

**PLANNING COMMISSION MEETING MINUTES**  
**May 16, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 1 of 6

The City of Foley Planning Commission held a meeting on May 16, 2018 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Cindy Hamrick, Chad Watkins, Ralph Hellmich, Phillip Hinesley, Wes Abrams, Calvin Hare, Sue Steigerwald and Gary Rogers. Absent member was Ame Wilters. Staff present were: Miriam Boutwell, City Planner; Chad Christian, City Engineer; and Melissa Ringler, Recording Secretary.

Chairman Hinesley called the meeting to order at 5:30 p.m.

**MINUTES:**

Approval of the April 11, 2018 and April 18, 2018 meeting minutes.

Commissioner Abrams made a motion to approve the April 11, 2018 and April 18, 2018 meeting minutes. Commissioner Hellmich seconded the motion.

**Motion to approve the April 11, 2018 and April 18, 2018 meeting minutes passes.**

Chairman Hinesley recessed the regular meeting and opened the public hearing.

**PUBLIC HEARING:**

**1. Highway 98 Commercial Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for approval of Highway 98 Commercial Subdivision, a minor subdivision which consists of 2.06+/- acres and 2 lots. Property is located on US Hwy 98 between Angus Ln. and Hwy 65. Applicant is Coastal Truck Equipment, LLC.

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

**2. \*Carver Lane Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Carver Lane Subdivision, a minor subdivision which consists of 10.2+/- acres and 4 lots. Property is located at the NE corner of County Rd. 71 and Carver Lane and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Stephanie Dorman.

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

**3. \*Barin Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Barin Subdivision, a minor subdivision which consists of 0.52+/- acres and 2 lots. Property is located on Barin Field Rd. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is BJ's Residential Properties, LLC.

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

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION MEETING MINUTES**  
**May 16, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 2 of 6

**4. \*Hightower Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Hightower Subdivision, a minor subdivision which consists of 3.48+/- acres and 3 lots. Property is located on Hightower Dr., west of Barin Field Rd. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is BJ's Residential Properties, LLC.

Ms. Rita Carpenter stated the subdivision abuts her property and asked if the use would be rental homes. She explained they installed water and phone lines 20 years ago which are located on the property and are shown in their deed as a 10' utility easement. She explained the field surveyor stated he could not find any record of the utility easement.

Ms. Linda Herring resident of Hightower Lane stated Hightower Lane is not maintained by Baldwin County and has concerns the road will be damaged when they are doing construction on the proposed lots.

Ms. Carpenter stated there are drains on the property that have been left open so everyone in the area does not flood. She explained several years ago they had to install a fence to keep people from driving over the drainage area.

Mr. John Warren resident of 11960 Woodland Avenue stated he currently maintains the three drains located on the property and if they are not maintained the area will flood. He explained he doesn't care what is built on the property but wants to know how the drainage will impact the neighboring properties.

Ms. Miriam Boutwell stated the property is not in the City limits of Foley but is in the Extra Territorial Jurisdiction.

Mr. Warren stated Riviera Utilities came in 18 years ago and cut up the curbing and sidewalk and placed it in the woods. He explained he has called Baldwin County regarding the drainage, the roads and replacing the curbing and he has been told it is private property. He stated all of the sudden they start cutting the grass and repaving the road but the issue of the removed curbing has never been addressed.

Mr. David Schumer with Barton & Shumer Engineering stated there are a lot of deeds that were very convoluted and is the reasoning for the numerous notes on the plat. He explained the use will be residential and only one or two houses. He stated the owners will use the same road as the neighboring property owners and will have to make sure things are maintained. He explained Hightower Lane is a county road and Adams Circle is private.

**5. The Reserve at Foley Phase 2- Request for Preliminary & Final**

The City of Foley Planning Commission has received a request for preliminary and final approval of The Reserve at Foley Phase 2 which consists of 22.84+/- acres and 2 lots. Property is located on the S side of County Rd. 12, across from Emerille Dr. Applicant is Wesscorp Communities, LLC.

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

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**PLANNING COMMISSION MEETING MINUTES**  
**May 16, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 3 of 6

**6. Cypress Gates Phase 2- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Cypress Gates Phase 2 which consists of 10.2+/- acres and 39 lots. Property is east of N. Hickory St., south of W. Fern Ave. Applicant is Cypress Gates, LLC.

Ms. Charlotte Gregorius resident of 907 West Fern Avenue stated at a previous meeting it was discussed that the pine trees would act as a buffer which is not realistic since they are not very thick. She explained anyone who tries to get in or out of the subdivision for bike trails will be coming through her yard. She requested the developer add a fence along the back of the property. She asked about the location of the entrances to the subdivision.

Mr. Doug Bailey explained in 2006/2007 a plan was approved for Cypress Gates. He stated they have since come back and rezoned a portion of the subdivision increasing the sizes of the lots and decreasing the density. He explained phase one was approved for one entrance with a secondary access having a Knox box for emergency personnel. He stated the entrance to the west has always been in the plan going back 12 or 13 years and is as far away from Ms. Gregorius's property as it can be without being in the ditch.

Mrs. Gregorius stated the developer has installed sewer lines and now the area is dirt and roots. She explained they have people from UTC parking on the sidewalk smoking. She stated her property has been compromised.

Mr. Bailey stated the homeowners may add fencing but it was not a part of the approval and the developer will not be installing fencing.

Ms. Boutwell stated landscaping and fencing requirements would have been a part of the rezoning of the PUD. She stated if the requested preliminary meets the Subdivision Regulation requirements the Commission cannot deny the approval.

**NEW BUSINESS:**

**1. Highway 98 Commercial Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for approval of Highway 98 Commercial Subdivision, a minor subdivision which consists of 2.06+/- acres and 2 lots. Property is located on US Hwy 98 between Angus Ln. and Hwy 65. Applicant is Coastal Truck Equipment, LLC.

Commissioner Hellmich made a motion to approve the requested Minor Subdivision. Commissioner Hamrick seconded the motion. All Commissioners voted aye.

**Motion to approve the requested Minor Subdivision passes.**

**2. \*Carver Lane Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Carver Lane Subdivision, a minor subdivision which consists of 10.2+/- acres and 4 lots. Property is located at the NE corner of County Rd. 71 and Carver Lane and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Stephanie Dorman.

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**PLANNING COMMISSION MEETING MINUTES**  
**May 16, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 4 of 6

Vice-Chairman Hare made a motion to approve the requested Minor Subdivision. Commissioner Rogers seconded the motion. All Commissioners voted aye.

**Motion to approve the requested Minor Subdivision passes.**

**3. \*Barin Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Barin Subdivision, a minor subdivision which consists of 0.52+/- acres and 2 lots. Property is located on Barin Field Rd. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is BJ's Residential Properties, LLC.

Commissioner Abrams made a motion to approve the requested Minor Subdivision. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

**Motion to approve the requested Minor Subdivision passes.**

**4. \*Hightower Subdivision- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Hightower Subdivision, a minor subdivision which consists of 3.48+/- acres and 3 lots. Property is located on Hightower Dr., west of Barin Field Rd. and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is BJ's Residential Properties, LLC.

Commissioner Watkins made a motion to approve the requested Minor Subdivision. Commissioner Abrams seconded the motion.

Commissioner Hellmich stated the Commission has limited authority over the item which is located in the City of Foley Extra Territorial Jurisdiction. He stated the area is very confusing and the surveyor did point out the maintenance will be the owners responsibility since it is on private property.

All Commissioners voted aye.

**Motion to approve the requested Minor Subdivision passes.**

**5. The Reserve at Foley Phase 2- Request for Preliminary & Final**

The City of Foley Planning Commission has received a request for preliminary and final approval of The Reserve at Foley Phase 2 which consists of 22.84+/- acres and 2 lots. Property is located on the S side of County Rd. 12, across from Emerille Dr. Applicant is Wesscorp Communities, LLC.

Commissioner Hellmich made a motion to approve the requested preliminary and final. Commissioner Steigerwald seconded the motion. Commissioner Watkins abstained, all other Commissioners voted aye.

**Motion to approve the requested Preliminary and Final passes.**

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**PLANNING COMMISSION MEETING MINUTES**  
**May 16, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 5 of 6

**6. Cypress Gates Phase 2- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Cypress Gates Phase 2 which consists of 10.2+/- acres and 39 lots. Property is east of N. Hickory St., south of W. Fern Ave. Applicant is Cypress Gates, LLC.

Commissioner Abrams made a motion to approve the requested preliminary. Commissioner Hamrick seconded the motion.

Mr. Chad Christian stated the dirt area has been seeded by the contractor and it just has not grown in yet.

Commissioner Hellmich stated a fence can be requested and will pass it along but it will only be a request and the Commission cannot make it a requirement at this point.

Chairman Hinelsey stated there were notes from the Fire Department regarding adding a secondary access. He explained a gravel second entrance has been added.

Mr. Bailey stated the secondary access will have a Knox box and be used for emergency services.

All Commissioners voted aye.

**Motion to approve the requested preliminary passes.**

**7. Alabama Gulf Coast Music Hall- Request for Site Plan Review**

The City of Foley Planning Commission has received a request for a site plan approval for Alabama Gulf Coast Music Hall. Property is located N. of US Hwy 98 and W. of the Foley Beach Express. Applicant is Don Stafford.

Chairman Hinelsey stated the item is located in a B-1A zone. He explained the property is located within the Foley Beach Express Overlay district which requires a site plan approval from the Commission.

Mr. Don Stafford explained the front of the building and a portion of the sides will be hardy board.

Ms. Boutwell stated the applicant will have to get a building permit and all requirements will have to be met.

Commissioner Hellmich made a motion to approve the requested site plan. Vice-Chairman Hare seconded the motion. All Commissioners voted aye.

Motion to approve the requested site plan passes.

**ADJOURN**

Community Development monthly report was provided to the Commissioners.

**PLANNING COMMISSION MEETING MINUTES**  
**May 16, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 6 of 6

Chairman Hinesley explained Calvin Hare will be serving as the Vice-Chairman.

Commissioner Hellmich made a motion to adjourn. Commissioner Watkins seconded the motion.

**Meeting adjourned at 6:17 p.m.**