

PLANNING COMMISSION MEETING MINUTES
May 18, 2022 (Civic Center of City Hall) 5:30 P.M.

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The City of Foley Planning Commission held a meeting on May 18, 2022 at 5:30 p.m. in the Civic Center of the City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Larry Engel, Vera Quaites, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley, Bill Swanson and Tommy Gebhart. 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 April 13, 2022 and April 20, 2022 meeting minutes.

Commissioner Hinesley made a motion to approve the April 13, 2022 and April 20, 2022 meeting minutes. Commissioner Swanson seconded the motion. All Commissioners voted aye.

Motion to approve the April 13, 2022 and April 20, 2022 meeting minute's passes.

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

PUBLIC HEARING:

1. *A Re-Plat of Lot 2 of the Flowers Property Subdivision- Request for Minor

The City of Foley Planning Commission has received a request for approval of A Re-Plat of Lot 2 of the Flowers Property Subdivision, a minor subdivision which consists of 2.15 +/- acres and 2 lots. Property is located at S. of County Rd. 16 and W. of County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is John D. Flowers.

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

2. *Bon Secour 10-65 Subdivision- Request for Minor

The City of Foley Planning Commission has received a request for approval of Bon Secour 10-65 Subdivision, a minor subdivision which consists of 9.54 +/- acres and 2 lots. Property is located at the NE corner of County Rd. 65 and County Rd. 10 and is located in the City of Foley Planning Jurisdiction. Applicant is The Broadway Group, LLC.

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

3. Resubdivision of Lot 1 of Old Time Pottery Foley Subdivision- Request for Minor

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 1 of Old Time Pottery Foley Subdivision, a minor subdivision which consists of 2.85 +/- acres and 2 lots. Property is located at the SE corner of State Hwy. 59 and Keller Rd. Applicant is Broco Foley, LLC.

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

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4. Resubdivision of Lot 5 of a Resubdivision of Lot 1 of Replat 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 5 of a Resubdivision of Lot 1 of Replat Woerner's Two Lots which consists of 5.38 +/- acres and 4 lots. Property is located. S. of County Rd. 20 and E. of S. McKenzie St. Applicant is Virendra Patel.

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

5. *The Knoll- Request for Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of The Knoll which consists of 38.87 +/- acres and 111 lots. Property is located on the NW corner of County Rd. 65 and County Rd. 16 and is located in the City of Foley Planning Jurisdiction. Applicant is Sawgrass Consulting, LLC.

Mrs. Linda Bradley resident of 7985 Honeysuckle Rose Lane stated she has provided the Commissioners with information and photos of flooding issues on her property. She explained the majority of the information shared is regarding issues created by the Kipling Meadows subdivision. She stated she is trying to prevent the same issues from happening with this development. She explained she has spoken with Engineers, Developers and City Officials regarding the issues.

Commissioner Hellmich stated the area is in Baldwin County and asked if she has spoken with them regarding the issues.

Mrs. Bradley explained the only answer she was given is the issue will be minimized once the asphalt within the subdivision is in place.

Mr. Ercil Godwin with Sawgrass Consulting stated he is aware of Mrs. Bradley's concerns. He explained he has spoken with her and will work with her to make sure this development doesn't negatively impact her property.

Mr. John Jackson resident of 1739 East View Loop stated his property backs up to the proposed development. He explained he currently has issues with flooding in his backyard.

Mr. Godwin stated the development should not affect Mr. Jackson's property. He explained there will be a swale behind the back portion of his property that will direct the water to a retention area.

Commissioner Engel stated the lots in this development are much smaller than the lots they are backing up against.

Commissioner Hinesley stated since the property is located in Baldwin County and not the City limits the city has no control over the lot sizes.

Commissioner Engel stated he doesn't feel the additional homes and pavement will help the current flooding issues in the area.

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Commissioner Hellmich explained the City of Foley's regulations are higher than Baldwin County's regulations. He stated the most stringent would apply to the development. He explained the City of Foley has some of the most stringent regulations in Alabama.

Mr. Godwin explained they cannot release water from the site any faster than its current state. He stated there will be added swales and grading done to control how fast the water is being released.

6. Luis Tabares- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 20 +/- acres. Property is currently zoned Recreational Vehicle (RV) Park District. Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located S. of County Rd. 20 and W. of the Foley Beach Express. Applicant is Luis Tabares.

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

7. Grey Contracting LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 10 +/- acres. Property is currently zoned R-4 (Residential Single Family and Duplex) and B-1A (Extended Business District). Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located S. of County Rd. 20 and W. of the Foley Beach Express. Applicant is Grey Contracting of Greenville, LLC.

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

8. Keystone Development- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend the initial zoning of 121.91 +/- acres. Proposed zoning is PUD (Planned Unit Development). The property is located S. of US Hwy. 98 and W. of Grantham Rd. Applicant is Keystone Development LLC.

Mr. Walter Crook resident of 16022 US Hwy. 98 W. stated he wanted to ensure his property is not included in the requested rezoning.

Mrs. Boone stated Mr. Crook's property is not included in the request and indicated the rezoning areas on the map.

Mr. Crook stated one of the entrances into the development will be located beside his property. He explained he has issues exiting his property on US Hwy 98. He stated he wants to make sure this will not cause additional traffic problems for the area.

Mr. Chad Christian stated a traffic study has been submitted. He explained ALDOT will have to be consulted regarding any needed improvements. He stated if any improvements are required they will need to be in place before he will sign the final plat.

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Mr. Dan Lecian resident of 12037 Venice Blvd. stated there are several objections from residents in the area. He explained connecting these streets to the existing streets in Plantation at Magnolia River Subdivision will create traffic issues. He asked if any information was provided regarding the handling of runoff water and the effects on the wetlands and river.

Commissioner Abrams stated at the applicants request the item has been carried over to next month's meeting and no action will be taken on the item tonight.

Commissioner Hellmich stated Plantation at Magnolia River was designed to connect to the roads in future phases. He explained they have heard objections regarding the road connection and are looking at gating the area for emergency personnel only. He stated there have been some requests to keep the area walkable but not allow thru traffic. He explained the developer will not be able to develop in the floodplain areas of the property.

Mrs. Boone explained the design presented is a conceptual plan. She stated if the plan is approved the applicant will come before the Commission at a later date to subdivide the property. She explained when the applicant submits to subdivide the property detailed engineered drawings will be required.

Commissioner Hellmich stated comments from the residents were relayed to the developers. He explained the developers are working on a redesign to address the concerns.

Mr. Lecian asked about the location of the proposed mail boxes and if they could be relocated to another area.

Mrs. Boone stated she would make the applicant aware of the request regarding the mail box location.

9. Downey Family Limited- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the 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.

Mr. Roddy Burkle resident of 8343 Bay View Drive stated 125 residents had attended a meeting with the developer to express their opposition to the development. He explained the plans were modified but are still not matching the zoning in the area. He explained Primland and Roberts Cove subdivisions will create an additional 817 homes in the area. He stated with the addition of Eagles Landing there will be a total of 976 homes impacting County Road 20. He explains if a 2 car per home is estimated that is an additional 2,000 cars on an already congested two lane road. He stated the development does not meet the city's long term plan, design or character of the area.

Mrs. Lisa Way resident of 24307 Wolf Bay Dr. explained many of the existing Glen Lakes and Bay Forest homes have experienced flooding. She stated her home is not in a flood zone but is in an X zone. She and her husband made a decision to tear down their home and build to a higher level. She stated when damage occurred her flood insurance would provide no help and federal assistance programs do not offer assistance for X zone areas. She explained the home owners in

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the new development could be facing the same types of issues. She asked the Commission to review the infrastructure in the area and deny the requested zoning change.

Mr. Stephen Newman resident of 8460 Forest Ln. explained the affect the development and growth will have on the environment, ecosystem and estuaries in the area.

Mrs. Missy Gibson resident of 8449 Heron Drive provided the rate of growth and city resource statistics taken from the 2017 and 2021 annual comprehensive financial reports. She stated the growth in the area is having effects on the need for more emergency services, schools, city personnel, grocery stores, medical personnel and facilities, parks and infrastructure. She explained the City of Foley should protect, serve and provide services to the current residents of the City of Foley. She stated there is concern other generations will not be able to enjoy the natural resources the area provides. She explained there has been an enormous outcry from the citizens to deny the request and protect the city and follow the Comprehensive Plan and vision for Foley.

Mrs. Rhonda Herndon resident of Wolf Bay Dr. stated she believes the Commission needs to seek out wisdom in all decisions regarding growth in the city. She explained the community is urging the Commission to give this request the consideration it deserves. She stated the Graham Creek area is a safe community. She explained many of the people that live in the community are professionals dedicated to serving our community. She stated there are many living in the area that volunteer countless hours because they truly love the City. She explained it is vital as leaders they make sure the City of Foley grows in the right direction. She stated she has seen the effects of the construction in the area with countless tortoises in her front yard with damaged shells, deer running for refuge, trees crashing and machinery. She asked what effects all of the construction is having on our natural resources.

Mr. Charles Cole resident of 24099 explained the development does not belong in the area. He stated the sewer location within the development is concerning and will eventually fail and contaminate Graham Creek.

Mrs. Jane Tyler resident of 22786 Tranquil Lane explained a lot of her concerns have been covered by other residents. She stated everyone's concerns come from the heart and they all care about the community.

Mr. David Dichiara with Engineer Design Group stated they have met with the residents and tried to address concerns. He explained this is a unique development and comparable to what is existing in the area. He stated the PUD zoning was chosen due to the development being a medium mixed zone and a good transition zone for the area. He explained 38 acres will be donated to the City of Foley which is a public benefit. He stated they will address any environmental concerns and will not impact the wetlands or water quality in the area.

Commissioner Hellmich stated rendering of the homes to be built in the development ranging in price from \$400,000 to \$500,000 were provided. He explained the homes would have side entry garages and 25' front yard setbacks. He asked if the applicant knew who would be building the homes in the subdivision.

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Mr. Diciara stated the builder would be Truland Homes and a custom builder would be used for the waterfront lots

Mr. Burkle stated the proposed lot sizes cannot be considered a transition in zoning for the area.

Mr. Jay Laney stated the current R-1R zoned lots in the area are 30,000 sq. ft. He stated the proposed lots would be 8,000 to 10,000 sq. ft. He asked the Commission to please consider the current density in the area.

Mrs. Kathleen Roberts resident of 8741 Bay View Dr. asked the Commission to please not allow the PUD in this wonderful area.

Mr. Frank Ellis resident of Putter Ln. stated the Graham Creek area and Wolf Bay waters need to be protected. He explained PUDs are usually designed in larger cities with amenities and schools located within the development.

Mrs. Silvia Womack resident of 9288 Lakeview Drive explained she has been a member of the Wolf Bay Watershed since 2005. She stated Wolf Bay was declared an outstanding Alabama water by ADEM in 2007. She explained the proposed density is not consistent with the area. She stated the increased traffic will burden an already burdened Wolf Bay Drive and County Road 12. She explained proper infrastructure is not in place for the additional lots in the area.

Chairman Abrams thanked the members of the public for their input and way of handling the opposition. He stated the Commission has received all the letters, emails and pictures that were provided from the residents in the area.

10. The RIVI- Request for Minor/Exemption

The City of Foley Planning Commission has received a request for approval of The RIVI, a minor/exempt subdivision which consists of 9.36 +/- acres and 1 lots. Property is located at the SW corner of S. Juniper St. and Riviera Blvd. Applicant is Crestline Communities.

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

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

NEW BUSINESS:

1. *A Re-Plat of Lot 2 of the Flowers Property Subdivision- Request for Minor

The City of Foley Planning Commission has received a request for approval of A Re-Plat of Lot 2 of the Flowers Property Subdivision, a minor subdivision which consists of 2.15 +/- acres and 2 lots. Property is located at S. of County Rd. 16 and W. of County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is John D. Flowers.

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

Motion to approve the requested minor subdivision passes.

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2. ***Bon Secour 10-65 Subdivision- Request for Minor**

The City of Foley Planning Commission has received a request for approval of Bon Secour 10-65 Subdivision, a minor subdivision which consists of 9.54 +/- acres and 2 lots. Property is located at the NE corner of County Rd. 65 and County Rd. 10 and is located in the City of Foley Planning Jurisdiction. Applicant is The Broadway Group, LLC.

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

Motion to approve the requested minor subdivision passes.

3. **Resubdivision of Lot 1 of Old Time Pottery Foley Subdivision- Request for Minor**

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 1 of Old Time Pottery Foley Subdivision, a minor subdivision which consists of 2.85 +/- acres and 2 lots. Property is located at the SE corner of State Hwy. 59 and Keller Rd. Applicant is Broco Foley, LLC.

Commissioner Hellmich 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.

4. **Dairy Queen- Request for Site Plan**

The City of Foley Planning Commission has received a request for a site plan approval of Dairy Queen. Property is located at the SE corner of State Hwy. 59 and Keller Rd. Applicant is JSO Services.

Commissioner Hare made a motion to approve the requested site plan. Commissioner Mixon seconded the motion.

Commissioner Hinesley asked if the current Dairy Queen would remain open.

The representative answered yes the current Dairy Queen will remain open and this will be a second location.

All Commissioners voted aye.

Motion to approve the requested site plan passes.

5. **Resubdivision of Lot 5 of a Resubdivision of Lot 1 of Replat 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 5 of a Resubdivision of Lot 1 of Replat Woerner's Two Lots which consists of 5.38 +/- acres and 4 lots. Property is located. S. of County Rd. 20 and E. of S. McKenzie St. Applicant is Virendra Patel.

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Commissioner Hare made a motion to approve the requested preliminary. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the requested preliminary passes.

6. Fairfield Inn- Request for Site Plan

The City of Foley Planning Commission has received a request for a site plan approval of Fairfield Inn. Property is located. S. of County Rd. 20 and E. of S. McKenzie St. Applicant is Virendra Patel.

Commissioner Mixon made a motion to approve the requested site plan. Commissioner Quaites seconded the motion. All Commissioners voted aye.

Motion to approve the requested site plan passes.

7. The Knoll- Request for Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of The Knoll which consists of 38.87 +/- acres and 111 lots. Property is located on the NW corner of County Rd. 65 and County Rd. 16 and is located in the City of Foley Planning Jurisdiction. Applicant is Sawgrass Consulting, LLC.

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

Commissioner Hellmich stated they have heard the concerns over the drainage in the area. He explained the ditches are located in Baldwin County jurisdiction. He stated the City is unable to do any maintenance in the ditches but can coordinate and work with Baldwin County.

Commissioner Engel voted nay. All other Commissioners voted aye.

Motion to approve the requested preliminary passes.

8. Luis Tabares- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 20 +/- acres. Property is currently zoned Recreational Vehicle (RV) Park District. Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located S. of County Rd. 20 and W. of the Foley Beach Express. Applicant is Luis Tabares.

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

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

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9. Grey Contracting LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 10 +/- acres. Property is currently zoned R-4 (Residential Single Family and Duplex) and B-1A (Extended Business District). Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located S. of County Rd. 20 and W. of the Foley Beach Express. Applicant is Grey Contracting of Greenville, LLC.

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

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

10. Keystone Development- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend the initial zoning of 121.91 +/- acres. Proposed zoning is PUD (Planned Unit Development). The property is located S. of US Hwy. 98 and W. of Grantham Rd. Applicant is Keystone Development LLC.

Chairman Abrams stated the item has been carried over to next month's meeting per the applicant's request.

11. Downey Family Limited- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the 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.

Commissioner Engel made a motion to recommend denial of the requested rezoning to the Mayor and Council. Commissioner Hinesley seconded the motion.

Commissioner Hare stated he cannot support the smaller lots in the area and understands the residents wanting to protect the character of the area.

Commissioner Hinesley explained a lot of the current lots in the area do not meet the R-1R zoning. He stated the reason for a PUD is the Commission and City have more control and can regulate items. He explained he would be in favor of the PUD if the lots were 100' wide with a front and rear setback of 30' and a 50' buffer on the western and eastern portion of the property.

Commissioner Hellmich stated the PUD zoning allows the ability for negotiation. He explained the developer has met with the neighboring properties and revised the plan. He stated a lot of the homes were built under different standards than today's standards which results in flooding. He thanked everyone for the way they handled the situation and understands their compassion for our city. He stated there has been a lot of talk of uncontrolled growth. He explained this city has made a tremendous amount of regulation changes. He stated the city is working on the 3 to 4 million dollar investment for improvements to Wolf Bay Drive and the Wolf Bay Drive and County Road 12 intersection. He explained Orange Beach sewer is spending over a million dollars to upgrade the sewage to correct issues in the area. He stated it was mentioned that city staffing numbers have

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decreased. He stated the staff is very efficient, works hard and the city is often used as a role model and he is very proud of the city. He explained good growth is what the city is trying to accomplish.

Commissioner Hinesley explained the Commission is making a recommendation and the item will go before the Mayor and City Council for approval or denial.

Commissioner Hellmich abstained. All other Commissioners voted aye.

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

12. City of Foley-Holtz Builders Inc./International Residence Hall- PDD Modification

The City of Foley Planning Commission has received a request for a PDD modification. Property is located E. of Juniper St. and S. of Stabler Way. Applicant is Holtz Builders Inc.

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

Motion to approve the requested PDD modification passes.

Commissioner Hellmich stated the residence hall will help with the work force issue we are experiencing in the city.

13. The RIVI- Request for Minor/Exemption

The City of Foley Planning Commission has received a request for approval of The RIVI, a minor/exempt subdivision which consists of 9.36 +/- acres and 1 lots. Property is located at the SW corner of S. Juniper St. and Riviera Blvd. Applicant is Crestline Communities.

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

Motion to approve the requested subdivision passes.

ADJOURN:

Chairman Hinesley adjourned the meeting at 7:45 p.m.