

Minutes
Orange Beach Planning Commission
February 10, 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 4:02 PM.

B. INVOCATION

Chairman Stuart gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Board Members Present:

Commissioner Tim Harry
Commissioner Annette Mitchell
Vice Chairman Kathy Lindsey
Commissioner Glenn Smith
Commissioner Jack Robertson
Chairman Robert Stuart

Staff Present:

Griffin Powell, City Planner
Sherri Descalzo, Planning Coordinator
Sean Brumley, GIS Specialist
Woody Speed, Coastal Regulatory Manager
Adam Roberson, CDD Director & Building Official
Jamie Logan, City Attorney

E. APPROVAL OF AGENDA

Modification of the Planning Commission By-Laws

The purpose of the requested modification is to bring the Planning Commission By-Laws into compliance with the recently amended City Ordinance that was approved by City Council on February 4, 2025, and removes the residency requirement for the Planning Commission membership seat held by the Administrative Official.

A vote was called for.

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

Approved (6-0).

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 Work Session on January 13, 2025.
2. Approval of minutes from the Regular Meeting on January 13, 2025

H. PUBLIC HEARINGS

1. Case No. 0202-SD-25, The Wharf Landing, Phase 2 Subdivision

Sawgrass Consulting LLC, on behalf of The Wharf Landing LLC and Intracoastal Investments LLC, requests approval of **Final Major Subdivision** to subdivide 108 acres into six lots for the future Margaritaville development. This 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.

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

There were no questions or comments from the Planning Commission.

Chairman Stuart called for a motion and vote.

Motion to approve Final Major Subdivision subject to staff comments.

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

Approved (6-0).

2. Case No. 0204-SD-25, Lost Bay Townhouses Subdivision

Engineering Design Group, on behalf of DR Horton Inc. - Birmingham, requests approval of **Preliminary and Final Major Subdivision** to subdivide 27.8 acres into a townhouse subdivision with 82 lots along with common area in accordance with the Lost Bay Townhouses Planned Unit Development (PUD) Master Plan. The property is located on Canal Road 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. With no persons registered to speak, the Public Hearing was closed.

There were no questions or comments from the Planning Commission.

Chairman Stuart called for a motion and vote.

Motion to approve Preliminary and Final Major Subdivision subject to staff comments.

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

Approved (6-0).

3. **Case No. 0205-SD-25, The Cove at Bear Point Heights Subdivision**

Dewberry, on behalf of Jack & Caren Galetta, requests approval of **Preliminary Major Subdivision** to construct a single-family residential subdivision with seven lots and improvements to the Avenue C right-of-way (ROW). The property is located on the north side of Canal Road at the northeast corner of the intersection of Canal Road and Avenue C ROW 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. Kiersten Cavender, Judy Smith, and Wanda Kesling registered to speak but had no comments. Chairman Stuart closed the Public Hearing.

There was discussion about the requested sidewalk waiver and utilizing the existing right-of-way for the proposed stormwater management. Cherice Brannan, Dewberry, stated there was no room in the right-of-way for the sidewalk and roadside ditches, and the sidewalk would have to be located within an easement on the private lots. She added that a most of the stormwater runoff would be from the proposed road, and the drainage would be designed for a 100-year storm event.

There were concerns about where the stormwater would go in case of an overflow. Chris Pappas, City Engineer, was absent, and Chairman Stuart felt it would be best for the Planning Commission to ask him about the proposed design. He asked if the Planning Commission had ever had a proposed subdivision utilizing an existing right-of-way for stormwater drainage. Mr. Powell stated this request would be a first.

Commissioner Robertson stated that he would like to see the sidewalk. Chairman Stuart asked if the sidewalk could be located on the private lots. Jamie Logan, City Attorney, stated the subdivision regulations require the sidewalk to be in the right-of-way.

Commissioner Mitchell asked how the sidewalk would affect the drainage plan. Ms. Brannan stated it would have to be dealt with on the private lots and asked if required detention could be on private lot or if it had to be in a common area. It was stated that it is generally in a common area.

Chairman Stuart asked how the applicant came up with the proposed drainage design. Ms. Brannan stated that she was not involved in the earlier discussions about this project.

The Planning Commission agreed on deferring consideration of this applicant to the next meeting. Judy Smith, DR Horton, stated there were no issues with deferring consideration to the next meeting.

Chairman Stuart called for a motion and vote.

Motion to defer to March 10, 2025, Planning Commission meeting.

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

Approved (6-0).

4. **Case No. 0207-SD-25, Resubdivision of Lots 67, 68, 69, 70, and Common Area of Windward Lakes Subdivision Phase 2 Subdivision**

Alabama Land Surveyors Inc., on behalf of 25361 Windward Lakes Holdings LLC, East Lake Properties LLC, Gregory & Donna Fernandez, Roger & Reba Nappier, Mary Helen Roberts, and Mariner Lakes Association Inc., requests approval of **Preliminary and Final Minor Subdivision** to replat part of the common area on the south side of the subdivision and add to the rear sides of Lots 67, 68, 69, and 70. The properties are located at 25361, 25363, 25365, and 25367 Windward Lakes Avenue in the Mariner Lakes Planned Unit Development (PUD).

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 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 Mitchell, yes; Commissioner Harry, yes; Vice Chairman Lindsey, yes; Commissioner G.Smith, yes; Commissioner Robertson, yes; Chairman Stuart, yes.

Approved (6-0).

I. SITE PLAN REVIEW

1. **Case No. 0201-SP-25, The Wharf Landing Phase 2 - Margaritaville Waterfront District**

Sawgrass Consulting LLC, on behalf of The Wharf Landing LLC, requests approval of **Site Plan Review** to develop Lots 2 and 4 of The Wharf Landing Phase 2 Subdivision into mixed-use resort with a six-story multi-use building containing 100 condo-hotel units, 49 condominium units, and more than 76,000 SF of lobby and commercial space. The mixed-use resort will also include 43 transient boat slips. 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.

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

Vice Chairman Lindsey asked about the easement on Lot 4 for the SHH Parcel. Mr. Powell stated that the easement would be located in the drive aisle of the parking area west of the tower.

Commissioner Robertson asked about golf cart parking. Ercil Godwin, Sawgrass Consulting LLC, stated there have been discussions about golf cart parking, but no details are available yet.

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

Chairman Stuart called for a motion and vote.

Motion to approve Site Plan subject to staff comments.

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

Approved (6-0).

2. Case No. 0203-SP-25, Coastal Alabama Sea Turtle Center

The City of Orange Beach requests approval of **Site Plan Review** to construct a 2,400-SF sea turtle triage facility. The property is located at 3333 Orange Beach Boulevard near the City's Beach Barn facility in the Government (GOV) 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 asked the Planning Commission for their response to the request for the vehicular use area being constructed of gravel. All were favorable.

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

Chairman Stuart called for a motion and vote.

Motion to approve Site Plan subject to staff comments with approval of a gravel parking lot.

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

Approved (6-0).

3. Case No. 0206-SP-25, Coastal Cottages Townhomes

Engineering Design Group, on behalf of Coastal Land Properties, requests approval of **Site Plan Review** for a multi-family residential development with 136 units on 42 acres. The property is located west of the Foley Beach Express, north of Brown Lane, east of Roscoe Road, and south of Bradford Road 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. There were none.

There were no questions or comments from the Planning Commission.

Chairman Stuart called for a motion and vote.

Motion to approve Site Plan subject to staff comments.

Motion made and seconded (G.Smith/Harry) Commissioner Mitchell, yes; Commissioner Harry, yes; Vice Chairman Lindsey, yes; Commissioner G.Smith, yes; Commissioner Robertson, yes; Chairman Stuart, yes.
Approved (6-0).

4. **Case No. 0208-SP-25, Intra-coastal Storage Area**

BC Bayview Investments LLC requests approval of **Site Plan Review** for a contractor laydown yard and outside storage area on 3.3 acres. The property is located at 22321 Canal Road in the Industrial (I-1) zoning district.

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

Chairman Stuart opened the floor for comments. Cliff Davis, BC Bayview Investments LLC, stated that he was there to answer any questions.

Commissioner Mitchell asked about the size of gate and if it would be opened all day. Mr. Davis stated the gate would probably be a standard 16-foot gate and most likely would be closed all day.

Chairman Stuart asked what would be stored on the site. Mr. Davis stated a marine contractor business would use the site for piling and material storage.

Commissioner Mitchell asked if there would be any offloading from the canal. Mr. Davis stated potentially.

Vice Chairman Lindsey asked about the status of the laydown area after one year. Ms. Davis stated the original plans for the site entailed a marina with boat rentals. He added that they are waiting for the U.S. Army Corps of Engineers to allow more slips on the canal and would come back with the marina plan if more slips are allowed.

Chairman Stuart asked if larger vehicles would be delivering to the site. Mr. Davis stated most deliveries would be done by Ford F250 trucks and gooseneck trailers, and there would be no dump trucks. Commissioner Mitchell asked how vehicles would maneuver on the site. Mr. Davis stated there was enough room for maneuverability.

Commissioner Robertson asked if the fence would enclose the storage site. Mr. Davis stated yes.

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

Chairman Stuart called for a motion and vote.

Motion to approve Site Plan subject to staff comments.

Motion made and seconded (Robertson/Harry) Commissioner Mitchell, no; Commissioner Harry, no; Vice Chairman Lindsey, no; Commissioner G.Smith, no; Commissioner Robertson, no; Chairman Stuart, no.
Not Approved (0-6).

Mr. Powell informed the Planning Commission that a reason is needed for the denial. The Planning Commission stated the vehicle accessibility to Canal Road did not properly provide for the safety and convenience of the public per Section 10.0307.

J. ITEMS SUBMITTED BUT NOT MEETING SECOND DEADLINE


K. OTHER BUSINESS

1. Griffin Powell stated there were five new applications for the March meeting.


L. PUBLIC COMMENT

M. ADJOURN

With no further business, the meeting was adjourned at 5:00 PM.



Adam Roberson,
Community Development Director



Robert Stuart,
Chairman