

The Planning Commission met Thursday, September 4, 2025, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: 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; Payton Rogers, Planning and Zoning Manager; Michelle Melton, City Planner; Chris Williams, City Attorney, and Cindy Beaudreau, Planning Clerk.

Absent: Rebecca Bryant and Kevin Boone

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

Consent Agenda

- Approval of the Minutes August 4, 2025

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

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

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

Nay: None

Old Business

- **SD 22.18** Greenfields – Request of Applicant, S.E. Civil, for an additional one-year extension for preliminary plat approval

Mike Jeffries, Development Services Manager, explained that the project is currently and actively under construction.

John Worsham made a motion to approve the extension of SD 22.18 for an additional one-year extension for preliminary plat approval.

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

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

Nay: None

New Business

A. SD 25.13 Public hearing to consider the request of the Applicant, Jay Broughton, on behalf of the Owner, Acre Investments, for preliminary plat approval of Ashford Court Subdivision, a 9-lot subdivision. The property is zoned R-1, Low Density Single-Family Residential District. The property is approximately 5.20 acres and is located at 0 Gayfer Road Extension. **PPIN #: 13818**

Payton Rogers, Planning and Zoning Manager, presented the request of the Applicant, Jay Broughton, on behalf of the Owner, Acre Investments, for preliminary plat approval of Ashford Court Subdivision, a 9-lot subdivision. The property is zoned R-1, Low Density Single-Family Residential District. The property is approximately 5.20 acres and is located at 0 Gayfer Road Extension. Mr. Rogers shared the zoning map and aerial map. Mr. Rogers explained how the greenspace is not compliant with this project and how it could be fixed.

Jay Broughton stated that he will work with staff to ensure the green space and sidewalks are compliant.

Staff recommends approval of SD 25.13 with the following conditions:

1. Revision of the Final Plat to remove Surveyor's Note numbers two (2) and three (3) and provision of a separate data table detailing compliant front, rear and side yard setbacks.
2. Provision of a note on the Final Plat stating that no structures shall be constructed in any easement without permission of the easement holder(s).
3. Revision of all plans to relocate the proposed sidewalk east of the Gayfer Road entrance, moving it off the right-of-way and onto the property, with corresponding adjustments to the Tree and Landscape Plan to ensure compliance with greenspace standards.
4. Revision of the Tree and Landscape Plan prior to issuance of any development permits to illustrate accurate labeling and calculations for greenspace types and their area as well as provision of sufficient detail within the areas being counted for greenspace to demonstrate compliance with Article V Section C Table 4-1 of the Subdivision Regulations.
5. After installation of all roadways but prior to submittal for Final Plat approval, the Applicant shall coordinate with Planning staff to perform a site inspection for the purposes of evaluating the existing vegetation buffer around the detention area. If staff determines the buffer to be insufficient, the City of Fairhope reserves the right to require new plantings to bring the screening into compliance with the Trees and Landscaping Ordinance.

Chairman Turner opened the public hearing at 5:19pm. Having no one to speak, the public hearing was closed at 5:19pm.

Chairman Turner asked what will happen with the water in the dry detention pond? Mr. Broughton explained that the water will perc into the soil and will discharge into the existing wetlands after being treated.

John Worsham made a motion to approve SD 25.13 with staff recommendations 1-5.

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

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

Nay: None

B. SR 25.04 Request of the Applicant, Chris Lieb, on behalf of the Owner, Avrend, LLC, for Site Plan Approval of Rock Creek Commercial. The property is approximately 2.23 acres and is zoned PUD – Planned Unit Development. The property is located on Rock Creek Parkway east of US 98. **PPINs #: 347922, 242236**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, Chris Lieb, on behalf of the Owner, Avrend, LLC, for Site Plan Approval of Rock Creek Commercial. The property is approximately 2.23 acres and is zoned PUD – Planned Unit Development. The property is located on Rock Creek Parkway east of US 98. Mr. Jeffries shared the zoning map and aerial map.

Harry Kohler stated that the Rock Creek residents are concerned with traffic and that traffic should be looked at in that area.

Noah Byrd, Lieb Engineering, stated that they would look at it.

Staff recommends approval of SR 25.04 to the City Council with the following conditions:

1. A re-plat is completed combining the property together.
2. Revise the site plan to reflect the wetland buffer signs at the wetland buffer line and not the wetland line according to the wetland established by a current wetland delineation.
3. Approval of SD 25.14 Rock Creek Commercial MOP.

Hunter Simmons, Planning and Zoning Director, explained the differences between Site Reviews and Multiple Occupancy Projects.

John Worsham made a motion to recommend approval of SR 25.04 to City Council with staff recommendations.

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

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

Nay: None

C. SD 25.14 Public hearing to consider the request of the Applicant, Chris Lieb, on behalf of the Owner, Avrend LLC, for preliminary plat approval of Rock Creek Commercial, a 4-unit multiple occupancy project. The property is zoned PUD, Planned Unit Development. The property is approximately 2.23 acres and is located on Rock Creek Parkway east of US 98. **PPINs #: 347922, 242236**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, Chris Lieb, on behalf of the Owner, Avrend LLC, for preliminary plat approval of Rock Creek Commercial, a 4-unit multiple occupancy project. The property is zoned PUD, Planned Unit Development. The property is approximately 2.23 acres and is located on Rock Creek Parkway east of US 98. Mr. Jeffries shared the zoning map and aerial map.

Chairman Turner asked if the detention pond has been physically inspected. Mr. Jeffries stated that the pond will be redone to remove the invasive plants.

Paul Fontenot asked where the outfall would go. Mr. Jeffries replied that it will go into Rock Creek on the east side of the pond.

Noah Byrd, Lieb Engineering, stated that they will make sure that the pond is adequately designed.

Staff recommends approval of SD 25.14 with the following conditions:

1. A re-plat is completed combining the property together.
2. An O&M plan is recorded reflecting the drainage and maintenance requirements.
3. Provide a stormwater inspection report from the EOR certifying the improvements and maintenance to the stormwater pond have been completed.
4. Revise the site plan to reflect the wetland buffer signs at the wetland buffer line and not the wetland line according to the wetland established by a current wetland delineation.
5. Provide a revised drainage letter confirming the restoration and excavation of the existing pond meets the current stormwater requirements of the Subdivision Regulations.
6. Approval of the Site Plan SR 25.04 Rock Creek Commercial by City Council.

Chairman Turner opened the public hearing at 5:42pm.

Julie Hart, 114 N Creek Circle, asked if this is contingent on traffic, drainage and wetlands with protected wildlife? Mr. Turner stated that staff is requiring a drainage letter and that wetland issues will be addressed.

The public hearing was closed at 5:45pm.

Mr. Kohler requested that a traffic engineer examine the entrance to Rock Creek.

Mr. Turner was concerned with the velocity of the water hitting Rock Creek.

Mr. Simmons explained the types of traffic studies.

Harry Kohler made a motion to approve SD 25.14 with staff recommendations and the addition of the following two conditions:

7. Provide a traffic engineering review of the ingress/egress at the entrance of Rock Creek during rush hour, subject to staff approval to move forward.
8. Address the velocity of the stormwater exiting the detention pond into Rock Creek, subject to staff approval to move forward.

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

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

Nay: None

D. SD 25.15 Public hearing to consider the request of the Applicant, Chris Lieb, on behalf of the Owner, G Real Estate LLC, for preliminary plat approval of Ross Givens Office Building, a 4-unit multiple occupancy project. The property is zoned M-1, Light Industrial District. The property is approximately 0.53 acres and is located on Nichols Avenue east of Greeno Road. **PPIN #: 276903**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, Chris Lieb, on behalf of the Owner, G Real Estate LLC, for preliminary plat approval of Ross Givens Office Building, a 4-unit multiple occupancy project. The property is zoned M-1, Light Industrial District. The property is approximately 0.53 acres and is located on Nichols Avenue east of Greeno Road. Mr. Jeffries shared the zoning map and aerial map. Mr. Jeffries explained the waiver request made by the Applicant regarding the types of green space.

Staff recommends approval of the waiver request to allow the landscaped area adjacent to the ROW to count as a "Natural Greenspace" type and be utilized for the green space.

Staff recommends approval of SD 25.15 with the following conditions:

1. Planning Commission approval of Greenspace waiver.
2. An O&M plan is recorded reflecting the drainage and maintenance requirements.

Chairman Turner opened the public hearing at 6:06pm.

Eugene Levert, 116 Spring Park Drive, shared his concern regarding the stormwater runoff, night lighting, noise at night and elimination of greenspace.

Kenneth Williams, 208 Hawthorne Circle, shared his concern regarding floods during storms and speeding cars.

The public hearing was closed at 6:14pm.

Mr. Turner stated that offices are allowed in M-1, but what happens if they want to change to retail or a restaurant. Mr. Jeffries stated that retail is not allowed in M-1. A restaurant is allowed with special conditions and approval by the Board of Adjustments.

Mr. Turner shared his concern about there being no sidewalks along Nichols Avenue.

Noah Byrd, Lieb Engineering, stated that the site has been designed pervious and a bio-retention swale will be backfilled with a porous medium. Mr. Byrd added that they will add dense landscaping towards the back of the project.

Mr. Simmons stated that the lighting for the project has already been vetted but a fence may be allowed that would help with headlights.

John Worsham made a motion to approve the waiver request for SD 25.15.

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

AYE: Lee Turner; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick; Hollie MacKellar;
Erik Cortinas
Nay: None

Erik Cortinas made a motion to approve SD 25.15 with staff recommendations of condition 2.

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

AYE: Lee Turner; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick; Hollie MacKellar;
Erik Cortinas
Nay: None

E. ZC 25.06 Public hearing to consider the request of the Applicant, Lieb Engineering, on behalf of the Owner, Katrina Schonemann, for conditional annexation to R-1B, Low Density Single-Family Residential District. The property is approximately 30 acres and is located at 8505 County Road 34.
PPIN #: 5735

Noah Byrd, Lieb Engineering, requested that this item be tabled.

John Worsham made a motion to table ZC 25.06 at the applicant's request.

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

AYE: Lee Turner; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick; Hollie MacKellar;
Erik Cortinas
Nay: None

F. ZC 25.07 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 explained the following sections of proposed amendments:

1. Changes to Site Plan Review requirements
2. Impervious Surface Maximum added to Residential
3. Recreational Zoning Districts
4. Townhouses
5. Multi-Family/Apartments
6. Mixed-Use Buildings
7. Planned Unit Developments (PUD's)
8. Village Districts
9. Use Table
10. General Maintenance and Definitions

Staff recommends approval of ZC.07 to the City Council.

Chairman Turner opened the public hearing at 6:34pm.

Donald DeGutz, 110 Blakeney Avenue, stated that he was pleased with the building height and compliance with the Comp Plan and asked if there is a conflict with removing NVC, etc. Mr. Turner replied no.

Melissa Hadley, Goodwyn Mills Cawood, shared her concerns with Table 3.2 and an R-2 town home at 20,000 sq. ft. Mr. Simmons explained that the town home will be 3,600 sq. ft on a 20,000 sq. ft. lot. Mr. Hadley continued her concern about the lot size for a town house and the density for multi-family. Mr. Turner stated that where there is high density there are so many more cars and it creates an issue of what to do with those vehicles. Ms. Hadley is worried that these amendments may kill multi-family developments and feels like 8,000 free standing retail seems small. Mr. Simmons stated that requirement has always been in the regulations with the exception of the Greeno Road Village.

Taylor Henseler, 355 Patlynn Drive, shared his concern with the commercial percentage in a PUD and the commercial being required to be developed up front. Mr. Turner suggested going with straight zoning.

The public hearing was closed at 6:54pm.

Mr. Cortinas asked how the impervious areas are calculated. Mr. Simmons explained.

John Worsham made a motion to recommend approval of ZC 25.07 to City Council.

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

AYE: Lee Turner; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick; Hollie MacKellar;
Erik Cortinas
Nay: None

Adjournment

Erik Cortinas made a motion to adjourn.

AYE: Lee Turner; John Worsham; Harry Kohler; Paul Fontenot; Kim McCormick; Hollie MacKellar;
Erik Cortinas
Nay: None

Adjourned at 7:00pm.

For 
Lee Turner, Chairman


Cindy Beaudreau, Secretary