about ownership of the boat slips. Kit Alexander said each homeowner will own their house but the surrounding land, pool, and pier will be commonly owned as a land condominium.

Commissioner Mitchell asked whether the boat storage area will be enclosed. Jim Brown stated it will not be enclosed and the surface area will be pavers and landscaping.

Jim Brown agreed to move four spaces from underneath the houses to the north side of the pool. Chairman Stuart closed the Public Hearing and called for a vote.

Motion to recommend approval to City Council subject to staff comments and the relocation of the four southern parking spaces to the north side of the pool.

Motion made and seconded (Wilson/Jeffries) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; no, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.

Approved (7-1)

2. Case No. 1002-SD-22, Harrell Subdivision Plat #1, A Resubdivision of Lots 899, 924, 925, & 926, Bear Pot Subdivision.

Joseph Harrell requests approval of **Preliminary and Final Minor Subdivision** to replat Lots 899, 924, 925 and 926, Bear Point Estates Subdivision into two lots. The property is located at 5365 Mississippi Avenue at the northwest corner of the intersection of Mississippi Avenue and Baker Drive in the Single-Family Residential (RS-2) zoning district.

Griffin Powell presented to Planning Commission. Chairman Stuart opened the Public Hearing. There was no one to speak. Chairman Stuart closed the Public Hearing and called for a vote.

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

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

Approved (8-0)

3. Case No. 1003-SD-22, Everhart Subdivision

Sawgrass Consulting LLC, on behalf of Marissa Everhart, requests approval of **Preliminary and Final Minor Subdivision** to replat 2.6 acres from four lots into three lots. The property is located at 26135 Canal Road and 4706 Raley Lane at the northwest corner of the intersection of Canal Road and Callaway Lane in the Marine Resort (MR) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing. There was no one to speak. Chairman Stuart closed the Public Hearing and called for a vote.

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

Motion made and seconded (Mitchell/Robertson) Commissioner Jeffries; yes, Commissioner Mitchell; yes, Vice-Chairman Lindsey; yes, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.
Approved (8-0)

4. Case No. 1006-PUD-22, Top Tier Water Sports PUD

Engineering Design Group, on behalf of Top Tier Water Sports, requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 1.5 acres from Multi-Family Residential Medium to Low Density (RM-1) to Planned Unit Development (PUD) for a parking area with 50+ spaces, an office building, and docks for Top Tier Water Sports boat rentals and dolphin cruises. The property is located at 26023 Perdido Beach Boulevard and is directly north of Cotton's Restaurant. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

John Pilcher stated he owns a lot to the east of the subject property. He expressed concern about trash, noise, traffic and a general negative impact on the neighborhood. He stated that the structure should not be allowed to have a 5-foot setback from the water. He strongly encouraged the Commission to reject this project.

Clay Moore, EDG Group, said the proposed building is a marine accessory building used only for ticket sales and public bathrooms.

Commissioner Jeffries asked for the length of the cruise boat. Jack Fisher, developer, said it is 64 feet long with a 126 person capacity. He said he revised the plan in response to concerns from the Fire and Police Departments about the width of the access.

Chairman Stuart closed the Public Hearing.

Commissioner Wilson asked whether the Fire Department had concerns about the proposed plan with regard to the access width. Zachary Black said the revised plan has addressed the Fire Department concerns.

Commissioner Jeffries said he has objections to a large boat being run in the waters of Cotton Bayou and the effect it will have on water quality. Jack Fisher said the boat will be on Cotton Bayou three times a day. There are pontoon boats operating businesses out of the State Park Cotton Bayou boat launch. Chairman Stuart called for a vote.

Motion to recommend approval to City Council subject to staff comments.

Motion made and seconded (Bauer/Wilson) Commissioner Jefferies; no, Commissioner Mitchell; yes, Vice-Chairman Lindsey; no, Commissioner Smith; yes, Commissioner Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; no.
Approved (5-3)

5. Case No. 1008-PUDA-22, Pandion Ridge PUD Modification – Pandion Ridge Water Park

Sawgrass Consulting LLC, on behalf of Sun Pandion Ridge Commercial RV LLC, requests recommendation to the City Council for approval of **Major PUD Modification** to the Pandion Ridge Planned Unit Development Master Plan for a water park recreation area on 4.3 acres. The property is located at 22820 Canal Road at the southeast corner of Canal Road and Eagle Way. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the Public Hearing.

Commissioner Bauer asked about the height of the slides. Michael O'Neal said the slide closest to the access is 32.5 feet tall and the other is 44 feet tall.

Commissioner Jeffries asked if there is going to be a separate sign for the park. Ercil Godwin said Blue Water Graphics will be designing the park sign.

Zachary Black said the side road will need to be improved to provide emergency access. Ercil Godwin said it will be widened. Commissioner Nelson said the side road surface will need to have an all-weather surface that can support the weight of a firetruck. Commissioner Nelson said the egress of the park needs to be moved to the main road and will need to be addressed during site permitting. Chairman Stuart closed the Public Hearing and called for a vote.

Motion to recommend approval to City council subject to staff comments.

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

Approved (8-0)

H. SITE PLAN REVIEWS

1. Case No. 1004-SP-22, Beech RV Park

KP RV-02 LLC, on behalf of Beech Campers & Mobile Home Park Inc., requests approval of **Site Plan Review** to upgrade the current 24.2-acre recreational vehicle park and to construct additional amenities. The park will have 167 recreational vehicle sites. The property is located at 4224 Orange Beach Boulevard in the Mobile Home Park (MHP) and Neighborhood Business (NB) zoning districts. Griffin Powell presented to Planning Commission.

Chris Lieb, project engineer, stated most of the RVs have bathrooms but additional bathhouse buildings will be provided and is customary for this type of facility.

Chairman Stuart asked if anyone would like to speak about this item.

Kit Alexander asked about the proposed cabins. Ken Kleban said they range from 175 to 350 square feet and they are like tiny houses. They have a kitchen, bathroom and 2 bedrooms.

Vice-Chairman Lindsey asked how many of the current residents will be displaced. Ken Kleban said the park will no longer be providing permanent residency. Each RV will only be permitted to stay for 30 days or less.

Nancy Travis expressed concerns about the impact this development will have on traffic. Chris Lieb said they have prepared a traffic study for ALDOT. Chairman Stuart stated that there will be two entrances and the northerly driveway will only be capable of exiting to the right. Chairman Stuart called for a vote.

Motion to approve Site Plan subject to staff comments.

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

Approve (8-0)

2. Case No. 1007-SP-22, Lost Bay Townhomes

Engineering Design Group, on behalf of Alva Gordon Barnhill, requests approval of **Site Plan Review** to construct a multi-family residential development consisting of 82 units on 27.8 acres. The property is located south of the Brett/Robinson Laundry Facility and Posh Interiors and west of The Island Church in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart asked if anyone would like to speak about this item. Chairman Stuart called for a vote.

Motion to approve Site Plan subject to staff comments.

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

Robertson; yes, Commissioner Wilson; yes, Commissioner Bauer; yes, Chairman Stuart; yes.
Approved (8-0)

I. 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-SF 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 September 12, 2022.* Griffin Powell stated the application has been withdrawn and no action is needed.

2. Case No 0909-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. *Deferred from the Regular Meeting on September 12, 2022.* Chairman Stuart called for a vote.

Motion to defer to the November 14, 2022 Planning Commission Meeting.

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

Approved (8-0)

J. OTHER BUSINESS

Griffin Powell indicated we have three new cases; a Site Plan and 2 Minor Subdivisions. He also stated that there will be zoning text amendments to be voted on during the October meeting.

K. PUBLIC COMMENTS

L. ADJOURN

Adjourned at 5:29PM



Kit Alexander



Robert Stuart, Chairman