

**PLANNING COMMISSION MEETING MINUTES**  
**July 15, 2020 (City Hall Council Chambers) 5:30 P.M.**

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The City of Foley Planning Commission held a regular scheduled meeting on July 15, 2020 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Due to COVID-19 we will accept email comments ([mringler@cityoffoley.org](mailto:mringler@cityoffoley.org) or [acole@cityoffoley.org](mailto:acole@cityoffoley.org)). Or you may call 952-4011 and Melissa or Amanda can take your verbal comments. These will be entered into the meeting minutes. The meeting will be conducted via teleconferencing. If you wish to participate in this manner dial 1-401-830-3347 PIN 531 573 034#. If you choose to attend the meeting please follow social distancing rules. Members present were: Ralph Hellmich, Phillip Hinesley, Wes Abrams and Calvin Hare. Members present via teleconference were: Bill Swanson, Deborah Mixon and Sue Steigerwald. Absent members were Cindy Hamrick and Ame Wilters. Staff present were: Miriam Bone, City Planner and Melissa Ringler, Recording Secretary. Amanda Cole was present via teleconference.

Chairman Hinesley called the meeting to order at 5:32 p.m.

**MINUTES:**

Approval of the June 10, 2020 and June 17, 2020 meeting minutes.

Commissioner Abrams made a motion to approve the June 10, 2020 and June 17, 2020 meeting minutes. All Commissioners voted aye.

**Motion to approve the June 10, 2020 and June 17, 2020 meeting minutes passes.**

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

**PUBLIC HEARING**

**1. Magnolia Land Company, Inc. - Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 55+/- acres. Property is currently zoned M-1 (Light Industrial District) proposed zoning is B-3 (Local Business District). Property is located at 18718 Airport Rd. Applicant is Magnolia Land Company, Inc.

Mr. Tommy Salter stated he has lived on the property to the east for 40 years. He explained the only neighbors they have are occasional tractors. He stated he has spoken with Mr. Foley and he has explained what types of structures they are proposing on the property. He explained his only questions are what type of buffer and retention would be provided.

Commissioner Hellmich stated Mr. Salters property is zoned AO.

Ms. Miriam Boone stated the buffer will be a little unique for the property due to it touching multiple different zones. She stated typically the buffer requirements next to a residential use are 100'. She explained the buffer can be reduced if a berm and or fence is provided. She stated when a site plan is done staff will make sure the buffer is in place.

Mr. Salter asked about the retention pond.

Mr. Foley stated he would do whatever is needed.

Mr. Salter stated the Foley's have been good neighbors and he has never had any issues.

Mr. Foley stated normally they install dry ponds and anticipate that to be the case at this location. He explained typically they only do a wet pond when the water table is high on the property.

Note: \*Denotes property located in the Planning Jurisdiction

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Chairman Hinesley closed the public hearing and reconvened the regular meeting.

**NEW BUSINESS:**

**1. Magnolia Land Company, Inc. - Request for Rezoning**

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

Commissioner Hellmich stated the property is going from a M-1 zone to a B-3 which is a less intense zone and with the buffers he does not anticipate the adjoining properties to have any issues.

All Commissioners voted aye.

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

**2. ADJOURN**

Chairman Hinesley adjourned the regular meeting at 5:41 p.m. and opened the work session meeting.

**WORK SESSION**

Chairman Hinesley stated he was recently approached by someone asking why churches and daycare are not allowed in business zones.

Ms. Boone stated staff has researched how other cities handle daycares and churches. She explained the research showed it is handled differently all around the state. She stated she contacted the city attorney to see how the issue ties to RLUIPA which are federal protections for these uses. She explained based on the information amendments were drafted to allow churches and daycares by right in the following zones B-1, B-1A, B-2, B-3, PO, PO, PDD and AO. The use would be prohibited in M-1 and PID zones.

Commissioner Abrams asked about the possibility of a large business located in an M-1 or PID wanting to have a daycare for their workers' children.

Ms. Boone explained if they are located in an M-1 or PID they could come to the Board of Adjustment and Appeals and request approval. She explained the PUD zone currently allows the use of churches and daycares but it must be present in PUD request or they may have to modify the PUD. She stated RV and manufactured homes are being excluded from the PUD zoning designation. She explained the pool enclosure setbacks are being added to the PUD zoning like they are in other residential zones.

Chairman Hinesley asked if the amendments would be on the next Commission meeting.

Ms. Boone explained staff will have the amendments advertised and on the August agenda.

Work session adjourned at 5:49 p.m.