

**PLANNING COMMISSION MEETING MINUTES**  
**December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 1 of 8

The City of Foley Planning Commission held a meeting on December 12, 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, Ame Wilters, Ralph Hellmich, Phillip Hinesley, Wes Abrams, Calvin Hare, Sue Steigerwald, and Gary Rogers. 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 5:32 p.m.

**MINUTES:**

Approval of the November 7, 2018 and November 14, 2018 meeting minutes.

Commissioner Hellmich made a motion to approve the November 7, 2018 and November 14, 2018 meeting minutes. All Commissioners voted aye.

**Motion to approve the November 7, 2018 and November 14, 2018 meeting minutes passes.**

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

**PUBLIC HEARING:**

**1. Calvary Chapel Fellowship of Foley- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 14.56 +/- acres. Property is currently zoned M-1 (Light Industrial District) proposed zoning is B-2 (Neighborhood Business District). Property is located S. of Underwood Rd. Applicant is Calvary Chapel Fellowship of Foley.

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

**2. Forest Estates- Request for Minor Subdivision Approval**

The City of Foley Planning Commission has received a request for approval of Forest Estates, a minor subdivision which consists of 20 +/- acres and 5 lots. Property is located at the SE corner of Bodenhamer Rd. and Breckner Rd. Applicant is Ramiro Figueroa Gomez

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

**3. \*McNance Subdivision- Request for Minor Subdivision Approval**

The City of Foley Planning Commission has received a request for approval of McNance Subdivision, a minor subdivision which consists of 1.23 +/- acres and 2 lots. Property is located W. of S. McKenzie St. and N. of County Rd. 12 S. and is located in the City of Foley Planning Jurisdiction. Applicant is David Shumer.

Mr. Richard Hoff resident of 19551 County Road 12 South stated he is an adjoining property owner and had concerns about setbacks. He explained he has spoke with the applicant who was able to clarify and show him the setbacks on the proposed plat. He stated as long as the setbacks are a part of the approval he has no objections to the request.

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION MEETING MINUTES**  
**December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 2 of 8

Commissioner Hellmich stated the plat has been reviewed by Baldwin County and the City's Engineering Department.

Ms. Eloise Flowers resident of 19575 County Road 12 South stated if the setbacks are met and they don't build right against her property she has no issues.

**4. \*16 Farms Division 1- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of 16 Farms Division 1 which consists of 21.92 +/- acres and 9 lots. Property is located S of County Rd. 16 and E of County Rd. 19 and is located in the City of Foley Planning Jurisdiction. Applicant is Soldiers Creek Farm LLC.

Mr. Brent Walters resident of 415 W. Fern Ave stated he and his wife own 22 acres to the east of the property. He explained his father purchased the property in 1915 and he is concerned the development could decrease his property value. He asked what types of homes would be built and if they would be mobile homes.

Chairman Hinesley stated the property is located in the city's extra territorial jurisdiction and has no control over the property use.

Commissioner Hellmich stated the property is in Baldwin County and is unzoned. He explained the engineer was unable to present at tonight's meeting.

Ms. Miriam Boutwell stated she is unaware of the type of construction. She explained one would make the assumption it will be single family residential homes rather than mobile homes due to the size of the lots.

Mr. Walters stated he is not biased to mobile homes and has lived in one but has concern over the affect it could have on his property value.

Commissioner Hellmich stated the request is meeting the city's regulations. He explained the city has adopted low impact drainage requirements which will have to be met.

Mr. Christian stated the applicant has submitted plans and all three subdivisions do have drainage accommodations.

**5. \*16 Farms Division 2- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of 16 Farms Division 2 which consists of 14.90 +/- acres and 17 lots. Property is located at the SW corner of County Rd. 16 and County Rd. 19 and is located in the City of Foley Planning Jurisdiction. Applicant is Soldiers Creek Farm LLC.

Mr. Curtis Rye resident of 7889 County Road 19 stated his primary resident is adjacent to the property and he owns 100 acres of investment property adjacent to Lobby Lane. He explained the condition of County Road 16 is horrible and the traffic is already an issue.

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**PLANNING COMMISSION MEETING MINUTES**  
**December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 3 of 8

Commissioner Hellmich stated Baldwin County has a project paving list and advised Mr. Rye to contact Skip Gruber to see if County Road 16 is on the list.

Chairman Hinesley explained the city has no control over the maintenance of the road.

Mr. Rye stated it is difficult for him to say he is opposed since he doesn't know what will be developed on the property.

Ms. Sherry Howell stated she owns property to the south and there is already a water problem. She explained her concern is the development of the land will increase the water issues.

Mr. Christian stated the plans do show swales, berms and a pond and the water will not run onto the adjoining properties.

**6. \*16 Farms Division 3- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of 16 Farms Division 3 which consists of 18.87 +/- acres and 8 lots. Property is located north of County Rd. 16 and West of County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is Soldiers Creek Farm LLC.

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

**7. Sherwood Phase 3- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of Sherwood Phase 3 which consists of 27 +/- acres and 32 lots. Property is located W. of Hickory St. and S. of Michigan Ave. Applicant is Gulf Beach Investment Company of Perdido LLC.

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

**8. Howell Subdivision- Request for Minor Subdivision Approval**

The City of Foley Planning Commission has received a request for approval of Howell Subdivision, a minor subdivision which consists of 1.33 +/- acres and 5 lots. Property is located at the NE corner of S. Juniper St. and E. Pedigo Ave. Applicant is Weygand Surveyors.

Ms. Mary Nance resident of 615 E. Pedigo Ave. stated there is a terrible drainage problem in the area. She explained there are 5 houses down the alley which all have blacktop driveways and most of their yards are concrete. She stated when it rains all of the water comes into her yard and onto her porch which doesn't go away for several days. She explained her driveway is devastated and if more concrete driveways and houses are allowed to be built the flooding will get worse and eventually come into her home.

**PLANNING COMMISSION MEETING MINUTES  
December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 4 of 8

Chairman Hinesley explained the request is for a minor subdivision which does not require any type of drainage plans.

Mr. Christian stated he has been out to the area several times and there have been some improvements made to try and help the issues. He stated he does not feel homes being built on these lots would exasperate the issue. He explained the homes depending on the size should not be more roof top or asphalt than what previously existed.

Commissioner Hellmich explained the area is an older subdivision and when developed did not require drainage infrastructure. He explained the city has tried to resolve the problems which can sometimes be difficult when the properties are owned by different individuals.

Ms. Ohliger resident of 623 E. Pedigo Ave. stated the Engineering department has been coming out for the last two years. She explained she has to buy rain boots to check her mail and her driveway has been destroyed from all the water. She stated she has called the Mayor and nothing has been done to resolve the ongoing issue and it is ridiculous. She explained five more structures and driveways are not going to help the flooding issues.

Ms. Joyce Kiskadden resident of 622 E. Pedigo Ave. stated she has lived in the home since 1978. She explained her garage has constantly flooded and at her own expense she had to add 3 pipes, paid Serve Pro to clean the water out of her garage and installed two new garage doors. She stated all of the water comes to her side of the road because there is not a ditch on the other side.

Ms. Cheryl Gilbert resident of 623 E. Pedigo Ave stated there are currently crews working in the area. She asked what the possibility is of coordinating with the crews already tearing up the area to get more drainage pipes installed.

Mr. Herbert Cato resident of 604 E. Walker Ave. explained the ditches have been redug and in one location the ditch is very small and shallow and the water cannot pass. He stated all of the residents in the area are having the same water issues.

Resident of 514 E. Roosevelt asked if they would be building homes or if they would be moving in mobile homes.

Ms. Boutwell explained the property is zoned R-1C residential single family with lot size requirements of 9500 sq. ft. and the proposed lots are 11000 sq. ft. She explained mobile homes are not allowed in an R-1C zone.

Ms. Cheryl asked if the homes would be rentals or subsidized housing. She explained currently the property value in the area is up and she would like it to stay that way.

Ms. Boutwell stated staff has not received information on what will be built on the lots.

Chairman Hinesley closed the public hearing.

**PLANNING COMMISSION MEETING MINUTES**  
**December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 5 of 8

**NEW BUSINESS:**

**1. Calvary Chapel Fellowship of Foley- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 14.56 +/- acres. Property is currently zoned M-1 (Light Industrial District) proposed zoning is B-2 (Neighborhood Business District). Property is located S. of Underwood Rd. Applicant is Calvary Chapel Fellowship of Foley.

Commissioner Hellmich made a motion to recommend the requested rezoning to Mayor and Council. Commissioner Watkins seconded the motion. All Commissioners voted aye.

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

**2. Forest Estates- Request for Minor Subdivision Approval**

The City of Foley Planning Commission has received a request for approval of Forest Estates, a minor subdivision which consists of 20 +/- acres and 5 lots. Property is located at the SE corner of Bodenhamer Rd. and Breckner Rd. Applicant is Ramiro Figueroa Gomez

Commissioner Abrams made a motion to approve the requested minor subdivision. Commissioner Hellmich seconded the motion.

Commissioner Hellmich stated the applicant has provided a corrected utility letter and plat.

All Commissioners voted aye.

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

**3. \*McNance Subdivision- Request for Minor Subdivision Approval**

The City of Foley Planning Commission has received a request for approval of McNance Subdivision, a minor subdivision which consists of 1.23+/- acres and 2 lots. Property is located W. of S. McKenzie St. and N. of County Rd. 12 S. and is located in the City of Foley Planning Jurisdiction. Applicant is David Shumer.

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

Commissioner Hellmich stated all setbacks are shown on the plat and he feels all concerns have been addressed.

All Commissioners voted aye.

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

**4. \*16 Farms Division 1- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of 16 Farms Division 1 which consists of 21.92 +/- acres and 9 lots. Property is located S of County Rd. 16 and E of County Rd. 19 and is located in the City of Foley Planning Jurisdiction. Applicant is Soldiers Creek Farm LLC.

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**PLANNING COMMISSION MEETING MINUTES**  
**December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 6 of 8

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

Chairman Hinesley asked if the drainage plan is on record for all of the lots.

Mr. Christian answered yes and stated he and Baldwin County have both reviewed the drainage plans.

All Commissioners voted aye.

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

**5. \*16 Farms Division 2- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of 16 Farms Division 2 which consists of 14.90 +/- acres and 17 lots. Property is located at the SW corner of County Rd. 16 and County Rd. 19 and is located in the City of Foley Planning Jurisdiction. Applicant is Soldiers Creek Farm LLC.

Commissioner Watkins made a motion to approve the requested preliminary. Commissioner Hamrick seconded the motion. All Commissioners voted aye.

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

**6. \*16 Farms Division 3- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of 16 Farms Division 3 which consists of 18.87 +/- acres and 8 lots. Property is located north of County Rd. 16 and West of County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is Soldiers Creek Farm LLC.

Commissioner Abrams made a motion to approve the requested preliminary. Vice-Chairman Hare seconded the motion. All Commissioners voted aye.

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

**7. Sherwood Phase 3- Request for Preliminary Approval**

The City of Foley Planning Commission has received a request for preliminary approval of Sherwood Phase 3 which consists of 27 +/- acres and 32 lots. Property is located W. of Hickory St. and S. of Michigan Ave. Applicant is Gulf Beach Investment Company of Perdido LLC.

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

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

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**PLANNING COMMISSION MEETING MINUTES**  
**December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 7 of 8

**8. Greystone Village- Request on Timing of Sidewalk Installation**

The City of Foley Planning Commission has received a request for a deferral on the timing of the sidewalk installation. They are requesting to post a bond on the sidewalks and allow the builder to install the sidewalks as the homes are completed.

Commissioner Hellmich made a motion to deny the request. Commissioner Hamrick seconded the motion .

Commissioner Hellmich stated the Commission and staff need to stay with standard policy which was discussed at work session.

Commissioner Watkins abstained. All other Commissioners voted aye.

**Motion to deny the request on timing of sidewalk installation passes.**

**9. Howell Subdivision- Request for Minor Subdivision Approval**

The City of Foley Planning Commission has received a request for approval of Howell Subdivision, a minor subdivision which consists of 1.33+/- acres and 5 lots. Property is located at the NE corner of S. Juniper St. and E. Pedigo Ave. Applicant is Weygand Surveyors.

Vice-Chairman Hare made a motion to approve the requested minor subdivision. Commissioner Watkins seconded the motion.

Commissioner Hellmich explained the Commissioners and City Engineer have heard the public's comments regarding the long standing drainage issues. He stated the City Engineer will work diligently to make sure things do not get worse and will work on improvements.

All Commissioners voted aye.

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

**10. Approval of the By-Laws for the 2019 Calendar Year**

Commissioner Hellmich made a motion to approve the by-laws for the 2019 calendar year. Commissioner Hamrick seconded the motion. All Commissioners voted aye.

**Motion to approve the by-laws for the 2019 calendar year passes.**

**11. Election of Officers for the 2019 Calendar Year**

Commissioner Abrams made a motion to nominate Phillip Hinesley Chairman and Calvin Hare as Vice-Chairman. Commissioner Watkins seconded the motion. All Commissioners voted aye.

**Motion to elect Phillip Hinesley Chairman and Calvin Hare as Vice-Chairman passes.**

**PLANNING COMMISSION MEETING MINUTES  
December 12, 2018 (City Hall Council Chambers) 5:30 P.M.**

Page 8 of 8

**ADJOURN**

Chairman Hinesley adjourned the meeting at 6:32 p.m.