

The Planning Commission met Monday, December 1, 2025, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner; Rebecca Bryant; Jimmy Conyers; John Worsham; Harry Kohler; Hollie MacKellar; Paul Fontenot; Kim McCormick; Erik Cortinas; Hunter Simmons, Planning and Zoning Director; Payton Rogers, Planning and Zoning Manager, and Cindy Beaudreau, Planning Clerk.

Absent: none

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

Consent Agenda

- Approval of the Minutes November 6, 2025
- **UR 25.14** Request of C-Spire for an 11.52.11 Utility Review and approval of the proposed installation of approximately 11,905 LF of buried cable at 8528 Lake View Drive.

Mike Jeffries, Development Services Manager, presented the request of C-Spire for an 11.52.11 Utility Review and approval of the proposed installation of approximately 11,905 LF of buried cable at 8528 Lake View Drive. Mr. Jeffries shared the zoning map and aerial map.

Staff recommends approval of UR 25.14 with the following conditions:

1. A pre-construction meeting shall be held with the City prior to issuance of any permits.
2. 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.**
3. 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.
4. 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 technician for inclusion in GIS utility maps.
5. Provide draft door hanger for approval at time of pre-construction.
6. Approved door hangers shall be in place no later than **7 days** prior to construction.
7. Provide a Traffic Control Plan to ROW Inspector prior to commencement of any work.
8. 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.
9. Applicant shall contact Alabama One Call to locate all existing utilities (1000ft max per day).
10. Utilities boxes shall be concentrated near existing boxes.
11. 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.

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

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

Nay: None

Old Business

None

New Business

John Worsham made a motion to amend the agenda to add Resolution 2025-05 adopting City Council Ordinance 1847 related to the temporary suspension of residential multiple occupancy project and subdivision applications in the City of Fairhope. Erik Cortinas seconded the motion and the motion carried unanimously with the following vote:

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

Nay: None

A. SR 25.06 Request of the Applicant, Element 3 Engineering, LLC, on behalf of the Owner, Coast Properties LLC, for Site Plan Approval of Pelc Tire Auto Service Center. The property is approximately 1.22 acres and is zoned B-2 – General Business District. The property is located on Lot 7 of the Encounter Development on the northeast corner of State Highway 181 and State Highway 104. **PPIN #: 627497**

Michelle Melton-Null, City Planner, presented the request of the Applicant, Element 3 Engineering, LLC, on behalf of the Owner, Coast Properties LLC, for Site Plan Approval of Pelc Tire Auto Service Center. The property is approximately 1.22 acres and is zoned B-2 – General Business District. The property is located on Lot 7 of the Encounter Development on the northeast corner of State Highway 181 and State Highway 104. Ms. Melton-Null shared the zoning map and aerial map.

Staff recommends approval of SR 25.06 to City Council with the following conditions:

1. Revise landscape plans to add perimeter landscaping on property that is adjacent to Encounter Drive ROW (including screening the dumpster enclosure in that area) per Ordinance #1444 and staff comments, prior to review by City Council.
2. Revision of Tree & Landscape Plan to illustrate seven (7) additional overstory Perimeter Tree plantings on the subject site in full compliance with the City of Fairhope Trees and Landscaping Ordinance, prior to review by the City Council.
3. Revise photometric plan in compliance with Article IV, Section B(3) (10' MAX height limit for parking lot lighting).

Paul Fontenot stated that they need to specify 48” for all plants or viburnum to wrap around the corner.

Steve Fisher, Element 3, asked if they removed the palm trees could they add seven more. Payton Rogers stated yes.

John Worsham made a motion to recommend approval of SR 25.06 to City Council with staff recommendations.

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

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

B. SR 25.07 Request of the Applicant, Jade Consulting, LLC, on behalf of the Owner, Planters Pointe Partners LLC, for Site Plan Approval of Advanced Auto Parts. The property is approximately 1.09 acres and is zoned B-2 – General Business District. The property is located on Lot 9 of the Planters Pointe Development on the northwest corner of State Highway 181 and State Highway 104. **PPIN #: 626314**

Payton Rogers, Planning and Zoning Manager, presented the request of the Applicant, Jade Consulting, LLC, on behalf of the Owner, Planters Pointe Partners LLC, for Site Plan Approval of Advanced Auto Parts. The property is approximately 1.09 acres and is zoned B-2 – General Business District. The property is located on Lot 9 of the Planters Pointe Development on the northwest corner of State Highway 181 and State Highway 104. Mr. Rogers shared the zoning map and aerial map.

Staff recommends approval of SR 25.07 to City Council with the following conditions:

1. Provision of a complete Tree and Landscape Plan for Advanced Auto Parts illustrating full compliance with the City of Fairhope Tree and Landscape Ordinance to be reviewed by the City of Fairhope Horticulturist prior to review of case SR 25.07 by the City Council.
2. Provision of a revised Site Plan and Tree and Landscape Plan for Express Oil Change, in association with SR 24.06, adjusted to accurately depict the final agreed upon proposal for shared access between Lot 8 and Lot 9 Planter’s Pointe Subdivision, prior to review of case SR 25.07 by the City Council.
3. Provision of revised plans and submittal documents for Express Oil Change for all active development permits.
4. If the Applicant elects not to pursue a proposal for shared access between Lot 8 and Lot 9 Planter’s Pointe Subdivision, the application and all supporting documents for SR 25.07 – Advanced Auto Parts must be revised and resubmitted in accordance with the next available standard submittal deadline, as outlined by the Fairhope Planning Commission Meeting and Deadline schedule.

Erik Cortinas asked if all of the parties for Express Oil and Advanced Auto are communicating about a shared drive. Mr. Rogers stated yes.

Paul Marcinko, Jade Consulting, stated that he has been talking with Express Oil.

John Worsham stated that the acceptance letter from Express Oil does not say anything about landscaping. Mr. Marcinko stated that he will ensure that the landscape is adequate and will meet the City's conditions.

John Worsham made a motion to recommend approval of SR 25.07 to City Council with staff recommendations.

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

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

Nay: None

C. SR 25.09 Request of the Applicant, HFA-AE LTD, on behalf of the Owner, Brew Horizons LLC, for Site Plan Approval of 7 Brew Fairhope. The property is approximately 1.01 acres and is zoned B-2 – General Business District. The property is located on Lot 5 of Planters Pointe on the northwest corner of State Highway 181 and State Highway 104. **PPIN #: 626310**

Payton Rogers, Planning and Zoning Manager, presented the request of the Applicant, HFA-AE LTD, on behalf of the Owner, Brew Horizons LLC, for Site Plan Approval of 7 Brew Fairhope. The property is approximately 1.01 acres and is zoned B-2 – General Business District. The property is located on Lot 5 of Planters Pointe on the northwest corner of State Highway 181 and State Highway 104. Mr. Rogers shared the zoning map and aerial map.

Staff recommends denial of SR 25.09 to City Council due to the following deficiencies:

1. Insufficient tree plantings.
2. Insufficient landscaping adjacent to public right-of-way.
3. Insufficient stormwater detention/retention screening.
4. Non-compliant exterior lighting.

Jimmy Conyers asked why this case is recommended for denial and another similar one was recommended for approval.

Hunter Simmons explained the differences including the drainage which needs to be re-engineered.

Dennis Proto, HFA-AE, LTD asked to table this case indefinitely.

Erik Cortinas made a motion to table SR 25.09 indefinitely per applicant's request.

Jimmy Conyers seconded the motion and the motion carried unanimously with the following vote:

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

Nay: None

D. SR 25.10 Request of the Applicant, Kadre Engineering, on behalf of the Owner, Fairhope Land LLC, for Site Plan Approval of Culver's Fairhope. The property is approximately 1.31 acres and is zoned B-2 – General Business District. The property is located on Lot 7 of Planters Pointe on the northwest corner of State Highway 181 and State Highway 104. **PPIN #: 626312**

Payton Rogers, Planning and Zoning Manager, presented the request of the Applicant, Kadre Engineering, on behalf of the Owner, Fairhope Land LLC, for Site Plan Approval of Culver's Fairhope. The property is approximately 1.31 acres and is zoned B-2 – General Business District. The property is located on Lot 7 of Planters Pointe on the northwest corner of State Highway 181 and State Highway 104. Mr. Rogers shared the zoning map and aerial map.

Staff recommends approval of SR 25.10 to City Council with the following conditions:

1. Revision of the Tree and Landscape to illustrate full compliance with the Trees and Landscaping Ordinance and submittal to staff for review and approval by the City of Fairhope Horticulturist, prior to the application being submitted to City Council.
2. Revision of the plans to include a detail illustrating dumpster screening in compliance with Article IV-B(2) of the Zoning Ordinance, prior to the application being submitted to City Council.
3. Revision of the Site Plan to reduce the total number of compact parking spaces to no more than 14 and all spaces over the required 37 to utilize pervious surfacing.
4. Revision of the plans to include a detail illustrating the location of all proposed mechanical equipment, prior to the application being submitted to City Council.

David Dichiara, Kadre, will work to send documents to address all conditions.

Rebecca Bryant suggested doing an entire run of pervious parking which can help with underground detention.

John Worsham made a motion to recommend approval of SR 25.10 to City Council with four staff recommendations.

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

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

E. SR 25.08 Request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, FST SILDI, LLC, for Site Plan Approval of Fairhope Boarding House. The property is approximately 0.20 acres and is zoned B-2 – General Business District. The property is located at 301 Fairhope Avenue. **PPIN #: 14359**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, FST SILDI, LLC, for Site Plan Approval of Fairhope Boarding House. The property is approximately 0.20 acres and is zoned B-2 – General Business District. The property is located at 301 Fairhope Avenue. Mr. Jeffries shared the zoning map and aerial map.

Staff recommends denial of SR 25.08 to City Council due to a conflict with the required loading zone and gas meter, impact on the scale of the project to the surrounding neighborhood, and concerns with the increase in traffic caused by the intensity of the use.

Hollie MacKellar asked where the 60 occupants will park. Mr. Jeffries stated they will need to park somewhere in the city parking spaces.

Rebecca Bryant asked why this wasn't a 20-unit MOP, when another hotel was a six-unit MOP? Mr. Jeffries explained that there is only one tenant. Ms. Bryant asked if the temporary structures would have to be fixed so they don't fly away or will they need to be removed from the rooftop terrace. Hunter Simmons stated that temporary structures must be 10' away from the edge.

Ryan Baker, Walcott Adams, thanked staff for the review and stated that they are working to design something compliant. Mr. Baker explained the plan for the boarding house.

Erik Cortinas is concerned with the entry/exit from the roof top terrace and the storage of food, linens, etc. Mr. Baker explained the entry/exit and that storage will be on the first floor.

Larry Smith, S.E. Civil, discussed the traffic analysis, stating that they used the most intense use of the boarding house to determine traffic, based on afternoon peak hours, and this does not meet the requirement for a traffic study.

Brad Hicks, Stone Crosby law firm, stated that every use of this boarding house is by right and the project is consistent with the Zoning Ordinance and the Comprehensive Plan. Mr. Hicks noted various sections in the Zoning Ordinance and Sub Regulations and addressed each issue from the staff report.

Chris Williams read the requirements for a Site Plan Review and a few of the 25 requirements from the Zoning Ordinance in response to the applicant's statement.

Chairman Turner then agreed to allow the MOP request to be presented so that a public hearing could be opened for all of the comments from the public before any decisions were made by the Planning Commission.

F. SD 25.16 Public hearing to consider the request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, FST SILDI, LLC, for preliminary plat approval of Fairhope Boarding House, a 3-unit multiple occupancy project. The property is zoned B-2 – General Business District. The property is approximately 0.20 acres and is located at 301 Fairhope Avenue. **PPIN #: 14359**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, FST SILDI, LLC, for preliminary plat approval of Fairhope Boarding House, a 3-unit multiple occupancy project. The property is zoned B-2 – General Business District. The property is approximately 0.20 acres and is located at 301 Fairhope Avenue. Mr. Jeffries shared the zoning map and aerial map.

Staff recommends denial of SD 25.16 due to the non-compliant issues outlined in the staff report.

Chairman Turner called for a break. The Planning Commission left the dais at 6:47pm and returned at 6:55pm.

Chairman Turner opened the public hearing at 7:00pm.

Mara Kozelsky, Fairhope Historic Preservation Commission, shared a history of the hardware store and that it was an historic site. The Fairhope Historic Preservation Commission urges approval and requests that an historic plaque be attached to the building.

Rodney Pilot applauded the detail that the Planning Commission gets into and believes that this project gives people the chance to sit together and find a way to make this happen.

Jeremiah Matthews, 221 Royal Lane, stated that he is looking to bring another restaurant to downtown.

John Bethea, 5 N Church Street, is in favor of the project.

Tardon Wells is in favor of the projects and believes there is a new generation of Fairhoppers who need a new source of pride.

Lisa White, 320 Fairhope Avenue, is in favor of the project and that the people being this project will do a great job.

Cari Palesano, 621 N Mobile Street, is in favor of the project.

The public hearing was closed at 7:11pm.

Hollie MacKellar stated that Mr. Baker did a good job answering the questions about non-compliance and believes this is a good project for the City of Fairhope.

Paul Fontenot stated that the city is performing a parking study now and the worse thing to do is to make downtown more suburban.

Erik Cortinas stated that he likes the concept, but three types of businesses are planned for this site, which opens up questions due to intensity of use. In terms of traffic, regardless of the loading zone, trucks will still park in the middle of the road. Mr. Cortinas's main concern is the number of people placed in a building in the busiest intersections in town along with the number of boarding house rooms and lack of storage.

Chairman Turner loves the project and complimented Mr. Baker and Mr. Smith on the design. He is concerned with parking and impact on the city and would like to see a walk through of the details before it goes to City Council.

Rebecca Bryant agrees with Mr. Cortinas's points and is concerned with roof-top items blowing off the roof-top terrace.

Jimmy Conyers stated that parking is his concern even though the boarding house meetings the parking requirements and that the traffic and loading zone issues have been addressed. He agrees that it is a beautiful plan but is not sure how the roof top terrace being only for residents can be enforced.

Erik Cortinas asked the applicant if there was any interest in tabling these items to work with staff on the outstanding issues.

Ryan Baker stated their interest in meeting with staff.

Mike Jeffries stated staff has not reviewed the information Planning Commission received at the beginning of the meeting from the Applicant.

Hollie MacKellar agrees with the Historic Preservation Commission recommendations.

Larry Smith, S.E. Civil, addressed the gas meter based on comments from Public Works.

Brad Hicks requested that SR 25.08 and SD 25.16 be tabled until January.

Hunter Simmons stated that he will try to expedite a meeting with the applicant.

Erik Cortinas made a motion to table of SR 25.08 until January.

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

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

Erik Cortinas made a motion to table SD 25.16 until January.

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

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

G. SD 25.17 Public hearing to consider the request of the Applicant, SE Civil, LLC, on behalf of the Owner, 68V Harvest Green West 2022, LLC, for Final Plat Approval of Harvest Green West, Phase 2, a 72-lot subdivision. The property is zoned PUD – Planned Unit Development. The property is approximately 41.65 acres and is located on the west side of State Highway 181 near The Waters Subdivision. **PPIN #: 17737**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, SE Civil, LLC, on behalf of the Owner, 68V Harvest Green West 2022, LLC, for Final Plat Approval of Harvest Green West, Phase 2, a 72-lot subdivision. The property is zoned PUD – Planned Unit Development. The

property is approximately 41.65 acres and is located on the west side of State Highway 181 near The Waters Subdivision. Mr. Jeffries shared the zoning map and aerial map. Staff recommends approval of SD 25.17.

Chairman Turner opened the public hearing at 7:44pm. Having no one present to speak, the public hearing was closed at 7:44pm.

John Worsham made a motion to approve SD 25.17.

Jimmy Conyers seconded the motion and the motion carried unanimously with the following vote:

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

H. SD 25.19 Public hearing to consider the request of Dewberry, on behalf of the owners, James M and SM Scopolites, for preliminary plat approval of Dresden Woods, a 4-lot subdivision. The property is zoned R-1 – Low Density Single-Family Residential District. The property is approximately 4.62 acres and is located on the northeast corner of Bishop Road and Gayfer Road Extension. **PPIN #: 43888**

Michelle Melton-Null, City Planner, presented the request of the Dewberry, on behalf of the owners, James M and SM Scopolites, for preliminary plat approval of Dresden Woods, a 4-lot subdivision. The property is zoned R-1 – Low Density Single-Family Residential District. The property is approximately 4.62 acres and is located on the northeast corner of Bishop Road and Gayfer Road Extension. Ms. Melton-Null shared the zoning map and aerial map.

Staff recommends approval of SD 25.19, with the following conditions:

1. Removal of all structures located on Lot 4 prior to final plat application.
2. Removal of overhead power lines on Lot 4 prior to final plat application.
3. Confirmation from Baldwin County of 75' highway construction setback along Gayfer Road Extension.
4. Consent from Baldwin County to any work proposed in the ROWs.
5. A revised Greenspace plan shall be submitted showing accurate labeling and calculations for greenspace types and area being counted for greenspace to demonstrate compliance with Article V Section C Table 4-1 of the Subdivision Regulations.
6. Sidewalks be installed prior to application for final plat approval.
7. Addition of Common Areas to accommodate drainage and greenspace.

Aaron Collins, Dewberry, unsure of the detention pond comment and of who the builders will be. Mr. Collins asked that the sidewalk condition to be addressed at Certificate of Occupancy.

Chairman Turner is concerned with sidewalks if someone buys two lots and the other sidewalks are not finished for years.

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

Rebecca Bryant made a motion to approve SD 25.19 with staff recommendations.

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

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

Nay: None

I. Resolution 2025-05 Public hearing to consider the request of the City of Fairhope's Planning and Zoning Department to accept Resolution 2025-05 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 1847.

Chairman Turner opened the public hearing at 8:11pm. Having no one present to speak, the public hearing was closed at 8:11pm.

Jimmy Conyers made a motion to approve Resolution 2025-05.

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

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

Nay: None

Adjournment

Erik Cortinas made a motion to adjourn.

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

Nay: None

Adjourned at 8:12pm.



Lee Turner, Chairman



Cindy Beaudreau, Secretary