

Minutes
Orange Beach Planning Commission
March 13, 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 4:01 PM.

B. INVOCATION

Chairman Stuart 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 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

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 Planning Commission on February 13, 2023.
2. Approval of minutes from the Regular Planning Commission on February 13, 2023.

H. PUBLIC HEARINGS

1. **Case No. 0302-SD-23, Buena Vista on the Beach, Phase 3B**
75/25 Investments LLC requests approval of **Final Major Subdivision for Phase 3B** of the Buena Vista on the Beach Planned Unit Development (PUD) consisting of 12 lots. The property

is located on Lakeview Drive in the Buena Vista on the Beach Motor Coach Resort. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

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

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

Approved (8-0).

2. Case No. 0303-SD-23, Caruana Subdivision Plat #1

John Caruana requests approval of **Preliminary and Final Minor Subdivision** to resubdivide Lots 16 through 20 of Block 3, Chicago Gulf Beach First Subdivision into two lots. The property is located at 3349 and 3353 Adams Avenue in the Single-Family Residential (RS-3) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing.

Tina D'Aversa, 3376 Washington Ave., stated that her property abuts the lots. She is not opposed to the subdivision but expressed concerns about drainage impacts to her property.

Melissa Green, 3380 Washington Ave., expressed concerns about the filling of the wetlands causing negative drainage impacts to her property.

Cindy Williams, 3378 Washington Ave., stated that the wetlands on the subject property have caused drainage problems to her pool in her rear yard. She expressed concern that the filling of the wetlands will make the drainage problems worse.

Chairman Stuart closed the public hearing.

Woody Speedy, Environmental Scientist, stated that the neighbors' drainage concerns are valid. The applicant has received approval from the US Army Corps of Engineers to fill the wetlands. The City is requiring Mr. Caruana to grade the lots to drain toward Adams Avenue, away from the residents to the rear. Chairman Stuart asked about the wall being constructed. Woody Speed said the applicant is proposing a retaining wall along the rear of the construction to contain the fill.

Larry Treehan, representing the applicant, said the wall will be 4 to 5 feet in height to contain the fill.

Kit Alexander said the applicant will need to show that the proposed site stormwater runoff will not negatively affect the neighbors.

Commissioner Jeffries asked how far the property is from Cotton Bayou. Kit Alexander said about 240 feet according to aerial map information.

Motion to approve the Preliminary and Final Minor Subdivision 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 Robertson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (8-0).

3. Case No. 0304-CU-23, 3T's Restaurant and Warehouse

October Investments LLC requests recommendation to City Council for approval of **Conditional Use** for a commercial development consisting of a 7,300-SF restaurant and 20,800-SF warehouse. The property is located at 25431 Canal Road in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing.

Mitchell Fagan said that all his questions had been answered by the presentation.

Juanita Motley, Bayside Estates, stated that the neighbors have spoken to the developer of the property and they have listened to our concerns. She stated that she still feels that drainage and traffic are an issue. She asked whether the developer would consider extending the wall down to the water. She asked about the warehouse hours of operation and a description of the scope of phase 2. She stated that the proposed access should be restricted to a right-in, right-out driveway.

William Crossland, Sunset Villas, stated that he would not have purchased a Prominence home if he had known there was going to be a warehouse in his back yard. He stated that the westerly wall should be setback 15 feet from the property line and the landscaping placed on the outside of the wall.

Chairman Stuart closed the public hearing.

Larry Wireman, applicant, said that they can provide additional parking if needed and are agreeable to providing a right-in, right-out driveway.

Chairman Stuart asked about the warehouse hours of operation. Larry Wireman said the warehouse will operate between 8AM and 5PM.

Motion to recommend approval of the Conditional Use to City Council subject to staff comments and the recommendation to have ALDOT evaluate the need for a deceleration lane and a right in, right out access to the property

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 Bauer, yes; Chairman Stuart, yes.

Approved (8-0).

4. Case No. 0305-SD-23, Walker Avenue Subdivision

Sawgrass Consulting LLC, on behalf of the City of Orange Beach, requests approval of **Preliminary and Final Minor Subdivision** to subdivide 3.5 acres on the west side of Walker Avenue into two lots. The property is located 4697, 4699 and 4775 Walker Avenue in the Marine Resort (MR) zoning district. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing.

Phillip West, Coastal Resources Director, stated this will be a coastal engineering center for various Alabama universities. The project is being funded by Restore Act grant funds.

Commissioner Jeffries asked if the property access will be on Walker Avenue. Phillip West said initially the access will be on Walker Avenue and when phase 2 is built the access will be on Canal Road. Chairman Stuart closed the public hearing.

Motion to approve the 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 Simpson, yes; Commissioner Smith, yes; Commissioner Robertson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (8-0).

Commissioner Bauer left the room after the vote.

5. Case No. 0306-PUDA-23, The Wharf PUD Modification – Wharf Main Street Addition

Sawgrass Consulting LLC, on behalf of Wharf Retail Properties LLC, requests recommendation to City Council for approval of a **Major PUD Modification** to The Wharf Planned Unit Development (PUD) Master Plan for multiple commercial buildings with 34,000 square feet of leasable space along with nearly 16,000 square feet of lawn and assemble area. The property is located at 4555 Main Street at the northwest corner of the intersection of Main Street 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.

Chairman Stuart asked about the reduction of Wharf event parking caused by the proposed project. Ercil Godwin, Sawgrass Consulting, stated the loss of parking is not anticipated to affect event parking at the Wharf. There is sufficient overflow parking available by the Orange Beach Event Center.

Motion to recommend approval of Major PUD Modification to City council subject to staff comments.

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

Approved (7-0).

I. SITE PLAN REVIEWS

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 0301-SD-23, Matthews Estate Subdivision, Resubdivision of Lot 2-A

Matthews Development LLC requests approval of **Preliminary and Final Minor Subdivision** to subdivide 5.2 acres into two lots. The property is located at the end of Oak Ridge Drive West in the Mobile Home Subdivision (MHS) zoning district. Griffin Powell stated the applicant did not provide a submittal prior to the deadline.

Motion to defer the item to the April Planning Commission Meeting.

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

Approved (7-0).

K. OTHER BUSINESS

Griffin Powell indicated that we have eight new cases and the one deferred item from today's meeting.

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:20PM



Kit Alexander



Robert Stuart, Chairman