

Minutes
Orange Beach Planning Commission
May 13, 2024 – 4:00 PM
Council Chamber – 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

Commissioner Jeffries gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Bill Jeffries
Commissioner Annette Mitchell
Commissioner Jack Robertson
Commissioner Glenn Smith
Commissioner Lannie Smith
Commissioner Pat Simpson
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 Scientist

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 the Planning Commission work session on April 8, 2024.
2. Approval of minutes from the Planning Commission regular meeting on April 8, 2024.

H. PUBLIC HEARINGS

Chairman Stuart started the public hearing part of the meeting by announcing that this would be Commissioner Jeffries' last meeting and thanked him for his service to the Planning Commission and the City of Orange Beach.

1. **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. *Deferred from the Regular Meeting on April 8, 2024.*

Griffin Powell stated that the applicant has requested consideration of the project be deferred to the regular meeting on September 9, 2024, to give the applicant time to obtain the marina and driveway approvals as requested by the Planning Commission at the previous meeting.

Motion to defer to September 9, 2024 meeting.

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

Approved (9-0).

2. **Case No.0501-SD-24, Dickens-Langley Replat of Lots 3 & 4 and Conservation Area 1 of Lauder Pelican Subdivision**

Lucido Engineering & Surveying LLC, on behalf of Christopher Dickens and Eric Langley, requests approval of **Preliminary and Final Minor Subdivision** to replat and adjust the lot lines among Lots 3 and 4 and Conservation Area 1 of Lauder Pelican Subdivision. The properties are located at 4309 and 4311 Lauder Lane in the Single-Family Residential (RS-1), General Business (GB), and Multi-Family Residential High Density (RM-2) zoning districts.

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

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

There were no questions or comments from the Planning Commission.

Chairman Stuart called for a motion and vote.

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

Approved (9-0).

3. **Case No. 0502-SD-24, Replat of Lots "B", "C", 4-9 & 16-18, Walker's Subdivision and Lots "A", 6,7, & 18, Durant Subdivision**

Sawgrass Consulting LLC, on behalf of Alan and Donna Burns and Silver Shaft LLC, requests approval of **Preliminary and Final Minor Subdivision** to relocate the shared lot line between Lots "A", 6, 7, and 18 and Lots "B" 5, 8, and 17. The properties are located at 28633 and 28675 Sampson Avenue in the Single-Family Residential (RS-1) zoning district.

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

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

There were no questions or comments from the Planning Commission.

Chairman Stuart called for a motion and vote.

Motion to approve 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 Glen Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (9-0).

4. Case No. 0503-PUD-24, Abbey Road PUD

Greg Kennedy, on behalf of Mitchell G. Lattof, Jr., requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 3.7 acres from Marine Resort (MR) to Planned Unit Development (PUD) for a single-family residential subdivision containing 33 lots. The property is located at the southwest corner of the intersection of Canal Road and Captain Trent Lane.

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

Chairman Stuart opened the Public Hearing.

Greg Kennedy, applicant, stated that he has done similar subdivisions in Orange Beach, and the smaller lots and cottages seem to work well. He indicated that this project would be similar to the Cottages at Old Bay development he built to the east. He further stated that a by-right scenario under the current zoning could have a multi-family residential development with 100 units. With 33 lots proposed, his project represents a 67 percent decrease in density and would not have the traffic impact of a 100-unit multi-family residential development.

After no further comments were received, Chairman Stuart closed the Public Hearing.

Commissioner Mitchell stated that she appreciated the developments that Mr. Kennedy has done in Orange Beach, but she felt the proposed development was high density and did not fit well with the Comprehensive Plan. She stated that neighborhoods were desired for this area.

Commissioner Bauer stated that the proposed development did not feel or look like a neighborhood due to the houses and diminished setbacks along with limited green space and no sidewalks or street lighting.

Commissioner Robertson agreed and stated he had problems with the reduced setbacks and no sidewalks being proposed.

Commissioner Jeffries stated that the reduction in vehicles in the proposed development was better compared to the by-right scenario with the multi-family residential development. Commissioner Simpson stated that the proposed PUD would have about 90 vehicles versus 200

to 300 vehicles in the by-right scenario. Mr. Kennedy stated that not all lot owners in the subdivision would be permanent residents.

With no further questions or comments, Chairman Stuart called for a motion and vote.

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

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

Not Approved (0-9).

5. Case No. 0504-PUD-24, Oak Shores PUD

Lucido Engineering & Surveying LLC, on behalf of Daniel G. Blackburn, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 45+ acres from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a single-family residential subdivision containing 76 lots along with common area and piers and slips on Bay La Launch for the subdivision residents. The property is located at the northwest corner of the intersection of Canal Road and Sampson Avenue.

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

Chairman Stuart opened the Public Hearing.

Angela Motts, resident, spoke in opposition of the project and expressed concerns about the proposed density leading to school overcrowding.

Elizabeth Moss, resident, spoke in opposition of the project and had concerns with the proposed density and impacts on traffic on this part of Canal Road. She stated that children safety needed to be considered due to the traffic increase. She also expressed concerns with the proposed PUD removing trees and displacing wildlife in the area.

Commissioner Robertson asked who would do traffic studies for a project. Mr. Powell responded that ALDOT (Alabama Department of Transportation) would if a traffic study is warranted. Commissioner Mitchell stated that the number of houses in the proposed PUD does not warrant a traffic study.

With regard to the concerns with tree removal, Chairman Stuart stated that the City has worked with past projects such as the Moondance subdivision on Mississippi Avenue to ensure tree removal was limited.

Summer Franco, resident, spoke in opposition of the project and expressed concerns with the wetlands on the property. Chairman Stuart stated that the PUD will have no houses built on wetlands, but the by-right plans shows some rights-of-way encroachments. Commissioner Lannie Smith stated a wetland study would have to be completed for any development on the property. Mrs. Franco asked if there were two entrances into the subdivision. Mr. Powell responded that the plans only show one entrance onto Canal Road and that it would be gated entrance. Mrs. Franco expressed concerns about the gated entrance causing a traffic backup onto Canal Road and how it could negatively impact emergency response.

Audrey Shields, resident, spoke in opposition of the project and felt that the zoning sign and certified notices were not done correctly. Chairman Stuart asked staff about the public notices. Mr. Powell stated that certified notices were sent to property owners within 500 feet of the subject property about 12 days before the meeting date. He stated that the mailing addresses are obtained from the Baldwin County Revenue Department, and the certified notices are mailed via the U.S. Postal Service. Staff places a rezoning sign on the subject property about 12 days before the meeting date. For this application, the sign was placed on the corner of Canal Road and Sampson Avenue. Mrs. Shields later voiced concerns about children being able to cross Canal Road due to the increase in traffic.

Bob Burton, resident, spoke in opposition of the project and gave a history of the Blackburn property. He stated that previous proposals, such as Harbor Town and The Retreat, were before the existing comprehensive plan was adopted. The existing plan established a mission statement for East Orange Beach to preserve single-family neighborhoods and to protect residents. He felt that it would be irresponsible to put a PUD in a single-family neighborhood, more especially one with a 64-slip marina.

David Dichiaro, resident, spoke in opposition of the project. He indicated the proposed PUD only met one of the 12 PUD design requirements and felt that only meeting one design requirement was setting a low standard. He stated the reason the developer was seeking to develop the subdivision as a PUD instead of under RS-1 zoning was because of the marina. Mr. Dichiaro stated that the marina makes the project more profitable and felt profitability should not be a reason for a PUD.

Blakely Ellis, resident, spoke in opposition of the project and asked about the ability for a PUD to later seek short term rentals. Vice-Chairman Lindsey responded that there would be no short term rentals if the property stays as RS-1. However, with a PUD, they can request a modification. Mr. Powell confirmed that they could amend the PUD master plan. Commissioner Mitchell indicated that the PUD would need a vote from the subdivision HOA before proceeding with a PUD modification. Commissioner Lannie Smith added that City Council would have the final approval on any PUD modifications. Mr. Ellis later stated his concerns about increases in vehicular and golf cart traffic.

Mark Taupeka, attorney for the developer, spoke in support of the project and stated that they have met with the City staff numerous times. He stated that the property owner has property rights and a balance on what can be developed needs to be found. He felt the proposed PUD will be consistent with the community and the Comprehensive Plan and will add to the local tax base.

BJ Sassaman, resident, spoke in opposition of the project and urged the Planning Commission to keep the property as RS-1.

Peyton Sherrod, resident, spoke in opposition of the project. He stated that his family has owned property in Orange Beach for nearly 100 years. He agreed that the subject property could be developed but not in the way that is being proposed. He stated that the proposed PUD is in violation of the Comprehensive Plan and felt a subdivision under RS-1 zoning and without the marina is more compatible with the area.

Rob Allende, resident, spoke in opposition of the project and had safety concerns with the gated entrance along with the limited parking at the marina.

Cynthia Minish, resident, spoke in opposition of the project and felt the proposed PUD was too intense and too intrusive. She further expressed concerns about tree removal.

Dave Young, resident, spoke in opposition of the project and asked about the proposed PUD's impact on the local infrastructure. He stated that every project did not need to be approved.

James Pittman, attorney for the property owners of Lots 1 and 2 to the west of the subject property, spoke in opposition of the project and stated that the subject property is the last large green space in Orange Beach. He indicated that he has walked the subject property and remarked on the number of small oak trees. He expressed concerns about the wetlands, the boardwalk not having sufficient width for the anticipated traffic, and the lack of parking at the marina. He felt the marina presented a fire safety issue. Mr. Pittman indicated that the developer is from Georgia and has not developed locally. Commissioner Lannie Smith asked Mr. Pittman if he was representing the owners of Lots 1 and 2. He replied yes.

Charlotte Culbreath, resident, spoke in opposition of the project. She stated the proposed PUD will misplace the wildlife on the subject property and also expressed concerns about the increase in golf cart and noise traffic on Canal Road.

Ryan Long, resident, spoke in opposition of the project and had concerns about the 60-foot access easement to the waterfront lots being behind his property and the infrastructure work required.

After no further comments were received, Commissioner Stuart closed the Public Hearing.

James Nicholson of Freedom Holdings based in Senoia, Georgia, developer, gave a PowerPoint and video presentation of the project. He stated the proposed houses will have a look that will blend into the coastal feel of Orange Beach. He indicated that prices of the houses will range from \$800,000 for the internal lots to \$2 million for the waterfront lots. He ensured the Planning Commission that there would be no vacation rentals in the proposed PUD.

Commissioner Lannie Smith inquired about parking and golf carts. Vince Lucido of Lucido Engineering & Surveying, project engineer, stated that each lot would be able to accommodate five to six vehicles. He stated that the streets within the proposed PUD will be wider than most roads in the city and there would be no issues for emergency vehicles.

Mr. Lucido indicated that the developer is fine with the conditions on the application and will work with staff. With regard to the schools, he stated the school system will benefit because the proposed PUD will bring more money into the area.

Commissioner Bauer stated that his primary concern was having only 10 vehicle parking spaces and 9 golf cart spaces at the marina. Restricting parking along the streets and in the fire lanes would have to be enforced.

Mr. Taupeka addressed the Planning Commission stating that the Blackburn property was platted as a family subdivision nearly 10 years ago. The subject property is Lot 4 of the subdivision. The plat contains a 60-foot access and utility easement across Lots 2 and 3 to allow the owner of Lot 4 to access the waterfront portion of the lot. He again expressed his support of the project.

Commissioner Robertson asked if a marina could be constructed by right on the property. Mr. Powell stated that a marina could not be constructed under the current RS-1 zoning and only the 12 waterfront lots would be able to have boat slips. He further stated that any slips would have to

be approved by the U.S. Army Corps of Engineers and the Alabama Department of Environmental Management.

Vice-Chairman Lindsey expressed her appreciation to the members of the public attending the meeting and recommended that they become familiar with the City's Comprehensive Plan.

With no further questions or comments, Chairman Stuart called for a motion and vote.

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

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

Not Approved (0-9).

6. Case No. 0505-SD-24, Subdivision of the Replat of Lots 3, 4 & 5, Cool Breeze Commercial Park Subdivision

Weygand Wilson Surveying, on behalf of Canal Road Lot LLC, requests approval of **Preliminary and Final Minor Subdivision** to subdivide the Replat of Lots 3, 4 and 5, Cool Breeze Commercial Park Subdivision into two lots. The property is located at 24826 Canal Road and 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 Public Hearing.

Randy Hall, property owner, spoke in favor of the request and stated that this plat request should have been handled with the site plan review that was approved in April.

After no further comments were received, Commissioner Stuart closed the Public Hearing.

There were no questions or comments from the Planning Commission.

Chairman Stuart called for a motion and vote.

Motion to approve 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 Glen Smith, yes; Commissioner Robertson, yes; Commissioner Lannie Smith, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

Approved (9-0).

I. SITE PLAN REVIEWS

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

K. OTHER BUSINESS

1. Griffin Powell updated the Planning Commission on the ABC Warehouse conditional use project located at 25431 Canal Road. At the time of approval, the Planning Commission had recommended a right-in, right-out driveway onto Canal Road. He indicated that the Alabama Department of Transportation (ALDOT) wants a full-movement driveway for the project instead.
2. Mr. Powell indicated that there are three new applications for the next regular meeting on June 10, 2024.

L. PUBLIC COMMENTS

M. ADJOURN

With no further business, the meeting was adjourned at 6:04 PM.



Griffin Powell, City Planner



Robert Stuart, Chairman