

Minutes
Orange Beach Planning Commission
February 12, 2024 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 Bauer gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

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

Staff Present:

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 January 8, 2024.

H. PUBLIC HEARINGS

1. Case No. 0103-PUD-04 and 0704-PUD-04, Reversion of the Bama Bayou Planned Unit Development Master Plan

Pursuant to Section 7.08 of the Orange Beach Zoning Ordinance, the Community Development Department requests recommendation to the City Council to repeal Case No. 0103-PUD-04 (Ordinance No. 2004-792) and Case No. 0707-PUD-04 (Ordinance No. 2004-818) to rescind the Planned Unit Development zoning for the Bama Bayou PUD and parcel PINS 228840, 300713, 69654, 234423, 285653, 232649, and 285612. The zoning will return to the original zoning

classification of General Business (GB). Griffin Powell said the applicant would like to defer to the March Planning Commission Meeting.

Motion made and seconded to defer to the March 11, 2024 meeting.

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

Approved (7-0).

2. 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 **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 January 8, 2024.* Griffin Powell stated this case will be pulled. No action needed.

3. Case No. 0203-SD-24, The Wharf Landing, Phase 1 Subdivision

Sawgrass Consulting LLC, on behalf of The Wharf Landing LLC and Intracoastal Investments LLC, request approval of **Preliminary and Final Minor Subdivision** to replat 105+ acres into three lots. The property is located on the east side of the Foley Beach Express and Brown Lane along the Intracoastal Waterway. Griffin Powell said the applicant would like to defer to the March Planning Commission Meeting.

Motion made and seconded to defer to March 11, 2024 meeting.

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

Approved (7-0).

4. Case No. 0204-PUD-24, Admiral Self Storage PUD

Sawgrass Consulting LLC, on behalf of Collins Enterprises and Cactus Properties LLC, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 3.14 acres to Planned Unit Development (PUD) for an enclosed self-storage facility. The property is located at 4251 Orange Beach Boulevard at the northwest corner of the intersection of Orange Beach Boulevard and Rose Lane. Griffin Powell presented the request and staff comments to the Planning Commission. Chairman Stuart opened the Public Hearing. Tim Lawley, Sawgrass Consulting, addressed some of the questions from the Work Session meeting. The developer seeks to create a neighborhood friendly appeal while providing a service. Regarding the building facade facing Highway 161, they will work with the architect to make the exterior more aesthetically pleasing. Camrey Council, resident, had registered to speak but had no comments. Jeff Agan, developer, stated that a similar project approved in Orange Beach has the same scope of work. He stated that there would be no loading or unloading from the outside and all units would have inside entrances. With regard to site traffic, Jeff Agan stated there will be more traffic at the beginning as the units will all be available to rent, but as time goes on, the site traffic will be less. The goal is to not have vehicle congestion on Rose Lane. Commissioner Robertson asked if the facility will have 24-hour access. Jeff Agan stated that the hours will be 6AM to 10PM, with the exception of a few food vendors needing access earlier. Alison Cooley, resident, stated her backyard will adjoin the storage building on the west side, and she was concerned about the height and metal siding. The Public Hearing was closed. Commissioner Jeffries asked how many units, and Jeff Agan replied the total number is 675 to 700 units. Commissioner Bauer asked if the 3 stories were housing just units or are there also other uses.

Jeff Agan stated it is entirely for storage. Chairman Stuart asked about office space on the first floor. Griffin Powell stated that there were 3 parking spaces designated for the office. Chairman Stuart stated that the Highway 161 architectural elevation needed improvements and felt that it looked like a white box. Jeff Agan said the Highway 161 side will have hardie board siding. He further added that the loading zone will have an awning and will be enclosed with open parking. Vice Chairman Lindsey said that the project did not appear to be a neighborhood business and asked about the land uses to the north and west. Jeff Agan said this site had been approved as a PUD at one time. Vice Chairman Lindsey agreed but said that the PUD had expired. A vote was called for.

Motion made and seconded for favorable recommendation of Preliminary and Final PUD to City Council subject to staff comments.

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

Not Approved (2-5).

5. Case No. 0205-PUD-24, Mill's Row Beach side Cottage Community PUD

Rockpoint Development LLC, on behalf of Isle of Wight Property Development LLC, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 0.89 acres from Neighborhood Business (NB) to Planned Unit Development (PUD) for a residential development containing 16 townhome units. The property is located at 25086, 25100 and 25122 Perdido Beach Boulevard. Griffin Powell presented the request and staff comments to the Planning Commission. Chairman Stuart opened the Public Hearing. Lynn Thomas, owner of Tallulah's retail space, stated that the store has been at this location for over 15 years. She indicated that there has been no communication with her and the other retail renters about the future plans for the site. She stated that she has acquired more than \$144,000 in merchandise, and the landlord is not giving them time to liquidate. Andy McCartney, TTL Engineering, provided a PowerPoint presentation detailing the history of this property and included a by-right plan, architectural elevations, landscaping details, and proposed zoning deviations. Deanna Mayfield, bookkeeper for Tallulah's, talked about the significance of the existing buildings for the history of Orange Beach and how all retailers at the site are being impacted. Beth Freeman, Ocean Edge HOA President, expressed concerns about the beach access for this development. She asked if the townhome residents will use the gate between Lots 4 and 5 of Ocean Edge to go through Ocean Edge to access the beach. Andrew Lewis, realtor, indicated that he has been involved with this property for 4 years, and asserted that this proposal seemed to be the best scenario for the site. With regard to the businesses not being aware of a possible property sale, he said there has been a *For Sale* sign on the property for years. Since all leases are monthly, it was impossible to let the businesses know until the transaction was in place. According to the boundary survey, Andrew Lewis indicated there is deeded beach access for this site. The Public Hearing was closed. Commissioner Bauer asked about the class of the proposed swimming pool. Adam Roberson, Building Official, said it would be a Class C and a boathouse will not be needed unless it is required by the health department. Commissioner Bauer also said there is no room to stage a vehicle, and the proposed parking layout can only work in a perfect parking scenario. Otherwise, there will be overflow onto Perdido Beach Boulevard. Other concerns were expressed about reducing the rear setback from 30 feet to 5 feet and its negative impact on sound, light, and fire protection. Commissioner Glen Smith the angles of the surface parking spaces are not conducive to larger vehicles. Commissioner Robertson stated that he was not in favor of the limited parking. Commissioner Mitchell felt there was too much density on this property. Vice Chairman Lindsey agreed with the previous comments and felt more retail would enhance the area rather than crowded living space. Wesley Spruill, developer, said his goal was to add to the area. Most of the retail is on the north side of Perdido Beach Boulevard. Andy McCartney said the by-right plan was 8 stackable duplexes with 8 driveways. Wesley Spruill

stated that the property owners would use the end of Romar Vista Place next to Opal Condominium for public access to the beach. Jamie Logan, City Attorney, said that this area was a city right-of-way and not a public access area. She indicated the City could gate and close it at any time. Beth Freeman restated the concerns of the Ocean Edge property owners and possible trespassing onto their lots. Andrew Lewis said a property survey from Weygand Wilson in 2021 shows 3 beach accesses. A vote was called for.

Motion made and seconded for favorable recommendation of Preliminary and Final PUD to City Council subject to staff comments.

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

Not Approved (0-7).

I. SITE PLAN REVIEWS

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No. 0201-SD-24, Sampson Replat, Resubdivision of Parcel Four

Engineering Design Group, on behalf of Alan & Donna Burns and Silver Shaft LLC, requests approval of **Preliminary and Final Minor Subdivision** to relocate the lot line between Property PINS 14315 and 16085. The properties are located at 28633 and 28675 Sampson Avenue in the Single-Family Residential (RS-1) zoning district. Griffin Powell stated that applicant is asking for a deferral. Commissioner Mitchell left at 5:21.

Motion made and seconded to defer to March 11, 2024 meeting.

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

Approved (6-0).

2. Case No. 0206-PUD-24, Seaward Cottages PUD

Lieb Engineering Company, on behalf of Intracoastal Land LLC, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 3.3 acres from Industrial (I-1) to Planned Unit Development (PUD) for a single-family residential subdivision containing nine lots. The property is located at 22321 Canal Road. Griffin Powell stated that applicant is asking for a deferral.

Motion made and seconded to defer to March 11, 2024 meeting.

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

Approved (6-0).

3. Case No. 0207-PUD-24, OBA Boat Rental PUD

Brandon Harris, on behalf of JSB OB 25991 & 25955 W Perdido Ave. LLC, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone Lots 1 and 2, Block 4, Gulf Bay Tracts Subdivision from Single-Family Residential (RS-2) to Planned Unit Development (PUD) for a proposed boat rental business. The property is located at 25991

and 25995 West Perdido Avenue. Griffin Powell stated this case had been pulled. No action needed.

K. OTHER BUSINESS

Griffin Powell indicated that we have four new cases for March in addition to the four deferred items for the meeting in February.

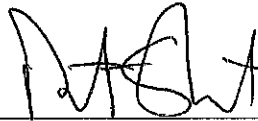
L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:29PM



Griffin Powell, City Planner



Robert Stuart, Chairman