

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 1 of 9

The City of Foley Planning Commission held a regular scheduled meeting on October 21, 2020 at 5:30 p.m. in the Civic Center of City Hall located at 407 E. Laurel Avenue. Due to COVID-19 we will accept email comments (mringler@cityoffoley.org or 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. If you choose to attend the meeting please follow social distancing rules. Members present were: Deborah Mixon, Bill Swanson, Cindy Hamrick, Ralph Hellmich, Phillip Hinesley, Sue Steigerwald and Wes Abrams. Absent member was: Calvin Hare. Staff present were: Miriam Boone, City Planner; Randy Kurtts, Construction Project Manager; 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 September 9, 2020 work session meeting minutes.

Commissioner Abrams made a motion to approve the September 9, 2020 work session meeting minutes. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the September 9, 2020 work session meeting minutes passes.

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

PUBLIC HEARING:

1. Heritage Landing- Request for Preliminary Approval

The City of Foley Planning Commission has received a request for preliminary approval of Heritage Landing which consists of 32.35+/- acres and 115 lots. Property is located at the SE corner of S. Juniper St. and E. Michigan Ave. Applicant is Baldwin County Holdings, LLC.

Ms. Gail Cook Colvert stated she and her brother James Cook are the managers of Southern Heritage, LLC. She explained they own the property to the south of the proposed Heritage Landing. She stated she is not against development but over the last few years has experienced issues with water due to the neighboring subdivision on the south side of their property. She asked the Commission to take into consideration the elevation of the houses, and the proper inspection of the drainage process in order to protect her property.

Mr. Larry Smith the Civil Engineer for the project stated a question regarding fencing was brought up at the work session. He explained he has spoken with his client and they are willing to add fencing along Juniper St. and Michigan Ave. He stated they have designed the development with drainage swales along the property line which will take the water to the north of the property and should have no effect on Ms. Colvert's property.

Commissioner Hellmich stated someone needs to ensure the drainage is constructed as designed.

Mr. Smith stated his firm will monitor the project to ensure everything is installed correctly during construction.

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 2 of 9

Mr. James Cook stated his family has owned the property to the south of the proposed Heritage Landing for 70 years. He explained the property is used as a farm with gardens, fruit trees, pecan trees, pine trees and to store construction equipment. He stated he is glad the development will be fenced so he does not have to look into their backyards. He explained the development to the south of his property has created an issue with pushing run off water onto his property. He stated the owners have installed sheds which have no gutters and is causing water to come onto his property.

Commissioner Hellmich stated the city has very stringent environmental standards. He stated the city counts on the developer to enforce their practices and if they do not the city will shut the project down until the issues are corrected.

Mrs. Miriam Boone stated there will be a common area space between the development and Mr. Cook's property. She explained fences and accessory structures will not be allowed to be constructed in the common area.

2. The Housing Authority of the City of Foley- Request for Minor Subdivision

The City of Foley Planning Commission has received a request for approval of Aaronville Community a minor subdivision which consists of 7.90+/- acres and 3 lots. Property is located S. of E. of S. Oak St., W. of 6th Ave., N. of 8th Ave. Applicant is The Housing Authority of the City of Foley, AL.

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

3. William Gordon- Request for Initial Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 163 +/- acres being annexed into the corporate limits. Proposed zoning is PUD (Planned Unit Development). Property is located at the SE corner of County Rd. 12 S and the Foley Beach Express. Applicant is Engineering Design Group, LLC.

Chairman Hinesley stated the Commissioners have received numerous letters on items 3 and 4.

Commissioner Hellmich stated the letters have been received and will be made a part of the record.

Mr. Charles Cole resident of 24099 Bay View Dr. W. asked about the infrastructure within the city. He explained there is another development with over 300 homes being developed on Wolf Bay Drive. He stated with both the developments there will be at least 900 more cars traveling on County Road 12. He asked when the city is going to build new roads and if there is sewer capacity to facilitate all the new homes. He asked if there would be more meetings regarding the development.

Chairman Hinesley stated the Commission is a recommending body and will recommend approval or denial to Mayor and Council.

Mrs. Boone stated this item is a request for rezoning and initial zoning to a PUD which requires a conceptual plan. She stated if it is approved the item will have to come back for preliminary subdivision approval which will also have public hearings.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 3 of 9

Commissioner Hellmich stated typically once the drainage study is done to meet the city's low impact standards the plans change drastically with a decrease in the number of lots. He explained if the plan changes they will have to come back before the Commission for approval. He stated the area is currently shown as mixed use on the Future Land Use map and could be used for a number of things. He explained the residential PUD protects the wetlands and requires 25% open space.

Mrs. Boone stated she believes the development has provided 30% open space. She explained a lot of consideration was put into designing the development.

Mr. David Vosloh stated approximately 4 years ago he was a part of the Southeast Quadrant Comprehensive Plan Design Committee. He stated the project was led by a consultant and the committee took a hard look at this area and determined concentration needed to be on the east and west connectivity. He explained Primland, Glen Lakes and this development will all add more traffic to the area. He stated the Wolf Bay Drive extension needs to be done as a secondary access and County Road 12 needs to be widened. He stated the ditches on Fairway Drive and Wolf Bay Drive do not swale softly and there is no place to pull over safely. He explained instead of resurfacing County Road 12 the money should be used on a plan to widen County Road 12. He stated there needs to be a bike path installed on the north and south side of the proposed development.

Mr. Jay Lanius resident of 8188 Bay View Drive stated the development does not rise to the minimums set forth in the City of Foley Zoning Ordinance. He read from the ordinance the lot sizes in residential zoning districts and stated the requested PUD is closer to a GPH-1 zone (Garden Patio Homes). He stated the ordinance reads that garden patio homes should be in harmony and character of the surrounding neighborhoods. He explained the development is not in harmony with Primland or Glen Lakes. He stated EDG is requesting a relaxation for side yard setback to be 10' between the homes. He stated this development does not rise to the level of any of the city's residential zoning or buffer requirements. He stated a PUD is supposed to be a creative design of space not cramming as many homes as you can into an undeveloped area to increase the tax base. He stated the Commission should reject the request and negotiate a desirable density that is acceptable.

Mr. Robert Degrasse resident of 9456 Lakeview Drive stated this development will lead to an unruly amount of traffic of large vehicles on Lakeview Drive. He stated there is already an issue and he has had to stop several truck drivers. He stated the trucks are tearing up the roads and the city is going to have to make the repairs. There are people that walk and children that play in that area and it is not a place for the large construction trucks.

Mr. Ron Morgan resident of Clubhouse Drive asked if his comments submitted in writing had been received.

Commissioner Hellmich stated copies of all comments submitted have been given to the Commissioners.

Mr. Shane Tucker resident of 8593 Bay Pines Lane stated he has lived in the community for the past 26 years. He stated all the comments made by the residents are spot on and County Road 12 is not safe. He explained there is a drainage issue in Foley and 600 more homes will cause more drainage. He explained the traffic issues on County Road 12 have got to be addressed and another

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 4 of 9

turn lane and exit is a must. He stated his home is his biggest investment and chose his lot due to the wildlife and lot size. He explained that someone bears the burden of protecting others property investments. He explained there needs to be consideration as to what is already in place and something comparable needs to be constructed so people's investments aren't killed.

A resident of Forest Lane stated the school system is already overloaded. He explained there will be no yards for the children to play in and no school for them to attend. He stated he would like to see the development designed with the houses facing County Road 12. He explained there are currently several subdivisions in the area with the backyards facing County Road 12. He stated he has to see everything in their backyards when he drives by the subdivisions.

Mr. Johnny Inzer resident of Cottages on the Green stated he lives in a gated community with about 2.3 vehicles per house with a total of 370 vehicles. He explained all of those vehicles get to their homes by County Road 12. He stated when they are turning in to Cottages on the Greene the traffic behind them is stopped until they turn or the vehicles pass them. He explained County Road 12 has got to be widened. He stated the added developments on County Road 12 will cause more construction traffic. He stated there are also issues with the drainage in the area.

Ms. Peggy Riley resident of 22395 County Road 12 explained the subdivision will be right out her front door. She stated County Road 12 has got to be widened. She explained she has to sit and wait 20 minutes in order to back out of her driveway. She stated there are flooding issues and the Commission has a lot of things they need to look at before approving the request.

Mr. Scott Cothron with Skipper stated his company was hired by EDG to perform a traffic study to see what impacts the development will have on the traffic. He explained there are currently several improvements being done on County Road 12 and the Foley Beach Express which include turn lanes on both sides of the street. He stated the improvements are going to help the traffic immensely. He explained the projections showed any added traffic from the development will be handled with the improvements that are currently being done. He stated there will be an addition of a right hand turn lane but the study showed there was not a demand for a left hand turn lane. He explained there will be a need for an additional 100' of stacking for the west bound traffic which is to be added with phase 4 or 5. He stated they used the national average of cars a day and were extra conservative when doing the analysis for the development.

Commissioner Hellmich stated they have looked at adding stop signs on Fairway Drive to prevent it from being used as a cut through. He explained there is a light currently being constructed at County Road 12 and the Foley Beach Express to offset the turn lane to make the area safer. He explained the new developments currently being constructed need to be incorporated into the traffic plan analysis. He stated additional traffic information may be required by Skipper. He stated due to safety they do not want people backing out of their driveways into County Road 12 and that is the reasoning for houses not facing County Road 12. He explained widening County Road 12 is a challenge due to the lack of right of way. He stated there are some road improvements being made on County Roads 8 and in the future County Road 10 may be extended which they are hoping will relieve some of the traffic on County Road 12. He stated there are no plans to 4 lane County Road 12. He explained the city is looking at and working on drainage issues in the area. He explained he would like the traffic improvements for the development to be made up front so new paving that is currently being done doesn't have to be ripped up and redone. He stated as part of the city's 10 year traffic plan study Wolf Bay Drive will be extended to the Foley Beach Express.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 5 of 9

He stated they have discussed and requested berms to be added around the development. He explained another entrance will be added on Roscoe Road. He stated the developer will pave a section of Roscoe Road which will be the beginning of the Wolf Bay Drive extension.

Mr. David Stovall with EDG stated the drainage from the development goes west to east and north to south. He stated they have only had surveyors on the property and the construction traffic mentioned earlier is not from this development. He explained they tried to design the development with the highest and best use which include open green space. He stated there will be approximately 3 acres set aside for an amenity center which will include a clubhouse and pool. He stated they have not gotten into the detailed engineering yet and if the storm water areas are not sufficient in size the number of lots will be reduced. He stated the density calculates to 2.5 units per acre by the City of Foley's zoning ordinance. He explained they have committed to the city to donate a 40' right of way to be used for the extension of Wolf Bay Drive. He explained he spoke with his client regarding the paving of Roscoe Road and his client is willing to donate \$100,000 to the city for the paving. He stated they will be glad to discuss the donation and how to handle the paving with the city and staff. He explained they will be requesting preliminary approval for the entire development which will show the phasing.

A resident asked who the developer is of the project.

Mr. Stoval stated they are not sure who the developer will be but the builder will be DR Horton.

Commissioner Hellmich stated the Commission would like the wetland area to be placed into a conservation easement.

Mr. Stoval stated they have no issues with the wetlands being in a conservation easement. He explained they would like the right to access them for the use of an amenity for walking trails.

A resident stated he is very concerned with the density and the effects it will have on the waterway. He explained if you add this many houses and driveways we will no longer have our outstanding Wolf Bay waterway.

Mr. Stoval stated they have applicable space to deal with the storm water and there are ways to prevent problems through using best management practices.

Commissioner Hellmich stated they will be required to follow the city's adopted low impact development standards which are very stringent and were not in place at the time previous subdivisions were developed.

Mr. Tucker asked at what point the design of the homes can be questioned. He stated he would like to see more than 5 cookie cutter designs in the development.

Commissioner Hellmich stated very few cities have architectural standards. He explained they do encourage the developers to use varied designs within the development.

4. William Gordon- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 77+/- acres. Property is currently zoned AO (Agricultural Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 6 of 9

Open space) proposed zoning is PUD (Planned Unit Development). Property is located at the SE corner of County Rd. 12 S and the Foley Beach Express. Applicant is Engineering Design Group, LLC.

This item was discussed with item # 3.

Mrs. Boone stated there is a strip of property in between the Foley Beach Express and the development. She explained the development will not touch the Foley Beach Express and the applicant is providing a buffer.

5. Zoning Ordinance Amendments

Mrs. Boone explained the amendments are to add definitions for lodges and clubs to the zoning ordinance.

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

NEW BUSINESS:

1. Turnberry Crossing Phase 4- Request for Preliminary Extension

The City of Foley Planning Commission has received a request for a preliminary extension for Turnberry Crossing Phase 4. Property is located S. of County Rd. 20 S and E. of Hickory St. S. Applicant is Dewberry.

Commissioner Hellmich made a motion to approve the requested 1 year preliminary extension. Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to approve the requested 1 year preliminary extension passes.

2. Primland Phase 1B- Request for Preliminary Extension

The City of Foley Planning Commission has received a request for a preliminary extension for Primland Phase 1B. Property is located S. of County Rd. 12 S and N. of Wolf Bay Dr. Applicant is Goodwyn, Mills & Cawood, Inc.

Commissioner Abrams made a motion to approve the requested 6 month preliminary extension. Commissioner Swanson seconded the motion. All Commissioners voted aye.

Motion to approve the requested 6 month preliminary extension passes.

3. Heritage Landing- Request for Preliminary Approval

The City of Foley Planning Commission has received a request for preliminary approval of Heritage Landing which consists of 32.35+/- acres and 115 lots. Property is located at the SE corner of S. Juniper St. and E. Michigan Ave. Applicant is Baldwin County Holdings, LLC.

Commissioner Hellmich made a motion to approve the preliminary request with the condition that fencing will be constructed along Michigan Ave. and Juniper St. Commissioner Abrams seconded the motion. All members voted aye.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 7 of 9

Motion to approve the preliminary request with the condition that fencing will be constructed along Michigan Ave. and Juniper St. passes

4. Grand Riviera- Request for PUD Modification

The City of Foley Planning Commission has received a request for a PUD Modification for Grand Riviera. Property is located S. of County Rd. 20 and W. of James Rd. Applicant is WAS Design.

Commissioner Hellmich stated Mr. Chad Watkins had made the changes that were requested by the City Engineer at the work session meeting.

Commissioner Hellmich made a motion to approve the requested PUD modification. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested PUD modification passes.

5. The Housing Authority of the City of Foley- Request for Minor Subdivision

The City of Foley Planning Commission has received a request for approval of Aaronville Community a minor subdivision which consists of 7.90+/- acres and 3 lots. Property is located S. of E. of S. Oak St., W. of 6th Ave., N. of 8th Ave. Applicant is The Housing Authority of the City of Foley, AL.

Commissioner Abrams made a motion to approve the requested minor subdivision. Commissioner Mixon seconded the motion. Commissioner Hamrick abstained. All other Commissioners voted aye.

Motion to approve the requested minor subdivision passes.

6. William Gordon- Request for Initial Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 163 +/- acres being annexed into the corporate limits. Proposed zoning is PUD (Planned Unit Development). Property is located at the SE corner of County Rd. 12 S and the Foley Beach Express. Applicant is Engineering Design Group, LLC.

Commissioner Hellmich made a motion to carry over the item until next month's meeting. He stated due to the concerns with items that need to be addressed in the traffic study regarding current counts on County Road 12. He stated the traffic generated from new developments currently being constructed in the area need to be taken into consideration and addressed.

Mr. Stoval stated he submitted the traffic study over two months ago and received no comments until today. He stated the item was already delayed due to the hurricane. He explained he can have the requested traffic study items before the Mayor and Council review the item.

Motion to carry over the item until next month died for lack of a second.

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 8 of 9

Chairman Hinesley stated he is concerned about the 10' setback relaxation being requested. He explained he feels the donation of land to the city for the Wolf Bay Drive extension should be 60' instead of 40'.

Mrs. Boone explained if the request is denied the application can reapply with a different plan. She stated the Commission is the recommending body and Mayor and Council make the decision for approval or denial. Mrs. Boone explained a 10' setback is allowed in a PUD zone and would not be a relaxation request.

Commissioner Hellmich asked about the possibility of changing the 40' lots to 50' lots.

Mr. Stovall stated they are wanting to do a mixture of lot sizes and price points.

Commissioner Hellmich made a motion to recommend the requested initial zoning to Mayor and Council with the following conditions:

- Include traffic counts for subdivisions under construction in the traffic study
- All right-of-way improvements shall be completed with Phase I, including County Road 12 and the construction/paving of the southern entrance/Roscoe Road
- Application to be made for wetlands to be in a conservation easement
- Provide updated drawings to show the conditions

Commissioner Abrams seconded the motion. Commissioner Swanson voted nay. All other Commissioners voted aye.

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

7. William Gordon- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 77+/- acres. Property is currently zoned AO (Agricultural Open space) proposed zoning is PUD (Planned Unit Development). Property is located at the SE corner of County Rd. 12 S and the Foley Beach Express. Applicant is Engineering Design Group, LLC.

Commissioner Abrams made a motion to recommend the requested rezoning to Mayor and Council with the following conditions:

- Include traffic counts for subdivisions under construction in the traffic study
- All right-of-way improvements shall be completed with Phase I, including County Road 12 and the construction/paving of the southern entrance/Roscoe Road
- Application to be made for wetlands to be in a conservation easement
- Provide updated drawings to show the conditions

Commissioner Hamrick seconded the motion. Commissioner Swanson voted nay. All other Commissioners voted aye.

PLANNING COMMISSION MEETING MINUTES

October 21, 2020 (City Hall Civic Center) 5:30 P.M.

Page 9 of 9

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

8. Zoning Ordinance Amendments

Commissioner Hellmich 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.

ADJOURN

Meeting adjourned at 7:35p.m.