

Minutes
Orange Beach Planning Commission
December 11, 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 4:00 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 Lannie Smith
Vice-Chairman Kathy Lindsey
Chairman Robert Stuart

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.

Kit Alexander, Community Development Director, asked for Case No. 1203-PUD-23 to be moved to the end of the Public Hearings section. Chairman Stuart agreed.

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 November 13, 2023.

H. PUBLIC HEARINGS

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

The Community Development Department requests a recommendation to City Council for approval of a **Zoning Text Amendment** to add a new section to Article 5 of the Orange Beach Zoning Ordinance regarding the storage of vehicles, boats, trailers, recreational vehicles, materials, etc. on vacant residential lots. *Deferred from the Regular Meeting on November 13, 2023.* Griffin Powell asked for this case to be deferred to the January Planning Commission meeting.

Motion to defer the item to the January 8, 2024 meeting.

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

Approved (8-0).

2. **Case No. 1201-SD-23, Replat of Lot 2 of F.B.C. Subdivision & Lots 99-103 of Oak Ridge Subdivision**

The First Baptist Church of Bay Minette, Lawson & Camelia Miller, Jeff & Lori Brumfield, James & Bertha Thompson, Aaron & Teresa Nicholson, and Zackery & Kimberly Ann Smith-Kalinauskas request approval of a **Preliminary and Final Minor Subdivision** to subdivide a portion of Lot 2 of F.B.C. Subdivision and add the subdivided portion to the rear sides of Lots 99 through 103 of Oak Ridge Subdivision. The properties are located at 25609, 25577, 25555, 25537, and 25511 Oak Ridge Drive West in the Mobile Home Subdivision (MHS) zoning district and Lot 2 of F.B.C. Subdivision in the Single-Family Residential (RS-1) 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.

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

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

Approved (8-0).

3. **Case No. 1206-SD-23, Ammons Subdivision, Lots 31&32, Canal Place, Unit 2 Subdivision**

Linder Surveying Consultants, on behalf of James & Laralei Ammons, requests approval of a **Preliminary and Final Minor Subdivision** to combine Lots 31 and 32 of Canal Place, Unit 2 Subdivision into one lot. The property is located on the south side of Canal Road, east of the Alabama Credit Union, in the Single-Family Residential (RS-1) zoning district. Griffin Powell presented to the Commission. Chairman Stuart opened the public hearing and no one spoke. 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 Glenn Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Chairman Stuart, yes.

Approved (8-0).

4. **Case No. 1204-PUDA-23, Pandion Ridge Pandion ridge PUD Modification, Manager's Mobile Home Unit**

Sawgrass Consulting LLC, on behalf of Sun Pandion Ridge LLC, requests a recommendation to City Council for approval of a **Major PUD Modification** to the Pandion Ridge Planned Unit

Development (PUD) to allow for one mobile home unit in Phase 3 of the resort to serve as a residence for the site manager. The site for the mobile home unit will be on Wild Boar Circle. Griffin Powell presented to the Commissioners. Chairman Stuart opened the public hearing and no one spoke. Chairman Stuart closed the public hearing.

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

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

Approved (8-0).

5. Case No. 1203-PUD-23, Turquoise Place North PUD

Forrest Daniell & Associates PC, on behalf of October Investments LLC, requests a recommendation to City Council for a **Preliminary and Final PUD Approval** to rezone 18.5 acres located at 26303 and 26427 Perdido Beach Boulevard from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a 7-story, 90-unit condominium along with amenities and to rezone 1.2 acres located at 26302 Perdido Beach Boulevard to PUD for a 3-story, 2-unit condominium along with amenities and parking for beach access. Griffin Powell presented to the Planning Commission.

Jamie Logan, City Attorney, stated this project is in litigation and will only move forward with the closing of the land settlement with the City of Orange Beach.

Kit Alexander, Community Development Director, said the proposal is for a 6-story structure above parking at ground level. The setbacks are greater than 150 feet on the west and east sides. The large setbacks will provide greater view corridors for the houses to the east and west. There will also be a greater amount of green space than what would be provided for an RS-1 single-family residential development. The greater green space will filter a greater amount of stormwater runoff and also reduce the amount of freshwater draining into Cotton Bayou which does not flush well.

Chairman Stuart opened the public hearing.

Candace Burgin, Turquoise Place HOA Manager, stated that the HOA Board did not have time to meet on this case because they received the rezoning notification a week ago. A major concern for them is the pedestrians crossing Perdido Beach Blvd. They are also requesting the project timeline.

Nan Norris stated that she is totally against the project. She did not support the number of people that will be using this property and the increase of boat traffic. She asked about the beach mouse. Woody Speed, City of Orange Beach Environmental Specialist, stated the project will have to acquire a beach mouse permit as required by the U.S. Fish and Wildlife Service.

Geraldine Kopesky, 3425 Adams Avenue, asked what else can be built on this property. Kit Alexander stated that a single family residential subdivision can be built on this property "by-right". Geraldine Kopesky said that the City of Orange Beach has a community growth and management plan that supports protection of the air, water, and single-family residential neighborhoods. She said she does not want to look at an 82-foot tall wall. Cotton Bayou is not swimmable due to the presence of oil, suds, and other trash from boats. She also expressed concerns about persons crossing Perdido Beach Boulevard to get to the beach.

Karen Netslie, 26550 Cotton Bayou Drive, said that she thought the City acquired this property in order to build a park. She also said that she thought the City acquired the beachfront property for a public beach access. She stated that she is very much against rezoning this property and would like the Planning Commission to recommend that the property remain RS-1.

Eric Johnson, Palm Harbor HOA Board Member, said that all of the subdivision homeowners are concerned that the beach access will be eliminated. He stated that people crossing Perdido Beach Boulevard is unsafe. Asked that the City or State require an elevated walkway at the beach access location.

Britten Kopesky expressed that he is against the project.

Linda Gates said this project does not comply with the Orange Beach Comprehensive Plan. She stated that City Council promised they will not upzone properties but this rezoning allows for an increase of intensity of the property.

Pete Vallas, Sherrills Landing, expressed concerns about the proposal for ninety boat slips and the impacts this development will have on the existing habitat and vegetation.

Tem Blalock, Cotton Bayou Drive, asked that the lawsuit be settled before this property is rezoned. He expressed concern about the height of the condominium being over fifty feet and the lighting problems the building will cause. He stated he is in support of the single-family "by-right" plan.

Myer Rogers expressed concern about drainage from this development into Cotton Bayou. Kit Alexander stated that one inch of runoff from the entire site will be collected and percolated in a retention facility prior to discharging into Cotton Bayou. Chairman Stuart closed the public hearing.

Chairman Stuart asked staff about the safety concerns expressed regarding pedestrians crossing Perdido Beach Boulevard. Kit Alexander said there are three options; a Perdido Beach Boulevard tunnel, a pedestrian overpass, a signalized crosswalk. The tunnel is not economically feasible due to utilities and groundwater. An overpass is required to be over 3000 feet long due to handicap accessibility requirements. A signalized crosswalk will not be approved by the Alabama Department of Transportation because it will not be warranted by the land uses on the north and south sides of the road.

David Walker, Attorney for the City, stated there is a lawsuit associated with the city properties on the north and south sides of the road that that are included within this PUD.

Commissioner Lannie Smith asked if the building on the south side would interfere with the buffer required for the existing Turquoise Place Condominium. Kit Alexander said the proposed 15-foot beach access allows for first responders to get to the beach and approval of the PUD will cause the beach access to be the buffer.

Commissioner Robertson stated this project does not benefit the City of Orange Beach and the number of boat slips and units should be decreased.

Geraldine Kopesky asked if the public could park at the beach access. Kit Alexander stated there would be no parking provided at the beach access.

Karen Nenstiel asked how the property owned by the city could be rezoned. Chairman Stuart said in the past developers do not purchase land until they are rezoned.

Karen Nenstiel asked about the wetlands on the northerly property. Wood Speed stated that a wetland delineation will be performed and the development of the property is contingent on Alabama Department of Environmental Management and U.S. Army Corps of Engineers approval of wetlands impacts.

Motion to recommend approval to City Council of the Preliminary and Final PUD, contingent on the sale and closing of the municipal land and subject to staff comments.

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

Approved (7-1).

I. SITE PLAN REVIEWS

1. Case No. 1202-SP-23, Emerald Coast Carpet Cleaning

Engineering Design Group, on behalf of Jamison Haber, requests approval of a **Site Plan Review** to construct a 3,600+ SF building that will serve as the office for Emerald Coast Carpet Cleaning. The property is located at 4395 Canal Square Lane in the General Business (GB) zoning district. Griffin Powell presented to the Commissioners.

Motion to approve the Site Plan subject to staff comments.

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

2. Case No. 1205-SP-23, Canal Road Gas Station

Goodwyn Mills Cawood LLC, on behalf of Divyesh Patel, requests approval of a **Site Plan Review** to construct a 4,500+ SF gas station/convenience store. The property is located at 26787 Canal Road in the General Business (GB) zoning district. Griffin Powell presented to the Planning Commission.

Amanda Thompson asked which fuel franchise will be at the location. Michael Triplett, the applicant's representative, stated it will be a Shell station.

Jean Lawrence, owner of Sam's gas station, asked when the construction will begin. Mr. Triplett stated they will be starting early spring.

M. Hawkins stated she is against the project.

Commissioner Simpson stated he has concerns about after hour deliveries. Kit Alexander, Community Development Director, stated the Canal Road widening project will be completed by late spring and the 3-lane roadway will greatly improve traffic movement in this area.

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

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

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE


K. OTHER BUSINESS

Griffin Powell indicated that we have two new cases in addition to the item that was deferred at this meeting.

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:57PM



Kit Alexander



Robert Stuart, Chairman