

PLANNING COMMISSION MEETING MINUTES
November 14, 2018 (City Hall Council Chambers) 5:30 P.M.

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The City of Foley Planning Commission held a meeting on November 14, 2018 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Member present were: Ame Wilters, Chad Watkins, Ralph Hellmich, Calvin Hare, Sue Steigerwald and Wes Abrams. Absent members were: Gary Rogers, Phillip Hinesley, and Cindy Hamrick. Staff present were: Miriam Boutwell, City Planner; Chad Christian, City Engineer; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Vice-Chairman Hare called the meeting to order at 5:31 p.m.

MINUTES:

Approval of the October 17, 2018 meeting minutes.

Commissioner Hellmich made a motion to approve the October 17, 2018 meeting minutes. Commissioner Watkins seconded the motion. All Commissioners voted aye.

Motion to approve the October 17, 2018 meeting minutes passes.

PUBLIC HEARING:

Vice Chairman Hare stated item number 5 would be moved to number 1 on the agenda.

5. Smart Living, LLC/WCMC Glenlakes 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) requested zoning is PUD (Planned Unit Development) Property is located north of County Rd. 12 and west of Clark Ridge Rd. Applicant is Smart Living, LLC.

Mr. Mike Willis president of Glenlakes Unit 1 Home Owners Association also known as Carnoustie Place stated they have set into an agreement with Breland Homes on architectural standards. He explained the agreement was unanimously approved at their Board meeting. They support the applicants request and want to thank the City for their patience through this matter.

Commissioner Hellmich stated the applicant will be withdrawing the request since they have reached an agreement. He explained the applicant is not present at this time and will need to make a request to withdraw the item.

Vice Chairman Hare stated there are some questions from the public regarding the development which cannot be answered until the applicant arrives. He stated they will continue with the agenda and revisit the item once the applicant arrives.

1. Magnolia Landing Apartments- Request for Minor Subdivision Approval

The City of Foley Planning Commission has received a request for approval of Magnolia Landing Apartments, a minor subdivision which consists of 43.74+/- acres and 2 lots. Property is located west of Hickory St. and north of County Rd. 12 S. Applicant is McMath Properties, LLC.

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Mr. Lee Rambo with Jade Consulting stated he is representing the applicant if anyone has any questions regarding the item.

Vice Chairman Hare asked if there were any member of the public to speak on the item, there were none.

2. A Resub of Lots 23-28 of the Villages at Arbor Walk- Request for Preliminary and Final Approval

The City of Foley Planning Commission has received a request for preliminary and final approval of a Resub of Lots 23-28 of the Villages at Arbor Walk which consists of 15.68+/- acres and 10 lots. Property is located on Briscoe Ct. Applicant is Truland Homes LLC.

Mr. Steven Pumphrey stated the request is actually for preliminary only. He explained they will be shifting some utilities and will come back at a later time for a final.

Mr. Chad Christian stated the final does not have to come before the Commission and will be reviewed by staff.

Vice Chairman Hare asked if there were any member of the public to speak on the item, there were none.

3. Magnolia Manor- Request for Minor Subdivision Approval

The City of Foley Planning Commission has received a request for approval of Magnolia Manor, a minor subdivision which consists of 2.1+/- acres and 5 lots. Property is located at the NW corner of W. Magnolia Ave. and N. Elm St. Applicant is Peggy Susan Perret.

Mr. Kerry Slota stated he lives across the street from the property and has concerns about the two smaller proposed lots. He explained his concerns are they will be smaller homes with no garages or fences and will make his property value be reduced.

Vice Chairman Hare stated the lot sizes are meeting the zoning requirements.

Commissioner Hellmich stated the smaller lots are 500 sq. ft. larger than the required lot sizes.

Mr. Slota asked if the lots will be sold.

Ms. Miriam Boutwell stated staff has no information on the plans for the property.

Commissioner Hellmich stated there is not much the Commission can do regarding the lot size since they are meeting the city's requirements.

Ms. Sunny Kleback stated her home abuts the property. She explained when it rains hard there is currently a lot of water that sits in her back yard. She asked what she is supposed to do when they build homes on the proposed lots and the run off rain floods her home.

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Vice Chairman Hare stated the rezone request gives approval to construct on the lots. He explained drainage will have to be addressed with the Engineering Department.

Commissioner Hellmich stated the developers of the property will have to handle their own storm water and cannot put water onto their neighbor

Ms. Kleback asked if they will be building single family or multifamily homes on the lots.

Ms. Boutwell explained the property is zoned for residential single family.

4. River Oaks/Southern Lifestyle Development- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 72+/- acres. Property is currently zoned (Agricultural Open Space) and proposed zoning is a single family PUD (Planned Unit Development). Property is located at the SE corner of Hickory St. and Michigan Ave. Applicant is Southern Lifestyle Development.

Mr. Trey Jinwright stated the PUD is for a single family development and is meeting all city requirements.

Commissioner Hellmich stated one issue will be traffic.

Mr. Jinwright stated they are in the process of getting a traffic study completed and they expect there will be some traffic improvement requirements. He explained the request is for the zoning of the property. He stated they will come back for a preliminary plat approval which will require traffic study results and drainage information.

Neighboring property owner asked why some of the lots were larger. She asked if they would be individual homes, apartments or condos and why the corner lot was not included in the request.

Mr. Jinwright stated the development will be single family homes with some of the lots being larger than others. He stated his client did not purchase the corner lot and does not know the owners intent for the property.

Neighboring property owner asked if they knew who the builder would be or the price ranges of the homes.

Mr. Jinwright stated he handles designing the development and does not have any information or the builder or price range of the homes. He explained he will have to come back before the Commission for preliminary approval to subdivide the property. He stated at that time the plan will be reviewed to make sure they meet all the city requirements which he believes are some of the most stringent in the County.

Mr. Mark Irwin asked what the minimum frontage would be for the lots.

Mr. Jinwright stated the lots will be 50' and 70' wide with the smallest lot size being 5,413 square feet.

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Mr. Irwin asked why these lots are allowed to be smaller than the lots of a previous item on the agenda.

Ms. Boutwell explained the lots in a PUD can be smaller. She stated the PUD requires 25% open space which cannot be a part of drainage.

Neighboring property owner stated there is another 200 houses planned nearby on 72 acres. She stated she has concern over traffic. She explained the traffic will only increase due to the new developments and the future school. She stated she is concerned about the environment with all the removal of the trees which will cause a reduction in oxygen.

Vice Chairman Hare stated allowing the smaller lots in a PUD is a trade off for the open space that is required. He explained once the traffic study is complete there may be some required improvements.

Mr. Jinwright stated they have worked hard on the redesign based on the school and to save green space and the wetlands. He explained the PUD zone allows a density of 792 residential lots and they are proposing 265 lots.

Mr. Jack Swindle stated he lives across the street from the proposed entrance. He explained the developer will come in cut all the trees and will increase the flooding issues they already have. He stated the traffic is already an issue and there are constantly wrecks and people running off the road. He asked when the long time resident and property owners will get a little consideration while everyone else sells around them and makes a profit and they have to endure the side effects of these developments.

Mr. Mark Irwin asked as a neighboring property owner how he could keep up with the progress of the development.

Ms. Boutwell explained anyone who received a public notice will receive another notice when the applicant request preliminary approval. She stated there is also ads that will run in the local newspaper.

5. Smart Living, LLC/WCMC Glenlakes LLC- Request for Rezoning

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Mr. Joe Rector stated at work session they discussed the PUD approval from 2017 which was amended in 2018 with architectural standards. He explained their request was to go back to the PUD that was approved in 2017 with no architectural standards. He stated they have meet with the HOA's since work session and were able to come up with an agreement which has been recorded and signed by both parties. He explained they would like to withdraw their request and the zoning will remain the same as is in place now. He stated the zoning that is currently in place references the architectural guidelines and the most recent copy which is the agreement that has been recorded.

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Mr. Rector stated there are minor alterations which are shown on the plan and were agreed upon and in regards to the way some of the lots were facing.

Commissioner Hellmich stated this is a zoning request and is conceptual. He explained there could be modifications made once they get into the design phase.

Mr. Casey Pipes explained the current ordinance states the most recent version of guidelines shall apply. He stated the city does not want to attach the agreement to the ordinance and in not doing so will give them flexibility if they need to be changed in the future.

Mr. Rector stated he feels everyone is happy with the agreement and wishes to withdraw the request and move forward with the existing plan and agreement.

Vice Chairman Hare closed the public hearing.

NEW BUSINESS:

1. Creekside RV- Request for Preliminary Extension

The City of Foley Planning Commission has received a request for a six month preliminary extension for Creekside RV Park. Property is located at 21240 Mifflin Rd. Applicant is Jim Brown.

Commissioner Hellmich made a motion to approve the request for a six month preliminary extension. Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to approve the request for a six month preliminary extension passes.

2. Buffalo Wild Wings- Request for Site Plan Approval

The City of Foley Planning Commission has received a request for site plan approval of Buffalo Wild Wings. Property is located on the west side of Hwy. 59, south of Pride Drive. Applicant is Brian Jordan

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

Motion to approve the requested site plan passes.

3. John McClure Snook Youth Club- Request for Site Plan & Public Project Approval

The City of Foley Planning Commission has received a request for a site plan and public projects approval for an addition to John McClure Snook Youth Club. The property is located at the southeast corner of Cedar St. and Michigan Ave. Applicant is Patrice Tiggs.

Commissioner Hellmich made a motion to approve the requested site plan review and noted it is a public project because it involves city property and there will be certain additional agreements with the project in the future and in applying for the grant. Commissioner Abrams seconded the motion. All Commissioners voted aye.

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Motion to approve the requested site plan approval and public project passes.

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Commissioner Abrams made a motion to approve the requested minor subdivision approval. Commissioner Hellmich seconded the motion. Commissioner Watkins abstained. All other Commissioners voted aye.

Motion to approve the requested minor subdivision approval passes.

5. A Resub of Lots 23-28 of the Villages at Arbor Walk- Request for Preliminary and Final Approval

The City of Foley Planning Commission has received a request for preliminary and final approval of a Resub of Lots 23-28 of the Villages at Arbor Walk which consists of 15.68+/- acres and 10 lots. Property is located on Briscoe Ct. Applicant is Truland Homes LLC.

Commissioner Abrams made a motion to approve the requested preliminary approval. Commissioner Steigerwald seconded the motion. Commissioner Watkins abstained. All other Commissioners voted aye.

Motion to approve the requested preliminary approval passes.

6. Magnolia Manor- Request for Minor Subdivision Approval

The City of Foley Planning Commission has received a request for approval of Magnolia Manor, a minor subdivision which consists of 2.1+/- acres and 5 lots. Property is located at the NW corner of W. Magnolia Ave. and N. Elm St. Applicant is Peggy Susan Perret.

Commissioner Watkins made a motion to approve the requested minor subdivision. Commissioner Wilters seconded the motion.

Commissioner Hellmich stated he understands Mr. Slota's concerns. He explained if the request is meeting all the city requirements they have to approve the request.

Motion to approve the requested minor subdivision passes.

7. River Oaks/Southern Lifestyle Development- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 72+/- acres. Property is currently zoned (Agricultural Open Space) and proposed zoning is a single family PUD (Planned Unit Development). Property is located at the SE corner of Hickory St. and Michigan Ave. Applicant is Southern Lifestyle Development.

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

Commissioner Hellmich stated he knows there are some challenges due to traffic along Hickory St. and Michigan Ave. He explained some of the roads are Baldwin County and some are the city's. He stated they are working forward with connector roads, bike paths and widening of roads.

Commissioner Abrams stated the owners of the development have dedicated 30' of right of way for the 9th Ave. extension which help some with the traffic problems.

Commissioner Watkins abstained. All other Commissioners voted aye.

Motion to recommend the requested rezoning to Mayor and Council passes.

8. Smart Living, LLC/WCMC Glenlakes LLC- Request for Rezoning

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Commissioner Hellmich made a motion to accept the applicants request to withdraw based on the agreement between the applicant and the HOA's. Commissioner Steigerwald seconded the motion. All Commissioners voted aye.

Motion to accept the applicants request to withdraw based on the agreement between the applicants and the HOA's passes.

9. Public Projects

Commissioner Hellmich made a motion to recommend the list of public projects to Mayor and Council. Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to recommend the list of public projects to Mayor and Council passes.

10. 2019 Calendar- Approval

Commissioner Abrams made a motion to approve the 2019 calendar. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the 2019 calendar passes.

ADJOURN

Ms. Boutwell reminded Commissioners at the next meeting they will be electing officers for 2019.

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Commissioner Abrams made a motion to adjourn at 6:36 pm. Commissioner Hellmich seconded the motion. All other Commissioners voted aye.

Motion to adjourn at 6:36 p.m. passes.