

**PLANNING COMMISSION MEETING MINUTES**  
**April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.**

Page 1 of 9

The City of Foley Planning Commission held a meeting April 20, 2022 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Ralph Hellmich, Wes Abrams, Phillip Hinesley, Calvin Hare and Tommy Gebhart. Absent members were: Larry Engel, Vera Quaites and Bill Swanson. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Eden Lapham, Planner 1; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Chairman Abrams called the meeting to order at 5:30 p.m.

**MINUTES:**

Approval of the March 9, 2022 and March 16, 2022 meeting minutes.

Commissioner Hellmich made a motion to approve the March 9, 2022 and March 16, 2022 meeting minutes. Commissioner Hinesley seconded the motion. All Commissioners voted aye.

**Motion to approve the March 9, 2022 and March 16, 2022 meeting minutes passes.**

Chairman Abrams adjourned the regular meeting and opened the public hearing.

**PUBLIC HEARING:**

**1. Gulf Flying Subdivision- Request for Minor**

The City of Foley Planning Commission has received a request for approval of the Gulf Flying Subdivision a minor subdivision which consists of 1.15 +/- acres and 2 lots. Property is located S. of US Highway 98 and W. of County Rd. 65. Applicant is Sam Styron.

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

**2. The Resubdivision of Lot 1 of the Resubdivision of Lot 1 of the Replat of Woerner's Two Lots- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of the Resubdivision of Lot 1 of the Resubdivision of Lot 1 of the Replat of Woerner's Two Lots which consists of 56.57 +/- acres and 2 lots. Property is located. S. of County Rd. 20 and E. of S. McKenzie St. Applicant is Woerner Land, LLC.

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

**3. Magnolia Landing- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 19 +/- acres. Property is currently zoned B-2 (Neighborhood Business District) and R-1D (Residential Single Family). Proposed zoning is PUD (Planned Unit Development). Property is located W. of Hickory St. and N. of County Rd. 12. Applicant is Jade Consulting.

# PLANNING COMMISSION MEETING MINUTES

April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.

Page 2 of 9

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

#### **4. Gopher Fork Subdivision- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of the Gopher Fork Subdivision which consists of 73 +/- acres and 2 lots. Property is located. E. of State Hwy. 59 and S. of Keller Rd. Applicant is Smith Clark & Associates, LLC.

Mr. George Preski resident of 8133 Carmel Circle stated he lives in Bella Vista which is directly to the north of the property. He explained the subdivision is a quiet area with approximately 100 homes. He asked if the multi-family would be rentals, condos or townhomes.

Commissioner Hellmich stated the development will be apartments.

Mrs. Boone stated per staff's request they have added a buffer and moved the buildings more to the south end of the property.

Mr. Preski asked if the apartments would be section 8 housing.

Mr. Ryan Jones stated the intent is not for section 8 housing. He explained the apartments will be class A affordable housing.

Mr. Preski asked how far off the northern property line the apartments will be located.

Mr. Jones explained the buildings will be approximately 200' from the property line which includes an 80' right of way. He stated the original plan had the buildings facing north and a smaller buffer. He explained at the city's request the building orientations have changed and a larger buffer was added.

Mr. Preski asked about the purpose of the right of way.

Commissioner Hellmich explained the 80' right of way will be a gated emergency access. He stated the right of way has always been in place and it could possibly be developed in the future.

Ms. Jackie Holiday, resident of 8192 Carmel Circle asked for more details about the buffer between the development and Bella Vista.

Mr. Jones stated there is a 80' right of way, another 80' of tree line, a parking area and the buildings which will be over 200' feet from the north property line. He explained he does not think the residents of Bella Vista will be able to see the apartments.

Ms. Holiday asked how many apartment units would be in the development.

Mr. Jones stated there will be 240 units.

Mr. Kyle Scully, resident of 8141 Carmel Circle asked if the rentals would be under one management company and if there would be any short term rentals.

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION MEETING MINUTES**  
**April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.**

Page 3 of 9

Mr. Jones stated the development will be handled by one management company and they will be yearly leases. He explained his company currently manages 20,000 apartment units.

Ms. Kaye Moody resident of 8257 Carmel Circle asked when construction would begin and end.

Mr. Jones stated they plan to begin construction in about a year. He explained they hope to have the development completed after 18 months with the clubhouse being built first.

Ms. Moody asked where the entrance will be located.

Mr. Jones stated they will have a landscaped entrance off of Richard Childress Lane.

Ms. Moody asked if there will be a privacy fence located in the back area of the development.

Mr. Jones stated they are considering adding a fence.

Mr. Preski asked if they would be multi story buildings and the expected price of the rentals.

Mr. Jones stated all the buildings will be two stories with no elevators. He explained they plan to use the detention area as a water feature, have a pickleball court and walking trails. He stated there will be a mixture of 1, 2 and 3 bedroom units with a price range of about \$1,500 a month for the 1 bedroom. He explained the market studies show there is a need for apartment rentals in the area. He stated they are hoping to bring more units to the area to help keep rates from going up and reduce some of the pressure.

Ms. Moody asked how they would handle the additional traffic created from the development.

Commissioner Hellmich stated improvements are needed for traffic going west to east for people turning south. He stated there will have to be improvements.

Ms. Moody asked if the City would be making the improvements.

Commissioner Hellmich stated the city will work in conjunction with the apartments on improvements. He explained there are many improvements in the works such as the upgrading of traffic lights along State Hwy. 59 and to three lane a five mile section of the road.

Chairman Abrams asked that the record reflect that the Commissioners received a letter from the Law Offices of Ryan & Wilkes.

**5. Gopher Fork Investments- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20 +/- acres. Property is currently zoned B-1A (Extended Business District) requested zone is R-3 (Residential Multi-Family). Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is Smith & Clark Associates, LLC.

Item was discussed with item # 4.

# PLANNING COMMISSION MEETING MINUTES

April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.

Page 4 of 9

## **6. Sam Gerges- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 24.44 +/- acres. Property is currently zoned PUD (Planned Unit Development) requested zone is R-3 (Residential Multi-Family). Property is located N. of County Rd. 20 and E. of S. Pine St. Applicant is Sam Gerges.

Mr. Fred Brereton explained he owns a business at 2835 S. Pine St. which backs up to the property. He stated his building flooded during hurricane Sally and in 2014. He explained work has been done but there are still drainage issues. He asked what was going to be done to handle drainage for the development.

Chairman Abrams stated at this time they are requesting to change the zoning of the property from the current PUD which was approved for an RV Park to a R-3.

Commissioner Hellmich explained there has been some clearing and additional changes to improve the draining in the area. He stated there are still drainage issues, and but the drainage is at a higher level than previously. He explained the development will have to provide detailed drainage information to the Engineering Department to ensure they are meeting the city regulations before a land disturbance permit is issued.

## **7. Downey Family Limited- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 93 +/- acres. Property is currently zoned AO (Agricultural Open Space) requested zone is PUD (Planned Unit Development). Property is located S. of Wolf Bay Dr. and E. of Stan Mahoney Ln. Applicant is Downey Family Limited.

Chairman Abrams explained a request to carry over the item until next month's meeting was received from the applicant.

Commissioner Hellmich stated they have encouraged the applicant to work with the Home Owners Associations to try and address the neighboring property owner's questions and concerns.

## **8. Kenneth Teem- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 18.79 +/- acres. Property is currently zoned AO (Agricultural Open Space) requested zone is PUD (Planned Unit Development. Property is located at the SE corner of County Rd. 20 and S. Hickory St. Applicant is WAS Design.

Mr. Jon Ksiazek resident of 926 Sailor Circle stated his house is next to the property. He explained he is the president of the HomeOwner Association of McSwain which is a small subdivision of 47 homes. He stated currently on the east side of McSwain is Allison Pointe Apartments and townhomes are being constructed beside the apartments. He asked if the homes would be rentals or individually owned. He stated they don't have a problem with residential but do not want to be surrounded by rentals. He explained there are already issues with traffic and this development will add at least another 300 cars a day. He stated they have a lot of trees and wildlife currently in the area they would like to preserve.

**PLANNING COMMISSION MEETING MINUTES**  
**April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.**

Page 5 of 9

Commissioner Hellmich stated the development is unique and there is currently not another like it in Foley.

Mr. Ksiasek asked how close the houses would be to the McSwain subdivision.

Mr. Chris Ventre explained this is a unique urban design consisting of row houses and townhomes. He stated the one story buildings will be 35' from the McSwain property line. He explained there will be a crushed granite walking/running trail. He stated they will be selectively picking the best aesthetically looking trees to keep the trail as shaded as possible. He explained they will be adding sidewalks along Hickory St. and County Rd. 20.

Commissioner Hellmich stated the added sidewalks will allow connectivity to current and future planned sidewalks.

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

**NEW BUSINESS:**

**1. \*Wells World-Request for Minor/Exemption**

The City of Foley Planning Commission has received a request for approval of Wells World, a minor/exempt subdivision which consists of 1 +/- acres and 2 lots. Property is located S. of County Rd. 12 S. and W. of James Rd. and is located in the City of Foley Planning Jurisdiction. Baldwin County has approved the subdivision as an exempt one time split. Applicant is Brian Wells.

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

Commissioner Hellmich stated Baldwin County has approved the subdivision as an exemption. He explained the City currently has a moratorium on exemptions. He stated the lots front a road and the request appears to meet city requirements.

All Commissioners voted aye.

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

**2. Gulf Flying Subdivision- Request for Minor**

The City of Foley Planning Commission has received a request for approval of the Gulf Flying Subdivision a minor subdivision which consists of 1.15 +/- acres and 2 lots. Property is located S. of US Highway 98 and W. of County Rd. 65. Applicant is Sam Styron.

Commissioner Hellmich asked if the comments regarding the sewer service had been resolved.

Mrs. Melissa Ringler explained Mr. Jerry Perez provided a sanitary sewer availability letter and was told at work session to add the sanitary sewer provider to the plat.

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

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION MEETING MINUTES**  
**April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.**

Page 6 of 9

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

**3. The Resubdivision of Lot 1 of the Resubdivision of Lot 1 of the Replat of Woerner's Two Lots- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of the Resubdivision of Lot 1 of the Resubdivision of Lot 1 of the Replat of Woerner's Two Lots which consists of 56.57 +/- acres and 2 lots. Property is located. S. of County Rd. 20 and E. of S. McKenzie St. Applicant is Woerner Land, LLC.

Commissioner Hare made a motion to approve the requested subdivision which is located in a commercial zone. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

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

**4. Magnolia Landing- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 19 +/- acres. Property is currently zoned B-2 (Neighborhood Business District) and R-1D (Residential Single Family). Proposed zoning is PUD (Planned Unit Development). Property is located W. of Hickory St. and N. of County Rd. 12. Applicant is Jade Consulting.

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

Commissioner Hinesley stated he has concerns regarding the regulations for PUD zoning and the compatibility with surrounding areas. He explained compliance needs to be looked at for future PUD regulations.

All Commissioners voted aye.

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

**5. Gopher Fork Subdivision- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of the Gopher Fork Subdivision which consists of 73 +/- acres and 2 lots. Property is located. E. of State Hwy. 59 and S. of Keller Rd. Applicant is Smith Clark & Associates, LLC.

Item was moved to # 6 on the agenda.

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

Commissioner Hellmich explained he feels the developer has taken into account the neighboring subdivision. He stated there will be no main entrance on the north end of the development and a good buffer and trees will be in place.

All Commissioners voted aye.

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

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION MEETING MINUTES**  
**April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.**

Page 7 of 9

**6. Gopher Fork Investments- Request for Rezoning**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20 +/- acres. Property is currently zoned B-1A (Extended Business District) requested zone is R-3 (Residential Multi-Family). Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is Smith & Clark Associates, LLC.

Item was moved to # 5 on agenda.

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

Commissioner Hare asked if the rezoning was only for the 20 acres.

Mr. Jones stated the rezoning is for 20 acres and they are proposing 12 units per acre.

Commissioner Hellmich stated the developers made several changes due to concern regarding the north property owners. He explained a traffic analysis has shown what improvements need to be made, the right of way has been preserved and the area is next to B-1A commercial corridor.

All members voted aye.

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

**7. Grand Riviera- Request for PUD Modification**

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

Commissioner Hellmich made a motion to approve the requested PUD modification. Commissioner Hinesley seconded the motion.

Commissioner Hellmich stated he sees this request as a down zoning.

All Commissioners voted aye.

**Motion to approve the requested PUD modification passes.**

**8. Sam Gerges- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 24.44 +/- acres. Property is currently zoned PUD (Planned Unit Development) requested zone is R-3 (Residential Multi-Family). Property is located N. of County Rd. 20 and E. of S. Pine St. Applicant is Sam Gerges.

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

Commissioner Hinesley asked about the difference in open space between the PUD and R-3 zones.

Note: \*Denotes property located in the Planning Jurisdiction

# PLANNING COMMISSION MEETING MINUTES

April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.

Page 8 of 9

Mrs. Boone stated they are trying to steer multi-family developments to the R-3 zone which is a planned district. She explained the PUD requires 25% open space and the R-3 requires 25% open space.

Commissioner Hellmich stated the R-3 is now a planned district so things can be negotiated with the approval. He explained the property is surrounded by B-1A zoned property.

All Commissioners voted aye.

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

## **9. Magnolia Walk East- Request for PDD Modification**

The City of Foley Planning Commission has received a request for a PDD modification. Property is located E. of the Foley Beach Express and N. of County Rd. 20. Applicant is Burton Property Group.

Commissioner Hellmich stated the City Attorney has made a suggestion for the language of the approval to accommodate the current land owner to ensure if the property is not sold it will remain as it is zoned today.

Commissioner Hellmich made a motion to accept and approve the PDD modification in writing by 12/31/2022, and if no written acceptance is received in that time, the approval is withdrawn and the property remains subject to the prior PDD regulations. A deed of sale from the current owner to the applicant of this PDD modification will be acceptable for the written document and approval of this PDD modification. Commissioner Hare seconded the motion.

Commissioner Hellmich stated there will be a lot of work that has to be done to get this plan complete. He explained the developer needs to work with staff on access issues. He explained the applicant has coordinated and shared the plan with the Navy who provided the Commission a letter.

All Commissioners voted aye.

**Motion to accept and approve the PDD modification in writing by 12/31/2022, and if no written acceptance is received in that time, the approval is withdrawn and the property remains subject to the prior PDD regulations. A deed of sale from the current owner to the applicant of this PDD modification will be acceptable for the written document and approval of this PDD modification passes.**

## **10. Downey Family Limited- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 93 +/- acres. Property is currently zoned AO (Agricultural Open Space) requested zone is PUD (Planned Unit Development). Property is located S. of Wolf Bay Dr. and E. of Stan Mahoney Ln. Applicant is Downey Family Limited.

Chairman Abrams stated the item has been carried per the applicant request.



**PLANNING COMMISSION MEETING MINUTES**  
**April 20, 2022 (Council Chambers of City Hall) 5:30 P.M.**

Page 9 of 9

**11. Kenneth Teem- Request for Rezone**

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 18.79 +/- acres. Property is currently zoned AO (Agricultural Open Space) requested zone is PUD (Planned Unit Development. Property is located at the SE corner of County Rd. 20 and S. Hickory St. Applicant is WAS Design.

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

Commissioner Hinesley asked if there could be a provision added to include a barrier is needed against the abutting residential area to the east of the property. He stated he would like to see a privacy fence and vegetation.

Commissioner Hellmich made a motion to amend his previous motion to recommend the requested rezoning to the Mayor and Council with the addition of a buffer on the east side with a minimum of a fence and as many trees to be left in the area as possible to ensure privacy for the neighboring properties. Commissioner Gebhart seconded the motion.

Commissioner Hellmich stated the development has a very unique design. He explained he understands the concern regarding rentals but looking at the renderings it looks like it appears to be a product of single ownership and not individual rentals.

**Motion to recommend the requested rezoning to the Mayor and Council with the addition of a buffer on the east side with a minimum of a fence and as many trees to be left in the area as possible to ensure privacy for the neighboring properties passes**

**ADJOURN:**

Meeting adjourned at 6:41 p.m.