

The Planning Commission met Thursday, March 6, 2025, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick; 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: Lee Turner, Rebecca Bryant; Hollie MacKellar; John Worsham

Secretary Beaudreau called the meeting to order at 5:02 PM.

Hunter Simmons, Planning and Zoning Director, introduced Kim McCormick as a new member to the Planning Commission.

With the Chair and Vice-Chair being absent, Secretary Beaudreau requested nominations for a Chair for this meeting.

Harry Kohler made a motion to nominate Paul Fontenot as Chair.

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

AYE: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick and Erik Cortinas

Consent Agenda

- Approval of the Minutes March 6, 2025
- **UR 25.01** Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 4,573 LF of buried fiber cable at 7549 Assunta Court.
- **UR 25.02** Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,929 LF of buried fiber cable at 20485 Lowry Drive.
- **UR 25.03** Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,953 LF of buried fiber cable at 200 Spring Lake Drive.
- **UR 25.04** Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 3,676 LF of buried fiber cable at 19755 Greeno Road.
- **UR 25.05** Request of AT&T for an 11.52.11 Utility Review and approval of the proposed installation of approximately 9,058 LF of buried fiber cable at 811 Morphy Avenue.

Hunter Simmons, Planning and Zoning Director, shared the information for the Utility Reviews which have the following conditions:

1. The proposed utility construction falls within the corporate limits of the City of Fairhope. **Any portions of the project affecting public right-of-way (ROW) maintained by Baldwin County or the Alabama Department of Transportation (ALDOT) shall require permits through the respective agency.**
2. A pre-construction meeting shall be held with the City prior to issuance of any permits.

3. Consultation with the City's horticulturalist, to determine if the required depth of bore must be increased so that no trees are impacted by the project. **The contractor is responsible for any damaged trees.**
4. At all street crossing locations, conduct potholing to determine exact location and elevation of existing utilities. Reflect the exact elevation of utilities and GPS coordinates of the pothole locations on a set of as-built drawings.
 - a. An additional right-of-way permit may be required for the potholing procedures.
5. Follow-up activities below required by staff and the applicant:
 - a. Upon satisfactory review and approval by ROW Construction Inspector, as-builts will be submitted to the GIS Supervisor for inclusion in GIS utility maps.
6. Provide draft door hanger for approval at time of pre-construction.
7. Approved door hangers shall be in place no later than **7 days** prior to construction.
8. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
9. Ensure enough space for proposed work is available within existing easement, if not applicant is responsible for either expanding existing easement or acquiring an additional easement.
10. Applicant shall contact Alabama One Call to locate all existing utilities (750ft max per day).
11. Utilities boxes shall be concentrated near existing boxes.
12. For permitting purposes, applicants shall provide subsurface utility engineering quality-level C, unless otherwise required by the Fairhope Building Department.

Kevin Boone was concerned with response from AT&T about follow up and completing work. Wade Mitchell, AT&T, speaks with staff weekly to check on issues and suggests reporting issues through the utility staff.

Harry Kohler asked about the phone numbers on the door tags. Mr. Mitchell stated those numbers go directly to the contractor.

Eric Cortinas made a motion to approve the consent agenda including the minutes.

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

AYE: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick and Erik Cortinas

Nay: None

Old Business

- No old business

New Business

A. 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, Planning and Zoning Director, 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. Simmons shared the zoning map, aerial map and additional landscape buffers.

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.
2. Add a 20' Undisturbed Buffer to the plat as show on grading plans adjacent to Hill Top Subdivision.

Chairman Fontenot opened the public hearing at 5:21pm.

Jim Ellis, 6902 Petiole Drive, appreciates the modifications made by Sawgrass for landscaping, but shared his concerns about the old fence on Hill Top and would rather the trees not be removed to replace the fence and asked about the process to ensure the 20' buffer is not disturbed during the construction phase.

Steve Cowles, 6878 Petiole Drive, asked if the 20' buffer along the norther property of the Colony is intended to form the boundary of the entire plan or just Phase 9. Mr. Simmons replied that it is only for Phase 9.

Diane Dyer, 829 Geranium, requested an additional buffer and asked for the definition of undisturbed.

Troy Vickers, 248 Cuban Lily Drive, asked if the public hearing could be kept open until after the Engineer has spoken, in case there are more questions. Chris Williams, City Attorney, stated that public hearings are closed after public comments. Mr. Vickers shared his concerns about the wildlife, regional drainage plan, impervious areas causing drainage issues, landscaping for existing homes along the north side of Cuban Lily and being able to plant landscaping along the easement and homeowners being allowed to remove trees on their lot.

Kendall Douglas, 147 Hyacinth, is concerned with traffic turning off Hyacinth going to town and suggested another entrance on Twin Beech Road to help with traffic.

Chairman Fontenot closed the public hearing at 5:45pm.

Hunter Simmons, Planning and Zoning Director, stated that the landscape on Geranium is not an undisturbed buffer and there will be planning on the north side of Geranium and that the wetland delineation is shown on the plans.

Eric Cortinas stated that a mishmash of City/County owned property creates a problem with regional drainage plans.

Tim Lawley, Sawgrass, addressed comments by the public and will work around the trees around the old fence. Mr. Lawley stated that they worked to preserve or improve what was on the Master Plan

shown for Geranium and Cuban Lily. Homeowners will be able to remove trees on their lot, the drainage complies with the Subdivision Regulations. An in-depth traffic study has been done and there will be an entrance on Twin Beech Road in a future phase.

Kevin Boone asked if this must be approved if it meets the regulations. Chris Williams, City Attorney, stated yes.

Harry Kohler made a motion to approve SD 25.04 with staff recommendations.

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

AYE: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick and Erik Cortinas

NAY: None.

B. SR 24.07 Request of the Applicant, Overstreet & Assoc., on behalf of the Owner, Bon Adventure Too, for Site Plan Approval of Staggers Mixed-Use Project. The property is approximately 0.20 acres and is zoned B-2 – General Business District. The property is located on Morphy Avenue west of S. School Street. **PPIN #: 77834**

C. SD 25.01 Public hearing to consider the request of the Applicant, Overstreet & Assoc., on behalf of the Owner, Bon Adventure Too, for Staggers Mixed-Use Project, a 3-unit Multiple Occupancy Project. The property is approximately 0.20 acres and is zoned B-2 – General Business District. The property is located on Morphy Avenue west of S. School Street. **PPIN #: 77834**

Mike Jeffries, Development Services Manager, presented both requests from the Applicant, Overstreet & Assoc., on behalf of the Owner, Bon Adventure Too, for Site Plan Approval of SR 24.07 and SD 25.01, a 3-unit Multiple Occupancy of Staggers Mixed-Use Project. The property is approximately 0.20 acres and is zoned B-2 – General Business District. The property is located on Morphy Avenue west of S. School Street.

Staff recommends approval to the City Council of SR 24.07.

Staff recommends approval of SD 25.01.

Chairman Fontenot opened the public hearing for SD 25.01 at 6:00pm.

Carolyn Boothe, 154 S School Street, is concerned with the noise of the air conditioning units, would like a buffer, the dumpsters at the church, and if the existing fence is being torn down and a new fence being constructed, will it be connected properly to keep the vagrants off her property. Hunter Simmons, Planning and Zoning Director, stated that a 10' landscape buffer is required. Mike Jeffries, Development Services Manager, stated that the fence will be 8' along the rear property line, but will not turn the corner.

Blakely Davis, 500 Morphy, asked about the number of units and is concerned with traffic and parking plans. Mr. Simmons replied that this project is in the CBD and will have two on-site parking spaces and is adding two parking spaces.

Chairman Fontenot closed the public hearing at 6:09pm.

Beau Lebatard, Architect, stated that the air conditioning units will be located inside the courtyard with an 8' fence around it. The units will be on top of the building with a 42" parapet wall.

Robert Cummings, Overstreet & Associates, stated that they will build the construction fence prior to the building construction beginning.

Eric Cortinas made a motion to recommend approval of SR 24.07 to City Council and approval of SD 25.01.

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

AYE: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick and Erik Cortinas

NAY: None.

D. ZC 25.02 Public hearing to consider the request of the Applicant, S.E. Civil, on behalf of the Owner, Robert and Renee Taylor and FST Blue Island Owners Association, to amend the Planned Unit Development, known as Hermitage Court. The property is approximately .36 acres and is located at 620 Hermitage Court. **PPIN #: 226992**

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, S.E. Civil, on behalf of the Owner, Robert and Renee Taylor and FST Blue Island Owners Association, to amend the Planned Unit Development, known as Hermitage Court. The property is approximately .36 acres and is located at 620 Hermitage Court. Mr. Simmons shared the zoning and aerial maps.

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

1. Applicant shall submit two (2) bound copies of an updated, complete and accurate Master Development Plan to accompany this PUD modification.
2. Record the Re-plat with the Baldwin County Probate.

Chairman Fontenot opened the public hearing at 6:19, with no one present to speak, the public hearing was closed at 6:19pm.

Aaron Collins, S.E. Civil, stated that the client has closed on the property.

Kevin Boone made a motion to recommend approval of ZC 25.02 to City Council with staff recommendations.

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

AYE: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick and Erik Cortinas

NAY: None.

E. Resolution 2025-03 Public hearing to consider the request of the City of Fairhope's Planning and Zoning Department to accept Resolution 2025-03 adopting the temporary suspension of consideration of certain residential multiple occupancy project and subdivision applications under the City of Fairhope Subdivision Regulations as set forth in Ordinance 1823.

Hunter Simmons, Planning and Zoning Director presented the request of the City of Fairhope's Planning and Zoning Department to accept Resolution 2025-03 adopting the temporary suspension of consideration of certain residential multiple occupancy project and subdivision applications under the City of Fairhope Subdivision Regulations as set forth in Ordinance 1823.

Staff recommends approval of Resolution 2025-03.

Chairman Fontenot opened the public hearing at 6:21pm, with no one present to speak, the public hearing was closed at 6:21pm.

Eric Cortinas made a motion to approve Resolution 2025-03.

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

AYE: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick and Erik Cortinas

NAY: None.

Adjournment

Kevin Boone made a motion to adjourn.

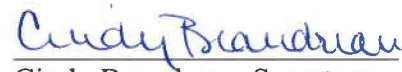
AYE: Kevin Boone; Harry Kohler; Paul Fontenot; Kim McCormick and Erik Cortinas

NAY: None.

Adjourned at 6:25pm



Lee Turner, Chairman


Cindy Beaudreau, Secretary