

The Planning Commission met Monday, April 7, 2025, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

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

Chairman Turner called the meeting to order at 4:58 PM.

Consent Agenda

- Approval of the Minutes March 6, 2025
- **UR 25.06** Request of C-Spire for an 11.52.11 Utility Review and approval of the proposed installation of approximately 47,102 LF of buried fiber cable at 394 Pecan Avenue.

Mike Jeffries, Development Services Manager, 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.

John Worsham made a motion to approve the consent agenda including the minutes.

Kim McCormick seconded the motion and the motion carried unanimously with the following vote:

AYE: Kevin Boone; Lee Turner; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick; Hollie MacKellar; Erik Cortinas

Nay: None

Old Business

- **SD 24.20** 104 Laurel – extension request

Hunter Simmons, Planning and Zoning Director, presented the request which included a sidewalk discussion and an extension. Mr. Simmons stated that it is too late to request an extension and that a new application would be required.

Chairman Turner had spoken with the applicant who explained that in order to put sidewalks in as required by the case conditions, AT&T would need to move six telephone poles, a heritage tree and the handicap entrance at Gambino's would need to be removed.

Sean Richmond, on behalf of the applicant, stated that a new application would be submitted with a waiver request to not install sidewalks and offer an easement in lieu of the sidewalk.

New Business

A. ZC 25.03 Public hearing to consider the request of the Applicant, Lieb Engineering Company, acting on behalf of the Owners, Deborah Moffett and 50 LLC, is requesting to rezone property from R-1, Low Density Single-Family Residential District to B-1, Local Shopping District. The property is approximately 0.81 acres and is located at 6125 Nelson Drive. **PPIN #: 44034**

Hollie MacKellar recused herself due to a conflict.

Hunter Simmons, Planning and Zoning Director, presented the request of the Applicant, Lieb Engineering Company, acting on behalf of the Owners, Deborah Moffett and 50 LLC, is requesting to rezone property from R-1, Low Density Single-Family Residential District to B-1, Local Shopping District. The property is approximately 0.81 acres and is located at 6125 Nelson Drive. Mr. Simmons shared the zoning map, aerial map and additional landscape buffers. Mr. Simmons explained the portion of property that would be rezoned and the parking challenges with Kingfisher success and how three of the businesses are only utilizing the minimum required parking. Mr. Simmons also addressed the citizen concerns that were received.

Staff recommends approval of ZC 25.03 with the following conditions:

1. Re-plat to mov property line to reflect subject property re-zoned as B-1.
2. City Council approval of Shared Parking Facility Agreement.

Chris Lieb, Lieb Engineering, stated that Kingfisher wants to be good neighbors, wants to provide pervious parking, no lighting spillover, will ensure a 20' buffer with fence and that there would be no access to Nelson from Kingfisher.

Chairman Turner asked how many parking spaces would be added. Mr. Lieb stated that there would be 32 at most.

Chairman Turner opened the public hearing at 5:40pm.

Steve Delamore, 6038 Nelson, opposes zoning change. Concerned with ecological stability, drainage, lighting, noise and trash.

Haymes Snedeker, 16617 Polo Club Road, speaking on behalf of Dr. Ray Hicks, is concerned with the policy and procedure behind the decision and a precedent being set along with devaluing the properties.

Bryant MacKellar, 6173 Nelson Drive, appreciates the time of the Planning Commission. Completely opposed to the rezoning and concerned with the lighting at night, property values, landscape buffers and trash pickup.

James Pittman, 313 Woodbridge, speaking on behalf of Dr. Ray Hicks, is concerned with the violation of the zoning ordinance due to this being a family subdivision, inability to find 50 LLC as a registered business, does not agree with the shared parking agreement, if Kingfisher goes out of business and the parking lot stays, drainage, trees, believes this creates a non-conformity and requests denial for this case.

Dan Zerbs is concerned with lighting at night and opposes the rezoning.

Chairman Turner closed the public hearing at 6:05pm.

Hunter Simmons, Planning and Zoning Director, explained that this is not a family subdivision. It is a minor subdivision, and wetland delineation was done at that time, and a good job was done on drainage.

Erik Cortinas stated that the drainage in the parking lot is the best that he's ever seen, and an O&M plan will not be required.

Chris Lieb added that there is no additional parking available in the existing lot, the property will be replatted with the common lot line moved and there is no reason to relocate the dumpster.

Chairman Turner asked for confirmation that this area can only be used for parking.

Chris Williams, City Attorney, stated that a shared parking agreement is a revocable license, but conditions could be added, i.e. the lot will meet zoning ordinance if rezoned.

Hunter Simmons, Planning and Zoning Director, stated that the shared parking agreement is a draft which will be finalized before the City Council meeting. The replat will also happen before the City Council meeting.

Kevin Boone stated that changing zoning is a choice and he does not think this is right or fair.

Kevin Boone made a motion to recommend denial of ZC 25.03 to the City Council.

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

AYE: Kevin Boone; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick

NAY: Lee Tuner and Erik Cortinas.

Adjournment

John Worsham made a motion to adjourn.

AYE: Kevin Boone; Lee Turner; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick; Erik Cortinas

NAY: None.

Adjourned at 6:11pm.



Lee Turner, Chairman



Cindy Beaudreau, Secretary