

Minutes
Orange Beach Planning Commission
April 8, 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 Pat Simpson
Commissioner Lannie Smith
Commissioner Nelson Bauer
Vice-Chairman Kathy Lindsey
Chairman Robert Stuart

Staff Present:

Griffin Powell, City Planner
Jamie Logan, City Attorney
Sherri Descalzo, Planning Coordinator
Sean Brumley, GIS Specialist
Adam Roberson, Community Development Director &
Building Official
Chris Pappas, City Engineer
Woody Speed, Environmental Specialist

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 March 11, 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). *Deferred from the Regular Meeting on March 11, 2024.*

Griffin Powell presented the request to the Planning Commission.

Chairman Stuart opened the Public Hearing. Jamie Logan, City Attorney, stated that the Legal Department had looked at the case and feels fine with the request moving forward. Jay Minus of Phelps Dunbar LLP stated he was there legally representing David Skipper, who owns the Safe Harbor Holdings parcel contained within the PUD. David Skipper stated that changing the property from PUD to GB would limit what he can build on this property. Mr. Minus stated that the existing PUD has easements that protect Mr. Skipper's landlocked parcel and also stated that a PUD amendment would be more desirable instead of a rezoning to GB.

Kris Anderson of Yates Anderson stated that he was legally representing The Wharf. He stated that the PUD started in 2004 and will never be built according to the plans that were approved back then. With all building permits having expired, he asserted that the PUD should be dissolved as required by Section 7.08 of the Zoning Ordinance. Mr. Anderson further stated the original PUD showed the Safe Harbor Holdings parcel, which entails 11,000 square feet within 40+ acres, being a retail space and not a restaurant as desired by Mr. Skipper. He stated that they wished to move forward with this request and anticipates developing a project on the former Bama Bayou property very similar to what is now across the canal at The Wharf.

Art Favre, the owner of The Wharf, stated that the new plans for the former Bama Bayou property will be a game changer for Orange Beach and will be nothing like what is happening on the Gulf Coast. He stated that they are not building anything in the original PUD and are ready to go with new plans that will complement The Wharf.

Ms. Logan explained that Section 7.08 of the Zoning Ordinance stipulates if a PUD project is not constructed within the time period specified then the zoning reverts to its original zoning. She stated that the existing PUD has been abandoned, and Mr. Skipper's lot was illegally subdivided years ago.

Tyler Goodwyn, owner of 392 acres adjacent to this property, spoke in favor of the reversion and felt the new development will be a good addition to area.

Chairman Stuart closed the Public Hearing. There were no questions from the Planning Commission. Chairman Stuart called for a motion and vote.

Motion made and seconded for favorable recommendation to the City Council subject to staff comments.

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

2. 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, requests 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. *Deferred from the Regular Meeting on March 11, 2024.*

Griffin Powell presented the request and staff comments to the Planning Commission.

Chairman Stuart opened the Public Hearing. Jim Bibby, representing The Wharf, said The Wharf is excited for the new project on the former Bama Bayou property and believes Orange Beach will be proud of it.

David Skipper stated that he would like to see the project but realizes that his parcel will likely be negatively impacted. Jay Minus, legally representing Mr. Skipper, stated that they were not opposed to the City's purchase of Lot 1 on the new plat, but they had concerns with the easements on Lot 2 and felt it conflicted with the subdivision regulations. He felt the request was incomplete because it did not have the required information, such as drainage and stormwater calculations.

Ercil Godwin, Sawgrass Consulting, stated that the information Mr. Minus referenced was required for a major subdivision approval and not a minor subdivision approval. Mr. Godwin indicated that the submitted plat was for minor subdivision approval.

Kris Anderson, legally representing The Wharf, stated that the easements mentioned from the original PUD no longer exist, such as the parking garage. He stated the new easements can be worked out as it is a private matter.

Chairman Stuart closed the Public Hearing. Chairman Stuart asked about the qualifications for a minor subdivision. Mr. Powell indicated that the proposed plat will subdivide 105 acres into three lots and will not require infrastructure construction to make the lots comply with the subdivision regulations. A major subdivision requires infrastructure construction for subdivision compliance. Chairman Stuart asked if staff and the Legal Department were good with the request. Mr. Powell confirmed that staff had no problems with the request because the plat will have language requiring that easements will be provided to the Safe Harbor Holdings parcel and the details will be provided once development plans are proposed and approved. Jamie Logan concurred with Mr. Powell, stating that Mr. Skipper will have a temporary easement to his lot. Commission Lannie Smith asked if the Safe Harbor Holdings parcel was ever subdivided. Ms. Logan stated that the parcel was a legal lot, but the subdivision was never approved by the City and there it has no roadway frontage. There were no additional questions. Chairman Stuart called for a motion and vote.

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

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

Approved (8-0).

3. Case No.0401-SD-24, Burdette Replat, Resubdivision of Lots 21 & 22, Azalea Village Subdivision

Smith Clark & Associates, on behalf of Lisa Burdette, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 21 & 22 of Azalea Village Subdivision into one lot. The property is located at 4282 and 4284 Azalea Street in the Azalea Village Planned Unit Development.

Griffin Powell presented the request and staff comments to the Planning Commission.

Chairman Stuart opened the Public Hearing. With no persons registered to speak, the Public

Hearing was closed. There were no questions from the Planning Commission. Chairman Stuart called for a motion and vote.

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

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

Approved (8-0).

4. Case No. 0403-PUD-24, ICW Marina

Lieb Engineering Company, on behalf of BC Bayview Investments 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 26-slip marina on the Intracoastal Waterway. The property is located at 22321 Canal Road.

Griffin Powell presented the request and staff comments to the Planning Commission.

Chairman Stuart opened the Public Hearing. Chris Lieb, project engineer and applicant, stated that they have with the Alabama Department of Transportation (ALDOT) to see what will be needed for this lot with the new bridge being constructed to the west. He stated that they have a verbal approval for the driveway. He also indicated that the project has applied for permitting with the U.S. Army Corps of Engineers (USACE) for the marina.

Commissioner Lannie Smith inquired about the size of the lot and questioned the number of inbound slips. Mr. Lieb stated that all slips would be inbound (contained south of the ICW easement line) as outbound slips were not allowed.

Commissioner Jeffries asked about the location of the major water main. Mr. Lieb stated that the location is to the west of this site.

Commissioner Bauer questioned where the boats would be fueled. Cliff Davis, the property owner and developer, said they have not vetted the fueling plan but there were a few marinas that could be used for fueling. Mr. Davis gave a PowerPoint presentation for the project and explained his vision for an upscale place to rent pontoon boats along with having amenities to provide for a picnic style atmosphere.

Commissioner Simpson inquired if there was a boat launch. Mr. Davis stated the project would not have a boat launch.

Lauren Hart, Beaver Creek Subdivision, asked how the project would impact their subdivision. Mr. Powell stated that traffic and ALDOT widening this section of Canal Road will affect the subdivision, but that will happen because of the new bridge being built to the west.

Commissioner Mitchell expressed concerns for safety as this project will produce a lot of traffic. She stated that she would feel better deferring consideration of this request. Commissioner Simpson agreed. Mr. Lieb said that his clients would be willing to defer to give them time to obtain approvals from ALDOT and USACE.

Chairman Stuart closed the Public Hearing. There were no further questions from the Planning Commission. Chairman Stuart called for a motion and vote.

Motion made and seconded to defer until ALDOT and Corp submit letters of approval and subject to staff comments.

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

5. **Case No. 0406-ZT-24, Zoning Text Amendment, Section 4.01, Table 4.01, Water Recreational Rentals**

The Community Development Department requests recommendation to the City Council for approval of **Zoning Text Amendment** to modify the language in Table 4.01 regarding water recreational rentals.

Griffin Powell presented the request to the Planning Commission.

Chairman Stuart opened the Public Hearing. No persons registered to speak. The Public Hearing was closed. There were not questions from the Planning Commission. Chairman Stuart called for a motion and vote.

Motion made and seconded for favorable recommendation to City Council subject to staff comments.

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

6. **Case No. 0407-ZT-24, Zoning Text Amendment, Section 4.06, Alabama Highway 180 Frontage Roadway Requirements**

The Community Development Department requests recommendation to the City Council for approval of **Zoning Text Amendment** to modify the language in Section 4.06 regarding the requirements for the highway frontage roadway on the north side of Alabama Highway 180 between Oak Street and William Silvers Parkway.

Griffin Powell presented the request to the Planning Commission.

Chairman Stuart opened the Public Hearing. No persons registered to speak. The Public Hearing was closed. There were not questions from the Planning Commission. Chairman Stuart called for a motion and vote.

Motion made and seconded for favorable recommendation to City Council subject to staff comments.

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

7. **Case No. 0408-ZT-24, Zoning Text Amendment, Section 15.1003, Sign Permit Fee**

The Community Development Department requests recommendation to the City Council for approval of **Zoning Text Amendment** to modify the language in Section 15.1003 to make the

sign fees stated in the said section consistent with the sign fees stated in Ordinance No. 2018-1295.

Griffin Powell asked the Planning Commission to defer consideration of this request.

Motion made and seconded to defer to May 13, 2024 Planning Commission meeting.

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

I. SITE PLAN REVIEWS

1. Case No.0404-SP-24, Liquid Life Operations Center

Lieb Engineering Company, on behalf of Canal Road Lot LLC, requests approval of **Site Plan Review** to construct a 22,100-SF operations facility for Liquid Life. The property is located at 4404 and 4422 Canal Square Lane in the General Business (GB) zoning district.

Griffin Powell presented the request and staff comments to the Planning Commission.

Chairman Stuart opened the floor for comments. Gillian McGee, the project architect, stated the proposed building would be an office with a laundry facility. Commissioner Lannie Smith asked if the building had a second story. Ms. McGee stated the building not have a second story. She stated that the building met the desired coastal design elements and would have faux shutters. She further indicated the exterior lighting will be full cut-off.

Commissioner Lannie Smith asked if there were any wetlands on the property. Chris Lieb, project engineer and applicant, replied that there were no wetlands. He also indicated that they would remove one of the parking spaces to increase the width of an interior planting area to 8 feet. He stated that a minor subdivision request had been submitted to subdivide the property. Commissioner Lannie Smith asked if this would affect the setbacks. Mr. Powell indicated the subdivision plat would not interfere with the project meeting the setback requirements.

Chairman Stuart called for a motion and vote.

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

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

2. Case No. 0405-SP-24, Keel Storage Building Addition

Lieb Engineering Company, on behalf of FM Holdings LLC, requests approval of Site Plan Review to construct a 4,500-SF storage building at Keel Storage. The property is located at 27103 Canal Road in the General Business (GB) zoning district.

Griffin Powell presented the request and staff comments to the Planning Commission.

Chairman Stuart opened the floor for comments. Commissioner Bauer asked if this site would be gated. Chris Lieb, project engineer and applicant, stated that it would.

Chairman Stuart called for a motion and vote.

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

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

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 lots are located at 28633 and 28675 Sampson Avenue in the Single-Family Residential (RS-1) zoning district. *Deferred from the Regular Meeting on March 11, 2024.*

Griffin Powell asked the Planning Commission to defer consideration of this request. This request is the third deferral.

Motion made and seconded to defer to May 13, 2024 Planning Commission meeting.

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

K. OTHER BUSINESS

1. Commissioner Jeffries asked about the portable buildings formerly occupied by Orange Beach Family Medical on Canal Road by Sam's Stop & Shop. Adam Roberson, Community Development Director and Building Official, stated that the Building Department was currently working on having the portable buildings removed.
2. Griffin Powell indicated that we have three new applications along with the deferred applications for the next meeting on May 13, 2024.

L. PUBLIC COMMENTS

M. ADJOURN

Adjourned at 5:32PM



Griffin Powell, City Planner



Robert Stuart, Chairman