

Minutes  
Orange Beach Planning Commission  
January 13, 2025 – 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 Simpson 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 Pat Simpson  
Commissioner Lannie Smith  
Chairman Robert Stuart

Staff Present:

Griffin Powell, City Planner  
Sherri Descalzo, Planning Coordinator  
Sean Brumley, GIS Specialist  
Chris Pappas, City Engineer  
Jamie Logan, City Attorney  
Adam Roberson, CDD Director & Building Official  
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 December 9, 2024.

**H. PUBLIC HEARINGS**

1. **Case No. 1204-PUD-21, Reversion of the Cactus Cantina 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. 1204-PUD-21 (Ordinance No. 2022-1405) to rescind the Planned Unit Development (PUD) zoning for PIN

230457 located at 4251 Orange Beach Boulevard. The zoning will return to the original classification of Neighborhood Business (NB).

Griffin Powell presented the request to the Planning Commission.

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

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

Chairman Stuart called for a motion and vote.

*Motion made for favorable recommendation to City Council for Preliminary Major Subdivision subject to staff comments.*

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

**Approved (7-0).**

**2. Case No. 0101-SD-25, Resubdivision of Lots B1, C1, 4A and 5A of the Resubdivision of Walker's Subdivision**

Sawgrass Consulting LLC, on behalf of Chad Summerlin, requests approval of **Preliminary and Final Minor Subdivision** to combine Lots B1, C1, 4A and 5A of the Resubdivision of Walker's Subdivision into one lot. The property is located at 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, the Public Hearing was closed.

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

Chairman Stuart called for a motion and vote.

*Motion for approval of Preliminary and Final Minor Subdivision subject to staff comments.*

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

**Approved (7-0).**

**3. Case No. 0102-SD-25, Water's Edge Subdivision**

Kadre Engineering LLC, on behalf of Alan & Donna Burns, requests approval of **Preliminary Major Subdivision** to subdivide 3+ acres into a single-family residential subdivision containing six lots. The property is located at 28633 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.

David Diciara, project engineer, stated he was present to answer any questions.

Nick Wilmott, subdivider, stated he and his wife are looking to purchase this lot to develop it and move back to Orange Beach.

Chairman Stuart closed the Public Hearing.

Chairman Stuart asked the Planning Commission if they were fine with the subdivision having no sidewalk (waiver to Section 4.5.1 of the subdivision regulations).

Commissioner Mitchell stated she feels the sidewalk is needed since it will promote a neighborhood feel and will benefit the subdivision. She stated that subdivisions are required to have sidewalks and street lights. She asked where the sidewalk would be located in this subdivision. Mr. Powell stated it would be located on the west side of Arnica Lane within the proposed right-of-way.

Mr. Diciara stated he appreciated the desire to have sidewalks in new subdivisions. He stated the purpose for the sidewalk waiver is to allow the proposed subdivision to fit in with the Sampson Avenue neighborhood, which presently has no sidewalks. He added the front of the property along Sampson Avenue has several trees that they would like to preserve.

Mr. Wilmott stated the intents are to keep Sampson Avenue as is and to preserve the trees.

Chairman Stuart stated the waterfront lots could each have two houses and asked how many boat slips would be allowed. Mr. Powell stated each house could have up to three boat slips.

Chairman Stuart asked the Fire Department and Police Department if they were fine with the proposed subdivision. Both departments concurred.

Chairman Stuart asked the Planning Commission their thoughts about the sidewalk waiver.

Commissioner Lannie Smith stated this sidewalk waiver is appropriate for a small subdivision that has no nearby sidewalk connectivity. He stated he would rather keep trees instead of having a sidewalk that goes to nowhere.

Commissioner Glenn Smith stated felt the sidewalk was not necessary for this subdivision.

Commissioner Harry stated that he loves trees but felt the sidewalk is needed since the subdivision regulations require it.

Vice Chairman Lindsey stated this site was her grandparent's property. She stated that she loves the trees and landscaping, but the sidewalk requirement is in place in the subdivision regulations.

Commissioner Simpson stated he was in favor of the sidewalk waiver and felt it would keep the subdivision consistent with Sampson Avenue.

Commissioner Mitchell stated that sidewalks promote neighborhoods and small town living and she wanted the sidewalk.

Chairman Stuart stated he supported the sidewalk. He asked if the sidewalk would impact the lot area for the proposed lots. Mr. Powell stated the sidewalk would be in the right-of-way and not on the lots.

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

Chairman Stuart called for a motion and vote.

*Motion for approval of Preliminary and Final Major Subdivision subject to staff comments and the waiver for no sidewalks are not included in the approval.*

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

**Approved (7-0).**

**4. Case No. 0103-PUD-25, Lost Bay PUD**

DR Horton Inc. – Birmingham requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 27.8 acres from General Business (GB) to Planned Unit Development (PUD) for the purpose of converting a multi-family residential development with 82 units into a townhouse subdivision containing 82 lots. The property is located south of the Brett/Robinson Laundry Facility and Posh Interiors and west of The Island Church.

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

Chairman Stuart opened the Public Hearing.

Richard Gilbert, resident, asked if this PUD would have a road connecting to the Oak Ridge Subdivision to the south. Mr. Powell stated there would not be a connecting road.

John Harris, resident, inquired about the 5-foot rear setback on the townhouse lots that backed up to the commercial properties. Mr. Powell the 5-foot rear setback would apply to the townhouse lot and added there would be an additional 30 feet between the townhouse lots and the shared lot line with the commercial properties. He indicated the developer would be installing a solid fence along the property line and would be seeking a variance from the Board of Adjustment to allow for the fence height to be 8 feet instead of 6 feet.

Suzanne Laurier, resident, inquired if the wetlands would be impacted by the project. She lives on Regal Oaks Drive and stated that her backyard is already full of water. Chris Pappas, City Engineer, stated that the wetlands would be not be impacted. He stated the site elevation was raised to make the project drain properly. He informed Ms. Laurier that would meet with her onsite about her concerns.

Judy Smith, DR Horton Inc. – Birmingham, stated that they are currently working on the infrastructure and buildings in the Lost Bay development. She added the conversion to a townhouse subdivision is more financially feasible now since the rental market is down.

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 for favorable recommendation of Preliminary and Final PUD Approval to City Council 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 L.Smith, yes; Chairman Stuart, yes.

**Approved (7-0).**

**5. Case No. 0104-PUD-25, Coastal Cottages PUD**

Engineering Design Group, on behalf of Coastal Land Properties, requests recommendation to the City Council for **Preliminary and Final PUD Approval** to rezone 25 acres from General Business (GB) to Planned Unit Development (PUD) for a townhouse subdivision containing 136 lots. The property is located west of the Foley Beach Express, north of Brown Lane, east of Roscoe Road, and south of Bradford Lane.

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

Chairman Stuart opened the Public Hearing.

David Stovall, Engineering Design Group, stated they were fine with the staff conditions and would answer any questions the Planning Commission may have.

Chairman Stuart closed the Public Hearing.

Jamie Logan, City Attorney, stated the applicant and property owner have been informed that this property may be deannexed by the City.

Commissioner Lannie Smith asked if the buildings would be sprinkled since the PUD is requesting a reduction in the building separation distance. Adam Roberson, Community Development Director and Building Official, stated the buildings would be sprinkled and one of the two buildings would be required to have a fire-rated wall on one side.

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

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/Harry) Commissioner Mitchell, yes; Commissioner Harry, yes; Vice Chairman Lindsey, yes; Commissioner Simpson, yes; Commissioner G.Smith, yes; Commissioner L.Smith, yes; Chairman Stuart, yes.

**Approved (7-0).**

**6. Case No. 0105-ZT-25, Zoning Text Amendment, Section 10.0306, Pedestrian-Oriented Area Sidewalks**

The Community Development Department requests recommendation to the City Council for approval of **Zoning Text Amendment** to amend Section 10.0306, Beach Overlay District,

regarding the requirements for the pedestrian sidewalk in the pedestrian-oriented area in the Beach Overlay District.

Griffin Powell presented the request to the Planning Commission.

Chairman Stuart opened the Public Hearing.

John Harris, resident, asked why there is a proposal to remove the sidewalk requirements from the Beach Overlay District when the Planning Commissioner earlier required a subdivision to have a sidewalk.

Mr. Powell stated the Beach Overlay District requires the sidewalk to be in the pedestrian-oriented area on private property and not in the right-of-way. He stated the property owners are required to put the 8-foot sidewalk on their property, and some residential property owners have expressed concerns about liability.

Commissioner Lannie Smith asked if the sidewalks were in the right-of-way for commercial projects. Mr. Powell stated that the sidewalk had to be on private property.

Commissioner Lannie Smith stated the intent was to have a continuous sidewalk, but that is difficult because of the stopping and starting.

Commissioner Mitchell agreed and stated the sidewalks are only enforceable when the property changes hands for new development. She stated it is going to be impossible to get a continuous sidewalk due to the timing of development.

Chairman Stuart stated the City Council will fine tune the amendment, but they cannot act until the Planning Commission acts.

Commissioner Simpson stated that the language needed to be more precise.

Commissioner Mitchell stated the amendment does not fix anything.

Chairman Stuart stated that they have been battling the sidewalk issues for years.

Commissioner Lannie Smith stated that consideration should be given to eliminating the sidewalk requirement for all properties in the Beach Overlay District since the sidewalks will never be continuous.

Chairman Stuart asked if the Planning Commission could split the amendment and vote on one part and not the other. It was agreed upon to vote on the whole amendment and send it to the City Council.

Vice Chairman Lindsey stated that sidewalks for a subdivision are located in a right-of-way whereas the Beach Overlay District sidewalks are on private property, which subject private property owners to liability.

Commissioner Lannie Smith stated the Beach Overlay District is the only area in the city where the sidewalks are on private property because there is no sufficient right-of-way width for a traditional sidewalk.

Adam Roberson, Community Development Director and Building Official, stated the pedestrian-oriented area includes not only sidewalks but sitting areas and landscaping.

Vice Chairman Lindsey inquired about the definition of a pedestrian-oriented area. Mr. Powell stated the pedestrian-oriented area is the first 20 feet of private property in the Beach Overlay District that has to be dedicated for sidewalks, landscaping, and pedestrian amenities. Vice Chairman Lindsey stated the definition of the pedestrian-oriented area may need to be refined or limited.

Commissioner Lannie Smith stated there are Americans with Disabilities Act (ADA) requirements that have to be met if it is considered a sidewalk. Mr. Roberson stated sidewalks on commercial properties have to meet the ADA requirements and added that sidewalks for residential projects invite the public onto private property.

Commissioner Mitchell state the appearance of sidewalks and then no sidewalks along Perdido Beach Boulevard is not attractive.

Mr. Roberson stated the hope in the future is that the Alabama Department of Transportation (ALDOT) would give more right-of-way for sidewalks. Commissioners Mitchell and Lannie Smith stated that would be the only way to achieve a continuous sidewalk.

Jeff Silvers, City Councilmember, stated the sidewalks for the Beach Overlay District came from the Horizons 2020 plan. He stated the vision was to have a sidewalk along Perdido Beach Boulevard, but bushes have now grown over the sidewalks in some places where no one uses it. Commissioner Lannie Smith stated the sidewalks are hard to maintain since it is on private property.

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 for favorable recommendation of Zoning Text Amendment to City Council subject to staff comments.*

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

**Approved (7-0).**

**I. SITE PLAN REVIEW**

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

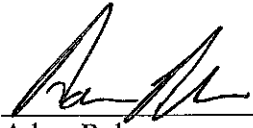
**K. OTHER BUSINESS**

1. Chairman Stuart stated there were eight new applications for the February meeting.

**L. PUBLIC COMMENT**

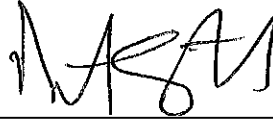
**M. ADJOURN**

With no further business, the meeting was adjourned at 5:06 PM.



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Adam Roberson,  
Community Development Director



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Robert Stuart,  
Chairman