

The Planning Commission met Monday, February 3, 2025, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot; Erik Cortinas; Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Michelle Melton, Planner; Chris Williams, City Attorney, and Cindy Beaudreau, Planning Clerk.

Absent: None

Chairman Turner called the meeting to order at 5:02 PM.

Consent Agenda

- Approval of the Minutes January 6, 2025

John Worsham made a motion to approve the minutes.

Rebecca Bryant seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None.

- Reschedule March 3, 2025, 5pm meeting to March 6, 2025, at 5pm

Erik Cortinas made a motion to approve the change in date.

John Worsham seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None.

Old Business

- No old business

New Business

A. SR 25.02 Request of the Applicant, Benjamin Cummings, acting on behalf of the Owner, Fairhope 9 LLC, for Site Plan Approval of Harvey and Thomas Orthodontist on property zoned B-2 General Business District. The property is located at the northeast corner of Highway 181 and Highway 104, Lot 9 and is approximately 1.0 acres. **PPIN#: 627499**

Michelle Melton, City Planner, presented the request of the Applicant, Benjamin Cummings, acting on behalf of the Owner, Fairhope 9 LLC, for Site Plan Approval of Harvey and Thomas Orthodontist on property zoned B-2 General Business District. The property is located at the northeast corner of Highway 181 and Highway 104, Lot 9 and is approximately 1.0 acres. Ms. Melton shared the zoning and aerial maps.

Staff recommends approval to the City Council of SR 25.02 with the following conditions:

1. Correct the highway construction setback off AL 104 to 100ft (not 125ft) on Site Data Table.
2. Update photometric plan with 10ft high lighting.
3. Add Slide No. "S 2963-A" to the Legal Description on Sheet C1.0.
4. Applicant shall attend a utility meeting with the City of Fairhope on February 6, 2025. Said meeting must take place prior to Site Plan going on City Council agenda.
5. Landscape Plan needs to be updated:
 - To reflect shrubs being 48 inches tall at time of planting
 - Additional shrub along Encounter Drive right of the entrance (looking to the North).
 - Additional overstory tree along Encounter Drive right of the entrance (looking North).

Ben Cummings, Architect, agrees with staff conditions. May need more light poles when lowering to 10' height. Also stated that he is not on the February 6, 2025, utility meeting.

John Worsham made a motion to recommend approval of SR 25.02 to City Council with staff recommendations.

Hollie MacKellar seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None.

B. SR 25.03 Request of the Applicant, Chris Lieb, on behalf of the Owner, FST Encounter Development LLC, for Site Plan Approval of Foosackly's. The property is approximately 0.20 acres and is zoned B-2 – General Business District. The property is located at the northeast corner of Highway 181 and Highway 104, Lot 4 and is approximately 1.0 acres. **PPIN #: 627494**

Michelle Melton, City Planner, Planning and Zoning Director, presented the request of the Applicant, Chris Lieb, on behalf of the Owner, FST Encounter Development LLC, for Site Plan Approval of Foosackly's. The property is approximately 0.20 acres and is zoned B-2 – General Business District. The property is located at the northeast corner of Highway 181 and Highway 104, Lot 4 and is approximately 1.0 acres.

Staff recommends approval to the City Council of SR 25.03 with the following conditions:

1. Update photometric plan with 10ft high lighting.
2. Update landscaping plan (p.2) to reflect a total of 48 parking spaces not 51.

Paul Fontenot stated that the vehicular screening should start 4' from the curb.

Chris Lieb, Lieb Engineering, agrees with staff conditions.

Rebecca Bryant made a motion to recommend approval of SR 25.03 to City Council with staff recommendations.

Harry Kohler seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None.

C. SD 25.02 Public hearing to consider the request of the Applicant, Jade Consulting, LLC, on behalf of the Owner, Michael Jason Tickle 2020 Trust dated July 13, 2020, for preliminary plat approval of Windrow Subdivision, a 21-lot subdivision. The property is zoned R-1, Low Density Single-Family Residential District. The property is approximately 17.75 acres and is located east of Section Street between Twin Beech Road and Brodbeck Lane. **PPIN #: 18518**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, Jade Consulting, LLC, on behalf of the Owner, Michael Jason Tickle 2020 Trust dated July 13, 2020, for preliminary plat approval of Windrow Subdivision, a 21-lot subdivision. The property is zoned R-1, Low Density Single-Family Residential District. The property is approximately 17.75 acres and is located east of Section Street between Twin Beech Road and Brodbeck Lane.

Waiver Recommendation:

Staff recommends approval of the waiver requests.

1. Allow a 40' ROW for Windrow Circle.
2. Not install sidewalks along the north side of Tall Paul Way from the entrance to lot #20 and not install sidewalks along Section Street south of the entrance.

Staff recommends approval of SD 25.02 with the following conditions:

1. Approval of the two (2) waiver requests.
2. A note shall be added to the plat "The drainage inside the subdivision shall remain private and is subject to the Cooperative Maintenance Agreement associated with the subdivision. The drainage is not the responsibility of the City of Fairhope to maintain."

Discussion included:

- connectivity to the south
- precedent for 40' ROW
- wetland enhancement and restoration
- greenspace usability
- City not responsible for sidewalks
- crosswalks over Section to Hilltop
- footpath accessibility

Chairman Turner opened the public hearing at 5:51pm.

Troy Vickers, 248 Cuban Lily Dr, would like the sidewalk to be on Section for safety.

Don DeGutz, 110 Blakeney, is concerned about encroachment on the easement and property values for the homeowners.

Steve Cowles, 6878 Petiole, is concerned about the speed limit on Section.

The public hearing was closed at 5:57.

Troy Jinright, Jade Consulting, stated that the project has over 20% of greenspace and they are working to preserve as much as possible. The pond will have fish, and the sidewalks will connect to the greenspace. Mr. Jinright is requesting a waiver for the section of sidewalk to the south.

John Worsham made a motion to approve the first waiver allowing for a 40' ROW for Windrow Circle.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None.

Kevin Boone made a motion to accept the second waiver for not sidewalks in the subdivision but wants sidewalks to be placed along the south side of Section.

Harry Kohler seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None

John Worsham made a motion to approve SD 25.02 with staff recommendations and the additional of pedestrian access being added on the south side of Section.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None.

D. SD 25.04 Public hearing to consider the request of the Applicant, Sawgrass Consulting, on behalf of the Owner, PCH Hotels and Resorts/RSA, for preliminary plat approval of Battles Trace Phase 9, an 81-lot subdivision. The property is approximately 22.4 acres and is zoned TR – Tourist Resort District. The property is located on the north side of Battles Road, on the east and west sides of Colony Drive. **PPINS #: 5499, 20948, 286294**

Hunter Simmons introduced the request and gave a history of the Tourist Resort District.

Mike Jeffries, Development Services Manager, presented the request of the Applicant, Sawgrass Consulting, on behalf of the Owner, PCH Hotels and Resorts/RSA, for preliminary plat approval of Battles Trace Phase 9, an 81-lot subdivision. The property is approximately 22.4 acres and is zoned TR – Tourist Resort District. The property is located on the north side of Battles Road, on the east and west sides of Colony Drive. Mr. Jeffries shared the aerial and zoning maps.

Staff recommends approval of SD 25.04 with the following conditions:

1. Reflect the remaining property as a lot of record as lot # on the plat and show the entire boundary of the property.

Discussion included:

- look at last time lake was measured
- status of O&M plans for development
- meeting with tree committee and City Horticulturist

Chairman Turner opened the public hearing at 6:31pm.

Debbie Manning, 934 Hibiscus Way, concerned with deviation from original plans, increase in population, no room for turnoffs, narrow road at Section Street entrance and access by emergency vehicles. Ms. Manning is requesting denial of request.

Bill Holman, 134 Mulberry Lane, concerned with growth in the Colony, safety, additional four phases, lighting and traffic.

Mr. Hupp, 436 Colony Drive, concerned with safety and with the drainage calculations.

Troy Vickers, 248 Cuban Lily Drive, concerned with future development, the stormwater plan, sediment coming from the development, the number of trees being removed, no sidewalks, need pathways, would like to see the Master Drainage Plan, landscaping, the lot sizes have been reduced and emergency vehicle access.

Thomas Hogg, 812 Geranium Drive, concerned with density, expected detached single-family homes and the landscape requirements.

Jim Ellis, 6902 Petiole Dr, concerned with common areas abutting Hilltop and clear cutting the entire area.

Andy Calahan, 6970 Petiole Dr, stated there are 109 trees, 6+” with dense vegetation understory, concerned with water displacement, density, drainage poor erosion control measures south of Thyme Lane and a dip in the sidewalk on Section.

Steve Cowles, 6878 Petiole Dr, supports all of the citizen comments, appreciates protection of buffers on northern border, concerned with clear cutting, environmental impact to animals and birds and requests the preservation of the natural habitat.

Sharon Durham, 233 Cuban Lily, concerned with butting up to a neighbor, setbacks and separation from backyard neighbors.

The public hearing was closed at 7:11.

Tim Lawley, Sawgrass Engineering introduced Michael Mann, Nequette Architect, who gave a presentation.

Mr. Lawley addressed the citizen comments and the Planning Commission comments.

Lee Turner would like to see other options for erosion control and a plan with native plants.

The applicant requested that this project be tabled until the March 6, 2025, Planning Commission meeting.

Hollie MacKellar made a motion to table SD 25.04 until the March 6, 2025, Planning Commission meeting.

Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None.

E. ZC 25.01 Public hearing to consider the request from the City of Fairhope Planning and Zoning Department for various proposed amendments to the City of Fairhope’s Zoning Ordinance.

Hunter Simmons, Planning and Zoning Director, presented the request from the City of Fairhope Planning and Zoning Department for various proposed amendments to the City of Fairhope’s Zoning Ordinance. Mr. Simmons stated that this amendment would alter Table 3-1 of the Zoning Ordinance to remove a Boarding House/Dormitory from Zoning Districts B-2, B-3b, B-4, M-1, M-2, NVC and CVC. Effectively, this would prohibit new boarding houses and dormitories within the City of Fairhope corporate limits. Language will be kept in the Zoning Ordinance with the definition and parking requirements in case there are historical cases.

Chairman Turner opened the public hearing at 8:05pm. Having no one present to speak, the public hearing was closed at 8:05.

John Worsham made a motion to approve ZC 25.01.

Kevin Boone seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None

F. Executive Session – To discuss pending or potential litigation pursuant to Alabama Code Section 36-25A-7(a)(3)

Chris Williams read the Declaration and Opinion and recommended that the Planning Commission leave the dais for an Executive Session:

John Worsham made a motion to leave the dais for the Executive Session.

Kevin Boone seconded the motion and the motion carried unanimously with the following vote:

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None

Commissioners leave the dais at 8:07pm and return at 8:25pm.

Adjournment

John Worsham made a motion to adjourn.

AYE: Lee Turner; Kevin Boone; John Worsham; Rebecca Bryant; Harry Kohler; Hollie MacKellar; Paul Fontenot and Erik Cortinas

NAY: None

Adjourned at 8:25pm.


Lee Turner, Chairman


Cindy Beaudreau, Secretary