

Minutes  
Orange Beach Planning Commission  
January 9, 2023 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 4:02 PM.

**B. INVOCATION**

Commissioner Simpson gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

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

Staff Present:

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

**E. APPROVAL OF AGENDA**

There were no changes to the agenda and the agenda stands approved as submitted.

**F. CONFLICTS OF INTEREST**

Commissioner Robertson Case No. 0102-SP-23

**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 Planning Commission Work Session on December 12, 2022.
2. Approval of minutes from Planning Commission Meeting on December 12, 2022.

## H. PUBLIC HEARINGS

1. **Case No. 1207-ZT-22, Zoning Text Amendment, Article 15, Section 15.0702 and 15.0902, Temporary Signs and Standards**

The Community Development Department requests recommendation to City Council for approval of **Zoning Text Amendment** to modify Sections 15.0702 and 15.0902 with regard to temporary real estate signs. *Deferred from Regular Meeting on December 12, 2022.*

Griffin Powell presented to the Planning Commission. Kit Alexander added that staff met with local realtors for their input on the amendment. Chairman Stuart opened the public hearing.

Jennifer Foutch, Baldwin County Realtors, thanked staff for including them in the process.

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

*Motion to recommend approval of the zoning text amendment to City Council 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 Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approved (9-0).**

2. **Case No. 0104-SD-23, Buena Vista RV Resort PUD Subdivision, Phase 3A**

75/25 Investments requests approval of **Final Major Subdivision** for Phase 3A of the Buena Vista RV Resort PUD Subdivision consisting of 10 lots (Lots 24-29, 42-43, and 63-64). Phase 3A is located on Parkside Lane and Lakeside Drive on the west side of the Buena Vista RV Resort. 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 motion.

*Motion to approve the Final Major Subdivision subject to staff comments.*

Motion made and seconded (Bauer/Robertson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approved (9-0).**

3. **Case No. 0105-SD-23, Mariner One Subdivision**

Dewberry, on behalf of Windward Lakes Villas LLC and Bel Air Developers LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine four lots into one lot in accordance with the major amendment to the Mariner Lakes Planned Unit Development Master Plan approved in October 2022. The property is located at 3299 Loop Road. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing.

Cathy Barnette, Dewberry Engineers, stated she is available to answer any questions. Chairman Stuart closed the public hearing and called for a motion.

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

Motion made and seconded (Mitchell/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 (9-0).**

4. **Case No. 0106-PUD-23, 3 T's Shrimping Company PUD**

October Investments LLC requests recommendation to the City Council for approval of **Preliminary and Final PUD** to rezone 5.2 acres from GB (General Business) to PUD (Planned Unit Development) for a commercial development consisting of a 7,300-SF restaurant and

20,800-SF warehouse. The property is located at 25431 Canal Road. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing.

Juanita Motely spoke for the Bayside Estates Mobile Home Subdivision. She stated that their concerns range from drainage issues, increase of traffic, smell of the dumpsters, and noise and light impacts. She stated that a wall is needed in addition to the landscape buffer on the west side of the property. She is opposed to the reduction of the required buffer. She expressed concern about the location of the dumpster and the smell of seafood waste on the adjacent property. She asked whether an ABC sign is necessary on Canal Road since it is a warehouse, not a retail establishment.

Debbie Minor, Martha Champion, and Naomi Bullock, residents of the Bayside Estates Mobile Home Subdivision, stated they agree with Juanita's concerns.

Chairman Stuart closed the public hearing.

Greg Scott, representing the applicant, stated an ABC sign is not needed on Canal Road and the applicant will consider relocating the dumpster further east.

Kit Alexander, Community Development, said the project is not allowed to drain onto neighboring properties. They will need to direct site runoff to the bay to the north.

Chairman Stuart stated the plans show parking to be two less than what is required by the zoning ordinance. Greg Scott said the ABC warehouse is only open Monday through Friday with hours of operation 8am to 5pm. There will be ample parking after hours and on the weekend for the restaurant.

Kit Alexander directed the Commissioners' attention to reduction of the zoning buffers to ten feet.

Commissioner Bauer expressed concern about the warehouse being metal-sided and whether it will be seen from Canal Road. He expressed that the proposal is for a large building being located in a small space. Gregg Scott said the warehouse is 200 feet off the road, with landscaping to enhance the location.

Commissioner Mitchell expressed concern about the reduction of the zoning buffers.

Commissioner Smith questioned why the warehouse building is showing two tenant spaces. John Price, applicant's attorney, said one side of the building will be for the ABC warehouse and the other for future storage. He said metal siding is required by the ABC board for all of their buildings.

Commissioner Simpson said this project will cause a life safety issue on Canal Road due to the location of the driveway.

John Price said the applicant will consider constructing a wall along the residential property lines. Kit Alexander said the zoning ordinance requires an 8-foot wall with the exception of the wall located within the front yard setback being no taller than 4 feet due to visibility concerns.

Chairman Stuart called for a motion.

*Motion to recommend approval of the Planned Unit Development to City Council subject to staff comments and no ABC sign on Canal Road, the ABC facility to be wholesale only, 23 additional trees, dumpster relocation to a central location, an 8-foot wall and landscaping within the zoning buffers with the wall to be 4 feet tall in the front yard setback.*

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

**Not Approved (9-0).**

## I. SITE PLAN REVIEWS

### 1. Case No. 0101-SP-23, OSO Early Restaurant Kitchen Expansion

Robertson Commercial requests approval of **Site Plan Review** to expand the kitchen more than 400 square feet at the OSO Early Restaurant. The property is located at 27370 Canal Road in the MR (Marine Resort) zoning district. Griffin Powell presented to the Planning Commission.

Wayne Peterson, owner of property, stated he is available to answer any questions.

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

Motion made and seconded (Robertson/Wilson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approve (9-0).**

### 2. Case No. 0102-SP-23, Orange Beach Store

Orange Beach Store, on behalf of AGLC LLC, requests approval of **Site Plan Review** to construct a 7,000-SF commercial building at the northwest corner of the intersection of Orange Beach Boulevard and Perdido Beach Boulevard at The Shoppes at Palm Pointe. The property is located at 25777 Perdido Beach Boulevard in the GB (General Business) zoning district. Commissioner Robertson recused himself and left the room. Griffin Powell presented to the Planning Commission.

Paul Marchuk, Jade Engineering, stated he is available to answer any questions.

Commissioner Mitchell expressed concerns that the proposed store parking will be used for CoastAL patrons and employees. Cameron Price said the parking will be designated for the store only. They intend to enforce store parking to the best of their ability.

Cameron price stated the owner will be requesting a variance for the proposed roof-top sign from the Board of Adjustment.

Chairman Stuart called for a motion. After the vote he asked Commissioner Robertson to come back to the meeting.

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

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

**Approved (8-0).**

## J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

### 1. Case No. 1102-SD-22, Bickers Acres, Resubdivision of Lot 4 of the Resubdivision of Bickers Acres

KO Investments LLC requests approval of **Preliminary and Final Minor Subdivision** to subdivide Lot 4, Resubdivision of Bickers Acres, into two lots. The property is located at 5211 Carleton Lane North in the Single-Family Residential (RS-1) zoning district. *Deferred from Regular Meeting on December 12, 2022.* Griffin Powell stated the applicant did not make deadline and the case needs to be deferred.

*Motion to defer the item to the February 13, 2023 Planning Commission meeting.*

Motion made and seconded (Simpson/Mitchell) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approve (9-0).**

2. **Case No. 1205-PUD-22, Jones Duplexes PUD**

Lucido Engineering & Surveying LLC, on behalf of Rodney C. Jones, requests recommendation to City Council for approval of **Preliminary and Final PUD** to rezone 1.8 acres from RS-1 (Single-Family Residential) to PUD (Planned Unit Development) for a residential development containing five duplexes. The property is located at 26480 Perdido Beach Boulevard. *Deferred from Regular Meeting on December 12, 2022.* Griffin Powell stated the applicant did not make deadline and the case needs to be deferred.

*Motion to defer the item to the February 13, 2023 Planning Commission meeting.*

Motion made and seconded (Mitchell/Simpson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approve (9-0).**

**K. OTHER BUSINESS**

1. Request for a 12-month extension for Case No. 0202-SD-22, Summer Salt Phase 2 Subdivision.

*Motion to extend the Preliminary Plat approval for 12 months.*

Motion made and seconded (Bauer/Simpson) Commissioner Jeffries, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Wilson, yes; Commissioner Bauer, yes; Chairman Stuart, yes. **Approve (9-0).**

**L. PUBLIC COMMENTS**

**M. ADJOURN**

Adjourned at 5:16PM



Kit Alexander



Robert Stuart, Chairman