

PLANNING COMMISSION MEETING MINUTES
January 16, 2019 (City Hall Conference Room) 5:30 P.M.

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The City of Foley Planning Commission held a meeting on January 16, 2019 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Ame Wilters, Phillip Hinesley, Wes Abrams, Sue Steigerwald, Calvin Hare and Gary Rogers. Absent members were: Ralph Hellmich, 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 December 5, 2018 and December 12, 2018 meeting minutes.

Commissioner Abrams made a motion to approve the December 5, 2018 and December 12, 2018 meeting minutes. Commissioner Wilters seconded the motion. All Commissioners voted aye.

Motion to approve the December 5, 2018 and December 12, 2018 meeting minute's passes.

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

PUBLIC HEARING:

1. Barnwell, Melton, Carlisle, Dalton and Rockstall- Request for Initial Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 39 +/- acres being annexed into the corporate limits. Proposed zoning is B-1A (Extended Business District). Property is located E. of S. McKenzie St. and S. of County Rd. 20. Applicants are the Meltons, Rockstalls, Daltons, Carlisles and Barnwells.

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

2. *Resubdivision of Lot 1, Victory Gardens- Request for Minor Subdivision Approval

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 1 Victory Gardens, a minor subdivision which consists of 1.23 +/- acres and 2 lots. Property is located at the SE corner of County Rd. 65 and County Rd. 16 and is located in the City of Foley Planning Jurisdiction. Applicant is David Shumer.

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

3. Magnolia Springs Land Co Addn- Request for Minor Subdivision Approval

The City of Foley Planning Commission has received a request for approval of Magnolia Springs Land Co. Addn., a minor subdivision which consists of 0.75 +/- acres and 2 lots. Property is located at the NE corner of N. Pine St. and W. Berry Ave. Applicant is Maria A Garcia Ustariz.

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Mr. Brandon Sylvester resident of 1104 North Pine Street stated the survey stakes for the proposed subdivision are on his property. He explained the property line issue has been an ongoing battle with the previous owner regarding their fence being on his property. He stated the issue was resolved and now it appears it is starting all over again.

Commissioners stated a plat was not provided for the property only a hand drawing.

Chairman Hinesley asked if the applicant was present.

Ms. Miriam Boutwell stated since there are questions and no one is present to answer them the Commission can carry over or deny the request and the applicant can reapply.

4. Arbor Walk Acres- Request for Minor Subdivision Approval

The City of Foley Planning Commission has received a request for approval of Arbor Walk Acres, a minor subdivision which consists of 162.36+/- acres and 3 lots. Property is located E. of County Rd. 65 and N. of County Rd. 12 S. Applicant is GCOF Arbor Walk LLC/Oscar and Kay Payne.

Mr. Victor Fernandez resident of 3232 Bellingrath Drive asked if the lots would have access to the streets in Riverside at Arbor Walk. He stated there are issues with speeding and several families with small children live in the subdivision.

Mr. Steve Pumphrey stated they would have access and the proposed development is part of the original master plan.

Mr. Fernandez asked that they reconsider connecting the roads and avoid having the traffic going through their establishment.

5. Rosewood Subdivision- Request for Preliminary Approval

The City of Foley Planning Commission has received a request for preliminary approval of Rosewood Subdivision which consists of 64.32 +/- acres and 167 lots. Property is located S. of County Rd. 20 and E. of County Rd. 65. Applicant is GCOP Arbor Walk LLC/Cotton Bayou Development, LLC.

Mr. Don Voss resident of 3164 Bellingrath Drive stated there are already water issues in his subdivision. He explained all of the water runs into the common areas of the proposed development and onto Bellingrath Drive then over the curbs and into their backyards. He asked where all the storm water is going to go. He explained they need to find another method of getting into the development other than using Bellingrath Drive.

Chairman Hinesley stated a letter was received by Mr. Voss regarding the concerns about the development.

Mr. Fernandez stated the Home Owners Association is opposed to the connectivity to Bellingrath Drive. He stated recently the speed limit was reduced from 25 mph to 20 mph.

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A resident asked what improvements would be made to County Road 65.

Mr. Pumphrey stated a turn lane will be added.

Chairman Hinesley stated County Road 65 is a County Road and the maintenance and improvements would be handled through Baldwin County. He stated as a resident he has written the Baldwin County Commission several times regarding the issues and has been told they are looking at improvements.

Mr. Fernandez asked if the homes would be single family and if the exterior would be vinyl.

Ms. Boutwell stated the new development will be single family residential and explained the City does not regulate the exterior of the homes.

Mr. Fernandez stated vinyl homes will affect their current property values. He explained the Home Owners Association is opposed to both projects. He stated due to the active growth in the city the Home Owners Association asks that the city place a two year moratorium on new construction in order for the city to improve their resources and address current issues.

Chairman Hinesley explained a moratorium would have to be issued by the City Council.

Mr. Christian stated Rosewood Subdivision will have three drainage ponds one in each phase. He explained they are meeting the current design standard of 100 year flood.

Commissioner Hinesley asked if the new flood maps were used in the designing of the development.

Mr. Christian stated the plat does reference the new preliminary flood maps.

Mr. Robert Breeden resident of 1201 Pembroke Way stated his lot is at the intersection of Pembroke Way and Bellingrath Drive. He shared photos with the Commission of the standing water in his backyard after a rain. He stated Benchmark Homes has come out and made some improvements by diverting the water but it is not working now and the water is within inches of coming into his home. He asked where all the water from the new roof tops and asphalt will be going. He stated if the development is going to have its own entrance he doesn't understand why they are going to connect into Bellingrath Drive.

Commissioner Abrams stated the city recently adopted new standards which are some of the most stringent in the area. He explained the city has been awarded a grant for the area north of the proposed development which should improve some of the drainage issues.

Mr. Breeden stated the mud from the construction on the streets is going to be a mess unless there is a construction entrance the trucks will be coming through the subdivision. He explained the roads were not made for these types of vehicles or that much traffic. He stated they need to add a construction entrance off of County Road 65.

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Mr. Pumphrey stated a construction entrance will be added off County Road 65 for phase one.

A resident stated his concern is when lot 2 is developed they will have to bring the construction traffic through the subdivision.

Mr. Pumphrey stated lot 2 construction traffic will have to come through the subdivision since there is not another way to access the lot.

Chairman Hinesley stated they will not be allowed to leave sediment on the streets and if it becomes an issue they need to contact the City of Foley Environmental Department.

Mr. Fernandez asked about the connection of the roads being a requirement from the Fire Department.

Ms. Boutwell stated the Fire Department is not present but there is a method they use to calculate how many entrances are required.

Mr. Christian stated once the road is connected and the additional entrance is added it will bring the subdivision up to current standards which are not being met at this time.

Ms. Dena Clark asked how close the houses are going to be to one another.

Mr. Christian stated there is 15' common area between the lots backing up to one another.

6. Quail Landing- Request for Preliminary Approval

The City of Foley Planning Commission has received a request for preliminary approval of Quail Landing which consists of 39.65 +/- acres and 108 lots. Property is located at the NE corner of S. Pecan St. and Lay Ln. Applicant is Breland Homes Coastal, LLC

Mr. James Brown resident of 21820 Doc McDuffie Road stated his father owns the property to the east of the proposed development. He has concerns the construction will increase the amount of drainage water coming onto his property. He explained when his father bought the property there was a 15' easement on the western half of his property and the proposed property had a 15' easement on the eastern half of the property. He stated Baldwin EMC has added poles within the easement. He explained the surveyor of the project is not recognizing the easement and are indicating on the plat that his father's shed is located on their property.

Mr. Micah Jones stated the survey was done by Smith and he will check into the situation regarding the easement. He stated the construction will start on the northern portion of the property which is phase 1.

Mr. Christian stated the LDP has been approved and the surveying issues need to be resolved.

Mr. Brown stated the survey flag placed when the survey was done on Ethos Subdivision were located in the correct place. He explained when the survey was done for the proposed development they moved the flags over 15'.

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Mr. Dick Furman resident and member of the Parish Lakes Property Owners Association stated they have concerns over water. He stated between this development and the planned RV Park at OWA there will be a lot of added storm water to the area.

A gentleman stated he has farmed the proposed lot for over 40 years the water currently goes down Lay Lane and to Doc McDuffie Road.

7. 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 169.28 +/- acres. Property is currently zoned GPH1 (Residential Garden Patio Homes) and R-1C (Residential Single Family) proposed zoning is PUD (Planned Unit Development). Property is located W. of the Foley Beach Express and S. of Keller Rd. Applicant is Southern Lifestyle Development.

Chairman Hinesley stated a letter was received from Clifford and Robin Johnson regarding traffic concerns.

8. Zoning Ordinance Amendments

Ms. Boutwell went over the proposed zoning ordinance amendments.

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

9. Subdivision Regulation Amendments

Chairman Hinesley stated the Commission members and staff have requested that the item be carried over to a later date. Chairman Hinesley asked if there were any members of the public to speak on the item. There were none.

Chairman Hinesley closed the public hearing.

Chairman Hinesley stated the City of Foley has strong storm water retention requirements. He explained if the development is meeting the requirements the Commission has to approve the request. He stated if the citizens have issues during the construction process he recommended they contact city staff so they can be addressed.

NEW BUSINESS:

1. Barnwell, Melton, Carlisle, Dalton and Rockstall- Request for Initial Zoning

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Commissioner Steigerwald made a motion to recommend the requested initial zoning to Mayor and Council. Commissioner Rogers seconded the motion. All Commissioners voted aye.

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Motion to recommend the requested initial zoning to Mayor and Council passes.

2. *Resubdivision of Lot 1, Victory Gardens- Request for Minor Subdivision Approval

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

Motion to approve the requested minor subdivision passes.

3. Magnolia Springs Land Co Addn- Request for Minor Subdivision Approval

The City of Foley Planning Commission has received a request for approval of Magnolia Springs Land Co. Addn., a minor subdivision which consists of 0.75+/- acres and 2 lots. Property is located at the NE corner of N. Pine St. and W. Berry Ave. Applicant is Maria A Garcia Ustariz.

Mr. Trent Weygand with Weygand Surveying stated they were contacted on Friday to represent the client and provide a plat. He explained with such short notice by the applicant they have not had time to complete the field work or the plat.

Ms. Boutwell stated the item cannot be carried over since the applicant is not present and the applicant has not signed an authorization form for Weygand Surveying to act on their behalf. She explained after the plat is complete the applicant may reapply.

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

Motion to deny the requested minor subdivision passes.

4. Arbor Walk Acres- Request for Minor Subdivision Approval

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

Motion to approve the requested minor subdivision passes.

5. Rosewood Subdivision- Request for Preliminary Approval

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S. of County Rd. 20 and E. of County Rd. 65. Applicant is GCOP Arbor Walk LLC/Cotton Bayou Development, LLC.

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

Commissioner Wilters stated the pictures provided of the water issues will be on file.

Commissioner Steigerwald stated she is not sure when the City grant project will begin. She explained it consists of close to 100 acres and will hopefully give the citizens in the area some relief. She explained the secondary access into the subdivision will add safety due to their currently only being one way in and one way out.

All Commissioners voted aye.

Motion to approve the requested preliminary passes.

6. Quail Landing- Request for Preliminary Approval

The City of Foley Planning Commission has received a request for preliminary approval of Quail Landing which consists of 39.65 +/- acres and 108 lots. Property is located at the NE corner of S. Pecan St. and Lay Ln. Applicant is Breland Homes Coastal, LLC

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

Motion to approve the requested preliminary passes.

7. 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 169.28 +/- acres. Property is currently zoned GPH1 (Residential Garden Patio Homes) and R-1C (Residential Single Family) proposed zoning is PUD (Planned Unit Development). Property is located W. of the Foley Beach Express and S. of Keller Rd. Applicant is Southern Lifestyle Development.

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

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

8. OWA- Temporary Office Extension

Commissioner Abrams made a motion to approve the requested one year extension for the OWA temporary offices. Commissioner Steigerwald seconded the motion.

Chairman Hinesley stated the approval is for one year and there will be no more extensions. He asked staff to make the applicant aware that there will be no more extensions.

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All Commissioners voted aye.

Motion to approve the requested one year extension for the OWA temporary offices passes.

9. Zoning Ordinance Amendments

Commissioner Rogers made a motion to recommend the Zoning Ordinance amendments to Mayor and Council. Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to recommend the Zoning Ordinance amendments to Mayor and Council passes.

10. Subdivision Regulation Amendments

Commissioner Abrams made a motion to carry over the subdivision regulation amendments. Commissioner Wilters seconded the motion. All Commissioners voted aye.

Motion to carry over the subdivision regulation amendments passes.

ADJOURN

Chairman Hinelsey adjourned the meeting at 6:38 p.m.