

Minutes
Orange Beach Planning Commission
November 13, 2023 4:00 PM
Council Chambers - Orange Beach Municipal Complex
4099 Orange Beach Boulevard

A. CALL TO ORDER

Vice-Chairman Lindsey called the meeting to order at 4:02 PM.

B. INVOCATION

Commissioner Mitchell gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Annette Mitchell
Commissioner Pat Simpson
Commissioner Glenn Smith
Commissioner Lannie Smith
Commissioner Nelson Bauer
Vice-Chairman Kathy Lindsey
Chairman Robert Stuart (4:10)

Staff Present:

Kit Alexander, Community Development Director
Griffin Powell, City Planner
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 regular Planning Commission meeting on October 9, 2023.

H. PUBLIC HEARINGS

1. Case No. 1101-SD-23, Cunningham/Allen Subdivision, Replat of Lots 1 and 2, Field of Dreams Subdivision

Lucido Engineering & Surveying LLC, on behalf of Darrell W. Allen and Douglas E. Cunningham, Jr., requests approval of a **Preliminary and Final Minor Subdivision** to replat Lots 1 and 2, Field of Dreams Subdivision into three lots. The property is located at 1 and 3 Claudette Circle in the Single-Family Residential (RS-1) zoning district. Griffin Powell presented to the Planning Commission. Vice-Chairman Lindsey opened the public hearing and no one was signed up to speak. Vice-Chairman Lindsey closed the public hearing.

Motion was made and seconded to approve the Preliminary and Final Minor Subdivision subject to staff comments.

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

2. **Case No. 1102-SD-23, Cleary Subdivision, Replat of the East ½ of Lot 11 and All of Lots 12, 13, 14, 15 and 16, Block 5, First Addition of East Orange Beach Subdivision**

Lucido Engineering & Surveying LLC, on behalf of Elaine S. Laurie and Jacquelyn Leigh Laurie Cleary, requests approval of Preliminary and Final Minor Subdivision to replat the East ½ of Lot 11 and all of Lots 12, 13, 14, 15 and 16, Block 5, First Addition of East Orange Beach Subdivision into three lots. The property is located at 27415 and 27423 Magnolia Avenue in the Single-Family Residential (RS-2) zoning district. Griffin Powell presented to the Planning Commission. Vice-Chairman Lindsey opened the public hearing and no one was signed up to speak. Vice-Chairman Lindsey closed the public hearing.

Motion was made and seconded 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 G. Smith, yes; Commissioner L. Smith, yes; Commissioner Bauer, yes. **Approved (7-0).**

3. **Case No. 1106-ZT-23, Zoning Text Amendment, Section 5.1601, Recreational Vehicles as Residence**

The Community Development Department requests recommendation to the City Council for approval of a **Zoning Text Amendment** to modify Section 5.1601 of the Orange Beach Zoning Ordinance to add language regarding the regulation of recreational vehicles being used as residences. Griffin Powell presented to the Planning Commission.

Kit Alexander stated the zoning ordinance does not allow for sewer and water to be hooked up to the RV but needs to allow for electric service in order to properly maintain an RV in this humid climate. No one is allowed to reside in an RV unless the RV is located within a proper RV or Mobile Home Park or the RV is located on a property with an active building permit for a residence.

Chairman Stuart opened the public hearing. Two people had signed up to speak, Teresa Mullen and Helen Clark, but neither spoke.

Commissioner Bauer stated that an active building permit will only allow a homeowner to live in an RV for 6 months. Kit Alexander stated that a request to City Council can be made to extend the ability to stay in the RV if the building construction takes longer than 6 months.

Chairman Stuart closed the public hearing.

Motion was made and seconded to recommend approval of the Zoning Text Amendment subject to staff comments and the recommendation to allow for a homeowner to reside in an RV with an active building permit for 6 months with the ability to extend an additional 6 months.

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

4. **Case No. 1107-ZT-23, Zoning Text Amendment, Section 16.02, Tree Protection and Landscaping, Applicability**

The Community Development Department requests recommendation to the City Council for approval of a **Zoning Text Amendment** to modify Section 16.02 of the Orange Beach Zoning Ordinance to remove the landscaping and tree removal exemptions for commercial tree operations. Griffin Powell presented to the Planning Commission. Chairman Stuart opened the public hearing and no one was signed up to speak.

Commissioner Mitchell asked for the reason for this ordinance change. Kit Alexander stated property owners were utilizing this zoning ordinance section to clear properties, causing the loss of protected trees.

Chairman Stuart closed the public hearing.

Motion was made and seconded to recommend approval of the Zoning Text Amendment subject to staff comments.

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

5. Case No.1108-ZT-23, Zoning Text Amendment, Section 5.28, Storage on Vacant Residential Lots

The Community Development Department requests recommendation to the City Council for approval of a **Zoning Text Amendment** to add a new section to Article 5 of the Orange Beach Zoning Ordinance to prohibit the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots. Griffin Powell stated more research is needed and asked for this item to be deferred.

Motion was made and seconded to defer the Zoning Text Amendment to the December 11, 2023 Planning Commission meeting.

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

I. SITE PLAN REVIEWS

1. Case No. 1103-SP-23, Roscoe Road Townhomes

Lieb Engineering Company LLC, on behalf of Roscoe Partners LLC, requests approval of a **Site Plan Review** to construct a multi-family residential development containing 60 units on 39+ acres. The property is located on the west side of Roscoe Road, 700+ feet north of the intersection of Roscoe Road and the Foley Beach Express, in the Multi-Family Residential Low to Medium Density (RM-1) zoning district. Griffin Powell presented to the Planning Commission.

Chris Lieb, Jeff Landry, Joseph Yarbrough and Callie Sirils were present as the owner representatives. Callie Sirils stated changes were made to the development in response to the Planning Commission and staff concerns about the previously submitted project. An additional dumpster was added to the development.

Commissioner Mitchell asked if sidewalks had been added and Griffin Powell confirmed that sidewalks had been added to the site plan.

Commissioner Lannie Smith asked whether the proper distance between the garage and sidewalk is being provided to allow for vehicular parking. Griffin confirmed that a parked vehicle in the driveway will not obstruct the sidewalk.

Motion was made and seconded to approve the Site Plan Review subject to staff comments.

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

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 1008-SD-23, Wharf Landing Phase 1 Subdivision

Sawgrass Consulting LLC, on behalf of The Wharf Landing LLC, requests approval of a **Preliminary and Final Minor Subdivision** to replat 92.6 acres into two lots. The property is located

on Brown Lane, east of the Foley Beach Express, in the former Bama Bayou Planned Unit Development (PUD). *Deferred from the October 9, 2023 Planning Commission meeting.*

Motion was made and seconded to defer the item to the December 12, 2023 Planning Commission meeting.

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

K. OTHER BUSINESS

Election of Officers

Motion was made and seconded to elect Robert Stuart as Chairman of the Planning Commission

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

Motion was made and seconded to elect Kathy Lindsey as Vice-Chairman of the Planning Commission.

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

Griffin Powell indicated there will be six new cases and two deferred items on the December Planning Commission agenda.

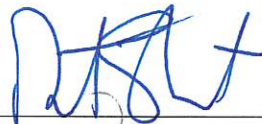
L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 4:34PM



Kit Alexander



Robert Stuart, Chairman

