

Minutes
Orange Beach Planning Commission
November 12, 2024 – 4:00 PM
Council Chamber – Orange Beach Municipal Complex
4099 Orange Beach Boulevard

A. CALL TO ORDER

Vice Chairman Lindsey 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 Annette Mitchell
Commissioner Tim Harry
Vice Chairman Kathy Lindsey
Commissioner Glenn Smith
Commissioner Jack Robertson
Commissioner Lannie Smith
Commissioner Nelson Bauer

Staff Present:

Griffin Powell, City Planner
Sherri Descalzo, Planning Coordinator
Sean Brumley, GIS Specialist
Chris Pappas, City Engineer
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 the Planning Commission Work Session on October 14, 2024.
2. Approval of minutes from the Planning Commission Regular Meeting on October 14, 2024.

H. PUBLIC HEARINGS

1. Case No. 1103-SD-24, The Wharf Landing, Phase 2 Subdivision

Sawgrass Consulting LLC, on behalf of The Wharf Landing LLC and Intracoastal Investments LLC, requests approval of **Preliminary Major Subdivision** to subdivide 108 acres into six lots for the future Margaritaville development. The property is located at 22960 Brown Lane on the east side of the Foley Beach Express in the General Business (GB) zoning district.

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

Vice Chairman Lindsey opened the Public Hearing.

Jay Minus, attorney for Safe Harbor Holdings (SHH) LLC, stated that his party had objections and questions about the plat. He stated that the SHH parcel is landlocked, and the proposed plat should include references to the deed granting the SHH parcel easements along with the real estate agreement (REA) granting additional rights for parking, utilities, and access. He added that they are in litigation in federal court regarding the easements and rights.

Vice Chairman Lindsey clarified that this application is for preliminary major subdivision approval, and the easement details would be determined with the future approvals. Mr. Powell agreed and stated that the easement details would be addressed at final plat approval and site plan review approval for the future Margaritaville development.

Mr. Minus stated he understood but felt the plat should note the aforementioned easements. Mr. Powell stated that this plat does contain language referencing an easement being provided in Lot 4 to the SHH parcel once there is a development on Lot 4 or when SHH parcel provides an approved site plan. Mr. Minus stated the REA included additional rights other than the access easement and that is what is in litigation.

Ercil Godwin, Sawgrass Consulting LLC, stated the proposed plat contained modified easement language from the Phase 1 plat to reference Lot 4. He explained that Margaritaville Way will be a private right-of-way (ROW), and the easement to the SHH parcel will be provided in the ROW up to a certain point at Lot 4. Once development on Lot 4 is determined, they will be better able to define the easement on Lot 4 from the ROW to the SHH parcel. He added that he is aware of the deed referenced by Mr. Minus, and it defines an easement to a parking garage that was part of the Riverwalk development and will not be built.

Vice Chairman Lindsey closed the Public Hearing.

Vice Chairman Lindsey asked the Planning Commission members if they had any questions.

Commissioner Lannie Smith asked if there had been any illegal subdivisions on the property. Jamie Logan, City Attorney, stated that the SHH parcel was an illegal subdivision, and it was removed from the PUD in the previous plat. She stated the property is now zoned General Business since the PUD has expired, and the SHH parcel is not part of this subdivision. She added the language describing the deeds and REA referenced by Mr. Minus was part of the previous plat and has been modified for this plat.

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

Vice Chairman Lindsey called for a motion and vote.

Motion to approve Preliminary Major Subdivision subject to staff comments.

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

Approved (7-0).

2. Case No. 1104-PUD-24, Roscoe Road Townhouses PUD

Lieb Engineering Company LLC, on behalf of Bailey Shivers, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 39+ acres from Multi-Family Residential Low Density (RM-1) to Planned Unit Development (PUD) for the purpose of converting a multi-family residential development with 60 units into a townhouse subdivision. The property is located on the west side of Roscoe Road, 700+ feet north of the intersection of Roscoe Road and the Foley Beach Express.

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

Vice Chairman Lindsey opened the Public Hearing.

Chris Lieb, Lieb Engineering Company, introduced himself and stated he was present to answer any questions.

Commissioner Bauer asked if the proposed amenities were the same as the ones approved with the original site plan in 2023. Mr. Lieb stated yes.

Commissioner Mitchell asked if the purpose of the PUD was for the units to be sold individually. Mr. Lieb stated yes.

Commissioner Mitchell stated that the original proposal was 100-percent rental with onsite management, and there were requirements for sidewalks, street lights, and dumpster location. She asked if the density is increasing with this request. Mr. Lieb stated that density was not increasing and the plans were the same as the ones originally approved in 2023. He stated the PUD will establish lot lines around the units for fee-simple ownership and added that there will be no onsite rental management.

Commissioner Mitchell asked if the proposed roadway width of 22 feet was sufficient. Joel Jenkins, Fire Marshal, stated the proposed roadway width exceeds their 20-foot width requirement, and the Fire Department had no issues.

Vice Chairman Lindsey closed the Public Hearing.

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

Vice Chairman Lindsey called for a motion and vote.

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

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

Approved (7-0).

I. SITE PLAN REVIEW

1. Case No. 1105-SP-24, Expressway Business Park

Hercules Investments LLC requests approval of **Site Plan Review** to construct six office buildings along with parking and common area on 2.6 acres. The property, located on Commercial Park Drive, is Lot 3B of the Orange Beach Commercial Park Phase 3 Subdivision and is located in the Retail Office (RO) zoning district.

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

Vice Chairman Lindsey opened the floor for comments.

Don Rowe, Rowe Engineering, stated that he agreed with staff comments. He indicated that he had been in contact with CMC Gas about gas service and had just submitted the wetland delineation report to staff.

Angie Green, CMC Gas, stated that they would not be able to provide gas service to this location and recommended the applicant contact Riviera Utilities.

Jim Brown, applicant, stated the project would have electric service and would not need gas service.

There were no further questions or comments.

Vice Chairman Lindsey called for a motion and vote.

Motion to approve Site Plan Review subject to staff comments.

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

Approved (7-0).

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE

1. Case No.1102-SD-24, Abbey Road PUD Subdivision

KO Investments LLC, on behalf of Mitchell G. Lattof, Jr., requests approval of **Preliminary Major Subdivision** to subdivide 3.7 acres into a single-family residential subdivision containing 33 lots in accordance with the Abbey Road Planned Unit Development Master Plan. The property is located at the southwest corner of the intersection of Canal Road and Captain Trent Lane.

Griffin Powell stated that the applicant was unable to make the second deadline submission and requested the public hearing and consideration be deferred to the December meeting.

Motion to defer to the December 9, 2024 meeting.

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

Approved (7-0).

K. OTHER BUSINESS

1. Election of Officers

Chairman: Sherri Descalzo, Planning Coordinator, stated that Robert Stuart had sent an email of acceptance if nominated as Chairman. A motion and second were made to nominate Robert Stuart as Chairman.

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

Approved (7-0).

Vice Chairman: A motion and second were made to nominate Kathy Lindsey as Vice Chairman. She accepted the nomination.

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

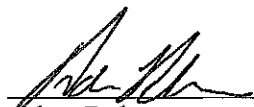
Approved (6-0).

- 2.** Griffin Powell stated there was one new application for the January meeting. The new application is for the City's shooting sports complex on Russian Road. With the deferred application, there will be two applications on the December agenda.

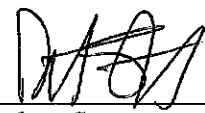
L. PUBLIC COMMENT

M. ADJOURN

With no further business, the meeting was adjourned at 4:35 PM.



Adam Roberson,
Community Development Director



Robert Stuart,
Chairman