

**PLANNING COMMISSION MEETING MINUTES**  
**September 20, 2017 (Council Chambers) 5:30 P.M.**

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The City of Foley Planning Commission held a meeting on September 20, 2017 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Ralph Hellmich, Jeff Rouzie, Phillip Hinesley, Roderick Burkle, Wes Abrams, Chad Watkins, and Sue Steigerwald. Absent member was Calvin Hare. Staff present were: Miriam Boutwell, City Planner; Chad Christian, City Engineer; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Chairman Burkle called the meeting to order at 5:31 pm

**MINUTES:**

Approval of the August 9, 2017 and August 16, 2017 meeting minutes.

Commissioner Hellmich made a motion to approve the August 9, 2017 and August 16, 2017 meeting minutes. Commissioner Abrams seconded the motion. All Commissioners voted aye.

**Motion to approve the August 9, 2017 and August 16, 2017 meeting minutes passes.**

**PUBLIC HEARING:**

**1. Riviera Square 2 Subdivision- Request for Preliminary and Final**

The City of Foley Planning Commission has received a request for preliminary and final approval of Riviera Square 2 which consists of 17.69+/- acres and 6 lots. Property is located between State Hwy. 59 and Pine St., south of W. Pride Blvd. Applicant is Riviera Square, LLC.

Chairman Burkle asked if there were any members of the public to speak on this item. There were none.

**2. \*Little Woerner- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for of Little Woerner Subdivision, a minor subdivision which consists of 54.69+/- acres and 4 lots. Property is located south of Co. Rd. 20 (aka Mifflin Rd.), west of James Rd. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Edward Woerner.

Chairman Burkle asked if there were any members of the public to speak on this item. There were none.

**3. MCMC Glenlakes, LLC- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 96+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located north of County Rd. 12, between Carnoustie Dr. and Clark Ridge Rd. Applicant is MCMC Glenlakes, LLC.

Chairman Burkle explained the item has been carried over per the request of the applicant.

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**4. WLG#10 LLC- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 185+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located at the northeast corner of Wolf Bay Dr. Applicant is WLG#10, LLC.

Mr. Doug Bailey with Hutchison, Moore, and Rauch stated the applicant is listed as WLG# 10, LLC. due to the sale of the property not being complete at this time. He explained there will be a maximum of two entrances off of Wolf Bay Drive, a landscaped berm with fencing, a pool, club house and play ground area that will be built in Phase 1. The DR Horton homes will not be "Express Homes". The requested PUD is being reduced by 28 lots from the current zoning. He stated there is an area which has conduit, water, and storm drains in place. The lines and lift station have been tested by Riviera and everything looks to be in good shape. He went over the number of lots and required sizes of homes.

Commissioner Hellmich stated there have been a lot of meetings and negotiations on the requirements of the rezoning request. He explained the current zone has 8 requirements and the proposed zone has 12 requirements.

Mr. Grant Rish explained there will be a 3' berm added with a 6' privacy fence on top of the berm.

A resident of Bay Forrest Estates explained his home is located in a very secluded area. He stated the new subdivision will be modernized housing which will be put up fast and is a get rich quick scheme. He stated Bay Forrest Estates, Wolf Bay Pines, Graham Creek and Glenlakes are quality neighborhoods with quality homes. He explained the new development maybe low income housing. He recommends the Commission not approve the requested rezoning.

Mr. Wayne Verry resident of 8773 Bay View Drive asked if the homes will be less than 2000 sq. ft. He explained the square footage is insulated living area exclusive of patios and garages.

Mr. Rish stated the smallest homes will be 1,800 sq. ft. of living space and a total of 2,200 sq. ft. after including the covered garage.

Mr. Verry asked if anyone has done a marketing survey for this type of development. He stated in his subdivision the lots are a minimum of an acre with larger homes and is concerned about the impact this development will have on them. He explained the homes will be for people just starting out and landlords who will use the property as rentals. He asked when you build it who will come. He explained he understands the infrastructure is in place and the reasoning for make the lots smaller. He asked why the plumbing couldn't be adjusted so the lot sizes can be increased.

Ms. Lisa Way resident of 24307 Wolf Bay Drive explained she is from Texas and bought her home 8 years ago as a retirement home. She asked if there is a strategic plan for the City and if so how does this development align with that plan. She stated the amount of homes will have a huge impact on the city in regards to sewer, traffic and other things. She stated she enjoys the wildlife and has concerns this development will displace them. She explained there is already flooding issues on County Road 12 and Wolf Bay Drive.

Note: \*Denotes property located in the Planning Jurisdiction

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Vice-Chairman Hinesley explained the city does have a Comprehensive Plan and is in the process of updating the plan. He stated this area does show residential medium density.

Commissioner Hellmich stated this development should not affect County Road 12 since it is downstream from that area and there will also be a conservation easement established on the property.

Ms. Way asked who would do improvements for County Road 12, the Foley Beach Express and Wolf Bay Drive to handle the added traffic.

Commissioner Hellmich stated the City does have a Comprehensive Plan which was developed with a lot of citizen input and is followed as closely as possible. He stated the City is constantly doing improvements and looking at ways to make improvements.

Vice-Chairman Hinesley stated the property is currently zoned PUD and the requested zone is a reduction in density. He explained not having the previously required bridge added and restoring the flow should help lower flood insurance cost in the area.

Commissioner Hellmich stated the City has developed low impact development requirements which are some of the strictest in the state and will help improve water quality.

Ms. Way asked who would want to live in a larger home surrounded by smaller less expensive homes.

Mr. Phil Bohan resident of 9378 Lakeview Drive stated he is a little concerned with the Glenlakes and Primland developments being so close together and we will end up having wall to wall houses.

Mr. Henry Baraco president of the Bay Forrest Estates Home Owners Association stated they had sent out letters to the property owners with information regarding the discussions they have had with the developers. He stated since then a few questions have come up. Discussions reflected that D.R. Horton and Truland Homes would be the builders in this development. The property owners need a clarification on what phase Truland homes will be built in and is there any kind of guarantee Truland will build in the subdivision. He stated there was a question regarding if a traffic study has been done.

Mr. Rish explained there is no documentation stating another builder will not build in the subdivision. He stated Trulands track record is good and they are spending millions of dollars on the entrances and amenities to ensure it is aesthetically pleasing.

Mr. Christian explained there was a traffic study done for Owens Creek and he does not feel it will change due to the number of lots decreasing. He stated they will have to update the survey to verify no changes are needed.

Mr. Rish stated they have done several subdivisions with a mixture of DR Horton and Truland homes. He explained they have done extremely well and the average prices of the Truland homes sold in those developments were \$300,000.

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Chairman Burkle stated he has a concern over the requested decrease in setbacks.

Mr. Rish explained the requested decrease in setback is for one area where the infrastructure is in place.

A resident stated the sewage system on Wolf Bay Drive is inadequate.

Commissioner Hellmich stated the sewage from this development will be on Riviera Utilities sewage and will not go into the existing system on Wolf Bay Drive.

Mr. Terry Miller a resident of 24043 Bay View Drive stated the quality of the Bayou has gone down and has concerns over how it will be affected by 300 more homes.

Commissioner Hellmich stated the development will have to be designed for low impact which requires more filtering.

Mr. Christian stated the low impact requirements are more rigorous and require treatment devices in grassed areas.

Mr. Bailey explained there will be a 7 acre retention area and 28 acres of open space and wetlands.

Mr. Stephen Newman resident of 8460 Forest Lane asked if the wetland area is protected.

Mr. Bailey stated there will be a 30' buffer from the wetland area. He explained the wetland area will be undevelopable.

Ms. Maria Foster resident of 9065 Clarke Ridge Road stated she has concerns with traffic due to it being the only cut thru road. She stated 500 humans in this small of an area is a lot and asked if there were any plans in place for sidewalks or bike paths.

Commissioner Hellmich stated Clarke Ridge Rd. is in Baldwin County and she would need to speak with them about bike paths and sidewalks.

Mr. Doug Bailey explained there will be sidewalks within the subdivision.

Chairman Burkle closed the public hearing.

**NEW BUSINESS:**

**1. BC Foley Plat No. 3- Request for Final**

The City of Foley Planning Commission has received a request for final approval of BC Foley Plat No. 3 which consists of 383.48+/- acres and 7 lots. Property is located the northwest corner of Foley Beach Express and Co. Rd. 20 (aka Miflin Rd.). Applicant is Foley Holdings LLC.

Vice-Chairman Hinelsey made a motion to approve the request for final. Commissioner Watkins seconded the motion. Commissioner Hellmich abstained, all other Commissioners voted aye.

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**Motion to approve the request for final passes.**

**2. Riviera Square 2 Subdivision- Request for Preliminary and Final**

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Commissioner Hellmich made a motion to approve the request for preliminary and final contingent upon the land transfers being finalized. Commissioner Rouzie seconded the motion. All Commissioners voted aye.

**Motion to approve the requested preliminary and final contingent upon the land transfers being finalized passes.**

**3. \*Little Woerner- Request for Minor Subdivision**

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Commissioner Abrams approved the requested minor subdivision. Commissioner Steigerwald seconded the motion.

Commissioner Hellmich stated it needs to be on the record that the applicant has been made aware of the traffic management plan that is being worked on at this time.

All Commissioners voted aye.

**Motion to approve the requested minor subdivision passes.**

**4. MCMC Glenlakes, LLC- Request for Rezoning**

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Item has been carried over per the request of the applicant.

**5. WLG#10 LLC- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 185+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development). Property is located at the northeast corner of Wolf Bay Dr. Applicant is WLG#10, LLC.

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Vice-Chairman Hinesley made a motion to approve the requested PUD to include the 12 condition requirements and with a change to the wording item # 11 to read a conservation easement will be properly establish with a Alabama certified land trust approved by the City for all delineated wetland and wetland setback areas.

Chairman Burkle stated he has personal concerns with some of the things that have already been discussed.

Commissioner Hellmich thanked Mr. Baraco and the other HOA;s for working so hard with the developers. He stated he has not seen a development of this type with this many conditions. He stated he appreciated the developer working with the HOA's.

Chairman Burkle opposed, Commissioner Watkins abstained, all other Commissioners voted aye.

**Motion to approve the requested PUD to include the 12 condition requirements and with a change to the wording item # 11 to read a conservation easement will be properly establish with a Alabama certified land trust approved by the City for all delineated wetland and wetland setback areas passes.**

**ADJOURN**

Commissioner Abrams made a motion to adjourn at 6:36 p.m. Commissioner Hinesley seconded the motion. All Commissioners voted aye.

**Meeting adjourned at 6:36 p.m.**