

# Fairhope Planning Commission Minutes

March 2, 2026 – 5:00 PM

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## ADMINISTRATIVE

The Planning Commission met Monday, March 2, 2026, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present:

X	Lee Turner, Chairman	X	Paul Fontenot
X	Rebecca Bryant, Vice Chairman	X	Kim McCormick
X	Hunter Simmons, Interim Secretary	X	John Worsham
X	Harry Kohler	X	Erik Cortinas
X	Hollie MacKellar	X	Jimmy Conyers (CC)
(CC) City Council Representative			

Staff: Hunter Simmons, Planning and Zoning Director; Mike Jeffries, Development Services Manager; Payton Rogers, Planning and Zoning Manager; Michelle Melton-Null, City Planner; Chris Williams, City Attorney and Janine Saykes, Code Enforcement.

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

## CONSENT AGENDA

- Approval of the Minutes – February 2, 2026

Rebecca Bryant stated that there was a correction needed to remove the second paragraph under New Business, item C from the minutes.

Rebecca Bryant made a motion to approve the minutes.

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

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

NAY: None

ABSTAIN: None

- Hunter Simmons addressed the Committee Members and public attendees regarding the updates being made to the city website and explained how to navigate the Planning Commission meetings and agenda.

## OLD BUSINESS

- A. **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 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 and is 1.01± acres. **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. Payton Rogers shared the zoning map, aerial map, proposed Site Plan and elevations. He stated that the signage has not been finalized yet and will be reviewed at the time of submitting a sign permit.

Payton Rogers stated that the site has been included in numerous Subdivision and Multiple Occupancy Project requests since 2020. The Final Plat for Planter's Pointe Subdivision was approved in December 2023 and includes a note which requires mandatory Site Plan Review prior to the development of any of the out parcels of Planter's Pointe.

The application was tabled in January by the Applicant's request due to deficient tree planting, landscaping, stormwater screening, dumpster screening and exterior lighting. The current application has resolved all concerns.

Lee Turner asked if any of the members had questions for staff.

Paul Fontenot asked about the lack of screening for parking. The required screening is stopped before all the use areas and needs extended. There should be an unbroken screen which is stated in the Ordinance.

Payton Rogers said those are issues we can address in comments and conditions.

Lee Turner asked if anyone would like to speak on behalf of the developer.

Garrett Small, Engineer of record with HFA-AE LTD stated that he is available for questions. We have received the comments and will ensure that we will address the issues with Payton Rogers before going to City Council. The dumpster enclosure is in the revised Site Plan.

Staff recommends approval of SR 25.09 to City Council with the following recommendations:

1. Revision of the Site Plan to illustrate all proposed parking spaces to utilize pervious surfacing while maintaining compliance with ADA standards;
2. Revision of the construction plans to include a dumpster detail illustrating dumpster screening in compliance with Article IV.B.2. of the Zoning Ordinance; and
3. Revision of the Photometric Plans to remove any lighting not to be proposed.
4. Revision of the tree and landscape plan to reflect the required screening of vehicular circulation.

Paul Fontenot made a motion to recommend SR 25.09 7 Brew Fairhope to the City Council with staff recommendations.

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

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

NAY: None

ABSTAIN: None

- B. SD 23.26** Discussion of vertical construction at the Vatan Mixed-Use Development. The property is located on the northeast corner of Magnolia Avenue and North Church Street and is 0.52± Acres. **PPIN #: 15164**

Hunter Simmons, Planning and Zoning Director, brought a discussion item regarding the project on the corner of Magnolia Avenue and North Church Street. The infrastructure has been built. We received a building permit for one of the buildings. During the Preliminary approval we originally stated there would be no vertical construction until the final MOP was approved. We don't see a problem with starting vertical construction for the first building.

Rebecca Bryant asked which building it was. Hunter Simmons replied with building #3. Rebecca asked if there were any changes. Hunter Simmons stated there were no significant changes. In addition to the MOP, there was an approved Site Plan that does not have to come back for anything further.

Lee Turner asked the Commissioners if there were any objections from the committee to approve one building permit at this time.

No objections stated.

## **NEW BUSINESS**

- C. SR 26.01** Request of the Applicant, Lieb Engineering, on behalf of the Owner, Rockwell LLC, for Site Plan Approval of Jiffy Lube Fairhope. The property is zoned B-2, General Business District. The property is located on Lot 2 of Rockwell Place north of the northeast corner of State Highway 181 and State Highway 104 and is 0.99± acres. **PPIN #: 633808**

Payton Rogers, Planning and Zoning Manager, presented the request of the Applicant, Lieb Engineering, on behalf of the Owner, Rockwell LLC, for Site Plan Approval of Jiffy Lube Fairhope. Payton Rogers shared the zoning and aerial maps as well as the proposed Site Plan and elevations. The subject site has had numerous Subdivision, Multiple Occupancy Project, and Zoning Change applications. Most recently the subject site was before the Planning Commission on July 7, 2025, which was a request for approval of a 10-Lot Major Subdivision to re-subdivide Rockwell Place Lot 1. The Site is compliant but some labels and language need to be revised in the staff report that did not match the plan. Parking was miscalculated and the Site Plan is compliant. Mechanical screening and dumpster screening will need adjusted.

Lee Turner asked if there were any questions for staff.

Paul Fontenot stated the required screening on the landscape plan, on the west side, the trees stop 10-12 feet before each property line and should be extended to the property line. On the east side it should be a continuous hedge. It should be an unbroken screen as stated in the Ordinance. Payton Rogers said those are issues we can address in comments and conditions.

Lee Turner asked if anyone would like to speak on behalf of the developer.

Chris Lieb, Lieb Engineering Company stated that he is available for questions. We have received the comments and will ensure that the mechanical equipment is screened and we will address the dumpster enclosure and the vehicle screening before going to City Council.

Staff Recommends Approval of SR 26.01 to City Council:

1. Revision of the Site Plan to accurately label all easements and setbacks in accordance with the Final Plat for Rockwell Place Commercial Subdivision (Resubdivision of Lot 1 and Common Areas 1 & 2, Rockwell Place);
2. Provision of a note on the Tree and Landscape Plan stating that all nine (9) existing Credit Trees shall not be removed and shall be protected throughout construction in accordance with the City of Fairhope Trees and Landscaping Ordinance;
3. Revision of the Site Plan, Civil Plans, and Elevation Plans to include compliant mechanical screening or relocation of all mechanical equipment to the roof;
4. Provision of Architectural Plans prior to issuance of Building Permit illustrating compliant dumpster screening; and
5. Builder to meet the landscape requirements.

John Worsham made a motion to recommend SR 26.01 Jiffy Lube Fairhope to the City Council with staff recommendations.

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

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

NAY: None

ABSTAIN: Jimmy Conyers

Lee Turner stated the next two Agenda items will be presented together and voted on back-to-back. Attorney Chris Williams is in attendance and agrees.

- D. SR 26.02** Public hearing to consider the request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, FST DELAMARE PLACE LLC, for Site Plan Approval of De La Mare Phase 2, on property zoned B-2, General Business District. The property is located on the southeast corner of De La Mare and Bernhardt Lane and is 0.24± acres. **PPIN #: 15174**
- E. SD 26.05** Request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, FST DELAMARE PLACE LLC, for Preliminary Plat approval of De La Mare Phase 2, a 9-unit Multiple Occupancy Project, on property zoned B-2, General Business District. The property is located on the southeast corner of De La Mare and Bernhardt Lane and is 0.24± acres. **PPIN #: 15174**

Michelle Melton-Null, City Planner, presented the request of the Applicant, S.E. Civil, LLC, on behalf of the Owner, FST DELAMARE PLACE LLC, for Site Plan Approval of De La Mare Phase 2. Michelle Melton-Null shared zoning and aerial maps as well as the proposed Site Plan and elevations. They are preserving a 43-inch oak and have a tree preservation plan. Phase 1 was built in 2002. Phase 2 was approved unanimously in July 2003 and did not go to City Council and the approval expired. De La Mare Place Phase 2 SR 26.02 for Site Plan Approval and SD 26.05, Preliminary Plan for a 9-unit Multiple Occupancy Project (MOP), applications were submitted concurrently.

Site Plan SR 26.02 is compliant as well as the Multiple Occupancy Project (MOP) SD 26.05.

Staff recommends approval of **SR 26.02** to City Council with the following recommendations:

1. Approval of SD 26.05 De La Mare Phase II MOP;
2. Revision of all construction and architectural plans to replace the label for "Rooftop Terrace" with "Second Floor Porch";
3. Provision of written consent and approval by the Parking Authority for the use of Bernhardt Lane and the alley behind Phase II during construction;
4. Approval of all easement(s) by the Parking Authority for utilities and/or services within Bernhardt Lane ROW and the alley behind Phase II shown on Site Plan;
5. Revision of the Site Plan to include a note and/or illustrate the location of all easements approved by the Parking Authority for utilities and/or services within Bernhardt Lane ROW and the alley behind Phase II; and
6. Completion of any required improvements to alley behind Phase II or Bernhardt Lane ROW as determined by the Applicant, Parking Authority, and applicable city departments.
7. Developer meets with the city horticulturist to confirm the tree protection plan is adequate.

Staff recommends approval of **SD 26.05** with the following recommendations:

1. Approval of SR 26.02 De La Mare Phase II Site Plan by the City Council;
2. Revisions of all construction and architectural plans to replace the label for "Rooftop Terrace" with Second Floor Porch";
3. Provision of written consent and approval by the Parking Authority for the use of Bernhardt Lane and the alley behind Phase II during construction;
4. Approval of all easement(s) by the Parking Authority for utilities and/or services within Bernhardt Lane ROW and the alley behind Phase II shown on Site Plan; and
5. Completion of any required improvements to alley behind Phase II or Bernhardt Lane ROW as determined by the Applicant, Parking Authority, and applicable city departments.

Lee Turner asked if there were any questions for staff.

No questions asked.

Lee Turner asked if anyone would like to speak on behalf of the developer.

Ryan Baker Architect with Walcott Adams Vernueille, stated he is available for any questions.

Rebecca Bryant asked about tree protection. She is concerned about seeing a grade change and seeing a cut around the 43-inch oak tree. Ryan Baker stated they had the area checked by Arborist, Chris Francis who checked the roots. Ryan Baker stated they are not cutting around the tree roots and are leaving the retaining wall around the tree in place. Rebecca Bryant asked if they met with Will Mastin or the Tree Committee. Ryan Baker stated they did not. Our intent is to keep the tree. Ryan Baker said they will address all concerns before we go to City Council.

Chairman Turner opened the public hearing at 5:42pm. Having no one present to speak, the public hearing was closed at 5:42pm.

Rebecca Bryant made a motion to recommend SR.26.02 De La Mare Phase 2 to the City Council with staff recommendations.

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

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

John Worsham made a motion to recommend SD.26.05 De La Mare Phase 2 with staff recommendations.

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

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

- F. **SD 26.02** 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 6-lot Major Subdivision on property zoned R-1, Low Density Single-Family Residential District. The property is located on the northeast corner of Bishop Road and Gayfer Road Extension and is 4.66± acres. **PPIN #: 43888**

Michelle Melton-Null, City Planner, presented the request of the Applicant, Dewberry, on behalf of the Owner, James M and SM Scopolites, for Preliminary Plat Approval of Dresden Woods. Michelle Melton-Null shared zoning and aerial maps as well as the proposed Site Plan and elevations. In May 2020 a 3-lot Minor Subdivision was tabled due to concerns regarding the lots proximity to a fire hydrant, and the construction of sidewalks. It was approved in June 2020 with sidewalk, fire hydrant and sidewalk waivers. In December 2023 it was annexed into the city. In July 2024 a 2-lot Minor subdivision was approved and expired. In December 2025 a Preliminary Plat approval for a 4-lot Major Subdivision was approved.

Staff recommends approval of SD 26.02 with the following recommendations:

1. Revision of the Final Plat to remove all structures illustrated on Lot 6 prior to application for Final Plat;
2. Receipt of all required permits necessary for proposed ROW work from Baldwin County; and
3. Installation of sidewalks along all street frontages prior to application for Final Plat.

Chairman Turner opened the public hearing at 5:54pm. Having no one present to speak, the public hearing was closed at 5:54pm.

John Worsham made a motion to recommend SD.26.02 Dresden Woods with staff recommendations.

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

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

NAY: None

ABSTAIN: None

- G. SD 26.06** Public hearing to consider the request of the Applicant, Sawgrass Consulting, on behalf of the Owner, PCH Hotels and Resorts/RSA, for Final Plat approval of Battles Trace Phase 9, an 81-lot Major Subdivision, on property 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 and is 22.4± acres. **PPINS #: 5499, 20948, 286294**

Mike Jeffries, Development Services Manager, presented the request of the Applicant, Sawgrass Consulting, on behalf of the Owner, PCH Hotels and Resorts/RSA, for Final Plat Approval of Battles Trace Phase 9. Mike Jeffries shared zoning and aerial maps as well as the proposed Site Plan and elevations. Mike Jeffries shared a map of the highlighted area being developed. Mike Jeffries shared an email from a citizen, Delphine Williams who had a concern regarding the construction impact near her property on Twin Beech Road. He stated that the area she is asking about is not part of this phase. Mike Jeffries stated the two conditions of the Preliminary Plat approval have been met. The subdivision has been built in compliance with Preliminary Plat approval.

Staff recommends approval of SD 26.06 with the following recommendations:

1. Recording of the Final Plat with Baldwin County Probate Office within 120 days of acceptance and submittal of a copy of the recorded Final Plat to Planning Staff;
2. Recording of the final Operations and Maintenance Agreement with Baldwin County Probate Office and provision of a copy of the recorded O&M Agreement to Planning Staff; and
3. Execution of the Maintenance Agreement by the Subdivider to include the Final Plat Instrument # (this document is not considered fully executed until it has received the Mayor's signature).

Lee Turner asked if there were any questions for staff.

No questions asked.

Lee Turner asked if Sawgrass had anything to add.  
Nothing more to add.

Chairman Turner opened the public hearing at 5:59 pm.

Delphine Williams, Twin Beech Road, asked when construction starts, I want to make sure I still have access to my driveway. Lee Turner explained that this phase is completed, in regard to street access. There is nothing new planned on Twin Beech Road for an entrance or exit road, at this time. Hunter Simmons showed Miss Williams the map and explained where the current construction entrance is and will not affect her property access.

Troy Vickers, 248 Cuban Lily, said that the homeowners in Battles Trace were sold a lie regarding future development by RSA and they continue to do whatever they want in Fairhope. And the City and Planning Commission just roll over and let RSA dictate the actions of the city. We were told as homeowners that we were dumb for not reading all the details of the TR zoning granted to RSA years ago. We are Fairhope citizens and taxpayers and we expect our government to protect our interests, not just the developers. It should be a priority of the Planning Department to update and provide proper protection in the TR zoning requirements. You have the ability to do that. I've heard that Fairhope can't fight RSA on their development plans.

Chairman Turner closed the public hearing at 6:04 pm.

Jimmy Conyers stated that he has heard concerns raised from community members regarding this development and water runoff to existing developments. He would like to know what has been done to address this throughout this phase. Jimmy Conyers stated, I have been out there and saw a video with substantial runoff after a significant rain event. I know the developer has been working on this and trying to correct it. What is the enforcement and follow up for this. Hunter Simmons stated that within the RSA development, you had two issues. First, in previous phases you had contractors building homes and you had more violations than in this phase. Secondly, after the major storm, there were breaches with the runoff, and our Code Enforcement and Building Department were out there early every morning checking on it. We sent violation notifications and we asked City Council to change some regulations so we could have quicker actions and fees, as opposed to sending multiple letters and going to court. The violations are now attached and sent to their building permit. So, there is a fee for re-inspection every time we go out. We have every issue documented. This has been a construction issue. Erik Cortinas noted that the Building Department monitors the storm water and grading of the lots and getting the water to the conveyance points. We monitor that during construction. There is a difference between drainage and flooding. Flooding relates to water getting into or up to your home. As opposed to surface water and heavy rain. The typical rule of thumb for drainage issues is after forty-eight hours after the end of the rain, if you still have standing water you need to look at your grading. We have not had any flooding problems anywhere within Battles Trace to my knowledge. Jimmy Conyers stated he appreciates this and asks that it continues to be monitored through the next phases.

Hollie MacKellar brought up an ongoing issue. The developer was supposed to finish the sidewalks on the outside of the development. It is something that should be pushed upon the developer. She stated that for safety it should be completed. Lee Turner stated that it is important and discussed that it does need addressed. Tim Walley from Sawgrass responded that

he is not sure how many more phases there will be. Maybe three or four more. He does not know about the rest of the sidewalks. He stated that he thought all sidewalks have been installed that they were asked or obligated to do. He is unsure of the location of sidewalks being discussed. Hollie MacKellar stated on the curve of Battles Road there is no sidewalk. There's not a contiguous sidewalk anywhere in the development. Tim Walley stated in Phase 1 and 2 that was not asked or required in the approval. Hollie MacKellar stated that it was. Lee Turner stated that before the next phase it needs to be discussed.

Paul Fontenot asked about the management plan regarding the silt fencing and ponds. Hunter Simmons stated that there is a schedule for when the maintenance is to be done. Tim Walley said the work started three to four weeks ago and is approximately 75- 80% done.

Hollie MacKellar asked Tim Walley if he is unsure about the final plat or plans, how would the public know what is coming next. Tim Walley said that it would be when they submit a plan. At this point in time there is no directive to start an additional phase. Attorney Chris Williams stated for the record, when this whole development was zoned, there were some overarching master plan requirements in terms of lots and limitations. With some of the changes in phases there have been different requirements. Historically, there is a record of each approval through City Council and Planning Commission. It's all public record. Hunter Simmons addressed what we can change. We have a TR District within the Zoning Ordinance. To apply for a TR District, it's like a PUD. You can propose the application for a specific property and there are changes other than what is in our Zoning Ordinance that govern this property that was approved in 2010. Looking at those documents and seeing what was required would give you a specific allowance of what was allowed. The TR District that is in the Zoning Ordinance now is for anything new that would be zoned TR. Anything relating to this specific property we would have to go back to the original documents and any amendments made throughout the years. Rebecca Bryant asked if there was any pathway to make any amendments to this property. Chris Williams said there are limited circumstances based on the framework. They were given a path and certain building blocks they had to comply with. Lee Turner asked Chris Williams if Sawgrass or another company comes back to submit the next phase, can the city hire someone to audit phase by phase and find deficiencies with prior phases. If that happened, would we be able to legally do anything about those deficiencies, as we approve the final phases based on how RSA comes back. Chris Williams said it is hard to speculate on that. It depends on the details. In some circumstances there may be opportunity to do that based on the impact on the surrounding community. If it was done correctly and approved in the phase it would be limited. It really depends on the details. Rebecca Bryant asked if the details of the TR District supersede the Tree Ordinance. Hunter Simmons said that it does because the details in the Ordinance give the developer the flexibility to do what he decides. It specifically says the Tree Ordinance does not apply to that acreage of land.

Rebecca Bryant stated that maybe the Tree Ordinance needs to be changed, because citizens buy in a wooded area that's very natural. And as each subdivision preserves some of trees, the builders come in and cut down the trees because no one wants them.

Erik Cortinas made a motion to approve SD 26.06 Battles Trace Phase 9 with staff recommendations.

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

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

NAY: None

ABSTAIN: None

- H. ZC 25.08** Public Hearing to consider the request of the Applicant, Core Development and Construction of Alabama, LLC, on behalf of the Owner, FST and Bertolla Properties LLC, for Conditional Annexation to PUD, Planned Unit Development for Colony Village. The property is located at 10504 State Highway 104 and is 148± acres. **PPIN #: 14396**

Lee Turner stated he has a conflict with this item and is recusing himself. Vice Chairman Rebecca Bryant will step in.

Hunter Simmons, Planning and Zoning Director presented the request of the Applicant, Core Development and Construction of Alabama, LLC, on behalf of the Owner, FST and Bertolla Properties LLC, for Conditional Annexation to PUD, Planned Unit Development for Colony Village. Jade Consulting is the Engineer of Record. Hunter Simmons shared zoning and an aerial map, as well as a Site Plan. This is currently not in the city limits. It is zoned R/A Rural Agriculture in Baldwin County.

Hunter explained the review process for zoning changes. Staff intend to make a recommendation of holdover until sufficient progress justifies a recommendation in support or opposition of the application. This report will not go into detail with all aspects of the proposed development. The intent of this report is to provide enough information to glean feedback for a list of issues that may benefit Staff and the Applicant.

A PUD, Planned Unit Development, is intended to encourage innovative development. The Subject Property is located within a Suburban Residential Place Type, which does not meet a description of a Comprehensive Plan. The Applicant's Master Development Plan incorrectly describes the property as within a Suburban Mixed-Use Center Place Type. A Suburban Residential area generally has the largest lot sized for single-family detached houses. They focus on lot sizes that range from a third of an acre and up, minimum widths between 75-100 feet, and minimum front setbacks between 30-40 feet. The lot sizes and setbacks proposed are significantly less than what is prescribed in the Comprehensive Plan. The Applicant is proposing four lot types mixed throughout the development. These are described as Signature Lots, Village Cottage Lots, Neighborhood Cottage Lots, and CV Townhome Lots. The Master Development Plan requires use of Base Zoning Districts and listed deviations within the PUD. This development has chosen R-3 Zoning for their Base Zoning. Hunter shared a table which shows the four (4) lot sizes and summarizes the deviations from R-3. Some of those details we do not agree with. An example of this is 90% lot coverage. Details are in conflict. The maximum lot coverage, as proposed, increases from 35% to 71-92% and calls it a "modest increase". There are also inconsistencies with the form-based code submitted within the application. One of the positive aspects is greenspace. But we need to know the details and if the amenities will be built in the first phase. There are also wetlands and we would need specifics on the usage and plans for those.

The Zoning Ordinance and its associated zoning map are derived from long-range comprehensive planning studies intended to promote orderly, desirable development. Casual or unsupported amendments to the Zoning Ordinance can undermine this purpose. Therefore, rezoning requests are evaluated according to the following criteria:

1. Compliance with the Comprehensive Plan;
2. Compliance with the standards, goals, and intent of this ordinance;
3. The character of the surrounding property, including any pending development activity;
4. Adequacy of public infrastructure to support the proposed development;
5. Impacts on natural resources, including existing conditions and ongoing post-development conditions;
6. Compliance with other laws and regulations of the City;
7. Compliance with other applicable laws and regulations of other jurisdictions;
8. Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and
9. Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

Staff is prepared to work with the Applicant to ensure we receive plans that reflect the desired outcome. To resolve these issues, both the Applicant and Staff would like feedback from the Commissioners as it relates to a PUD.

Staff recommend Holdover of ZC 25.08 Colony Village Conditional Annexation for PUD, Planned Unit Development.

Rebecca Bryant asked if there were any questions for Staff. Hollie Mackellar said that we need to send this back and mark it up a little bit. Doug Anderson, Attorney for the developer, stated that they are agreeable to the holdover.

Paul Fontenot asked about the traffic and read the public comment on traffic. He suggested a third-party traffic study. Hunter Simmons agreed. Hollie MacKellar said she would like to require a new traffic study for every phase of the project. Erik Cortinas would like to hear from the public and their concerns. Jimmy Conyers stated he likes a lot of the amenities proposed and would like to know more about the wetlands. What is the lot count and how does it differ from a standard subdivision. Are they getting more lots in the PUD. Hunter Simmons stated that maybe the Engineer would have a better answer to that. We can't estimate that. Jimmy Conyers stated that he doesn't want to see PUD's being utilized to max out the number of units. Although, this does have some really nice amenities and looks like it could be a really nice development. It seems a little dense though. Rebecca Bryant stated they will open this to the public shortly. She said we don't want to risk squelching the actual creative use of PUD's, but the density needs to be drilled down on. Paul Fontenot would like to discuss why this PUD would be better than a typical or standard R-2 development. Hunter Simmons wanted to clarify that this is a Conditional Annexation, it is not in the city. At any time, the city or Applicant can decide not to go through with this. The annexation is tied to the zoning request. John Worsham asked about the alleyways. Is that a city right of way or the development. Hunter Simmons said the alleys would have to remain private. John Worsham also asked how services and garbage pickup would fit through the narrow right of ways where the townhomes are located. Hunter Simmons said those are the problems we are discussing.

Rebecca Bryant asked if the Applicant would like to speak.

Doug Anderson, Attorney representing the developer, stated that he agreed with the holdover for the application. He stated that his client met with the neighbors a year ago for feedback. The plan has been tweaked based on the feedback received, but there is still work to be done. We welcome your input to move forward. I would like to first address the traffic. The traffic improvements that have been recommended by the engineer will all be done in phase 1. This will probably be an eight (8) year project. We plan to build approximately 50 homes a year. We realize that standards change throughout the years with the city, county and ALDOT. The wetlands improvements and restoration will be done in Phase 1. We have had a lot of conversations regarding utilities, especially along the easements. We have been working with the city on that and are headed in the right direction. Drainage is always an issue. We are not in the drainage phase yet but will do whatever is required. We will have architectural guidelines included in a plan book, with specific guidelines to follow. We will also have restrictive covenants. Mr. Anderson discussed that the Ordinance requires all amenities being completed in Phase 1. We have added a pool and pickle ball court to Phase 1. But, the majority of amenities are on northeast side of the wetlands and we don't want to do a lot of construction there. We would like to restore the wetlands first. We don't plan on building the infrastructure there yet. We ask to be allowed to do that in phases. The parking will have 867 on-street spaces when this is completed. Mr. Anderson discussed the location of the development being near the high school as a positive idea.

Rebecca Bryant opened the public hearing at 7:15pm.

Linda Smith 10821 State Hwy 104, shared photos and video showing that her property is contiguous to the subject property. She showed multiple pictures after heavy rains from 2022 to 2025 showing three (3+) plus inches of rain and the effects to the property. She shared a video from March 2025 that shows over four (4) inches of rain in one day, in the area that would be used as greenspace in the development. Ms. Smith said these heavy rains happen 4-5 times a year. The accumulation of water has increased over the years because of all the pavement that has been done around her.

Wade Perry 2454 Eland Drive, Mobile, stated he believes this is a terrible proposal for the community and the environment. He stated he heard that one environmental firm refused to work on it and the developer pulled out from the Baldwin County process on this project because Baldwin County was ready to tell them no. Mr. Perry stated he thinks it is a bad look for Fairhope to approve something the County was ready to deny. I recommend you vote to say no.

Ben Gould 21735 Pillar St. explained the retention ponds from other developments in the area all overflow into the subject property. He stated that this is not greenspace, it is the Pensacola Branch of the Fish River, that is a major drainage basin. This development does not have any detention ponds on their plan. If they had 3-5 acre lots this would work. That would be a lot more land for the water to flow. The elevation drop on this property is also concerning for the flow of water. It's going to be a major flood area.

Bobby Shumake 21482 Roundhouse Rd. said he was here 4-5 months ago and heard the same presentation. The feedback was not taken to heart. We are back here with the same problems. He feels that the PUD does not work here and does not fit the neighborhood. It's not just about us but everyone downstream from us.

Paul Orcutt 105 Wedgewood Cir. said that he and his wife just bought a lot in The Verandas. Mr. Orcutt stated that he is involved in stormwater and wastewater detection. I would ask the city to have an impact study done by Mobile Bay National Estuary Program. My concern is things are changing with all the construction and the impact of that. If we do this wrong it could have a very detrimental impact.

Margaret Hudson 12843 Woodhaven Dairy Rd West stated the impact of Pensacola Branch getting so full and overflowing is affecting everything downstream. The depth of the river used to be 9-12 feet and now it is 4-6 feet in our area due to run-off such as silt. When the storms come through there are also contaminants coming down stream and landing in Mobile Bay. In 2017 three or four inches of rain would only give 11 feet of flooding at the river. Now we get four (4) inches in one day we can have as much as 16 feet of flooding. She shared photos of the erosion around a 3-tiered deck at a neighbor's house, a carport with the water to the top of a vehicle and debris inside of a house. She said the subject subdivision will overwhelmingly impact everyone downstream.

Gary Little 11010 Catania Ave. stated that he understands that the developers have already contacted City Council and are promoting this property before going before the proper channels and processes. Mr. Little said he called the Mayor and found out that the information is correct, and he found that strange. With all the staff deviations mentioned, the developer hasn't changed a thing. Mr. Little said this is a beautiful idea but in the wrong place. It doesn't fit the neighborhood.

Dan Ruble 21933 Veranda Blvd. stated that he is going to suffer great impact because of what they are doing upstream. He also said making a focal point of the green space is ridiculous. It's like an estuary full of insects. He thinks there will be a lot of pesticides being dumped to control this. Additionally, with all the retention ponds that fill with trash and debris flow down to them. Mr. Ruble also brought attention to the traffic hazard on Hwy 104. His daughter was rear ended trying to pull into The Verandas, his wife had a semi-truck almost kill her and a cement truck rolled over. The road is already in crisis. He also said the water accumulating there will be in his backyard. I hope you say no to this project, it is wrong for this community.

Sissy Hawkins 11567 Branchwood Dr. said that she was surprised no one brought up 867 street parking spaces. Where is the mailman, the FedEx, Amazon, and the UPS drivers going to go. And if there are children playing, they will not be seen. In last month's County Commission meeting there were discussions with ALDOT to put a light at the Estates. There was also discussion regarding making Hwy 104 a four-lane road.

Hollis Sellow 12853 Woodhaven Dairy Rd West stated that in 1991 he bought on Fish River and discussed the floods he has lived through there. He stated he is a victim of the progress of man.

Rebecca Bryant closed the public hearing at 7:50pm.

John Worsham would like to make a comment. In my opinion there have been a couple of implications made tonight. City employees, elected officials, and volunteers, are in the pockets of developers and I resent the hell out of that.

Rebecca Bryant asked the Developer to come up and address questions.

Paul Marcinko Engineer from Jade Consulting addressed downstream drainage issues. We understand that we will need to retain some water and must release some. When you look at the entire area it is always changing. We are proposing some water crossings. This project will be looked at pre vs. post water release rates and what the requirements are. We will certify that post development water release rates will be lower than predevelopment rates. I can answer any drainage questions. Erik Cortinas stated that during the DRC meeting discussions this is not designated a flood way on the FEMA map but it is heavy drainage area. I would like a FEMA based flood study. Paul Marcinko agrees with that and said it would be part of their design. Rebecca Bryant said it seems like the requirement not to increase the rate would be difficult with multiple outlets dumping into the same area. Especially with the proposed density. Mr. Marcinko said that's what the study would include. Erik Cortinas is trying to compare this development to another one to see what issues have arisen. With the density and setbacks proposed there is nowhere for the water to go. With setbacks as tight as proposed you don't have room for mechanical equipment and generators in between houses. My main concern is the potential for very heavy water flow from neighbor to neighbor.

Christian Preus, with CPLA, Landscape Architect addressed the street parking. We are using smart code methods of on-street parking. We do need to look into the rear setbacks for parking. The intent for the 867 spaces shows the capacity to have that much parking if it's needed. We are designing a functional street with pedestrian safety measures.

Jimmy Conyers asked what is being addressed during the holdover before this comes back to the Committee.

Doug Anderson stated they will be addressing all issues brought up this evening. We know drainage and density are key issues to address.

Rebecca Bryant asked where the additional storm water will go. Mr. Anderson stated it has not been determined because it hasn't been designed yet. But, we will do our best to address it.

Kim McCormick stated she doesn't see what the innovative development is here. Mr. Anderson said it is the different types of lots and the amenities. Kim McCormick said that she continues to have concerns about density. I think it's inappropriate for the area, the site itself, and that's been demonstrated tonight with the drainage. What you are proposing is so dense and covered with pavement and building, that you are going to destroy the potential of the east side of Fairhope. We have an opportunity to build a community that is attractive and not condensed. I object to these lots that cover 92% of the lot. You came here a few months ago for informal input and I don't see any reflections in the plans here tonight. Are we going to see significant changes the next time you come here? Mr. Anderson said we will put forth a plan that is good for everyone. Kim McCormick asked if the plan they took to the County with larger lot sizes is comparable to our R-1 Zoning, and why that was not presented to us? Paul Fontenot asked how many lots were in that plan. Mr. Anderson stated approximately 300. Kim McCormick stated it

is 113 less. I also have concerns about streets that are not public. I would like public services to be able to go down those streets. People in townhomes shouldn't have to walk blocks to get to their house. The townhouses in that area don't make sense. Where are people on the north end going to park when they drive to pickleball at the south end? I don't see parking at those amenities. These have to be functional city streets. I don't see the innovation. I don't think this was the intent of the Comprehensive Plan.

Harry Kohler asked if there are sufficient utilities in Fairhope for this plan. Hunter Simmons said the Master Development Plan has some flexibility. Until you get to each phase there is not a full engineering plan. In a zoning case like this, capacity is an issue and how to navigate that. There is a burden on the developer that needs to be worked out. You can't get into the numbers until you have a final plan with lot numbers. Mr. Anderson said he understands their obligation to pay for those improvements. Harry Kohler said his concern is the capacity of the wastewater treatment plant. It has a fixed capacity and if it's going to be enlarged. Hunter Simmons said there is a lot of investment in expanding the capacity.

Rebeca Bryant doesn't feel as strong about density. Her concern is the amount of impervious area on this site, but I do like the creativity.

Hunter Simmons explained the options for the Committee members.

Jimmy Conyers made a motion to Holdover ZC 25.08 Colony for Village for up to six (6) months with staff recommendations.

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

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

NAY: None

ABSTAIN: Lee Turner

**I. ZC 26.01 Various proposed amendments – HELDOVER TO LATER MEETING DATE TO BE DETERMINED**

**ADJOURNMENT**

Erik Cortinas made a motion to adjourn.

AYE: Rebecca Bryant; Jimmy Conyers; Harry Kohler; Paul Fontenot, Erik Cortinas, John Worsham, Hollie MaKellar and Kim McCormick

NAY: None

ABSENT: Lee Turner

Adjourned at 8:24pm.

  
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Lee Turner, Chairman

  
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Hunter Simmons, Interim Secretary