

Minutes  
Orange Beach Planning Commission  
October 14, 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 4:02 PM.

**B. INVOCATION**

Vice Chairman Lindsey gave the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

Board Members Present:

Commissioner Annette Mitchell  
Commissioner Tim Harry  
Commissioner Jack Robertson  
Commissioner Glenn Smith  
Commissioner Pat Simpson  
Commissioner Nelson Bauer  
Commissioner Lannie Smith  
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  
Adam Roberson, CDD Director & Building Official  
Jamie Logan, City Attorney  
Woody Speed, Coastal Regulatory manager

**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 regular meeting on September 9, 2024.

**H. PUBLIC HEARINGS**

**1. Case No.0705-SD-24, Oak Shores Subdivision**

Lucido Engineering & Surveying LLC, on behalf of Daniel G. Blackburn, requests approval of **Preliminary Major Subdivision** to subdivide Lot 4-A of Blackburn Family Division Plat #2 Subdivision and Lots 1, 4 and 5 of Jamaica Estates Subdivision into a single-family residential subdivision containing 76 lots. The property is located at the northwest corner of the intersection of Canal Road and Sampson Avenue in the Single-Family Residential (RS-1) zoning district. *Deferred from the Regular Meeting on September 9, 2024.*

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

Chairman Stuart opened the Public Hearing.

Mark Taupeka, an attorney representing the developer, stated that they had worked with staff and wanted this subdivision to be a by-right project under RS-1 after the previous PUD submission had been received unfavorably. He stated the project is requesting no deviations and will meet all zoning and subdivision criteria. He further added the developer is from the Atlanta area, and the houses will be aesthetically pleasing to the area.

James Nicholson, the developer, stated that Mr. Taupeka had covered everything about the project, and he had nothing to add.

Vince Lucido, project engineer, stated that many of the staff comments had been addressed, and they are working with the Orange Beach Water Authority and ADEM to resolve any issues. He added the lots on the water look small, but each lot had enough buildable area for a house.

John Price, resident, stated he lived north of the proposed lots on Sampson Avenue and was in support of the development.

Vice Chairman Lindsey recalled the history of this property. She appreciated the developer for proposing a single-family residential subdivision under RS-1 zoning.

Chairman Stuart closed the Public Hearing.

There were no further comments or questions from the Planning Commission.

Chairman Stuart called for a motion and vote.

*Motion to approve Preliminary Major Subdivision subject to staff comments.*

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

**Approved (9-0).**

**2. Case No. 1002-SD-24, Replat of Lots 14 & 15, Amended Plat of Moondance at Perdido Bay Subdivision**

Engineering Design Group, on behalf of Two Fish Properties LLC, requests approval of **Preliminary and Final Minor Subdivision** to amend the Moondance at Perdido Bay Subdivision to modify the shared lot line between Lots 14 and 15. The properties are located at 29928 and 29936 Moondance Loop in the Moondance at Perdido Bay Planned Unit Development (PUD).

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

Chairman Stuart opened the Public Hearing.

Sted McCollough of McCollough Architecture stated the proposed shift in the lot lines was needed to accommodate a new house on Lot 14.

Chairman Stuart closed the Public Hearing.

There were no further comments or questions 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 Mitchell, yes; Commissioner Harry, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner G.Smith, yes; Commissioner Robertson, yes; Commissioner L.Smith, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

**Approved (9-0).**

**3. Case No. 1004-SD-24, Vicens Corner, Replat of Lots 11-13, Block 4, Chicago Gulf Beach First Addition Subdivision**

Weygand Wilson Surveying, on behalf of Elite Home Building LLC, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots 11, 12 and 13 of Block 4, Chicago Gulf Beach First Addition Subdivision into one lot. The property is located at the northwest corner of the intersection of Jefferson Avenue and Cusack Court.

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 comments or questions 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 (G Smith/Robertson) Commissioner Mitchell, yes; Commissioner Harry, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner G.Smith, yes; Commissioner Robertson, yes; Commissioner L.Smith, yes; Commissioner Bauer, yes; Chairman Stuart, yes.

**Approved (9-0).**

**4. Case No. 1005-PUD-24, Saltwater Cottages II PUD**

WAS Design, on behalf of Compass Construction, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 4 acres from Single-Family Residential (RS-1) to Planned Unit Development (PUD) for a residential development containing five single-family houses. The property is located at 23592 and 23608 Perdido Beach Boulevard.

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.

Commissioner Lannie Smith stated the proposed rezoning from RS-1 to PUD was not an up-zoning, and having five houses under the PUD instead of six houses under RS-1 was a better plan.

Chairman Stuart asked if there was an agreement in place with the Buena Vista RV Resort and the first Saltwater project for beach access. Jim Brown, developer, stated there was not an agreement in

place. He stated that he and Bill Lynn from U.S. Fish & Wildlife Services witnessed individuals going onto this property to access the beach through the dunes. He added that individuals from the north side of highway are going to the beach, and Mr. Lynn prefers to have a designated walkway to the beach instead of having these individuals destroying the dunes.

Commissioner Bauer asked if there was going to be habitable attic or forth level based on the north elevation drawings. Mr. Brown stated there would only be three levels.

Rich Nenstiel, resident, stated there is always nervousness about going from RS-1 to PUD. While a PUD looks good on paper, he stated there are worries about future modifications to the PUD.

There were no further comments or questions from the Planning Commission.

Chairman Stuart called for a motion and vote.

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

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

**Approved (9-0).**

**5. Case No. 1006-PUDA-24, Turquoise Place PUD, Turquoise Place South Lot**

Forrest Daniell & Associates, on behalf of the City of Orange Beach, requests recommendation to the City Council for approval of a **Major PUD Modification** to the Turquoise Place Planned Unit Development (PUD) Master Plat for a six-unit condominium with a clubhouse and rooftop pool deck amenities on 1.17 acres between the Turquoise Place and The Palms Condominium. The property is located at 26302 Perdido Beach Boulevard.

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

Chairman Stuart opened the Public Hearing.

Brent Williams, President of the Condominium Owners Association (COA) for Turquoise Place, stated the condominium's opposition to the project. He stated the 90-foot lot is a buffer on the west side, and the project will negatively affect the unit owners on that side along with the owners at The Palms Condominium. He said this area has been used as a dog walk and as a beach access for emergency rescues. He felt the proposed building will impede first responder from being able to access the beach for rescues.

Candace Burgin, Director for the COA at Turquoise Place, stated several unit owners had contacted her and expressed concerns about the decline in use and value of the units on that side along with the noise that would come from the rooftop pool on the proposed tower. She also relayed concerns about the increase of traffic in this small area, and the proposed tower restricting access to the dumpster and delivery area at the west tower. Other issues expressed were the impediments to drainage and whether or not the 20-foot access road between the two towers was sufficient for the Fire Department and delivery trucks.

Ms. Burgin also explained the management challenges while the proposed tower would be under construction. She was concerned how the construction would impact the soils around the walls of the

basement parking level at Turquoise Place. She concluded with her worries about the safety of their guests during construction.

Madge Williams, resident, stated that she had reviewed the plans and thought a 26-foot access was required for Fire Department access. The plans only show 20 feet. She added the proposed tower would impact Turquoise Place and The Palms Condominium. She expressed concerns that a PUD can be continuously modified. Chairman Stuart replied that this PUD in the past may have been an up-zoning, but this project provides the best use of the land and is less dense. He added that staff has vetted the project, and it meets the zoning criteria. He stated the current Planning Commission was not involved with the original approval of the Turquoise Place PUD, and the current members can only take the information provided and make individual votes. Ms. Williams stated that she loved the city but does not support his project. She asked if the consideration of the project could be deferred to the November meeting. Chairman Stuart said consideration could be deferred, but he was not sure if the Planning Commission had grounds to do so.

Tony Marzullo, General Manager of Spectrum Resorts, spoke about the changes to the access road on this property. He stated the access road is crucial to the operation of Turquoise Place, as shipping and receiving and the dumpster area are located on this side. He also expressed concerns on how the project will impact emergency access to Turquoise Place and The Palms Condominium.

Stan Zappio stated that he works for Larry Wireman, and the original dumpster was a roll-off dumpster. He added this area had been for parking and was never a delivery station area.

George Middlebrook, resident, expressed his appreciation to the Planning Commission members. He stated his opposition to the project and asked about postponing consideration. He added that this property has always been a green area, a place to walk the dogs, and a beach access.

Kris Anderson, attorney, indicated the dumpster and delivery location was never permitted in the original PUD and Turquoise Place residents are not entitled to it. According to him, the beach access easement will remain intact. He added that this property was never intended to be a dog park, but it was planned to an emergency beach access for City personnel. He concluded that the proposed tower will have a new name and will be separate from the Turquoise Place.

John Price, attorney, stated that the project and its six units comply with the zoning ordinance. He added the soil will be stabilized on the west side just as it was on the east side when the 4-story parking garage was built on that side. He added the proposed tower will complement the Turquoise Place.

Karen Nenstiel, resident, asked if the 90-foot lot was part of the original PUD. Mr. Powell confirmed that it was. When the Turquoise Place PUD was originally approved, she said the building height limit for condominiums on the beach was 14 floors. She said the justification for going higher than 14 floors for the original PUD was to have a smaller building footprint to allow for more greenspace and to save the environment.

George Middlebrook, resident, asked for clarification of the building height of the proposed tower. It was confirmed that the proposed tower would be eight floors.

Tem Blalock, resident, gave a history of the original PUD approval. He stated the reason the Turquoise Place was allowed to exceed the building height limit was to create more greenspace.

Chairman Stuart concluded the Public Hearing by stating the importance of the public participating in the next update to the Comprehensive Plan.

Chairman Stuart closed the Public Hearing.

Commissioner Simpson asked for assurance from the Fire Department if they had sufficient room for emergency access. Jeff Smith, Fire Chief, stated that the ladder truck would need 26 feet, and this access area is provided on the north side of the proposed tower. For access to the beach, only 20 feet is needed, which is provided.

Chairman Stuart asked about the construction laydown area. Forrest Daniell, project architect, stated the laydown area will be located on Mr. Wireman's property on the north side of Perdido Beach Boulevard.

Chairman Stuart asked how the stormwater drainage will be handled. Mr. Daniell indicated an underground vault system would be installed between Turquoise Place and the proposed tower.

Mr. Daniell added that this project is a by-right BR-2 project, and they are not asking for any zoning deviations.

There were no further comments or questions from the Planning Commission.

Chairman Stuart called for a motion and vote.

*Motion for favorable recommendation to City Council for Major PUD Modification subject to staff comments.*

Motion made and seconded (Bauer/Robertson) Commissioner Mitchell, yes; Commissioner Harry, yes; Vice Chairman Lindsey, no; Commissioner Simpson, yes; Commissioner G.Smith, yes; Commissioner Robertson, no; Commissioner L.Smith, no; Commissioner Bauer, no; Chairman Stuart, yes.

**Approved (5-4).**

**6. Case No. 1007-ZT-24, Section 2.02, Words and Terms Defined**

The Community Development Department requests recommendation to the City Council for approval of **Zoning Text Amendment** to Section 2.02 of the Zoning Ordinance, Words and Terms Defined, to amend the definition of *grade plane*.

Griffin Powell presented the amendment 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 comments or questions from the Planning Commission.

Chairman Stuart called for a motion and vote.

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

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

**Approved (9-0).**

**I. SITE PLAN REVIEW**

**1. Case No. 1001-SP-24, Orange Beach Wildlife Center Greenhouse**

The City of Orange Beach requests approval of **Site Plan Review** to construct a 30' by 70' greenhouse facility at the Orange Beach Wildlife Center. The property is located at 3900 Collegiate Lane in the Agricultural (AG) zoning district.

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

Chairman Stuart opened the floor for comments. There were none.

Chairman Stuart called for a motion and vote.

Motion to approve Site Plan Review subject to staff comments.

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

**Approved (9-0).**

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

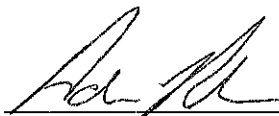
**K. OTHER BUSINESS**

1. Griffin Powell stated the next regular meeting will be on Tuesday, November 12, instead of Monday, November 11, due to Veterans Day. He added that four applications had been submitted for the November meeting.

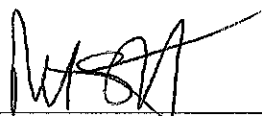
**L. PUBLIC COMMENT**

**M. ADJOURN**

With no further business, the meeting was adjourned at 5:27 PM.



Adam Roberson,  
Community Development Director



Robert Stuart,  
Chairman