

**PLANNING COMMISSION MEETING MINUTES**  
**June 20, 2018 (City Hall Council Chambers) 5:30 P.M.**

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The City of Foley Planning Commission held a meeting on June 20, 2018 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Ame Wilters, Ralph Hellmich, Phillip Hinesley, Wes Abrams, Sue Steigerwald and Gary Rogers. Calvin Hare joined the meeting at 5:45 p.m. Absent members were: Cindy Hamrick and Chad Watkins. Staff present were: Miriam Boutwell, City Planner; Chad Christian, City Engineer; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

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

**MINUTES:**

Approval of the May 9, 2018 and May 16, 2018 meeting minutes.

Commissioner Hellmich made a motion to approve the May 9, 2018 and May 16, 2018 meeting minutes. Commissioner Abrams seconded the motion. All Commissioners voted aye.

**Motion to approve the May 9, 2018 and May 16, 2018 meeting minutes passes.**

Chairman Hinesley recessed the regular meeting and opened the public hearing. He explained item # 5 WCMC Glenlakes LLC. has requested to carry the item over to the July meeting and it will be readvertised.

**PUBLIC HEARING:**

**1. \*Mike Mitchum- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Mike Mitchum Subdivision, a minor subdivision which consists of 61+/- acres and 2 lots. Property is located E of County Rd 65 and S of County Rd 26 and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Mitchum Inc.

Chairman Hinesley asked if there were any members of the public to speak on the item.

Mr. Weldon resident of 1133 Barner Rd. asked if the 2 acre parcel touches Barner Rd.

Mr. Mitchum stated the 2 acres being subdivided out of the 61 acres fronts County Road 65 and does not touch Barner Rd.

**2. Resubdivision of Lot 1 of Woerner's Two Lots- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Resubdivision of Lot 1 of Woerner's Two Lots, a minor subdivision which consists of 74.56+/- acres and 2 lots. Property is located south of County Rd. 20 and east of State Hwy 59. Applicant is Woerner Land LLC.

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

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### **3. McMath Properties LLC- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 24.47+/- acres. Property is currently zoned B-2 (Neighborhood Business District) and R-1D (Residential Single Family) proposed zoning is PUD (Planned Unit Development). Property is located W of Hickory St. and N of County Rd. 12. Applicant is McMath Properties LLC.

Mr. John Kovalchick resident of 18815 County Road 12 S stated he is against the rezoning. He explained when he built his home he was told the area around his lot was residential. He asked if there was anything he could do to stop the rezoning.

Ms. Boutwell explained the Commission is a recommending body and Council will have a public hearing on the item if the Commission approves the recommendation. She stated he can voice his concerns at the public hearing.

Mr. Kovalchick asked if there would be a buffer or fencing. He stated an apartment complex located next to his home will decrease his property value.

Mr. Max Dearing stated he is representing the applicant and the request is meeting all City requirements. He explained they are not requesting any relaxations on setbacks. He stated the portion abutting Mr. Kovalchicks property will be open space and a parking area.

Chairman Hinesley stated a letter was received from a concerned citizen regarding traffic and drainage.

### **4. Patterson Custom Homes and Construction-Request for PDD Modification**

The City of Foley Planning Commission has received a request for a PDD modification Property is located W of the Foley Beach Express, S of Doc McDuffie Rd. and consists of 69+/- acres. Applicant is Patterson Custom Homes and Construction.

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

### **5. WCMC Glen Lakes LLC- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 95+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development) to decrease density and increase some of the lot sizes. Property is located N of County Rd. 12 between Carnoustie Dr. and Clarke Ridge Rd. Applicant is WCMC Glen Lakes, LLC.

Chairman Hinesley explained the item has been carried over by request of the applicant. He asked if there were any members of the public to speak on the item. There were none.

Commissioner Hellmich stated the developer is meeting with the Home Owner Associations which had negotiated standards with the previous developer.

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**6. Subdivision Regulations- Proposed Amendments**

Mr. Chad Christian stated the City attorney recommended the rewording in order to get the Extra Territorial Agreement worked out with Baldwin County.

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

**NEW BUSINESS:**

**1. \*Mike Mitchum- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Mike Mitchum Subdivision, a minor subdivision which consists of 61+/- acres and 2 lots. Property is located E of County Rd 65 and S of County Rd 26 and is located in the City of Foley Extra Territorial Jurisdiction. Applicant is Mitchum Inc.

Commissioner Hellmich made a motion to recommend the requested minor subdivision. Commissioner Abrams seconded the motion. All Commissioners voted aye.

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

**2. The Reserve at Foley Phase II- Request for Site Plan Review**

The City of Foley Planning Commission has received a request for a site plan review for the Reserve at Foley Phase II. Property is located on the S side of County Rd. 12, across from Emerille Dr. Applicant is Wesscorp Communities, LLC.

Commissioner Abrams made a motion to approve the requested site plan. Commissioner Wilters seconded the motion.

Commissioner Rogers stated he would like to reiterate his concerns over the number of trips that will increase as a result of this project and others. He stated the City and Baldwin County will need to look at improvements to County Road 12.

All Commissioners voted aye.

**Motion to approve the requested site plan passes.**

**3. Resubdivision of Lot 1 of Woerner's Two Lots- Request for Minor Subdivision**

The City of Foley Planning Commission has received a request for Resubdivision of Lot 1 of Woerner's Two Lots, a minor subdivision which consists of 74.56+/- acres and 2 lots. Property is located south of County Rd. 20 and east of State Hwy 59. Applicant is Woerner Land LLC.

Commissioner Hellmich made a motion to approve the requested minor subdivision. Commissioner Steigerwald seconded the motion. All Commissioners voted aye.

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

Note: \*Denotes property located in the Planning Jurisdiction

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**4. Storage Choice Foley Phase II- Request for Site Plan Review**

The City of Foley Planning Commission has received a request for a site plan approval for Storage Choice of Foley Phase II. Property is located E of S. McKenzie St. and S. of County Rd. 20 (aka Mifflin Rd.) Applicant is Larry Cole.

Commissioner Rogers made a motion to approve the requested site plan. Commissioner Abrams seconded the motion. All Commissioners voted aye.

**Motion to approve the requested site plan passes.**

**5. McMath Properties LLC- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 24.47+/- acres. Property is currently zoned B-2 (Neighborhood Business District) and R-1D (Residential Single Family) proposed zoning is PUD (Planned Unit Development). Property is located W of Hickory St. and N of County Rd. 12. Applicant is McMath Properties LLC.

Commissioner Hellmich made a motion to recommend to Mayor and Council the requested rezoning. Commissioner Steigerwald seconded the motion.

Commissioner Hellmich stated the area is currently zoned mixed residential and commercial use. He explained the fact that the requested rezoning is a PUD makes him a little more comfortable since a plan was submitted and they are going to be higher end apartments. He explained any changes to the plan regarding density or standards will have to be approved by the Commission.

All Commissioners voted aye.

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

**6. Patterson Custom Homes and Construction PDD Modification**

The City of Foley Planning Commission has received a request for a PDD modification. Property is located W of the Foley Beach Express, S of Doc McDuffie Rd. and consists of 69+/- acres. Applicant is Patterson Custom Homes and Construction.

Commissioner Steigerwald made a motion to approve the requested PUD modification. Commissioner Abrams seconded the motion.

Ms. Boutwell explained the property was once part of the Magnolia Walk PDD. She stated the area was previously zoned for multifamily and townhomes. She explained the applicant is changing the configuration and requesting a PDD modification. She stated there were discussions at work session regarding the bridge, possible access from OWA, and concerns regarding floodway. She explained the plan is conceptual and the applicant will have to come before the Commission for a site plan approval.

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Commissioner Wilters stated she has concerns over the entry way off of the Foley Beach Express.

Commissioner Hellmich stated it would be preferable not to install the bridge across the creek and find another outlet. He explained the Foley Beach Express access plan requirements will have to be met.

Mr. Govan stated they would like the Commercial area of the project to front on the Foley Beach Express. He is going to work with OWA and see if there is any possibility of connecting into their round about. He stated he is working with Scott Brown with ADEM and he is very optimistic about the project.

Commissioner Hellmich explained people downstream of the project are very actively involved and engaged in the water quality.

Chairman Hinelsey stated there is a plan that was designed to keep the watershed pristine and clean.

Mr. Govan stated if they know the rules they will work with the watershed. He stated he will provided detailed drawings when they come before the Commission for site plan approval. He explained the apartments will be a luxury complex with a lazy river and tennis courts which there is a demand for in the area.

All Commissioners voted aye.

## **Motion to approve the requested PDD modification passes.**

### **7. WCMC Glen Lakes LLC- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 95+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is PUD (Planned Unit Development) to decrease density and increase some of the lot sizes. Property is located N of County Rd. 12 between Carnoustie Dr. and Clarke Ridge Rd. Applicant is WCMC Glen Lakes, LLC.

Commissioner Hellmich made a motion to carry the item over based on the developer's request. Commissioner Abrams seconded the motion. All Commissioners voted aye.

## **Motion to carry the item over based on the developer's request passes.**

### **8. Modern Homes LLC- PUD Modification**

The City of Foley Planning Commission has received a request for a PUD modification. Property is located at 8200 Carmel Circle. Applicant is Modern Homes LLC.

Ms. Boutwell explained the PUD has self imposed side yard setbacks of 7' and 3'. She explained the Zoning Ordinance PUD requirements for side setbacks are 10' combination of both sides. She stated since they are meeting the Zoning Ordinance requirements they need a PUD modification rather than a variance.

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Commissioner Abrams asked if the variance would affect the adjoining lots.

Ms. Boutwell explained Fire Department and Building Department will still have to review and approve the permit and a firewall maybe required.

Commissioner Rogers made a motion to approve the requested PUD modification for 8200 Carmel Circle Lot 65. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

**Motion to approve the requested PUD modification for 8200 Carmel Circle lot 65 passes.**

**9. Subdivision Regulations- Proposed Amendments**

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

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

**ADJOURN**

Commissioner Hellmich made a motion to adjourn at 6:10 p.m. Commissioner Abrams seconded the motion. All Commissioners voted aye.

**Motion to adjourn at 6:10 p.m. passes.**