

Minutes  
Orange Beach Planning Commission  
June 10, 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 4:00 PM.

**B. INVOCATION**

Commissioner Bauer gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Commissioner Tim Harry  
Commissioner Annette Mitchell  
Commissioner Jack Robertson  
Commissioner Glenn Smith  
Commissioner Pat Simpson  
Commissioner Nelson Bauer  
Vice Chairman Kathy Lindsey  
Chairman Robert Stuart

Staff Present:

Griffin Powell, City Planner  
Sherri Descalzo, Planning Coordinator  
Sean Brumley, GIS Specialist  
Chris Pappas, City Engineer

**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 May 13, 2024.
2. Approval of minutes from the Planning Commission regular meeting on May 13, 2024.

**H. PUBLIC HEARINGS**

1. Case No.0601-SD-24, Semple-ELCEE Replat, Resubdivision of Lots 900 & 901, Bear Point Estates Subdivision

Christopher Semple and ELCEE LLC request approval of **Preliminary and Final Minor Subdivision** to modify the shared lot line between Lots 900 and 901 of Bear Point Estates

Subdivision. The properties are located at 29674 and 29688 Bayshore Drive South in the Single-Family Residential (RS-2) 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 (Mitchell/Bauer) Commissioner Harry, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glen Smith, yes; Commissioner Robertson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

**Approved (8-0).**

**2. Case No. 0602-SD-24, Pearce Replat, Resubdivision of Lots 24 & 25, Block B, Second Addition, Chicago Gulf Beach Subdivision**

Weygand Wilson Surveying, on behalf of Gary & Lindsey Pearce, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 24 and 25, Block B, Second Addition, Chicago Gulf Beach Subdivision into one lot. The properties are located on Hideaway Street, 250+ feet north of the intersection of Hideaway Street and Moses Road.

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/Robertson) Commissioner Harry, yes; Commissioner Mitchell, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner Glen Smith, yes; Commissioner Robertson, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

**Approved (8-0).**

**I. SITE PLAN REVIEWS**

**1. Case No. 0603-SP-24, Sunliner Diner**

Lieb Engineering Company, on behalf of Cotton Bayou Holdings, requests approval of **Site Plan Review** to construct a commercial restaurant. The property is located at 26035 Perdido Beach Boulevard 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.

Virginia Russell, resident (26071 Russell Drive), owns property to the northeast of the subject site. She inquired about the exterior lighting on the north side; the proposed retaining wall on the east and north sides; fencing being provided on the north side; debris from the dumpster area; and possible residential only access signage on Russell Drive. Her primary concern was about stormwater runoff since this property slopes northward.

Chris Lieb, project engineer and applicant, stated that he understands light pollution is not allowed beyond the property lines and that the proposed exterior lighting will not have a negative impact on the neighboring properties. With regard to the retaining wall, he stated that handrails or a concrete wall will be located on top of the retaining wall depending on the location.

Mr. Lieb stated that stormwater drainage will be handled via an underground stormwater detention design to be located underneath the parking area. The drainage system will capture the first inch as required and infiltrate into the ground with any overflow going into the wetlands and flowing northwest to Cotton Bayou.

Chairman Stuart asked about the dumpster area and the location of the retaining walls. Mr. Lieb replied that the retaining walls will be located on the east and north sides of the development. He confirmed that the dumpster area will be on the north sides of the building and will be a trash compactor, requiring the garbage trucks to back in and pick up the trash and then leave.

Commissioner Mitchell asked about the garbage truck movement and whether or not it would occur on the subject site or on the road. Mr. Lieb responded that all garbage truck movement will occur on the subject site and will be through the drive aisle.

Commissioner Robertson asked Mr. Powell about the zoning of the properties to the north of the subject site. Mr. Powell stated that the properties to the north are zoned GB and RM-1.

Commissioner Robertson asked about the height of the retaining wall on the north side. Mr. Lieb stated that the height of the retaining walls will range between 10 and 12 feet. The primary reason is due to the finished floor of the building having to be above the centerline of Perdido Beach Boulevard. He stated that the centerline of Perdido Beach Boulevard is 17 feet, requiring the finished floor of the building to be 18 feet.

Chairman Stuart asked Ms. Russell if she were fine with the retaining walls. Ms. Russell asked if the retaining wall would be above the parking area. Mr. Lieb confirmed that the retaining wall would be above the parking area to keep vehicles and pedestrians safe. Commissioner Simpson asked if the height will be 3 to 4 feet above the parking area. Mr. Lieb confirmed that it would and added that a handrail about 42 inches in height would be on top of the wall.

Commissioner Simpson asked for a brief summary of how the underground stormwater drainage will work. Mr. Lieb stated that it will be a chamber-type system with plastic pipes cut in half and embedded in the rocks with voids underneath with the rocks and pipes. The stormwater will flow in the open pipes and will infiltrate into the ground. Any overflow will flow to the northwest through the pipes coming out of the retaining wall on the north side.

Ms. Russell asked for clarification on the stormwater flow movement and if there will be any negative impacts on Russell Drive. Mr. Lieb stated that the stormwater will flow towards the northwest to Cotton Bayou consistent with the contours of the site and there would be no

negative impacts to Russell Drive. Chris Pappas, City Engineer, concurred.

Commissioner Mitchell asked about the gated driveway on the north side of the building and why it was locked. Mr. Lieb stated that the gated driveway is intended to only be used for emergency access when needed.

Vice Chairman Lindsey asked if the City will be responsible for residential only signage on Russell Drive. Mr. Powell stated that the City will be responsible and staff will have to coordinate the signage with the Public Works Department.

Chairman Stuart asked representatives from the Fire Department and Police Department if they were fine with the project. Both departments concurred.

Commissioner Simpson asked if the garbage trucks will use the gated driveway. Mr. Lieb stated that the garbage trucks will not be using the gated driveway.

Ms. Russell asked about the hours of operation for the restaurant. Mike Dover, a representative of the property owner, stated that the restaurant will close daily at 11:00 p.m. and will likely open at 7:00 a.m.

Vice Chairman Lindsey asked about the noise factor for the trash compactor and how it will operate. Mr. Dover stated that it will generate very little noise and uses hydraulics in its operation with trash being disposed in the head of the compactor. Once full, the compactor will actuate and will pump ozone into unit to reduce the odor. He stated that this is a much cleaner trash system than an open dumpster.

Chairman Stuart asked about the doors and the requested variance to the Board of Adjustment to eliminate one of the doors. Mr. Powell stated that the main entrance will be on the west side of the building facing the parking area. The variance, if approved, will remove the door on the south side facing Perdido Beach Boulevard that is required by the zoning ordinance.

Mr. Dover stated that the main customer door will be on the northwest corner of the building so that the queue lines will be away from Perdido Beach Boulevard and the driveway intersection. By having the main entrance on the northwest corner, this will push customers to this area.

Commissioner Simpson asked if there will be a queue line designated area. Mr. Dover stated that it will be pretty organic due to the design of the building (handrails, roof overhangs, and shade area) and customer naturally moving to this area. Commissioner Simpson asked if there will be any outdoor seating. Mr. Dover replied there may be small benches.

Chairman Stuart clarified that the elevations showing the northwest entrance is the one the restaurant wants to keep and the elevations with the south entrance will go away if the variance is approved. Mr. Dover stated that it will.

There were no further comments or questions.

Chairman Stuart called for a motion and vote.

Motion to approve Site Plan Review subject to staff comments.

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

**J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE**

**K. OTHER BUSINESS**

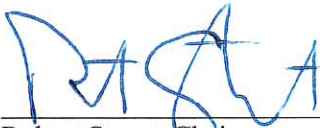
1. Griffin Powell stated that there were five new applications for the next regular meeting on July 8, 2024.

**L. PUBLIC COMMENTS**

**M. ADJOURN**

With no further business, the meeting was adjourned at 4:40 PM.

  
\_\_\_\_\_  
Griffin Powell, City Planner

  
\_\_\_\_\_  
Robert Stuart, Chairman