

**CITY OF FOLEY
PLANNING COMMISSION**

**WORK SESSION
November 2, 2022
City Hall
Council Chambers
At 5:30 p.m.**

&

**MEETING
November 9, 2022
City Hall
Council Chambers
At 5:30 p.m.**

**PLANNING COMMISSION
WORK SESSION AGENDA NOVEMBER 2, 2022
&
MEETING AGENDA NOVEMBER 9, 2022
(Council Chambers of City Hall) 5:30 P.M.**

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The City of Foley Planning Commission will hold a work session November 2, 2022 at 5:30 p.m. and a meeting November 9, 2022 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue.

MINUTES:

Approval of the September 14, 2022 and September 21, 2022 meeting minutes.

AGENDA ITEMS:**1. Fuzy's Taco- Request for Site Plan Approval**

The City of Foley Planning Commission has received a request for a site plan approval for Fuzzy Taco. Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is Moore Civil Consulting, LLC.

Planning Commission Action:**2. *Magnolia Pines Phases 2 & 3- Request for 1 year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Magnolia Pines Phases 2 & 3. Property is located E. of County Rd. 55, S. of Rhodes Ln. and is located in the City of Foley Planning Jurisdiction. Applicant is Dewberry.

Planning Commission Action:**3. Sherwood Phase 3- Request for 6 month Preliminary Extension**

The City of Foley Planning Commission has received a request for a 6 month preliminary extension for Sherwood Phase 3. Property is located W. of Hickory St. and S. of Michigan Ave. Applicant is Wooten Engineering.

Planning Commission Action:**4. The Exchange at Foley Apartments- Request for Minor/Exempt**

The City of Foley Planning Commission has received a request for approval of The Exchange at Foley Apartments a minor/exempt subdivision which consists of 24.45 +/- acres and 5 lots being combined into 1 lot. Property is located at N. of County Rd. 20 and E. of S. Pine St. Applicant is Jade Consulting.

Planning Commission Action:**5. *Bayou Ridge Estates- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Bayou Ridge Estates which consists of 23.89 +/- acres and 50 lots. Property is located W. of State Hwy. 59, S. of County Rd. 10 and is located in the City of Foley Planning Jurisdiction. Applicant is Breland Capital, LLC.

Note: *Denotes property located in the Planning Jurisdiction

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Public Hearing:**Planning Commission Action:****6. Hadley Village- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Hadley Village which consists of 35.27 +/- acres and 83 lots. Property is located E. of State Hwy. 59 and S. of Hadley Rd. Applicant is S. E. Civil.

Public Hearing:**Planning Commission Action:****7. Keystone Development- Initial Zoning**

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

Public Hearing:**Planning Commission Action:****8. Public Projects- Request for Recommendation**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the following public projects: Mifflin Road Access Management Project, Wolf Bay Drive Extension, Access Taxiway and 8 Unit T-Hangar Building, Airport Terminal Building, Graham Creek Nature Preserve Pavilions, Wolf Creek Park Comfort Station & Playgrounds, Dog Kennels, Lighted Sign, Two Bathroom Buildings, Pole Barn for Equipment Storage.

Planning Commission Action:**9. Approval of the 2023 Deadline/Meeting Calendar****Planning Commission Action:****ADJOURN:**

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The City of Foley Planning Commission held a work session on October 12, 2022 at 5:30 p.m. in the Council Chambers of 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 and Bill Swanson. Absent member was Tommy Gebhart. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eckman, Environmental Manager; Eden Lapham, Planner 1; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

AGENDA ITEMS:

1. Rosewood Phase 2 & 3- Request for 1 year Preliminary Extension

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Rosewood Phases 2 & 3. Property is located E. of County Rd. 65 and N. of Arbor Walk Subdivision. Applicant is Dewberry.

Mrs. Miriam Boone explained staff are not opposed to the requested preliminary extension. She stated Chuck Lay has noted on the staff report that structures cannot be built in a flood zone.

Commissioner Hellmich asked if the development is meeting the city's current regulations.

Mr. Chad Christian stated the development is under construction. He explained he didn't feel there had been any major changes in the regulations that would affect the development.

Mrs. Angie Eckman stated the amount of rain over the summer delayed work on the project.

Commissioner Hellmich stated since the property involves wetlands he wants to make sure that any potential flooding issues have been covered.

2. OWA/Tropic Hideaway RV Park- Request for Temporary Signage

The City of Foley Planning Commission has received a request for temporary signage for Tropic Hideaway RV Park. Property is located adjacent to the roundabout at Pride Dr. and N. of OWA Blvd. Applicant is OWA.

Mrs. Boone explained OWA is requesting to install temporary signage for Tropic Hideaway RV Park which is currently under construction. She stated the temporary signage would be replaced with permanent signage once construction is completed. She explained all previously approved temporary signage has been removed.

Commissioner Hinesley stated he would be more comfortable setting an expiration date on the request.

Chairman Abrams stated he feels the approval should have a 6 month expiration.

Commissioner Hellmich stated the RV Park is expected to open in January 2023.

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3. Element Townhomes- Request for 1 year Site Plan Extension

The City of Foley Planning Commission has received a request for a 1 year site plan extension for Element Townhomes. Property is located S. of County Rd. 20 and E. of State Hwy. 59. Applicant is KTC Development, LLC.

Mr. Wayne Dyess explained staff will be meeting with the applicant before the next Planning Commission meeting to discuss wetland buffers and sidewalk locations.

Mrs. Boone explained the property is zoned B-1A and a site plan was approved for residential use which expires on January 19, 2023. She stated the applicant is requesting a one year extension which would begin on October 19, 2022.

Commissioner Hellmich stated it needs to be clear that the project will have to be completed within the year.

Commissioner Engel stated it needs to be noted in the motion that if the project is not complete within the year current regulations and guidelines will have to be met.

Commissioner Hellmich stated there has been extensive discussions in the past regarding extensions. He explained he would like to see extensions clearly defined in the regulations.

4. Magnolia Walk East Phase I- Request for Site Plan

The City of Foley Planning Commission has received a request for site plan approval for Magnolia Walk East Phase I. Property is located at the NE corner of the Foley Beach Express and County Rd. 20. Applicant is Burton Property Group.

Mrs. Boone explained the applicant met with staff in February, received a PDD modification in April and met with staff again in June to fine tune the plans. She stated they are requesting a site plan approval for Phases 1 and 2.

Mr. Dyess explained he has had several meetings with Mr. Burton regarding the development. He stated he would like there to be a conditional approval which would allow the applicant to move forward with the development and still meet city regulations. He provided the Commissioners with a memo outlining the conditions to be placed on the approval.

Mr. Phillip Burton stated they received a staff report recommending approval of the plan and a separate memo stating a conditional approval is needed. He explained the issue boils down to the access. He stated he understands the request to access the development off Frank Cole Lane. He explained there are several issues that will have to be dealt with which are going to take time. He stated there are wetlands to be crossed, Power South utilities located in the right of way on Frank Cole Lane and the acquisition of additional right of way. He explained due to these issues access off Frank Cole Lane is a bit of a challenge. He stated they would like to request to move forward with phase 1 with allowed access off of County Road 20.

Commissioner Hellmich explained it depends on how the crossing of the wetlands is handled as to how the Corps will approach permitting. He stated County Road 20 and the Foley Beach Express

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intersection currently has stacking issues. He explained improvements by the applicant to Frank Cole Lane may allow for an impact fee credit.

Mr. Burton stated they are aware of the issues with traffic and know improvements will be needed on County Road 20.

Mr. Evan Geerts stated a major factor is a completed traffic study is not required for a site plan approval. He explained the completed traffic study will be submitted when it is required. He stated the study will show what measures need to be taken to not cause further issues on County Road 20. He stated they are aware there are issues at the intersection and improvements will be needed.

Commissioner Hellmich asked about the proposed road improvements.

Mr. Geerts explained they are proposing to extend the westbound left turn lane and to construct an eastbound turn lane into the development which will require some widening past their property. He stated access onto Frank Cole Lane is not going to remedy any of the traffic issues. He explained extending the left turn lane to the east will provide adequate stacking for a left turn.

Mr. Christian asked that the access be shifted as far east as possible in order to coordinate with the potential development of land to the south.

Commissioner Hellmich stated if the utilities are in the public right of way they can request that they be relocated.

Mr. Geerts stated there are three criteria's the engineer looks at when determining wetlands. He stated the engineer has stated this area has all three items of the criteria and believes it will be considered wetlands once a delineation is completed. He stated they will have to go through the Corp to determine how crossing will be handled and that takes time.

Mr. Burton stated the wetland permit they received for another project took 18 months to be issued.

Commissioner Hellmich stated a conditional approval could be done to allow an access for phase 1 off of County Rd. 20. He explained once phase 2 is completed the access off County Road 20 would be eliminated and shifted into the phase 2 access which would be off of Frank Cole Lane. He stated this will give the applicant time to work out the issues with the utilities, right of way, future improvements on County Road 20 and to coordinate with the potential development to the south.

Mr. Burton stated he would be ok with the conditional request but he is not ok with the possibility of being left with a gravel road for access if the issues with Frank Cole Lane are not able to be resolved.

Mr. Dyess asked how the issue of phase 2 being sold to another owner or not being constructed for another 10 years would be handled.

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Commissioner Hellmich asked if the applicant would mind if the temporary access be limited to a time frame.

Mr. Burton stated a limited time frame would cause a problem. He explained they cannot move forward with the design until the site plan is approved. He stated once they begin the design phase the traffic study will be submitted and at that time mitigation and conversation can be done regarding the access. He explained the only way they can move forward is by pushing the access away from the Foley Beach Express.

Commissioner Hellmich asked if the applicant would work with staff regarding the access. He stated a conditional approval will have to somehow be tied legally to phase 2 in case the property is ever sold.

Mr. Burton stated he feels confident something can be worked out in regards to the access. He explained he would like some clarity and to clarify this development is in a PDD zoning district and is not in an R-3 multi-family zone.

Mr. Dyes stated a traditional PDD is primarily for commercial uses. He stated since a parking deviation was requested the R-3 zoning requirements apply to the development.

Mr. Burton explained no deviations were requested. He stated the proposed uses were listed on the PDD plan. He explained the issue is the access and a commercial development will not work at the intersection of County Road 20 and the Foley Beach Express. He stated if people cannot access the development easily it will fail. He explained the development is meeting the PDD requirements and is not located in an R-3 zone. He stated multifamily is an allowed use in a PDD zone. He stated it should not be suggested by a condition that something in another zone be applied to this development and site plan.

Ms. Misty Gray stated there seems to be confusion over the zoning of the property. She stated the property is zoned PDD. She explained when planning the project the PDD requirements were followed. She stated a memo was received from staff that states the project must follow the R-3 multifamily zoning requirements. She explained staff are injecting two separate zoning processes on the project.

Commissioner Hellmich stated this is a very important corner and the city wants to ensure the development looks good.

Mr. Burton stated he has spoken with staff and understands the desire for architectural features which can be done. He stated they are trying to follow the process but are being injected with a separate process than the current governing zoning for the property. He stated they are asking for clarity.

Mr. Dyess stated the reason they are having to follow the R-3 regulations is because of the PDD deviations. He stated the PDD zone cannot be used as a route to avoid the R-3 multifamily standards.

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Mr. Burton stated he knows what the City wants and believes in investing in the community. He explained the problem is the rules need to be laid out clearly.

Commissioner Hellmich stated he appreciates the applicant working with the city in regards to the design of the development.

Mr. Dyess stated he will meet with the applicant and work on resolving the access issues and design standards.

5. Magnolia Walk East Phase II- Request for Site Plan

The City of Foley Planning Commission has received a request for a site plan approval for Magnolia Walk East Phase II. Property is located at the NE corner of the Foley Beach Express and County Rd. 20. Applicant is Burton Property Group.

Item was discussed with item # 4.

6. *Henson Subdivision- Request for Minor/Exempt

The City of Foley Planning Commission has received a request for approval of Henson Subdivision a minor/exempt subdivision which consists of 9.29 +/- acres and 2 lots. Property is located N. of Keller Rd. and E. of River Rd. N. and is located in the City of Foley Planning Jurisdiction. Applicant is Weygand Wilson Surveyors.

Mrs. Boone explained Baldwin County has approved the subdivision as a family exemption. She stated the original request was to access the lot off a 30' easement. She explained as suggested by Chad the applicant has made the lot a flag lot. She stated Chuck noted the north end of the property is in a flood zone.

Mr. Christian stated his only comment was how the lots will be serviced in regards to sewer.

The applicant was not present.

Commissioner Hellmich asked staff to contact the applicant in regards to the sewer provider before the next meeting.

7. Next to Last LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 5 +/- acres. Property is currently zoned B-3 (Local Business District). Proposed zoning is RV (Recreational Vehicle Park District). Property is located S. of Mifflin Rd. and E. of James Rd. Applicant is Chris Govan.

Mrs. Boone stated the applicant has met with staff several times regarding the development. She explained the item came before the Planning Commission previously for some buffer relaxation which the PC accepted since the development is next to commercial properties and an existing RV park. She stated the Fire Department is in agreement with the boulevard style entrance.

Commissioner Hellmich asked if the development will have different ownership than the RV Park to the south.

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Mr. Jim Brown stated he developed the RV Park to the south but sold it. He stated he has tried working with the owners in regards to adjoining the two developments and they would not work with him.

Mrs. Eckman stated they are meeting open space requirements. She stated a park near the pool or a walking trail through the 30' buffer area will be added.

Mrs. Boone stated the applicant has been working with Chuck Lay in regards to the ADA restrooms.

Commissioner Hellmich asked about the area of the walking trail that is separated by the access road.

Mr. Brown stated they will shift a lot and adjust things in order to accommodate a continuous trail with no separation.

Commissioner Hellmich stated there is a condition that was set previously in regards to the buffer.

Mrs. Boone explained a privacy fence and landscaping was agreed upon for a portion of the east and west sides of the property.

Commissioner Engel asked about the adjacent zones.

Mrs. Boone stated the property is surrounded by commercial zoned property.

Commissioner Engel asked if there were any concerns regarding the five lots at the entrance. He stated the lots are surrounded by commercial properties and up against Mifflin Road.

Mr. Jim Brown stated the RV lots are over 100' from Mifflin Road. He explained the development will not be seen from Mifflin Rd. due to the fence and landscaping.

Chairman Abrams stated he did not see any issues with the request.

8. Hawthorne Investment LLC.- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 44.1 +/- acres. Property is currently zoned B-1A (Extended Business District). Proposed zoning is PUD (Planned Unit Development). Property is located at W. of the Foley Beach Express and N. and S. of Brinks Willis Rd. Applicant is Hawthorne Investments LLC.

Chairman Abrams stated the applicant has requested to carry over the item to next month's meeting.

Mr. Wayne Dyess stated he is working closely with Chad Watkins on the project.

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WORK SESSION ONLY:

9. Phil & Chris Johnson- Discuss possible rezoning to PUD

The City of Foley Planning Commission has received a request to discuss rezoning property located N. of E. Azalea Ave. and W. of S. Juniper St. Property is currently zoned R-1A (Residential Single Family). Proposed zone is PUD (Planned Unit Development). Applicants are Phil and Chris Johnson.

Mrs. Boone stated the conceptual PUD is very preliminary. She stated Brad noted there may be a concern regarding fire access that will have to be handled.

Mrs. Chris Johnson explained they are present to learn and receive recommendations from the Commission and staff. She stated the wooded land has been untouched for approximately 30 years. She stated they would like to maintain as much green area as possible. She explained she would like to clarify all cottages would be long term rentals with the exception of one 850 sq. ft. unit that would be available for tenants to rent for weekend guests.

Mrs. Boone stated the plan is showing less than the required two parking spaces per unit. She stated if any deviations are requested they could be included in the narrative with an explanation of reasoning.

Mrs. Johnson stated these communities are built to have the building fronts facing a green area hiding parking, driveways, cul-de-sacs and garage doors. She explained the concept encourages the neighbors to get to know one another and provides a sense of security. She stated she feels the concept will work well with the demographics in the area.

Commissioner Hellmich stated if the road location was on the west side more trees could be preserved. He stated the relocation of the road would provide more of a buffer between the residential single family homes and the development.

Chairman Abrams asked about the outdoor living area.

Mrs. Johnson stated the area will have chairs and grills and be used as an outdoor living space for neighbors to visit one another.

Mr. Johnson stated they want to create a community oriented development where neighbors know one another.

Commissioner Hellmich asked if it would be a gated development.

Mrs. Johnson stated there will be security fencing but they have not decided on gating.

Commissioner Hellmich stated if it is gated they will need to work with staff in regards to stacking and the roads being private.

Chairman Abrams stated the design has a lot of elements the Commission has been discussing and wanting to see.

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ADJOURN:

Chairman Abrams adjourned the meeting at 7:21 p.m.

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The City of Foley Planning Commission held a meeting on October 19, 2022 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Vera Quaites, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley and Tommy Gebhart. Absent members were: Larry Engel and Bill Swanson. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eckman, Environmental Manager; 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 September 14, 2022 and September 21, 2022 meeting minutes.

Commissioner Hinesley made a motion to approve the September 14, 2022 and September 21, 2022 meeting minutes. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to approve the September 14, 2022 and September 21, 2022 meeting minutes passes.

AGENDA ITEMS:

1. Rosewood Phase 2 & 3- Request for 1 year Preliminary Extension

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Rosewood Phases 2 & 3. Property is located E. of County Rd. 65 and N. of Arbor Walk Subdivision. Applicant is Dewberry.

Planning Commission Action:

Mrs. Miriam Boone explained staff are recommending approval of the preliminary extension. She stated staff has been in contact with the applicant regarding the 6 lots that contain a portion of the flood zone. She explained the lots were not in a flood zone originally and were added when flood maps were updated. She stated the applicant is aware they will have to follow the current regulations in regards to the lots containing flood zones.

Commissioner Hellmich made a motion to approve the requested one year preliminary extension with the condition that the applicant is aware of the current FEMA guidelines and restrictions regarding the flood zones. Commissioner Hinesley seconded the motion. All Commissioners voted aye.

Motion to approve the requested one year preliminary extension with the condition that the applicant is aware of the current FEMA guidelines and restrictions regarding the flood zones passes.

2. OWA/Tropic Hideaway RV Park- Request for Temporary Signage

The City of Foley Planning Commission has received a request for temporary signage for Tropic Hideaway RV Park. Property is located adjacent to the roundabout at Pride Dr. and N. of OWA Blvd. Applicant is OWA.

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Planning Commission Action:

Mrs. Boone explained the request is for temporary signage for Tropic Hideaway RV Park. She stated an expiration on the approval was discussed at the work session meeting. She explained the applicant is requesting the signage be allowed until the spring of 2023.

Commissioner Hinesley made a motion to approve the temporary signage for 6 months. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to approve the requested temporary signage for 6 months passes.

3. Element Townhomes- Request for 1 year Site Plan Extension

The City of Foley Planning Commission has received a request for a 1 year site plan extension for Element Townhomes. Property is located S. of County Rd. 20 and E. of State Hwy. 59. Applicant is KTC Development, LLC.

Planning Commission Action:

Mrs. Boone explained the property is located in a B-1A zone and has an approved site plan that will expire on January 19, 2023. She stated the applicant is requesting a one year extension. She explained the applicant is working with the Environmental and Engineering Departments on resolving issues and obtaining a land disturbance permit.

Commissioner Hellmich stated the extension would extend the approval to October 19, 2023.

Commissioner Hellmich made a motion to approve the requested extension approval to October 19, 2023 contingent upon the applicant working with staff to clarify issues regarding the wetlands and sidewalk location. Commissioner Quaites seconded the motion. All Commissioners voted aye.

Motion to approve the requested extension approval to October 19, 2023 contingent upon the applicant working with staff to clarify issues regarding the wetlands and sidewalk location passes.

4. Magnolia Walk East Phase I- Request for Site Plan

The City of Foley Planning Commission has received a request for site plan approval for Magnolia Walk East Phase I. Property is located at the NE corner of the Foley Beach Express and County Rd. 20. Applicant is Burton Property Group.

Planning Commission Action:

Mr. Wayne Dyess explained he has provided the Commissioners with a memo summarizing the conditions to be placed on the approval. He stated he would like to thank Mr. Burton for meeting with staff and working on the issues. He explained he feels the conditions cover all design and overlay district standards and staff concerns.

Commissioner Hellmich stated the condition provides some clarity on the access points.

Mr. Burton stated they will work with staff on the egress and ingress and would like a caveat to be added which states or as recommended by traffic consultant and the traffic engineer.

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Mr. Dyess stated the provided memo of conditions are for agenda items # 4 and #5.

Commissioner Hellmich made a motion to accept the requested site plan with the conditions provided in the memo to be included in the approval, a completed traffic analysis and that an agreement can be reached regarding the egress and ingress. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to accept the requested site plan with the conditions provided in the memo to be included in the approval, a completed traffic analysis and that an agreement can be reached regarding the egress and ingress passes.

5. Magnolia Walk East Phase II- Request for Site Plan

The City of Foley Planning Commission has received a request for a site plan approval for Magnolia Walk East Phase II. Property is located at the NE corner of the Foley Beach Express and County Rd. 20. Applicant is Burton Property Group.

Planning Commission Action:

Commissioner Hinesley made a motion to accept the requested site plan with the conditions provided in the memo to be included in the approval, a completed traffic analysis and that an agreement can be reached regarding the egress and ingress. Commissioner Quaites seconded the motion. All Commissioners voted aye.

Motion to accept the requested site plan with the conditions provided in the memo to be included in the approval, a completed traffic analysis and that an agreement can be reached regarding the egress and ingress passes.

6. *Henson Subdivision- Request for Minor/Exempt

The City of Foley Planning Commission has received a request for approval of Henson Subdivision, a minor/exempt subdivision which consists of 9.29 +/- acres and 2 lots. Property is located N. of Keller Rd. and E. of River Rd. N. and is located in the City of Foley Planning Jurisdiction. Applicant is Weygand Wilson Surveyors.

Planning Commission Action:

Commissioner Hellmich asked about the sewer provider for the lots.

Mr. Chad Christian stated the lots will be served by Riviera Utilities.

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

Motion to approve the requested minor/exempt subdivision passes.

7. Next to Last LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 5 +/- acres. Property is currently zoned B-3 (Local Business District). Proposed zoning is RV (Recreational Vehicle Park District). Property is located S. of Mifflin Rd. and E. of James Rd. Applicant is Chris Govan.

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Public Hearing:**Planning Commission Action:**

Commissioner Hellmich stated the walking trail is not continuous and blocked by a lot. He explained at last week's meeting Mr. Jim Brown stated he would resolve the issue and make changes to ensure the trail would be continuous.

Mr. Chris Govan stated he was not present at the meeting last week. He explained there is plenty of room to shift things around in order to accommodate the request for the trail to be continuous.

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.

8. Hawthorne Investment LLC.- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 44.1 +/- acres. Property is currently zoned B-1A (Extended Business District). Proposed zoning is PUD (Planned Unit Development). Property is located at W. of the Foley Beach Express and N. and S. of Brinks Willis Rd. Applicant is Hawthorne Investments LLC.

Public Hearing:**Planning Commission Action:**

Chairman Abrams explained the applicant has requested to carry over the item.

Mr. Wayne Dyess stated he is working closely with the applicant on the mixed use design to ensure it is meeting design guidelines.

Commissioner Hinesley made a motion to carry over the item. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the request to carry over the item passes.

ADJOURN:

Chairman Abrams adjourned the meeting at 5:45 p.m.



PLANNING COMMISSION JOINT STAFF REPORT: November 2022

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STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Fuzzy's Taco

REQUEST: Site Plan Approval

OWNER / APPLICANT:
BROCO FOLEY LLC /
Robert E. Moore Jr. of Moore
Civil Consulting

ACREAGE: 1.05 ac

PIN#(s): 399678

LOCATION:
east of Hwy59,
south of Keller Rd

DESCRIPTION:
Site Plan for Restaurant Use
on Lot 1B Old Time Pottery
Foley PUD

CURRENT ZONING:
PUD

REQUESTED ZONING:
n/a

ADJACENT ZONING:
PUD to N, E, & S
B-1A to W

FUTURE LAND USE:
RCC, Retail/Commercial
Concentration

EXISTING LAND USE:
Vacant



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UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - This site plan appears to meet all zoning requirements. The open space for the entire PUD was set aside along the east boundary of the master parcel.

ENGINEERING:

Chad Christian - An LDP will be required prior to construction.

ENVIRONMENTAL:

Angie Eckman - The site is meeting the open space requirements. A request has been made that the plantings are native species.

FIRE:

Brad - Fire is not opposed

FLOODPLAIN ADMINISTRATOR:

Chuck Lay - No issues.

MOORE CIVIL

CONSULT. DESIGN. ENGINEER.

17

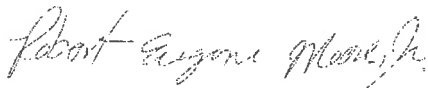
City of Foley
407 E Laurel Ave,
Foley, AL 36535
251-943-1545

Subject: Fuzzy's Taco

Dear City of Foley,

Please accept this letter of intent and attached plans as an application for site plan review for the proposed Fuzzy Taco Restaurant located on the eastern side of Hwy 59 and south side of Keller Road. This project will be on 1.05 acres of land and will consist of a restaurant building, associated parking, and associated stormwater detention area.

Thanks,



Robert E. Moore, Jr. P.E.
Moore Civil Consulting, Inc.

received
10-13-22 me



ROBERT@MOORECIVIL.COM



706.224.1629



REMJRM

TREE CHART & NOTES:

- 1. 3" CALIPER OVERSTORY TREE 5 TOTAL
- 2. 3" CALIPER UNDERSTORY TEE 5 TOTAL
- 3. SHURBS 60 TOTAL
- 4. LANDSCAPE BUFFER SHOULD INCLUDE AT LEAST 75% EVERGREEN AND PERENNIAL PLANTINGS.

PLANT LEGEND OVERSTORY TREES

- RED OAK
- RED MAPLE
- JAPANESE ZELKOVA
- CHINESE ELM
- JAPANESE CEDAR

PLANT LEGEND UNDERSTORY TREES

- BALD CYPRESS
- DOGWOOD FLOWERING
- GRAPE MYRTLE
- EASTERN REDBUD

PLANT LEGEND FOR SHRUBS

- GOLD MOP CYPRESS
- NEEDLE POINT HOLLY
- LOROPETALUM
- INDIAN HAWTHORNE
- DWARF YAUPON HOLLY
- ADAGIO GRASS

PLANT LEGEND FOR GROUND COVER

- BERMUDA SOD

CAUTION

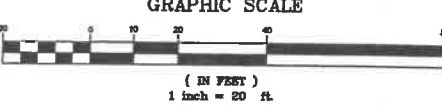
CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING THE SERVICES OF A PRIVATE UTILITY LOCATOR FIRM DURING THE ENTIRE COURSE OF CONSTRUCTION. CONTRACTOR SHALL PAY FOR SAID SERVICES. CONTRACTOR SHALL REPAIR ALL UTILITIES DAMAGED BY CONSTRUCTION ACTIVITIES, AT NO ADDITIONAL COST TO THE OWNER/DEVELOPER.

THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SITE DESIGN PROFESSIONAL ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF UTILITIES WITHIN THE LIMITS OF THE WORK. DAMAGE TO EXISTING UTILITIES BY THE CONTRACTOR, FROM HIS/ HER OPERATIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

CONTRACTOR SHALL BE RESPONSIBLE FOR COMPACTION OF BACKFILL OF ALL UTILITY TRENCHES WITHIN SITE WORK LIMITS. THIS INCLUDES TRENCHES DUG AND BACKFILLED BY LOCAL UTILITIES, SUCH AS POWER, GAS, TELEPHONE, ETC. CONTRACTOR SHALL PROVIDE ADDITIONAL BACKFILL AND COMPACTION AS NECESSARY, IF SETTLEMENT OCCURS.



DO NOT DUPLICATE DRAWINGS WITHOUT PERMISSION



NOTES

- 1. THE OPEN SPACE REQUIRED IS (45738SQFT*15%=6,860SQFT) WE PROVIDED 8,000SQFT WITH THIS LAYOUT
- 2. SHADED AREA IS GREEN OPEN SPACE.

GREEN OPEN SPACE TOTAL=8,000

PARKING SPACES

PER PARKING REGULATIONS FROM FOLEY, AL, THE REQUIRED NUMBER OF PARKING SPACES FOR A RESTAURANT IS:

MINIMUM

FUZZY'S RESTAURANT:
(1) SPACE PER (4) SEATS =
120 SEATS/(4 SEATS/1 PARKING SPACES) = 30 PARKING SPACES
(INCLUDING 2 ADA SPACES)

TOTAL REQUIRED

30 PARKING SPACES (INCLUDING 2 ADA SPACES)

TOTAL PROVIDED

30 PARKING SPACES (INCLUDING 2 ADA SPACES)

LEGEND

P.O.B.	POINT OF BEGINNING	PROP. FIRE HYDRANT	
P.O.R.	POINT OF REFERENCE	EXIST. FIRE HYDRANT	
O.T.P.	OPEN TOP PIPE	EXIST. GATE VALVE	
I.P.F.	IRON PIN FOUND	PROP. GATE VALVE	
I.P.S.	IRON PIN SET	WATER METER	
P.L.	PROPERTY LINE	ELECTRIC BOX	
C.M.F.	CONCRETE MONUMENT FOUND	PHONE POLE	
L.L.L.	LAND LOT LINE	SANITARY SEWER LINE	
B.O.C.	BACK OF CURB	WATER LINE	
F.C.	FENCE CORNER	SIGN	
◎	SANITARY SEWER MANHOLE - SA	FENCE	
●	STORM STRUCTURE	TOP OF WALL	
●	JUNCTION BOX - JB	BOTTOM OF WALL	
●	DROP INLET - DI	SANITARY SEWER EASEMENT	
●	DOUBLE-WING CATCHBASIN - DWCB	STORM DRAINAGE EASEMENT	
●	SINGLE-WING CATCHBASIN - SWCB		
→	HEADWALL		
→	DRAINAGE FLOW		
→	SEWER FLOW		

received
10/18/22

FUZZY'S TACO SHOP

S McKENZIE ST
FOLEY, AL 36535

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C200

LEVEL II CERTIFIED
DESIGN PROFESSIONAL
GSWCC #0000064090
EXPIRATION: 05/27/2023

NOT RELEASED FOR CONSTRUCTION

This document, together with the concepts and designs presented herein, as an instrument of services, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization by Moore Civil Consulting, Inc. shall be without liability to Moore Civil Consulting, Inc. Copyright Moore Civil Consulting, Inc. 2019

24 HOUR CONTACT:
ED SCOTT
626-676-8180

CLIENT:
DAVIS COMPANIES
ALBANY, GA 31701
334-740-0413

OWNER INFORMATION:
DAVIS COMPANIES
ALBANY, GA 31701
334-740-0413

REVISIONS:
10/13/22: 1ST SUBMITTAL

SHEET NUMBER:
C200



PLANNING COMMISSION JOINT STAFF REPORT: November 2022

20

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Magnolia Pines, Ph 2 & 3

REQUEST: Preliminary Extension in Planning Jurisdiction

OWNER / APPLICANT:
R & P Development LLC /
Dewberry

ACREAGE: 42.22 ac

PIN#(s): 99180

LOCATION: E CR-55, S of
Rhodes Ln

DESCRIPTION: 159 lots

CURRENT ZONING:
Unzoned BC, District 11

REQUESTED ZONING: N/A

ADJACENT ZONING:
Unzoned BC, Districts 11 &
18

FUTURE LAND USE:
MXU, Mixed Use
Commercial/Residential

EXISTING LAND USE:
Vacant



UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

21

ZONING:

**Miriam Boone - This property is in unzoned BC District 11.
December 9, 2020 - PII & III preliminary approval
November 9, 2022 - Request 1 year extension from 12/9/22**

ENGINEERING:

Chad Christian - Not opposed

ENVIRONMENTAL:

Angie Eckman - Not opposed, in progress

FIRE:

Brad Hall - Not opposed

FLOODPLAIN ADMINISTRATOR:

Chuck Lay - No comments

22



Dewberry Engineers Inc. | 251.990.9950
25353 Friendship Road | 251.990.9910 fax
Daphne, AL 36526 | www.dewberry.com

October 24, 2022

Miriam Boone
City Planner
120 S. McKenzie St.
Foley, AL 36535


**RE: Magnolia Pines, Phases 2 & 3
Extension Request**

Dear Mrs. Boone,

On behalf of the owner/developer, we would like to request a one-year extension on the Preliminary Plat approval for Magnolia Pines, Phases 2 & 3. Preliminary Plat approval will expire on 12/09/2022. The project is currently under construction.

If you have any questions or comments, please contact us.

Sincerely,
Dewberry


Allister E. Finley
Designer II

cc: File 50118852

10/24/22
 RECEIVED
AL

MAGNOLIA PINES SUBDIVISION PHASE 1 (REC. ON SLIDES 2405 B & C)

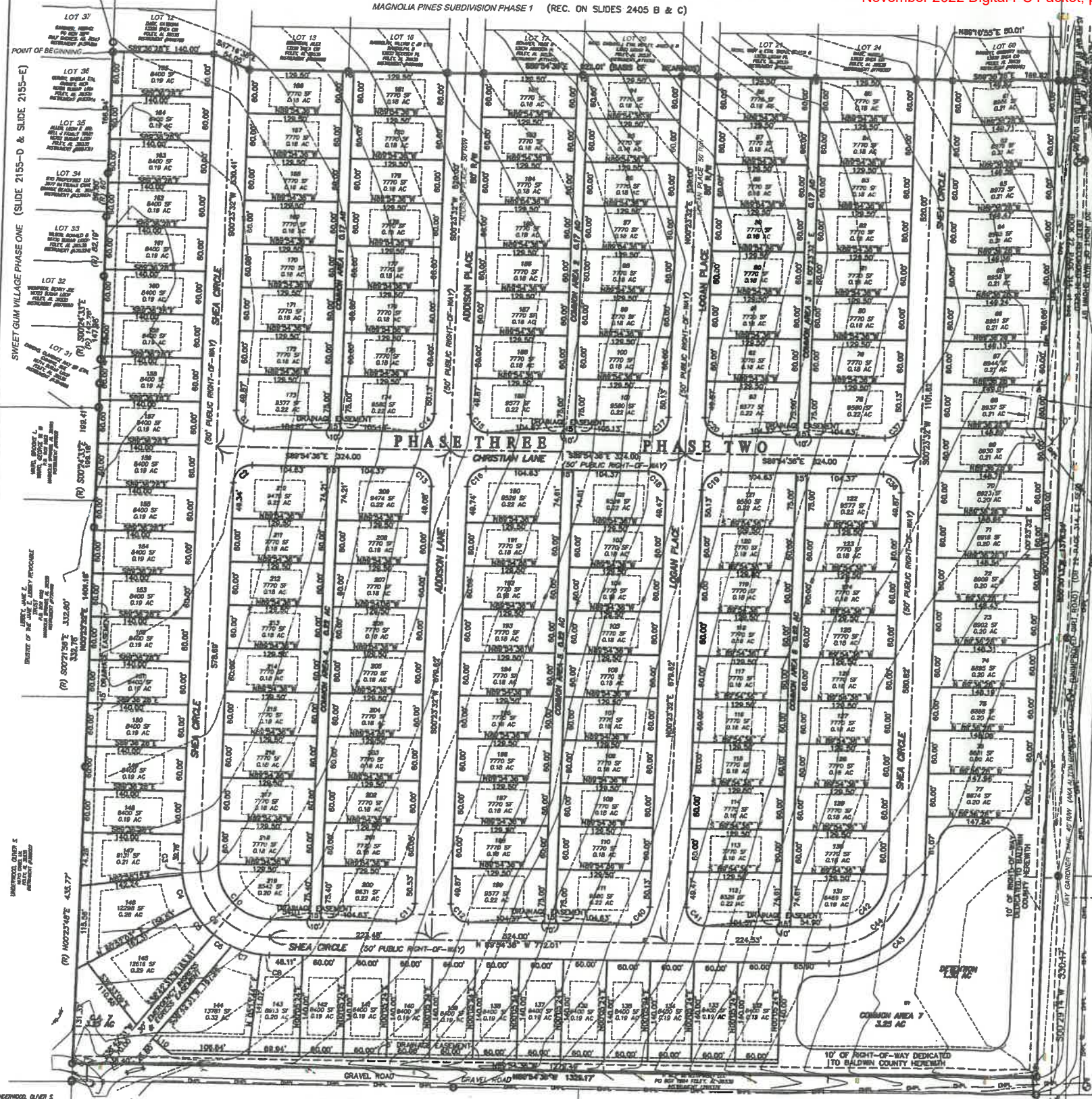


Table with 10 columns: LOT, AREA, BEARING, DISTANCE, AREA, BEARING, DISTANCE, AREA, BEARING, DISTANCE. It lists survey data for various lots and boundaries.

SURVEYOR'S NOTES:
1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.
2. DESCRIPTION AS FURNISHED BY CLIENT.
3. THERE MAY BE RECORDS OR UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
4. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
5. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
6. SURVEY WAS CONDUCTED ON OCTOBER 28, 2019; AND IS RECORDED IN FIELD BOOK #328, AT PAGE 46, AND IN AN ELECTRONIC DATA FILE.
7. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVELERS.
8. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF MAGNOLIA PINES PHASE ONE, AS BEING 89°54'36" E. BEARINGS ARE REFERENCED TO STATE PLANE GRID COORDINATES, ALABAMA WEST ZONE 1102, NAD 83.
9. ALL GPS OBSERVATIONS WERE TAKEN USING REAL TIME KINEMATIC GPS.
10. THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN PLACE AND DOES NOT PURPORT TO BE A RETRACEMENT AND PROPORTIONING OF THE ORIGINAL GOVERNMENT SURVEY.



SITE DATA
CURRENT ZONING: UNZONED
LN. FT. STREETS: 6,668 LF
NUMBER OF LOTS: 159
DENSITY: 3.77 UNITS/AC
SMALLEST LOT: 7,770 SF
LARGEST LOT: 15,781 SF (LOT 207)
COMMON AREA: 4.42 AC (10.5%)
TOTAL AREA: 42.22 AC

FRONT: 30 FT
REAR: 30 FT
SIDE: 10 FT
SIDE STREET: 20 FT
WATER SERVICE: RIVIERA UTILITIES
SEWER SERVICE: BALDWIN COUNTY SEWER
ELECTRIC SERVICE: BALDWIN EMC
TELEPHONE SERVICE: CENTURYLINK

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER
THE UNDERSIGNED, AS CITY ENGINEER OF THE CITY OF FOLEY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

CITY ENGINEER

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION
THE WITHIN PLAT OF MAGNOLIA PINES SUBDIVISION, FOLEY, ALABAMA, IS HEREBY APPROVED BY THE CITY OF FOLEY PLANNING COMMISSION, THIS ____ DAY OF ____.

CITY PLANNING COMMISSION CHAIRMAN

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

COUNTY ENGINEER

CERTIFICATE OF APPROVAL BY THE PLANNING DIRECTOR
THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

PLANNING DIRECTOR

CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

AUTHORIZED SIGNATURE

30'-40' PROPOSED DRAINAGE EASEMENT

CERTIFICATE OF APPROVAL BY BALDWIN EMC (ELECTRIC)
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN EMC HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY CENTURYLINK (TELEPHONE)
THE UNDERSIGNED, AS AUTHORIZED BY CENTURYLINK HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

AUTHORIZED REPRESENTATIVE

ACKNOWLEDGEMENT OF NOTARY PUBLIC:
STATE OF ALABAMA)
COUNTY OF BALDWIN)
I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, HEREBY CERTIFY THAT D R HORTON INC - BIRMINGHAM, AS PARTY TO THE PURCHASE AGREEMENT RECORDED AT INSTRUMENT NUMBER 1788221, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE SIGNED, SEALED AND DELIVERED BEFORE ME THIS DAY IN PERSON, SAID INSTRUMENT AT HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____.

NOTARY PUBLIC

MY COMMISSION EXPIRES: NOV 16 2020

- LEGEND:**
CMF = CONCRETE MONUMENT FOUND
CRF = CAPPED REBAR FOUND
CTF = CRIMP TOP IRON FOUND
RFB = 1/2" REBAR FOUND
P = POWER POLE
D = DIAMETER
CHPL = OVERHEAD POWER LINE
(R) = RECORDED BEARING AND DISTANCE
(C) = CALCULATED BEARING AND DISTANCE
UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT
R/W = RIGHT OF WAY
INS = INSTRUMENT
RPS = REAL PROPERTY BOOK
PG = PAGE

GENERAL NOTES:
1. FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
2. ALL COMMON AREAS, INCLUDING DRAINAGE FACILITIES, ARE NOT THE RESPONSIBILITY OF BALDWIN COUNTY OR THE CITY OF FOLEY TO MAINTAIN, BUT SHALL BE OWNED AND MAINTAINED BY THE MAGNOLIA PINES SUBDIVISION PROPERTY OWNERS ASSOCIATION, AS SHOWN HEREON.
3. THERE IS DEDICATED HEREWITH A DRAINAGE EASEMENT OVER THE ENTIRETY OF COMMON AREAS 1-7, AS SHOWN HEREON.
4. ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.
5. ALL LOTS SHALL HAVE ACCESS TO INTERIOR RIGHT-OF-WAYS ONLY.
6. THERE IS DEDICATED HEREWITH A 10 FOOT UTILITY EASEMENT ALONG ALL LOT LINES ADJACENT TO RIGHT-OF-WAYS.
7. THERE IS DEDICATED HEREWITH A 15 FOOT (7.5 FOOT EACH SIDE) UTILITY EASEMENT ALONG ALL SIDE LOT LINES, UNLESS A GREATER WIDTH IS SHOWN HEREON.
8. THERE IS DEDICATED HEREWITH A 15 FOOT (7.5 FEET EACH SIDE) DRAINAGE EASEMENT ALONG THE REAR OF ALL LOTS, UNLESS A GREATER WIDTH IS SHOWN HEREON.
9. THE MINIMUM FINISHED FLOOR ELEVATION ON ALL LOTS SHALL BE 18" ABOVE THE HIGHEST ADJACENT CENTERLINE OF THE ROADWAY.

CERTIFICATION OF OWNERSHIP AND DEDICATION:
THIS IS TO CERTIFY THAT WE THE UNDERSIGNED ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREIN INDICATED, AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.
DATED THIS ____ DAY OF ____, 20__.
BY: R&P DEVELOPMENT LLC
ITS: _____

CERTIFICATION BY NOTARY PUBLIC:
STATE OF ALABAMA)
COUNTY OF BALDWIN)
I, _____, NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT _____, WHOSE NAME AS _____ IS SHOWN TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGE BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ____.

SURVEYOR'S CERTIFICATE:
STATE OF ALABAMA
COUNTY OF BALDWIN
WE, DEWBERRY, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO WIT:
LANDS DESCRIBED AS PARCEL B IN THAT STATUTORY WARRANTY DEED FROM CROSSROADS, LLC TO R&P DEVELOPMENT, LLC, RECORDED AT INSTRUMENT 1286378, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, OF THE AMENDED PLAT OF MAGNOLIA PINES, PHASE ONE PLAT THEREOF, RECORDED AT SLIDE 2405-B AND SLIDE 2405-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE EASTERLY, ALONG THE SOUTH MARGIN OF SAID AMENDED MAGNOLIA PINES, PHASE ONE, THE FOLLOWING COURSES: TO WIT; SOUTH 89°54'36" EAST, A DISTANCE OF 140.00 FEET; SOUTH 67°16'38" EAST, A DISTANCE OF 54.05 FEET; SOUTH 89°54'36" EAST, A DISTANCE OF 922.01 FEET; NORTH 89°10'58" EAST, A DISTANCE OF 50.01 FEET; SOUTH 89°54'36" EAST, A DISTANCE OF 188.82 FEET TO THE WEST RIGHT-OF-WAY OF SAID RAY GARDNER LANE, THENCE RUN SOUTH 00°30'13" WEST, ALONG THE WEST RIGHT-OF-WAY OF SAID RAY GARDNER LANE, A DISTANCE OF 1378.54 FEET; THENCE RUN NORTH 89°54'36" WEST, A DISTANCE OF 1328.17 FEET; THENCE RUN NORTH 00°23'32" EAST, A DISTANCE OF 1401.16 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 42.22 ACRES, MORE OR LESS, AND LIES IN SECTION 23, TOWNSHIP 7 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA.

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.
DEWBERRY DATE
VICTOR L. GERMAIN AL PLS. NO. 38473
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



SURVEYOR:
DEWBERRY
25353 FRIENDSHIP ROAD DAPHNE, AL 36526
VICTOR L. GERMAIN, PLS. NO. 38473
JASON N. ESTES, PE LIC. NO. 22714

OWNER:
R & P DEVELOPMENT LLC
PO BOX 1264
FAIRHOPE, AL 36536

FLOOD CERTIFICATE:
THIS PROPERTY LIES WITHIN ZONE "X"
(UNSHADED) AS SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, MAP NUMBER 010030010M, COMMUNITY NUMBER 01000, PANEL NUMBER 0015, SUFFIX M, NUMBER DATED APRIL 18, 2019.

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (WATER):
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE (SEWER):
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SEWER SERVICE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS ____ DAY OF ____.

AUTHORIZED REPRESENTATIVE

CERTIFICATION OF CONSENT:
D R HORTON INC - BIRMINGHAM, PARTY TO PURCHASE AGREEMENT RECORDED AT INSTRUMENT NUMBER 1788221, CONSENTS TO THE SURVEY AND SUBDIVISION INDICATED HEREON.

DATED THIS ____ DAY OF ____.

SIGNATURE

BY: PRINTED NAME ITS TITLE

MAGNOLIA PINES PHASES 2 & 3 SUBDIVISION
MARCH 5, 2020 - SHEET 1 OF 1 SHEETS
PRELIMINARY PLAT - NOT FOR FINAL RECORDING
BOUNDARY SURVEY AND PLAT OF SUBDIVISION

DESIGN	CHK	DRAWN	CHK	CHKD.	MSP
ENG	JNE	SURVEYOR	VLG	PROJ MGR	MSP

SCALE 1"=80'
PROJ. NO. 50111948
FILE 50111948 - PP
SHEET 1 OF 1

Dewberry
25353 Friendship Road Daphne, AL 36526
251.950-9920 fax 251.929-9815



PLANNING COMMISSION JOINT STAFF REPORT: November 2022

24

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Sherwood Phase 3

REQUEST: 6 month Preliminary Extension

OWNER / APPLICANT:
Gulf Beach Investment
Company of Perdido /
Jason Wooten

ACREAGE: 27 ac

PIN#(s): 266105

LOCATION: West of S
Hickory St, S of Fielding
Park Dr

DESCRIPTION: 32 lots

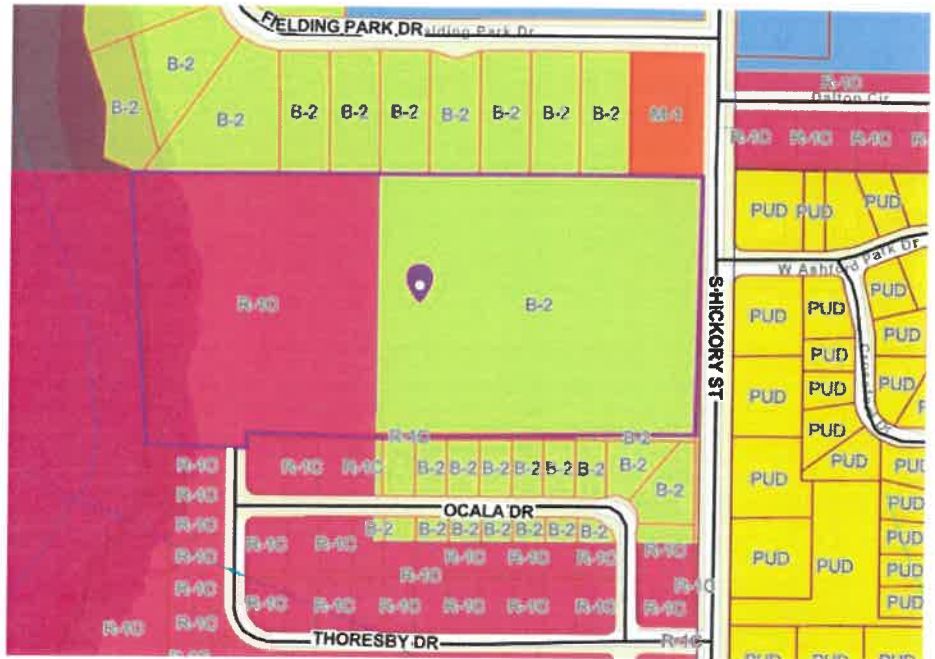
CURRENT ZONING:
R-1C & B-2

REQUESTED ZONING:
N/A

ADJACENT ZONING:
R-1C, B-2, PUD

FUTURE LAND USE:
RL, Residential Low
Density (2-4)

EXISTING LAND USE:
Vacant



25

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - 12/12/18 - Preliminary approval granted
12/9/20- 1 Year Extension
12/8/21 - 1 Year Extension
11/9/22 - Requesting a 6 month extension

ENGINEERING:

Chad Christian - Traffic consultant revising traffic study.

ENVIRONMENTAL:

Angie Eckman - not opposed

FIRE:

Brad Hall - not opposed

FLOODPLAIN ADMINISTRATOR:

Chuck Lay - No structures in the Flood Zone

24

October 21, 2022

City of Foley Community Development
ATTN: Miriam Boutwell, City Planner/Building Official
120 South McKenzie Street
Foley, Alabama 36535
(251) 952-4011
mboutwell@cityoffoley.org

**RE: SHERWOOD PHASE 3 SUBDIVISION
FOLEY, ALABAMA 36535**

Dear Ms. Boutwell:

I am writing on behalf of Mr. Breland and Gulf Beach Investment Co of Perdido, LLC, to request a 6-month extension to the preliminary plat and infrastructure plans that have been approved for Sherwood Phase 3 Subdivision. Mr. Breland has given me the authority to act on his behalf and represent him on this matter.

As application was made for a Land Development Permit prior commencing construction, the Engineering Department requested an updated traffic study. Our traffic consultant has stated it will be about a month to complete the updated report. To ensure there are no issues to move forward with construction once permitting is complete, we request a 6-month extension. Please contact me if you need any additional information to fulfill this request.

Respectfully,



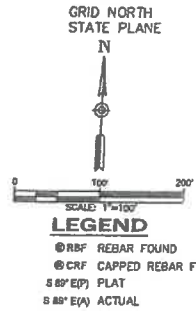
Jason W. Wooten, P.E., Principal



10/24/22
RECEIVED
HL

POINT OF COMMENCEMENT & POINT OF BEGINNING
SOUTHEAST CORNER OF LOT 1, FIELD COMMERCIAL PARK SLIDE 2290-E
BALDWIN COUNTY, AL

Conservation Green Space Parcel Area Table		Parcel Area Table	
Conservation Green Space Parcel	Area	Parcel	Area
COS-A	1.25 Acres more or less 54,833 Sq. Ft.	CA-3	0.38 Acres more or less 16,723 Sq. Ft.
COS-F	0.09 Acres more or less 3,897 Sq. Ft.	CA-1	2.82 Acres more or less 127,250 Sq. Ft.
COS-E	0.06 Acres more or less 2,609 Sq. Ft.		



SITE DATA TABLE	
USABLE ACREAGE	21.34 AC/229,501.25 SF
PROPOSED DENSITY	1.50 DU/ACRE
ZONING	R-1C
SMALLEST RESIDENTIAL LOT	9,750 SF
LARGEST RESIDENTIAL LOT	16,464 SF
LENGTH OF STREETS	2,270 LF
COMMON AREA / GREEN SPACE	15%
AREA OF POND/RETENTION	85,302 s.f. / 1.96 Acres
BUILDING SETBACKS	
LOT FRONT YARD	30 FT MIN
LOT SIDE YARD	10 FT MIN
LOT REAR YARD	30 FT MIN
CORNER SIDE YARD	30 FT MIN

FLOOD ZONE INFORMATION
THE PROPERTY SHOWN HEREON IS IN ZONE "X" AND ZONE "AE" AS SCALED FROM THE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PER NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. PANEL NO. 01003C0814H AND 01003C0927H, DATE: JULY 31, 2017.

ADJOINING PROPERTY OWNERS

- 05-61-03-06-0-000-005.147
KING, DAVID A ETAL PACACIO, GINA
2552 OCALA DR
FOLEY, AL 36535
- 05-61-03-06-0-000-005.149
DSLD HOMES (GULF COAST) L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.148
DSLD HOMES (GULF COAST) L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.150
DABBS, WILLIAM DAVID
2574 OCALA DR
FOLEY, AL 36535
- 05-61-03-06-0-000-005.192
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.193
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.194
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.195
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.196
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.197
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.198
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.199
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.200
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.201
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.191
GULF BEACH INVESTMENT COMPANY OF PERDIDO
P.O. BOX 7430
SPANISH FORT, AL 36577
- 05-61-03-06-0-000-005.202
DSLD HOMES GULF COAST L.L.C.
13348 COURSEY BLVD STE A
BATON ROUGE, LA 70816
- 05-61-03-06-0-000-005.203
GULF BEACH INVESTMENT COMPANY OF PERDIDO
P.O. BOX 7430
SPANISH FORT, AL 36577
- 05-61-03-06-0-000-005.000
BENSTON, BILL H JR
21450 BENSTON RD (MA)
ROBERTSDALE, AL 36567
- 05-61-03-06-0-000-001.018
TOP POINT PROPERTIES INC
P.O. BOX 1040
MAGNOLIA SPRINGS, AL 36555
- 05-61-03-06-0-000-001.015
TOP POINT PROPERTIES INC
P.O. BOX 1040
MAGNOLIA SPRINGS, AL 36555
- 05-61-03-06-0-000-001.015
JEWELL PROPERTIES L.L.C.
3823 ROCK RIDGE RD
BIRMINGHAM, AL 35210
- 05-61-03-06-0-000-001.014
JEWELL PROPERTIES L.L.C.
3823 ROCK RIDGE RD
BIRMINGHAM, AL 35210
- 05-61-03-06-0-000-001.013
JEWELL PROPERTIES L.L.C.
3823 ROCK RIDGE RD
BIRMINGHAM, AL 35210
- 05-61-03-06-0-000-001.012
CRIM, DOLORES E OR CRIM, MURRAY R TRUSTE
14056 RIVER OAKS DR
FOLEY, AL 36535
- 05-61-03-06-0-000-001.011
CRIM, DOLORES E OR CRIM, MURRAY R TRU
14056 RIVER OAKS DR
FOLEY, AL 36535
- 05-61-03-06-0-000-001.010
CRIM, DOLORES E OR CRIM, MURRAY R TRUSTE
14056 RIVER OAKS DR
FOLEY, AL 36535
- 05-61-03-06-0-000-001.009
LADWIER, CAROLYN S
500 SPANISH FORT BLVD APT 19
SPANISH FORT, AL 36527
- 05-61-03-06-0-000-001.000
TIN MAN PROPERTIES L.L.C.
2272 S HICKORY ST
FOLEY, AL 36535

UTILITY PROVIDERS	
GOV./AGENCY/COMPANY	UTILITY
RIVIERA UTILITIES	WATER
RIVIERA UTILITIES	SEWER
RIVIERA UTILITIES	ELECTRIC
RIVIERA UTILITIES	INTERNET
RIVIERA UTILITIES	CABLE TV
RIVIERA UTILITIES	GAS
SUNBELT ENVIRONMENTAL	REFUSE COLLECTION

VICINITY MAP

SCALE: 1" = 1 MILE



CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN
This is to certify that I (we), the undersigned am (are) the Owner(s) of the land shown and described in the plat, and that I (we) have caused the same to be surveyed and subdivided as indicated hereon, for the uses and purposes herein set forth and do hereby acknowledge and adopt the same under the design and title hereon indicated; and grant all easements and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted, together with such restrictions and covenants noted below or attached to a separate legal document.

Dated this _____ day of _____, 20____

Gulf Beach Investment Company of Perdido

ACKNOWLEDGMENT

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____, Notary Public in and for said County, in said State, hereby certify that (Insert Owner's Name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this _____ day of _____, 20____

Notary Public

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of Foley, Alabama, hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20____

City Engineer

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION

The within plat of (Insert Subdivision name), Foley, Alabama, is hereby approved by the City of Foley Planning Commission, this _____ day of _____, 20____

City Planning Commission Chairman

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (Electric)

The undersigned, as authorized by Riviera Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20____

Authorized Representative

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (Sewer)

The undersigned, as authorized by Riviera Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20____

Authorized Representative

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (Water)

The undersigned, as authorized by Riviera Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20____

Authorized Representative

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (Gas)

The undersigned, as authorized by Riviera Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20____

Authorized Representative

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (Cable/Internet)

The undersigned, as authorized by Riviera Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 20____

Authorized Representative

SHERWOOD
PHASE THREE

316 S. McKenzie St.
Suite 174
Foley, Alabama 36535
Barry E. Deas, PE
(251) 978-2500
barry@thesecgroup.com



DATA
SCALE:
FILE NAME:
REVISIONS

PRELIMINARY
PLAT



DOCUMENT RELEASE
NOVEMBER 19, 2018

C-3



PLANNING COMMISSION JOINT STAFF REPORT: November 2022

28

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: The Foley Exchange Apartments

REQUEST: Minor Subdivision

OWNER / APPLICANT:
Sam & Lidia Gerges /
Hathaway Development,
LLC

ACREAGE: 24.45 ac

PIN#(s):
238387, 238388, 034817,
269941, 269942

LOCATION:
CR-20 and S Pine St

DESCRIPTION:
Combining 5 existing lots
into one parcel (would
have been exempt except
for moratorium)

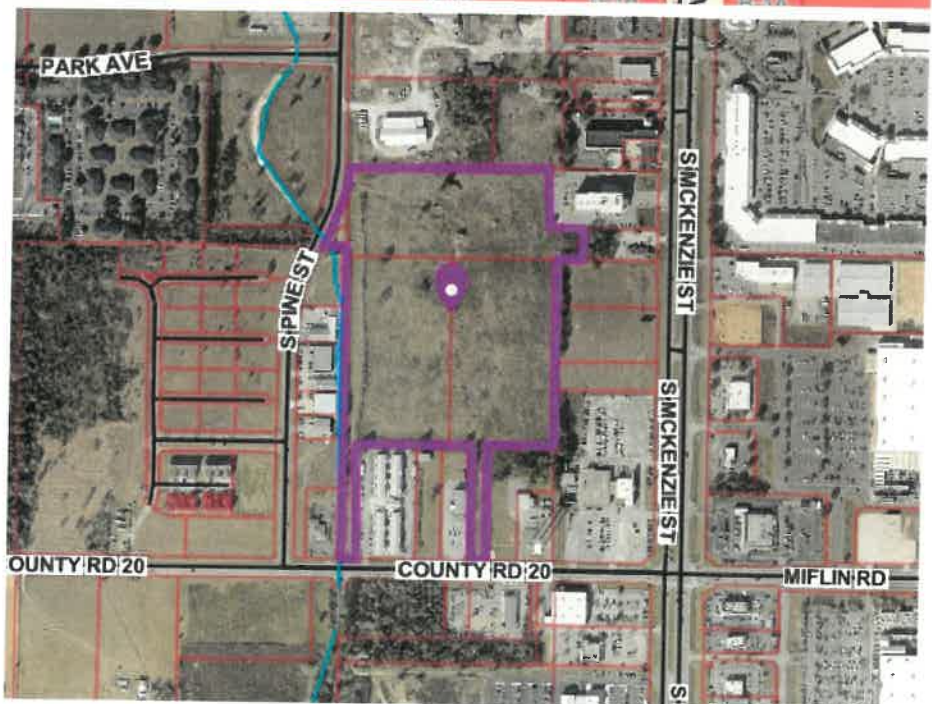
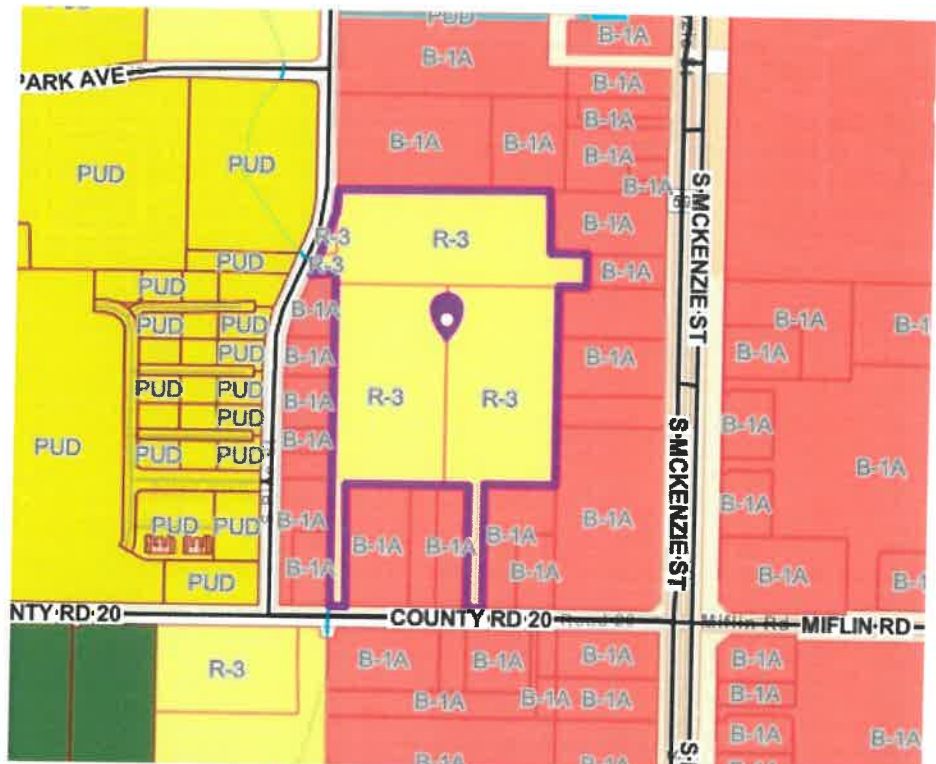
CURRENT ZONING:
R-3

REQUESTED ZONING:
n/a

ADJACENT ZONING:
B-1A & PUD

FUTURE LAND USE:
RCC, Retail/Commercial
Concentration

EXISTING LAND USE:
Vacant



29

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - Combining the 5 parcels into 1 does not affect the R3 zoning & approved plan for the property.

ENGINEERING:

Engineering is not opposed to the combination of lots. The Land Development Permit will be required to be completed prior to construction.

ENVIRONMENTAL:

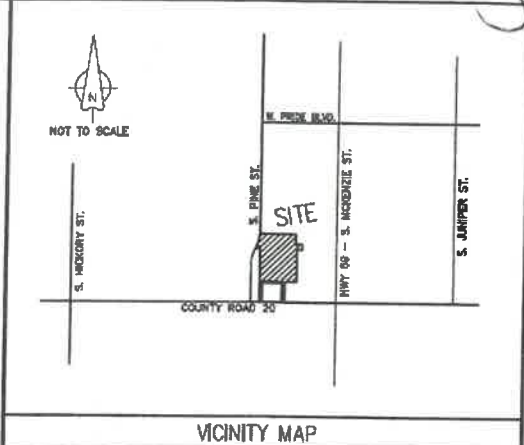
Angie Eckman - Not opposed

FIRE:

Fire is not opposed

FLOODPLAIN ADMINISTRATOR:

Chuck Lay - Not opposed



LEGEND

- (R) RECORD BEARING OR DISTANCE
- (A) ACTUAL BEARING OR DISTANCE
- CRF(1) CAPPED REBAR FOUND (CA-0371)
- CRF(2) CAPPED REBAR FOUND (VOLUNT)
- CRF(3) CAPPED REBAR FOUND (SPEAKS)
- CRF(4) CAPPED REBAR FOUND (SANGRASS)
- CRF(5) CAPPED REBAR FOUND (GNG)
- CRF(6) CAPPED REBAR FOUND (HMR)
- CRF(7) CAPPED REBAR FOUND (SLEETABLE)
- CRF(8) CAPPED REBAR FOUND (MATTER)
- REB(1) 1/2" REBAR FOUND
- REB(2) 3/8" REBAR FOUND
- CIF CRIMP TOP PIPE FOUND
- CRS CAPPED REBAR SET
- UT UTILITY EASEMENT
- MS MINIMUM BUILDING SETBACK
- UP UTILITY POLE W/ANCHOR
- PP POWER POLE W/ANCHOR
- LP LIGHT POLE
- PL PARKING LOT LAMP
- EH ELECTRIC TRANSFORMER/VAULT
- FH FIRE HYDRANT
- WV WATER VALVE
- WM WATER METER
- ICV IRRIGATION CONTROL VALVE
- WD WATER SPOUT
- NGM NATURAL GAS MARKER
- UUCP UNKNOWN UTILITY CONNECTION POINT
- SDM STORM DRAIN MANHOLE
- SSM SANITARY SEWER MANHOLE
- SSV SANITARY SEWER VALVE
- SSCP SANITARY SEWER CONTROL PANEL
- OU OVERHEAD UTILITIES LINE
- UE UNDERGROUND ELECTRIC LINE
- WL WATER LINE
- SSL SANITARY SEWER LINE
- SFM SANITARY SEWER FORCE MAIN
- NGL NATURAL GAS LINE
- SDP STORM DRAIN PIPE
- WPF WOOD PRIVACY FENCE
- CLF CHAIN LINK FENCE
- SF SILT FENCE
- SCF STEEL CABLE FENCE

EXCHANGE AT FOLEY
PRELIMINARY/FINAL PLAT

OCTOBER 13, 2022
WATTIER SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
4318 DOWNTOWN LOOP N., SUITE H
MOBILE, ALABAMA 36688 251-342-2640

SHEET 1 OF 2

SITE DATA
TOTAL PARENT TRACT ACREAGE: 24.44 AC±
DEDICATED ROW AREA: 0 AC±
LINEAR FEET OF STREETS: 0 LF
NUMBER OF LOTS: 1
SMALLEST LOT SIZE: 1,064,756 SF
AVERAGE LOT SIZE: 1,064,756 SF
COMMON AREAS: 0 SF
TOTAL AREA: 1,064,756 SF
ZONING CLASSIFICATION: R-3 MULTI-FAMILY

LOT DRAINAGE/UTILITY EASEMENTS
FRONT & REAR: 15'
SIDE: 10' EACH SIDE OF LOT LINE

REQUIRED SETBACKS
FRONT YARD: 40 FEET
REAR YARD: 30 FEET
SIDE YARD: 25 FEET
SIDE YARD ADJUTING STREET: 40 FEET

UTILITIES
ELECTRIC:
BALDWIN EMC - 251-989-6247
P.O. BOX 220, SUMMERDALE, AL 36580
WATER, SEWER, GAS, & TELECOMMUNICATION SERVICES:
RIVERA UTILITIES - (251) 943-5001
413 E. LAUREL AVE, MOBILE, AL 36686

PARENT PARCELS (PPIN):
05-01-03-05-4-001-014.008 (238387)
05-01-03-05-4-001-014.009 (238388)
05-01-03-05-4-001-015.000 (34817)
05-01-03-05-4-001-016.002 (289941)
05-01-03-05-4-001-016.003 (289942)

FLOOD CERTIFICATE:
THE PROPERTY DESCRIBED HEREON IS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NO'S. 01003C0627 M & 01003C0631 M, DATED 04/19/2019, AND IS SHOWN TO BE IN FLOOD ZONE "X-UNSHADED".

ENGINEER:
JADE CONSULTING, LLC
P.O. BOX 1929
FAIRHOPE, AL 36533
251-928-3443
PENNY C. JENNINGS, M. PE

SURVEYOR:
WATTIER SURVEYING, INC.
4318 DOWNTOWN LOOP N., SUITE H
MOBILE, AL 36688
251-342-2640
MARK A. WATTIER, PLS

DEVELOPER/OWNER:
HATHAWAY DEVELOPMENT, LLC
3300 NORTHEAST EXPRESSWAY, BUILDING 6
ATLANTA, GA 30341
770-948-7047
DAVID HATHAWAY, MANAGING MEMBER

SURVEYORS CERTIFICATE

STATE OF ALABAMA
COUNTY OF BALDWIN

I, MARK A. WATTIER, A LICENSED SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY OF HATHAWAY DEVELOPMENT, LLC SITUATED IN BALDWIN COUNTY, ALABAMA AND DESCRIBED AS FOLLOWS:

LOTS 1, 2 & 3, PROCHAZKA SUBDIVISION, UNIT 1, AS RECORDED ON SLIDE NUMBER 2108-B OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

AND THAT THE PLAT OR MAP CONTAINED HEREON IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY DESCRIBED IS DIVIDED, GIVING THE LENGTH AND BEARINGS OF THE BOUNDARIES OF EACH LOT AND EASEMENT AND ITS NUMBER, AND SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, AND GIVING THE BEARINGS, LENGTH, WIDTH AND NAMES OF THE STREETS. SAID MAP FURTHER SHOWS THE RELATION OF THE LAND SO PLATTED TO THE GOVERNMENT SURVEY, AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED THIS O AS HEREON SHOWN. I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

WITNESS MY HAND THIS THE ____ DAY OF _____, 20____

SURVEYOR _____
ALABAMA LICENSE #20384

NOTES:

- 1. FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
- 2. THIS SURVEY DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS READILY VISIBLE ON THE SURFACE OR PROVIDED BY THE CLIENT.
- 3. BEARINGS SHOWN HEREON ARE STATE PLANE COORDINATE GRID BEARINGS. CONVERGENCE ANGLE FROM GRID NORTH TO GEODETIC NORTH IS -00° 05' 36" AT N 135921.22, E 1909813.25.
- 4. CAPPED REBARS (WATTIER) HAVE BEEN SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION

THE WITHIN PLAT OF EXCHANGE AT FOLEY, FOLEY, ALABAMA IS HEREBY APPROVED BY THE CITY OF FOLEY PLANNING AND ZONING COMMISSION, THIS THE ____ DAY OF _____, 20____

CHAIRMAN, PLANNING COMMISSION

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

THE UNDERSIGNED, AS CITY ENGINEER OF THE CITY OF FOLEY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20____

CITY ENGINEER

CERTIFICATE OF APPROVAL BY BALDWIN EMC - ELECTRICAL:

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN EMC, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES - WATER & SANITARY SEWER:

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES - GAS:

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES - TELECOMMUNICATIONS:

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITH PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY 911:

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY 911, HEREBY APPROVES THE WITH PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS THE ____ DAY OF _____, 20____

AUTHORIZED REPRESENTATIVE

CERTIFICATION OF OWNERSHIP AND DEDICATION

THIS IS TO CERTIFY THAT HATHAWAY DEVELOPMENT, LLC IS THE OWNER OF THE LAND SHOWN AND DESCRIBED HEREON, AND THAT THE SAME HAS CAUSED SAID LAND TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED; AND GRANT ALL EASEMENTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS ____ DAY OF _____, 20____

OWNER: HATHAWAY DEVELOPMENT, LLC
DAVID HATHAWAY, MANAGING MEMBER

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____ A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, HEREBY CERTIFY THAT DAVID HATHAWAY, WHOSE NAME AS MANAGING MEMBER OF HATHAWAY DEVELOPMENT, LLC, IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY, THAT BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS ____ DAY OF _____, 20____

NOTARY PUBLIC



EXCHANGE AT FOLEY
PRELIMINARY/FINAL PLAT

OCTOBER 13, 2022

WATTIER SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS

4318 Doughton Loop N, Suite H
Mobile, Alabama 36608

251-342-2840

SHEET 2 OF 2



PLANNING COMMISSION JOINT STAFF REPORT: November 2022

32

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Bayou Ridge Estates

REQUEST: Preliminary SD in Planning Jurisdiction

OWNER / APPLICANT:
Breland Capital, LLC /
Mullins, LLC - Todd M.
Wheeler PE

ACREAGE: 23.89 ac

PIN#(s): 81017

LOCATION: S of CR-10,
approx ½m W of Hwy59

DESCRIPTION:
50 lots

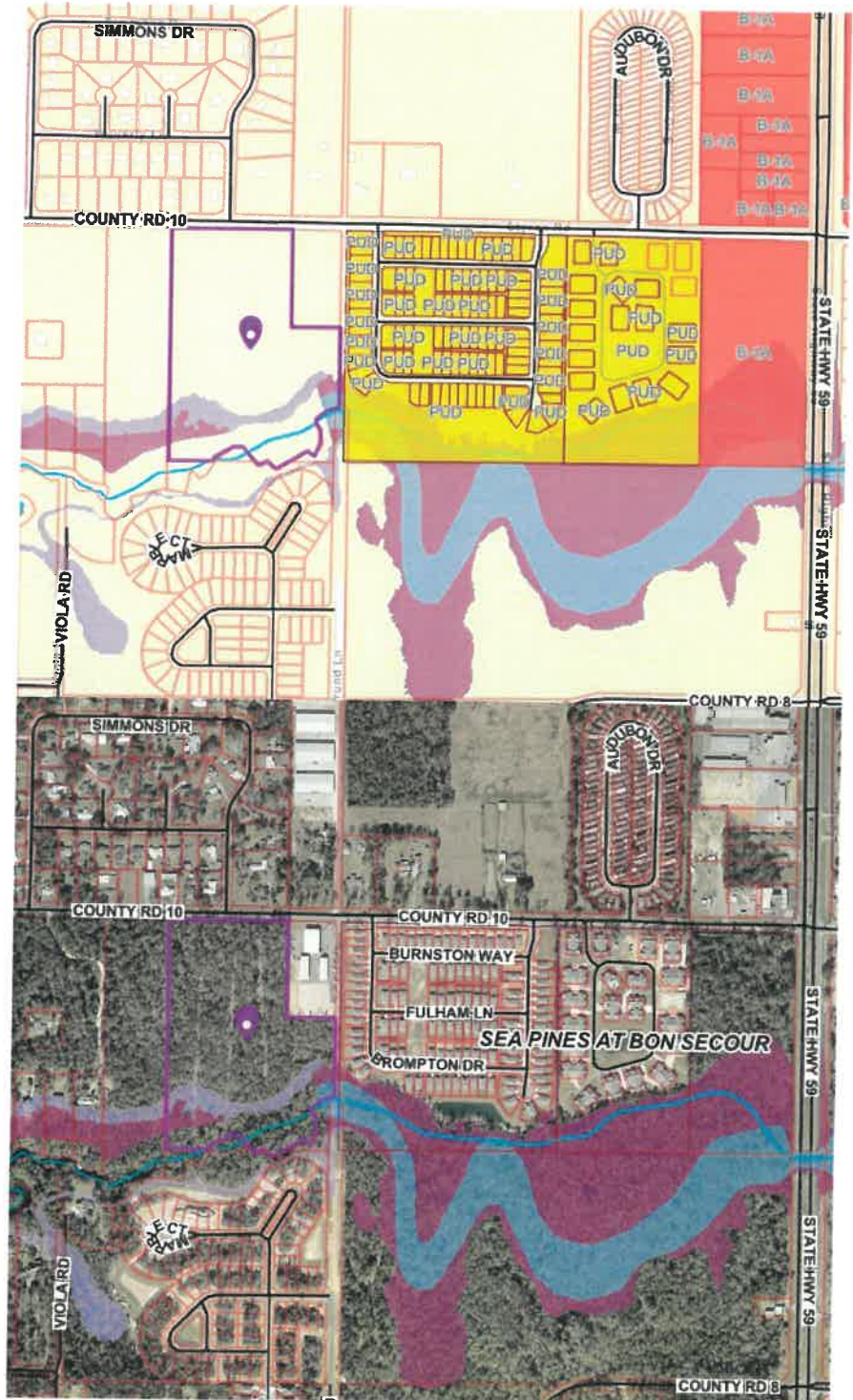
CURRENT ZONING:
Baldwin County
Unzoned District 27

REQUESTED ZONING:
n/a - remaining in county

ADJACENT ZONING:
City of Foley PUD to E,
Unzoned BC to W & S,

FUTURE LAND USE:
RR, Rural Residential

EXISTING LAND USE:
Vacant



33

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - This property is in unzoned BC District 27.

ENGINEERING:

The Land Development Permit has been reviewed and comments addressed. The permit is considered "ready to issue" once the PC approves the case. A pre-construction meeting is required prior to beginning construction.

ENVIRONMENTAL:

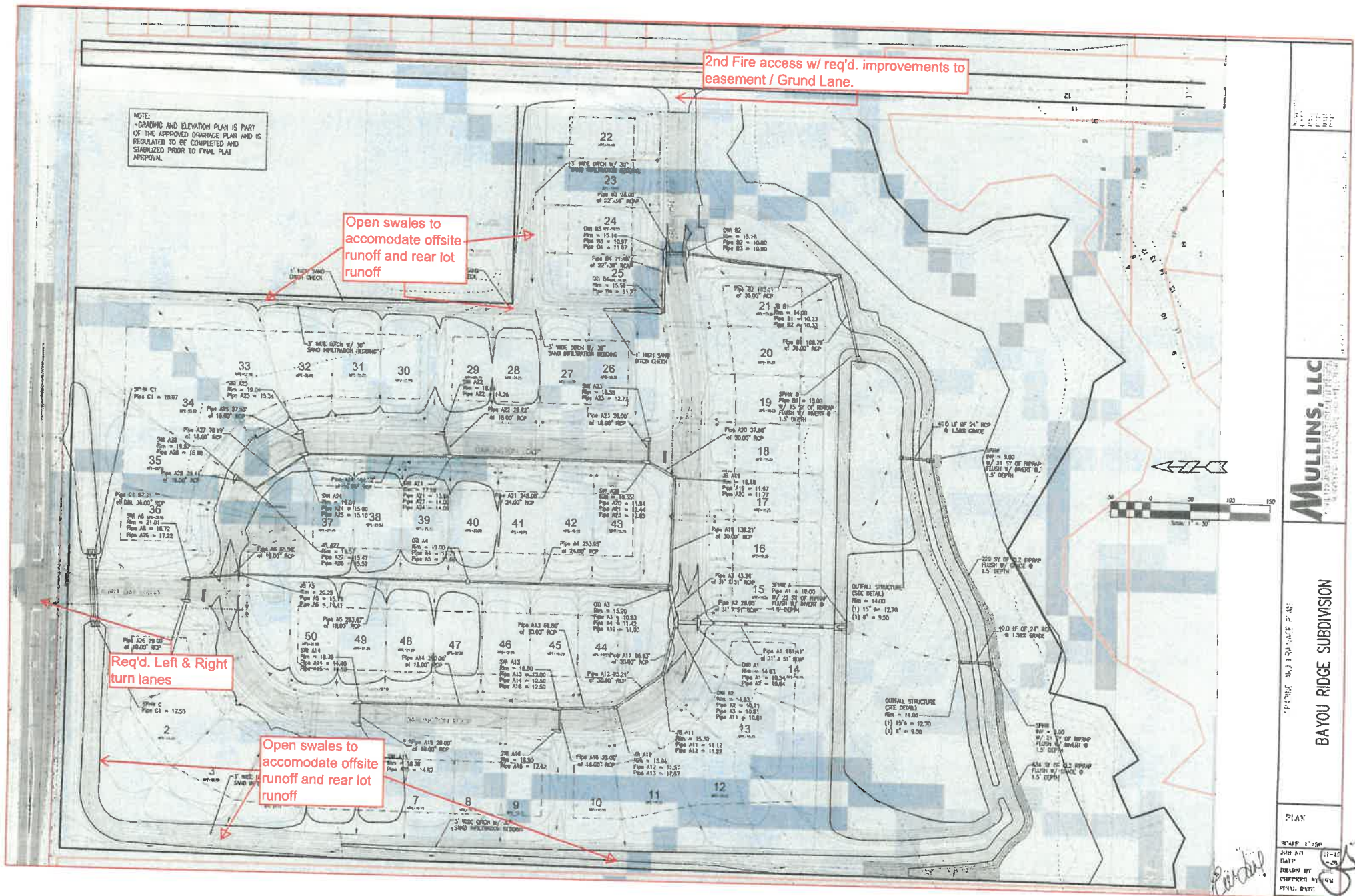
Environmental is not opposed. This project was initially reviewed in March and fell under the previous Environmental Permit Application.

FIRE:

Brad Hall - not opposed

FLOODPLAIN ADMINISTRATOR:

Chuck Lay - Meet Baldwin County Flood Zone requirements





PLANNING COMMISSION JOINT STAFF REPORT: November 2022

36

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Hadley Village

REQUEST: Preliminary Subdivision

OWNERS / APPLICANT:

Daniel Pugh, John Pugh,
Rebecca Rapier, Vickie
Wilkinson, Sandra Norwood
/ S. E. Civil

ACREAGE: 35.27 ac

PIN#(s): 34907

LOCATION: SE corner of
Hadley Rd and Hwy 59

DESCRIPTION: 83 lots

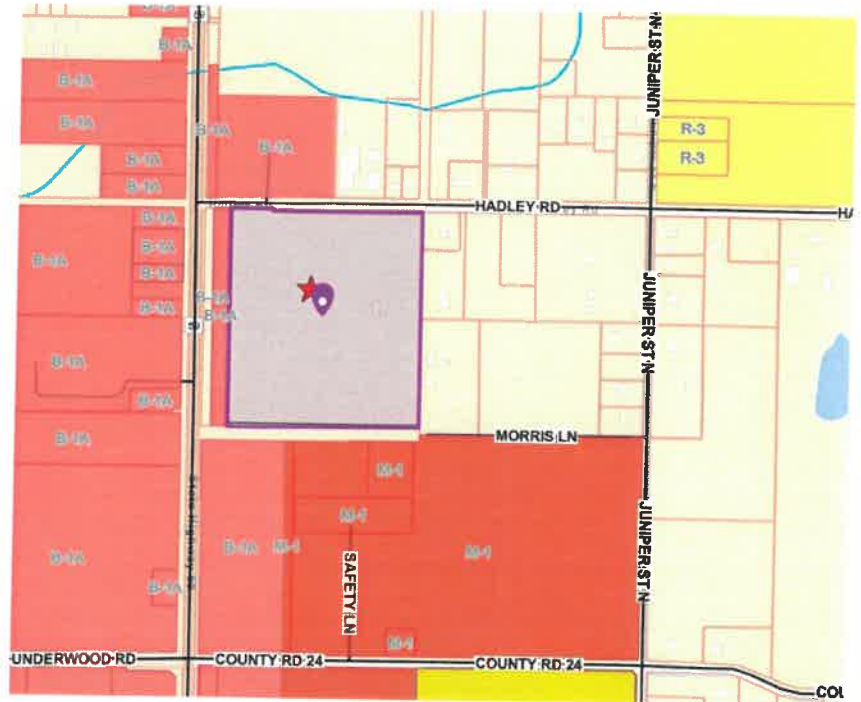
CURRENT ZONING:
PRE-Zoned for PUD

REQUESTED ZONING: n/a

ADJACENT ZONING:
B-1A, M-1, & Unzoned BC

FUTURE LAND USE: RM,
Residential Med. Density
(4-7)

EXISTING LAND USE:
vacant



37

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - Layout meets what was submitted for Pre-Zoning in Aug 2022 with an adjustment to move the east driveway to the west as requested by neighbors to the north.

ENGINEERING:

Chad Christian - LDP is deemed ready to issue upon PC approval.

ENVIRONMENTAL:

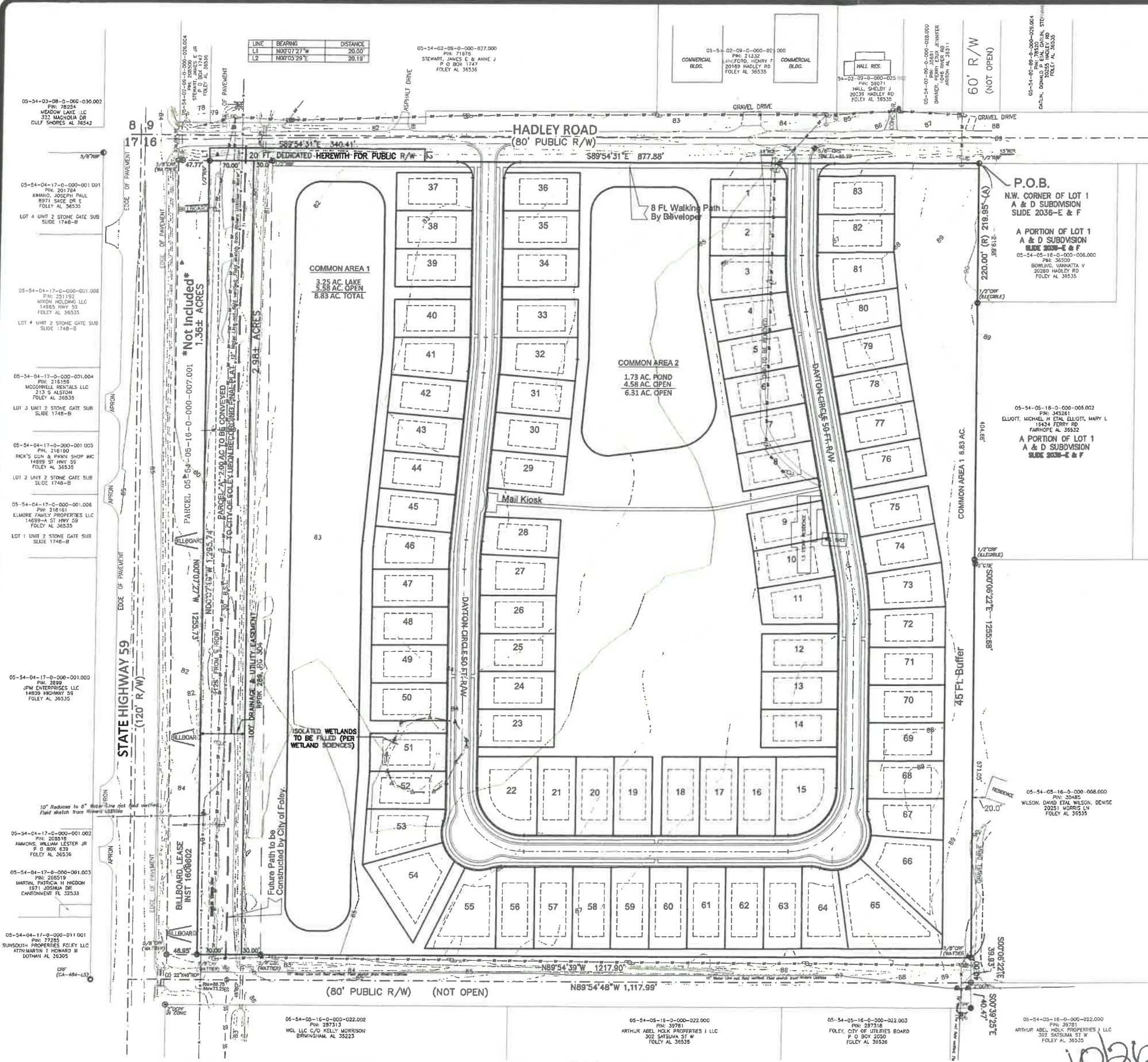
Angie Eckman - Not opposed

FIRE:

Brad Hall - Not opposed

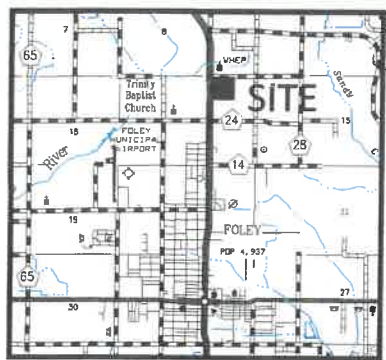
FLOODPLAIN ADMINISTRATOR:

Chuck Lay - Not opposed



GENERAL NOTES:

1. FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
2. ALL COMMON AREAS, INCLUDING ALL STORMWATER DRAINAGE INFRASTRUCTURE WITHIN THOSE COMMON AREAS, ARE PRIVATE AND TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION AND WILL NOT BE MAINTAINED BY BALDWIN COUNTY OR THE CITY OF FOLEY.
3. ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.
4. THERE IS A DEDICATED HERETHWITH A 10 FOOT UTILITY EASEMENT ON ALL LOT LINES AND COMMON AREAS ADJACENT TO THE RIGHT-OF-WAYS AND A 10 FOOT UTILITY EASEMENT ON EACH SIDE OF LOT AND COMMON AREA LINES, ON LOTS 1-17 & LOTS 60-83, UNLESS OTHERWISE NOTED.
5. THERE IS DEDICATED HERETHWITH A 10 FOOT UTILITY EASEMENT ON ALL COMMON AREAS ADJACENT TO RIGHT-OF-WAYS AND A 15 FOOT (7.5 FEET EACH SIDE) UTILITY EASEMENT ALONG ALL COMMON AREA SIDE LOT LINES, ON LOTS 18-59, UNLESS OTHERWISE SHOWN HEREON.
6. AT THE TIME OF HOUSE CONSTRUCTION ON EACH LOT, THE LOT OWNER WILL BE REQUIRED TO COMPLY WITH THE CITY'S TREE ORDINANCE.
7. ALL LOTS SHALL ACCESS INTERIOR STREETS ONLY AND SHALL NOT HAVE DIRECT ACCESS TO HADLEY ROAD OR MORRIS LANE.
8. ALL STREET TO BE DESIGNED AND CONSTRUCTED TO CITY OF FOLEY STANDARDS.
9. ALL OPEN SPACE TO BE MAINTAINED BY HOME OWNERS AS OUTLINED IN THE COVENANTS & RESTRICTIONS RECORDED AT FINAL PLAT.
10. A DRAINAGE MAINTENANCE FUND WILL BE ESTABLISHED AT FINAL PLAT, 20% OF WHICH WILL BE FUNDED BY DEVELOPER AS OUTLINED IN THE FOLEY LAND DEVELOPMENT ORDINANCE.
11. TREES WILL BE PLANTED AT A RATE OF 10 PER ACRE OF COMMON AREA AS OUTLINED IN THE FOLEY LAND DEVELOPMENT ORDINANCE, AS DESIGNED BY THE LANDSCAPE ARCHITECT AND SUBMITTED WITH THE PRELIMINARY PLAT APPLICATION.
12. A 45 FOOT WIDE BUFFER STRIP, ALONG THE EAST SIDE OF THE DEVELOPMENT, SHALL BE LANDSCAPED WITH MINOR OPENINGS TO ALLOW THE FLOW OF DRAINAGE FROM THE PROPERTIES TO THE EAST.
13. A 70 FOOT WIDE STRIP OF LAND, SHOWN AS PARCEL "A" HEREON, SHALL BE CONVEYED TO THE CITY OF FOLEY AT FINAL PLAT.
14. LOTS 1 THROUGH 54 WILL BE RESTRICTED TO A 4 FOOT FENCE HEIGHT ALONG THE REAR PROPERTY LINE.



SITE DATA

PIN: 34907
PROPOSED ZONING: PUD
CURRENT ZONING: NONE
DENSITY: 2.35/ ACRE
LIN. FT. STREETS: 2,714 LF
NUMBER OF LOTS: 83
SMALLEST LOT: 7,200 SF
LARGEST LOT: 14,789 SF (LOT 65)
COMMON AREAS: 15.0 ACRES ± (42.5%)
TOTAL AREA: 35.27 AC ±

BUILDING SETBACKS:

FRONT YARD = 25 FEET
REAR YARD = 20 FEET
SIDE YARD = 10 FEET
SIDE STREET = 20 FEET

UTILITY PROVIDERS

WATER SERVICE - RIVIERA UTILITIES
SEWER SERVICE - RIVIERA UTILITIES
GAS SERVICE - RIVIERA UTILITIES
TELEPHONE - CENTURYLINK
POWER - RIVIERA (LOTS 18-59)
POWER - BALDWIN EMC (LOTS 1-17 & 60-83)

SURVEYOR'S NOTES:

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
4. SURVEY WAS CONDUCTED ON SEPTEMBER 21, 2021, AND IS RECORDED IN AN ELECTRONIC FIELD BOOK.
5. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL FIELD TRAVERSES, AND ARE BASED ON STATE PLANE GRID, ALABAMA WEST ZONE USING GPS OBSERVATIONS. ELEVATIONS SHOWN ARE RELATED TO MEAN SEA LEVEL, BASED ON N.A.S.D. 1988 DATUM.
6. THE UTILITY INFORMATION SHOWN HEREON WAS OBTAINED BY SURVEYING AND PLOTTING THE VISIBLE ABOVE GROUND UTILITY FEATURES.
7. NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
8. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2017.

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

BEGINNING AT A 1/2 INCH REBAR FOUND (NO CAP) AT THE NORTHWEST CORNER OF LOT 1, A & D SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED ON SLIDE 2036-E AND 2036-F, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 06 MINUTES 22 SECONDS EAST, A DISTANCE OF 1255.68 FEET TO A 5/8 INCH CAPPED REBAR FOUND (WATTIER) ON THE NORTH RIGHT-OF-WAY MORRIS LANE (80 FT R/W); THENCE RUN NORTH 89 DEGREES 54 MINUTES 39 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 1217.90 FEET TO A 5/8 INCH CAPPED REBAR FOUND (WATTIER); THENCE DEPARTING SAID NORTH RIGHT-OF-WAY, RUN NORTH 00 DEGREES 07 MINUTES 27 SECONDS WEST, A DISTANCE OF 1255.73 FEET TO A 1/2 INCH REBAR FOUND (NO CAP); THENCE CONTINUE NORTH 00 DEGREES 07 MINUTES 08 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE SOUTH RIGHT-OF-WAY OF HADLEY ROAD; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 31 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 340.41 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 29 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 20.19 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 31 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 877.88 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 35.27 ACRES, MORE OR LESS.

(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY)

DAVID E. DIEHL
AL. P.L.S. NO. 26014

DATE

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



HADLEY VILLAGE
A Planned Unit Development
PAGE 1 OF 2



DRAWN	ASC
CHKD.	DED
PROJ MGR	DED
SCALE	1"=60'
PROJECT	20211011
FILE	OVERALL
SHEET	1 OF 2

FLOOD STATEMENT
PROPERTY LIES IN FLOOD ZONE "X" AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER 0100300810M, COMMUNITY NUMBER 015000, PANEL 0810, SUFFIX "M", DATED APRIL 19, 2019.

OWNERS

DANIEL PUGH, JOHN PUGH,
REBECCA RAPIER, VICKIE PUGH
WILKINSON & SANDRA PUGH
NORWOOD
16648 SHERMAN RD
SUMMERDALE AL 36580

DEVELOPER

ROBERTSON CONSTRUCTION CO., LLC
15760 PERDIDO KEY DR
PENSACOLA, FL 32507
205-394-1601

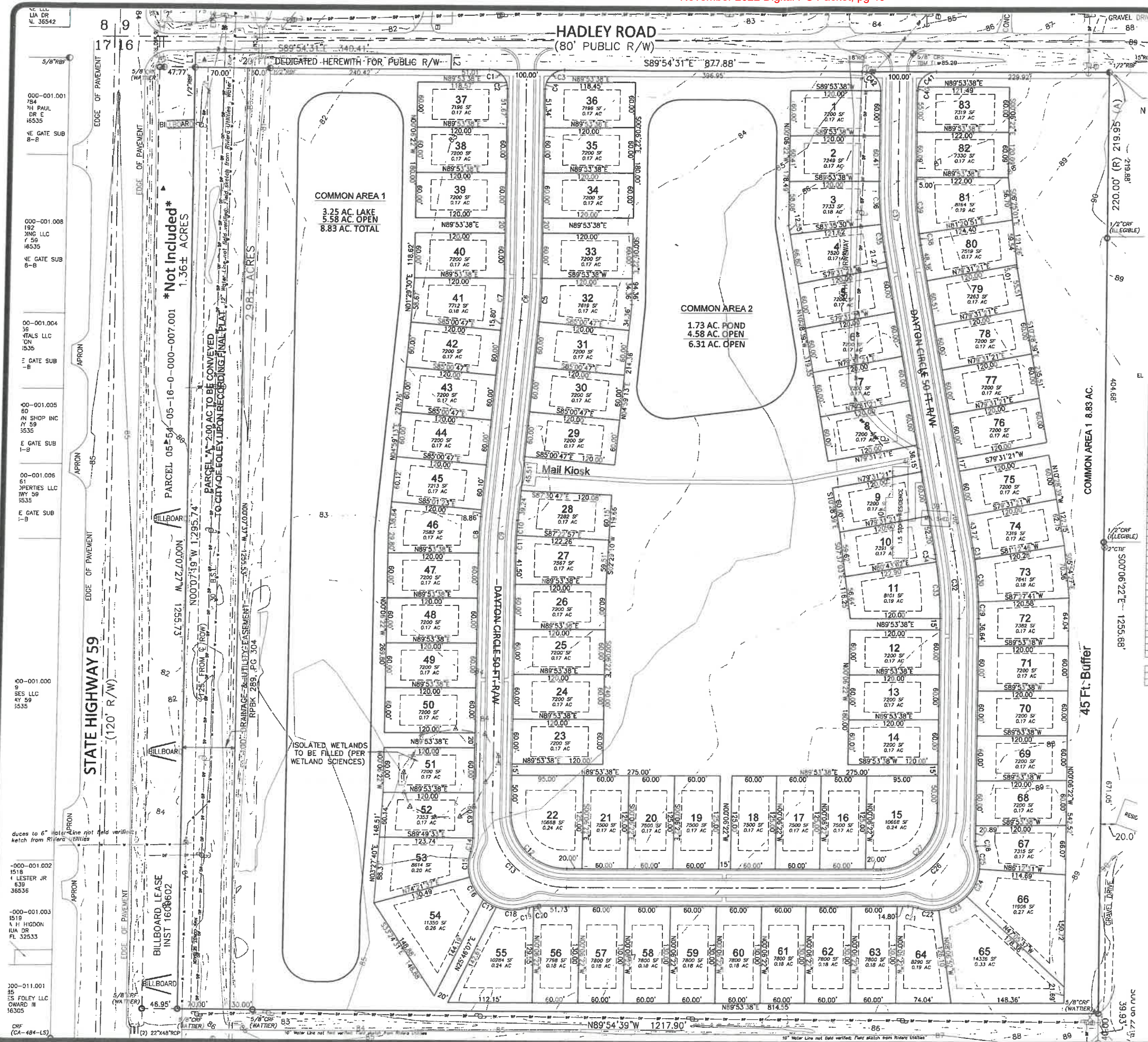
SURVEYOR / ENGINEER

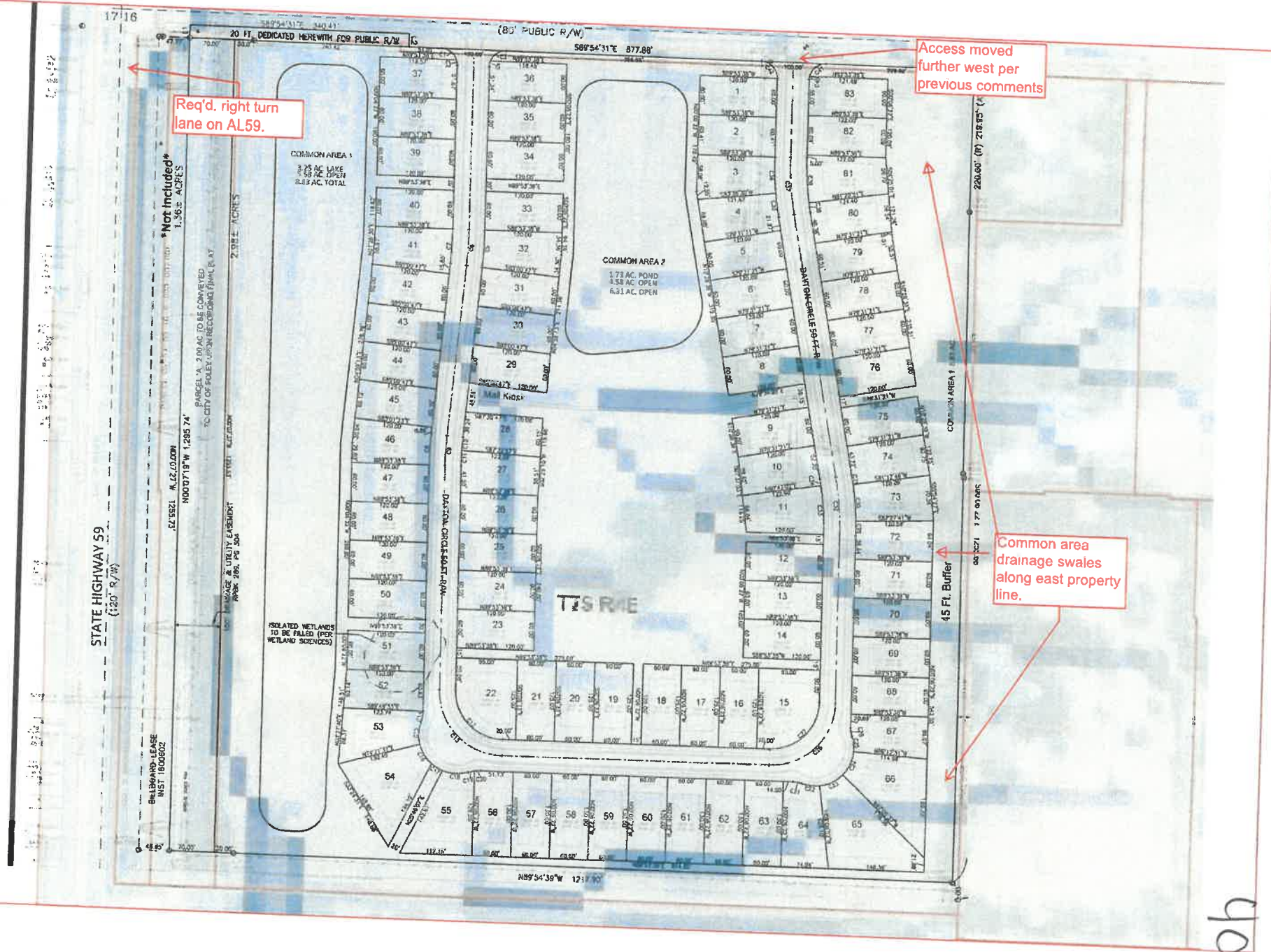
S.E. CIVIL
9969 WINDMILL RD
FAIRHOPE, AL 36532

PARCEL INFORMATION

Parcel Number: 05-54-05-16-0-000-007.000 (PIN: 34907)
Parcel Number: 05-54-05-16-0-000-025.000 (PIN: 83217)

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PLANNING COMMISSION JOINT STAFF REPORT: November 2022

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STAFF RECOMMENDATION: Approve / Deny / Conditional upon acceptance of the conservation easement by SALT - LDP will not be issued until conservation easement is determined.

PROJECT NAME: Keystone Development

REQUEST: Initial Zoning of PUD (Carryover from Sept 2022 PC Meeting)

OWNER / APPLICANT:
Keystone Development /
Jade Consulting

ACREAGE: 121.91+/-

PIN#(s): 7112, 92453,
7115, 63190, 7109

LOCATION: South of US
Hwy 98, west of Venice
Boulevard

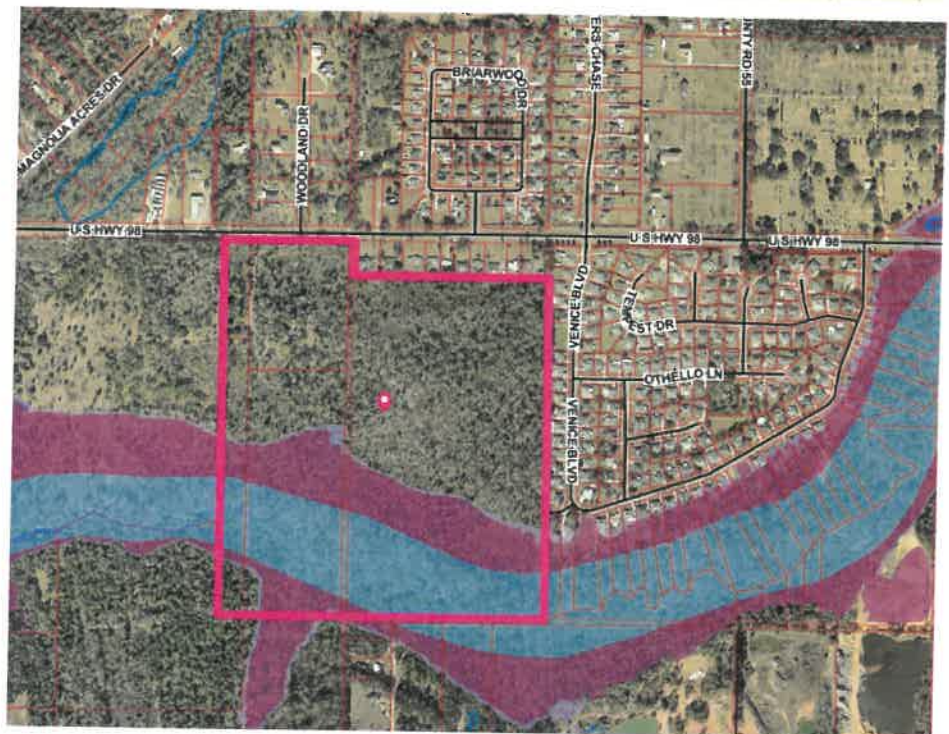
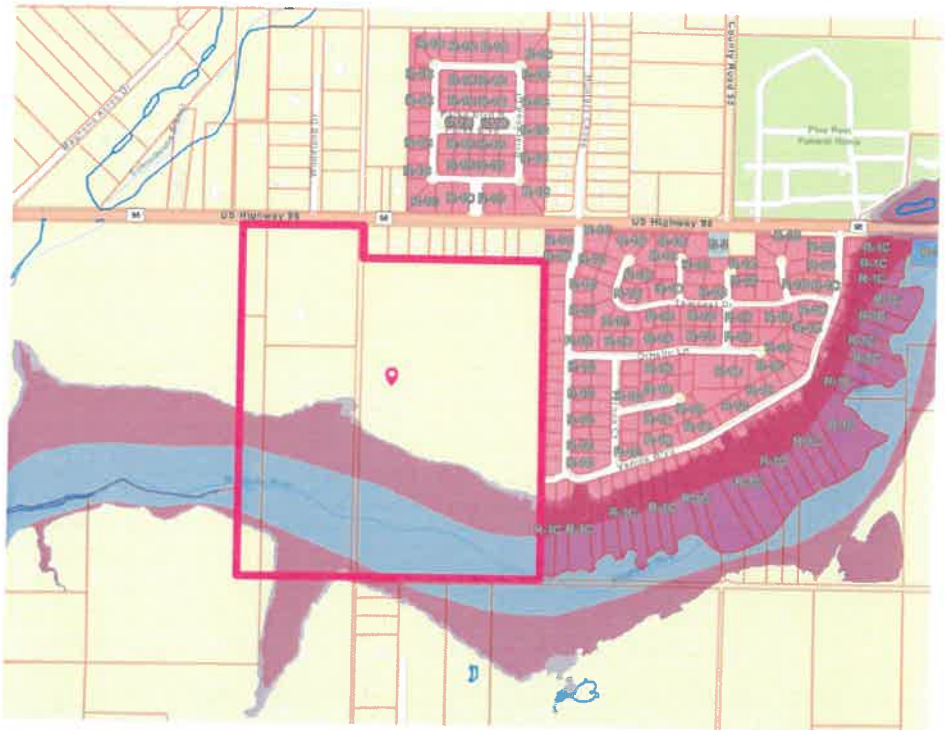
DESCRIPTION: Initial
zoning of PUD for 179 lots

CURRENT ZONING:
Unzoned BC District 18

REQUESTED ZONING:
PUD - Planned Unit
Development

ADJACENT ZONING:
R1C - Residential Single
Family & Unzoned BC
District 18

FUTURE LAND USE:
RL - Residential Low
Density (2-4 units per acre)



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EXISTING LAND USE: Vacant
DENSITY COMPATIBILITY ANALYSIS:
 Keystone Development Density - 1.47
 Plantation at Magnolia River - 1.38
 Briarwood - 1.68

*Please note density comparisons are based on total acreage. Plantation at Magnolia River lots include wetlands as well as the Magnolia River. Keystone is proposing to build outside of these boundaries. The density using buildable area is 3.14 which is still within the Future Lane Use parameters.

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
 Miriam -

- This property was annexed into the City in November 2021.
- Pre-app meeting with staff on April 20, 2022.
- The applicant came to a PC work session on 6/8/22 to discuss the PUD.
- Based on work session comments, the applicant applied for initial zoning for the May 18, 2022 meeting. Due to these work session comments, the applicant requested to carry the item over.
- The County vacated the right-of-way running north/south through the property on April 19, 2022
- The City annexed the vacated right-of-way in May 2022.
- A Traffic Analysis was submitted.
- A Wetland Delineation was submitted.
- Pre-app meeting with staff on August 16, 2022.
- Item came before PC in September but requested to Carryover

CHANGES FROM MAY DESIGN:

Lots reduced from 200 to 179

Lot sizes increased from 52' & 75' to (80) 62' x 125' & (81) 75' x 125' & (13) 95' x 125'.

The new 95' lots are along the east boundary adjacent to Plantation at Magnolia River.

DEVELOPMENT DETAILS:

Zoning Common Area 60.9% / 74.20 acres

Usable Open Space ~~15.3% / 18.60 acres~~ 16.5% / 20.18 acres

Applicant noted they will be applying for a conservation easement which precludes the Environmental requirement of 15% centralized open space.

Applicant is proposing the stub out road in Plantation at Magnolia River be connected with gated emergency access & ~~not gated with walking & biking ability as requested by the Plantation HOA.~~

ENGINEERING:

Chad - Engineering is not opposed to the concept. Approval of the PUD by PC does not mean the site meets LDP requirements - lot numbers may need to be adjusted to meet regulations.

ENVIRONMENTAL:

Angie- Prior to council action, a letter of commitment or intent from the land trust will be needed. We will need to ensure greenway access to the lake common area meets the 60-foot width requirement. The 4-foot-height fence requirement for lots adjacent to the lake will need to be written in the covenants.

FIRE:

Brad - Fire is ok

FLOODPLAIN ADMINISTRATOR:

Chuck - Documentation of preservation of special flood hazard area (SFHA) needed for Community Rating System (CRS)/flood ordinance. OK with concept

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Introduction/Summary

This narrative is provided in support of the proposed Keystone Subdivision single-family project pursuant to City of Foley Zoning Ordinance May 2022 and Land Development Ordinance 22-2028. In support of this development, all of the following approvals are being sought.

Approval Type	Approval Authority	Applicable Regulation	Summary
Planned Unit Development	City Council	City of Foley Zoning Ordinance Dated May 2022 Sections: 21.2.1 & 21.3	The proposed development is currently zoned initial PUD. The developer is applying for a zoning change to PUD that will allow for a 174 lot single-family subdivision.

Site Description

Parcel Number (s)	Currently Zoned/Proposed	Location/Address	Project Acres
55-07-26-0-000-021.000	Unzoned / Proposed PUD	US Hwy 98 Foley, AL	121.91
55-08-27-0-000-017.000			
55-08-27-0-000-017-001			
55-08-38-0-000-052.001			
55-08-38-0-000-052-004			

The proposed project is currently located on a 121.91 acre tract of property that was annexed into the City limits of Foley in November 2021. Prior to annexation the property was within Unzoned Baldwin County jurisdiction. The proposed development is currently zoned initial PUD. The property has had a recent wetlands delineation performed by Wetland Sciences, Inc. The delineation indicated approximately 47.63 acres of jurisdictional wetlands located on the southern portion of the property running along the sides of the Magnolia River. A copy of their findings have been included with this submittal.

The proposed PUD request will rezone the 121.91 tract to allow for a 174 lot single family subdivision. There was an 40' wide unused Baldwin County ROW that the developer/owner worked with the County to have vacated. An annexation request for this 40' strip of vacated ROW was submitted to the City in April 2022 and approved with Ordinance 22-2022.

Existing Conditions/Structures

The property is currently a vacant land that is forested with one dilapidated structure. Approximately 47.63 acres of jurisdiction wetlands are located on the property. The Magnolia River passes through the southern portion of the property.

Property Background

The current property owner applied for the property to be annexed into the City of Foley in September 2021. It was given an initial PUD zoning. There was an 40' wide unused Baldwin County ROW that was vacated with the County and property annexed into the City. The property has remained vacant and has not been proposed for development other than these requests.


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21.3.4 Submission Requirements

In order to provide an expeditious method for processing a plan for a planned unit development under the terms of this Ordinance, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a plan for a planned unit development, and the continuing administration thereof, shall be consistent with the following provisions:

- A. A zoning application for a development plan for a planned unit development shall be filed by or on behalf of the landowner with the Community Development Director. The purpose of the development plan is to provide the City with information in respect to the type, character, scale and intensity of development as well as the time phasing of the proposed planned unit development in order for the City to evaluate the impact of the development upon the City. Once the PUD master plan has been approved, each phase must be approved by staff and the Planning Commission prior to any permits being issued.

Response: *Rezone application is not needed due to the initial PUD zoning at the time of annexation.*

- B. The applicant for any type of PUD shall provide a drawing and a written narrative specifically calling out all zoning relaxations that are being requested through the PUD. These may include reduced right-of-way width, clustering of units, reduced lot size and setbacks, use considerations, building height variances, design considerations, etc., and shall also identify the benefits of the PUD, including but not limited to:

Response: *A site plan indicating the proposed single-family project and its' respective improvements have been enclosed as an Appendix to this report. The development proposes lots that are 62' wide, 75' wide, and 95' wide. The proposed lots meet all minimum zoning requirements of the current PUD ordinance.*

1. Public Benefits- Traffic and utility improvements, regional and local bicycle / pedestrian improvements, buffering from adjacent sites, aesthetic improvements, dedication of school or park sites, enhancement of property values, sign enhancements, preservation of natural areas and views, creating public access to water or other popular sites.

Response: *The 121.91 acre project has the Magnolia River running through the southern portion of the project. The project proposes 30' wetland buffers from the edge of the jurisdiction wetlands that surround the river in addition to other natural preservation areas that will provide both a protective barrier and wild life greenways. The development is proposed to be clustered so that large sections of the property can remain in its natural state. As indicated in the attached site plan the combination of these passive and active open space areas exceed the City's minimum 25% requirement. The developer proposes to place the wetlands and area along Magnolia River into a conservation easement that will protect this area from any development and help preserve the vegetation, wildlife, and water features in this area.*



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2. Private Benefits - Amenities for site users, open space and recreation, clustering of uses, creation of neighborhoods, landscaping, traffic circulation, multi-modal circulation, private space for units, parking, tree preservation, preserving unique views and natural areas in common areas for the use and enjoyment of all residents/guests, enhanced architecture and site layout.

Response: *As previously mentioned the project will be designed to reduce impacts within the wetland area. The wetland area along with its 30' buffer around it will remain in its vegetated and forested state to allow for natural preservation areas and wild life greenways. The project will also include other amenities for an active lifestyle. These features will include sidewalks along both sides of the street throughout the development connecting residents and guest to greenspaces for active or passive recreational uses as well as connecting to the neighboring subdivision to the east existing sidewalk system along MacBeth Lane. Lots backing up to the stormwater lake feature shall have a maximum rear yard fence height of 4'. A note will be added to each plat listing which lots this applies to.*

- C. The following information shall be submitted with the applications:

1. The location and size of the site including its legal description.

Response: *A location map and legal description has been enclosed with this report.*

2. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner.

Response: *Please find enclosed a copy of the Warranty Deed indicating the owner.*

3. The relationship of the site to existing development in the area, including streets, utilities, residential and commercial development, and physical features of the land including pertinent ecological features.

Response: *The proposed development is located on the south side of U.S. Highway 98, approximately 2,800' west of the intersection with County Road 55 and approximately 4,500' east of the intersection with County Road 49. The proposed development abuts the Plantation at Magnolia River Subdivision to the west and Foley Country Club Estates Subdivision to the south. Briarwood Parke Subdivision is located across U.S. Highway 98 from this proposed development. As previously mentioned, the site has approximately 47.63 acres of wetlands that will be protected by the projects proposed buffers and easement.*

4. The density or intensity of land use to be allocated to all parts of the site to be developed together with tabulations by acreage and percentages thereof.

Response: *The maximum allowed density for a PUD is 11 units per acre.*

Total Proposed Units	=	174 units
Gross Residential Area	=	57.25 acres
Density per Gross Residential Area	=	3.04 units per acre

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5. The location, size and character of any common open space, common owned facilities and the form of organization proposed to own and maintain any common open space and common owned facilities.

Response: *All common area will be dedicated to a home owners association for ownership. An exhibit has been included as an appendix to this report that illustrates the proposed locations and calculations indicating how the proposed PUD will exceed the City's 25% minimum open space requirement. The developer proposes to place the wetlands and area along Magnolia River into a conservation easement that will protect this area from any development and help preserve the vegetation, wildlife, and water features in this area.*

6. The use and type of buildings, i.e., single-family detached, townhouses, or garden apartments, proposed for each portion of the area included within the outline development plan.

Response: *The enclosed site plan indicates the location and type of proposed single-family detached lot layout.*

7. The engineering feasibility and proposed method of providing required improvements such as streets, water supply, and storm drainage and sewage collection.

Response: *All proposed infrastructure improvements will be in accordance with City of Foley development standards. The design and supporting engineering studies will be provided to the City as part of the Preliminary Plat and Land Disturbance portions of the permitting process.*

The site will be served by BCSS for sanitary sewer and Riviera Utilities for potable water. There are utility service lines that run along the adjacent street ROWs that will provide service to the proposed development.

8. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.

Response: *All proposed utility improvements will have a corresponding easement granted that will cover their respective placement.*

9. The provisions for parking vehicles and the function and location of vehicular and pedestrian system facilities.

Response: *Off-street parking will be provided at the single-family residences to meet the minimum required 2 spaces per unit. Parking will also be provided at cluster mailbox locations throughout the site for access to such.*

10. The provisions for the disposition of open space including its development or non-development character and function.

Response: *An exhibit has been included in the appendices of this report that illustrates the proposed locations and calculations indicating how the proposed PUD will exceed the City's 25% minimum open space requirement.*

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11. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.

Response: *The proposed PUD will be developed in multiple phases. The proposed phase limits have not been determined. Lot consumption and future economic activity will determine the number and size of respective phases.*

12. Any additional data, plans or specifications as the applicant or the City may believe are pertinent to the proposed planned unit development.

Response: *We have enclosed as an appendix to this report a copy of the recent wetlands delineation report that was prepared by Wetland Sciences, Inc. Traffic studies and storm drainage analysis reports will be submitted as required by the City during the subdivision plat approval process for each respective phase of the proposed development.*

13. An Application and fee as required for processing.

Response: *Application and fee are not required due to initial PUD zoning of the property at the time of annexation.*

14. A Master Signage Plan meeting the criteria of Article XXII, Section 22.7

Response: *The PUD's masterplan shows the approximate location of the proposed monument signs for the development.*

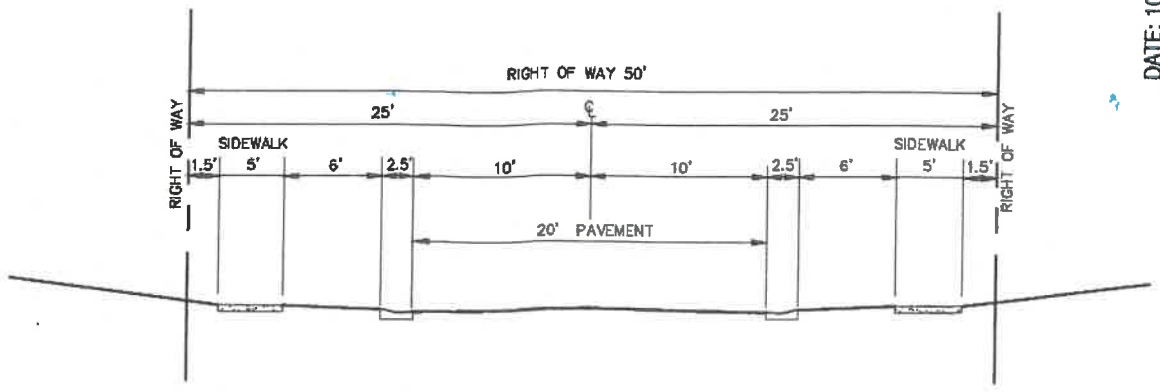
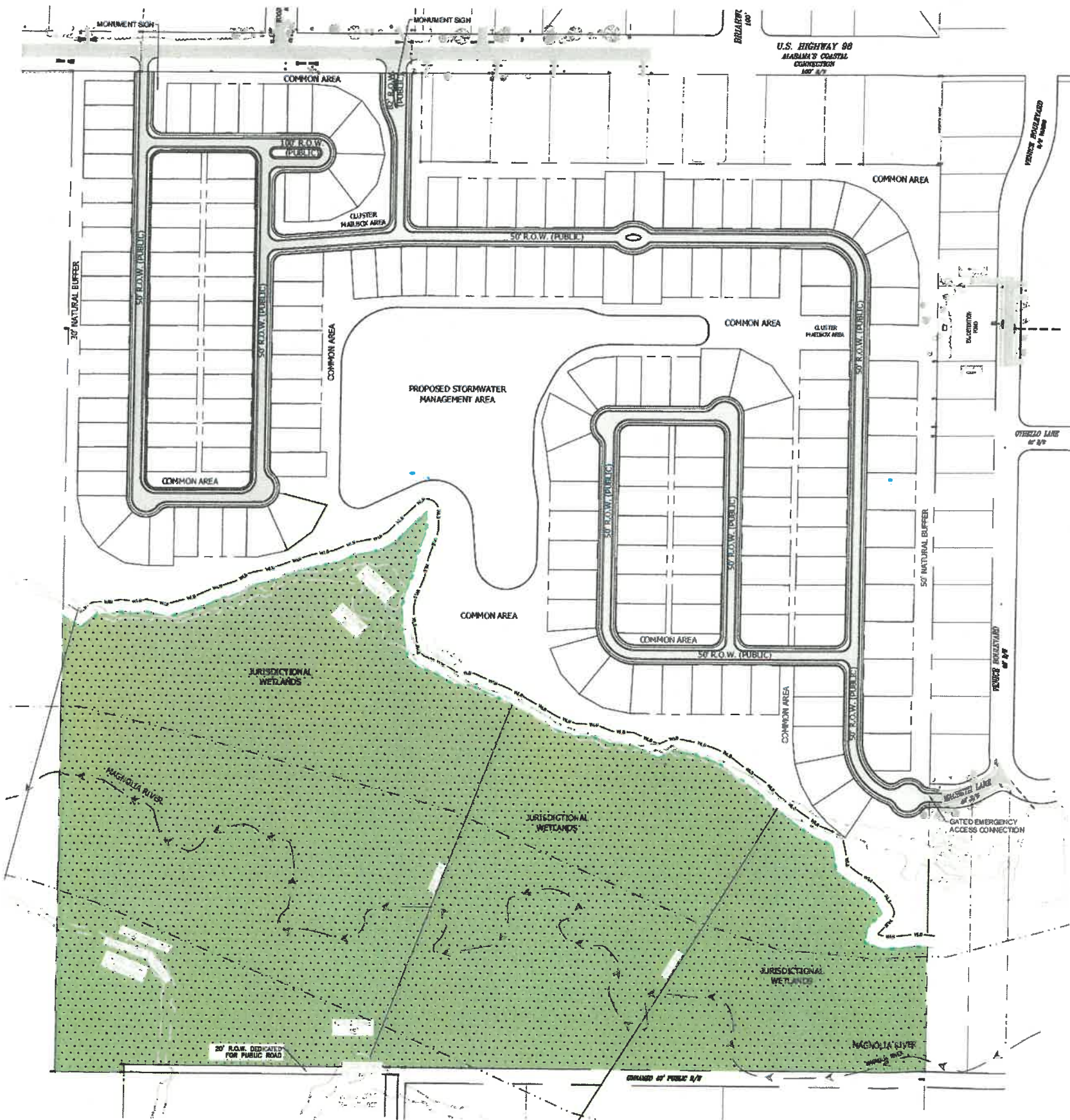
- D. The application for development approval of a planned unit development shall include a written statement by the landowner or any other entity having a cognizable interest in the land, describing fully the character and intended use of the planned unit development and setting forth the reasons why, in his opinion, a planned unit development would be consistent with the City's statement of purposes on planned unit development.

Response: *We have respectfully submitted this report to serve as a narrative for the proposed single-family project. The requested PUD has specific design details that illustrate the project meets the criteria indicated by the City of Foley's Zoning Ordinance. The combination of open space, natural space preservation, community amenities, and overall aesthetic design should provide a benefit to the City of Foley.*



JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
208 Greeno Road N., Ste. C Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
Phone: (251) 928-3443 Fax: (251) 928-3665
jadengineers.com

DATE: 10/3/2022

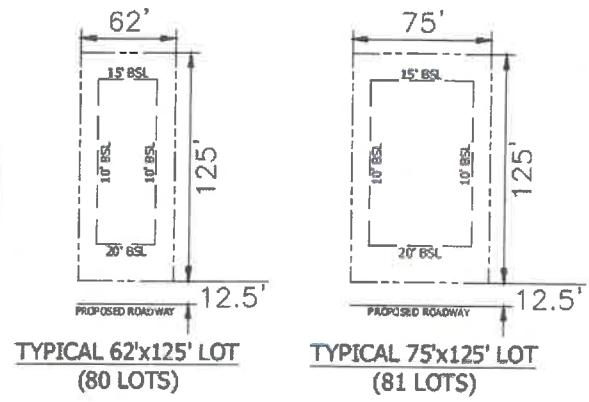


TYPICAL ROADWAY SECTION

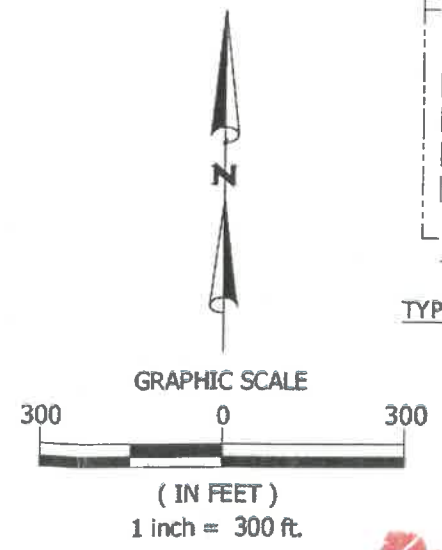
FENCE NOTE:

LOTS THAT ABUT THE LAKE TO THE REAR SHALL HAVE A MAXIMUM REAR YARD FENCE HEIGHT OF 4'. NOTE SHALL BE PLACED ON EACH PLAT LISTING WHICH LOTS THIS APPLIES TO.

PROPOSED LOT DENSITY PER GROSS RESIDENTIAL AREA	
TOTAL TRACT ACREAGE:	APPROX. 121.91 ACRES
TOTAL ROW AREA:	9.93 ACRES
WETLAND AREA:	47.63 ACRES
STORMWATER MANAGEMENT AREA:	APPROX. 7.10 ACRES
GROSS RESIDENTIAL AREA: (TOTAL TRACT - (ROW + WETLAND + STORMWATER MANAGEMENT))	APPROX. 57.25 ACRES
LOT DENSITY PER GROSS RESIDENTIAL AREA:	3.04 LOTS/AC



SITE DATA TABLE	
STATE OF ALABAMA COUNTY OF BALDWIN CITY OF FOLEY	
TAX PARCEL ID:	55-07-26-0-000-021.000 55-08-27-0-000-017.000 55-08-27-0-000-017.001 55-08-30-0-000-052.001 55-08-30-0-000-052.004
EXISTING ZONING:	UNZONED BALDWIN COUNTY
PROPOSED ZONING:	CITY OF FOLEY RUD
TOTAL TRACT ACREAGE:	APPROX. 121.91 ACRES
LOT DATA:	
PROPOSED LOTS:	174
PROPOSED NET DENSITY:	1.43 LOTS/AC
AVERAGE RES. LOT SIZE:	9,273 SF
SMALLEST RES. LOT SIZE:	7,750 SF
STREET DATA:	
R.O.W. WIDTH:	50'
LINEAR FEET OF NEW STREETS:	8,269 LF
SIDEWALK WIDTH:	5'
BUILDING SETBACKS:	
FRONT:	20'
SIDE:	10'
SIDE (CORNER LOT):	15'
REAR:	15'
WETLAND BUFFER:	30'
COMMON AREA REQUIREMENTS:	
	REQUIRED: PROVIDED:
TOTAL COMMON AREA:	25% (30.48 AC) 61.4% (74.91 AC)
USEABLE OPEN SPACE:	15% (18.29 AC) 16.6% (20.18 AC)
STORMWATER MANAGEMENT AREA:	- 7.10 AC
WETLAND AREA:	- 47.63 AC



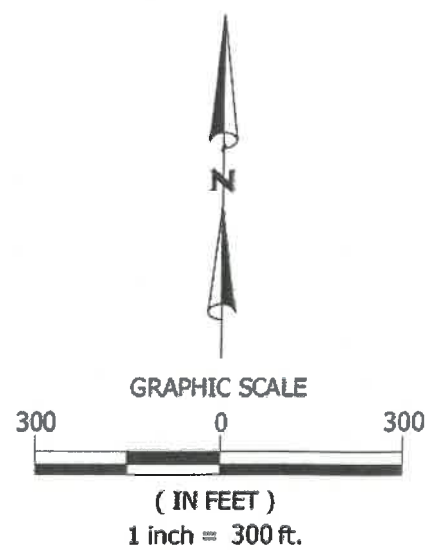
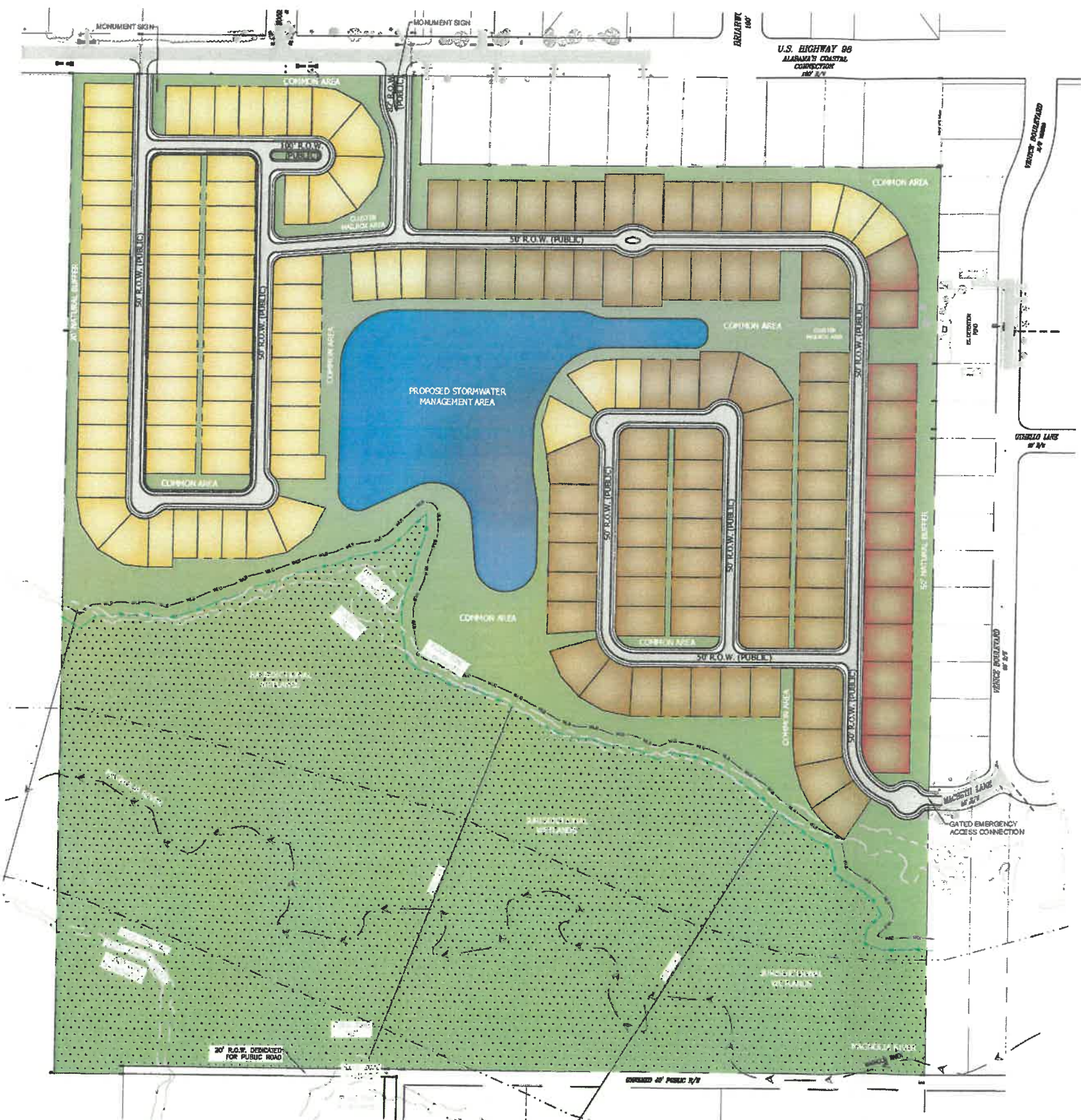
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SITE PLAN:
KEYSTONE SUBDIVISION
PLANNED UNIT DEVELOPMENT
U.S. HWY 98
FOLEY, AL

50

DATE: 10/3/2022



JINRIGHT & ASSOCIATES DEVELOPMENT ENGINEERS
208 Greeno Road N., Ste. C Fairhope, Alabama 36532
P.O. Box 1929 Fairhope, Alabama 36533
Phone: (251) 928-3443 Fax: (251) 928-3665
jadengineers.com



SITE DATA TABLE		
STATE OF ALABAMA COUNTY OF BALDWIN CITY OF FOLEY		
TAX PARCEL ID:	55-07-26-0-000-021.000 55-08-27-0-000-017.000 55-08-27-0-000-017-001 55-08-38-0-000-052.001 55-08-38-0-000-052-004	
EXISTING ZONING:	UNZONED BALDWIN COUNTY	
PROPOSED ZONING:	CITY OF FOLEY PUD	
TOTAL TRACT ACREAGE:	APPROX. 121.91 ACRES	
COMMON AREA REQUIREMENTS:		
	REQUIRED:	PROVIDED:
TOTAL COMMON AREA:	25% (30.48 AC)	61.4% (74.91 AC)
USEABLE OPEN SPACE:	15% (18.29 AC)	16.6% (20.18 AC)
STORMWATER MANAGEMENT AREA:	-	=7.10 AC
WETLAND AREA:	-	47.63 AC

LEGEND

- 62x125' TYP. LOTS (80 LOTS)
- 75x125' TYP. LOTS (81 LOTS)
- 95x125' TYP. LOTS (13 LOTS)
- COMMON AREA USEABLE GREEN SPACE (20.18 AC)
- COMMON AREA STORMWATER DETENTION (=7.10 AC)
- WETLANDS (47.63 AC)

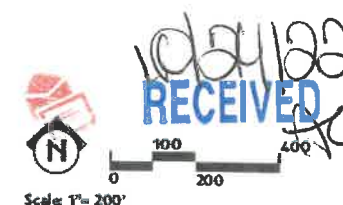
FENCE NOTE:
LOTS THAT ABUT THE LAKE TO THE REAR SHALL HAVE A MAXIMUM REAR YARD FENCE HEIGHT OF 4'. NOTE SHALL BE PLACED ON EACH PLAT LISTING WHICH LOTS THIS APPLIES TO.

CONSERVATION EASEMENT NOTE:
THE WETLANDS AND AREA ALONG MAGNOLIA RIVER ARE PROPOSED TO BE PLACED IN A CONSERVATION EASEMENT.

10/24/22
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AC

OPEN SPACE PLAN:
KEYSTONE SUBDIVISION
PLANNED UNIT DEVELOPMENT
U.S. HWY 98
FOLEY, AL

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Keystone Subdivision - Foley, Alabama

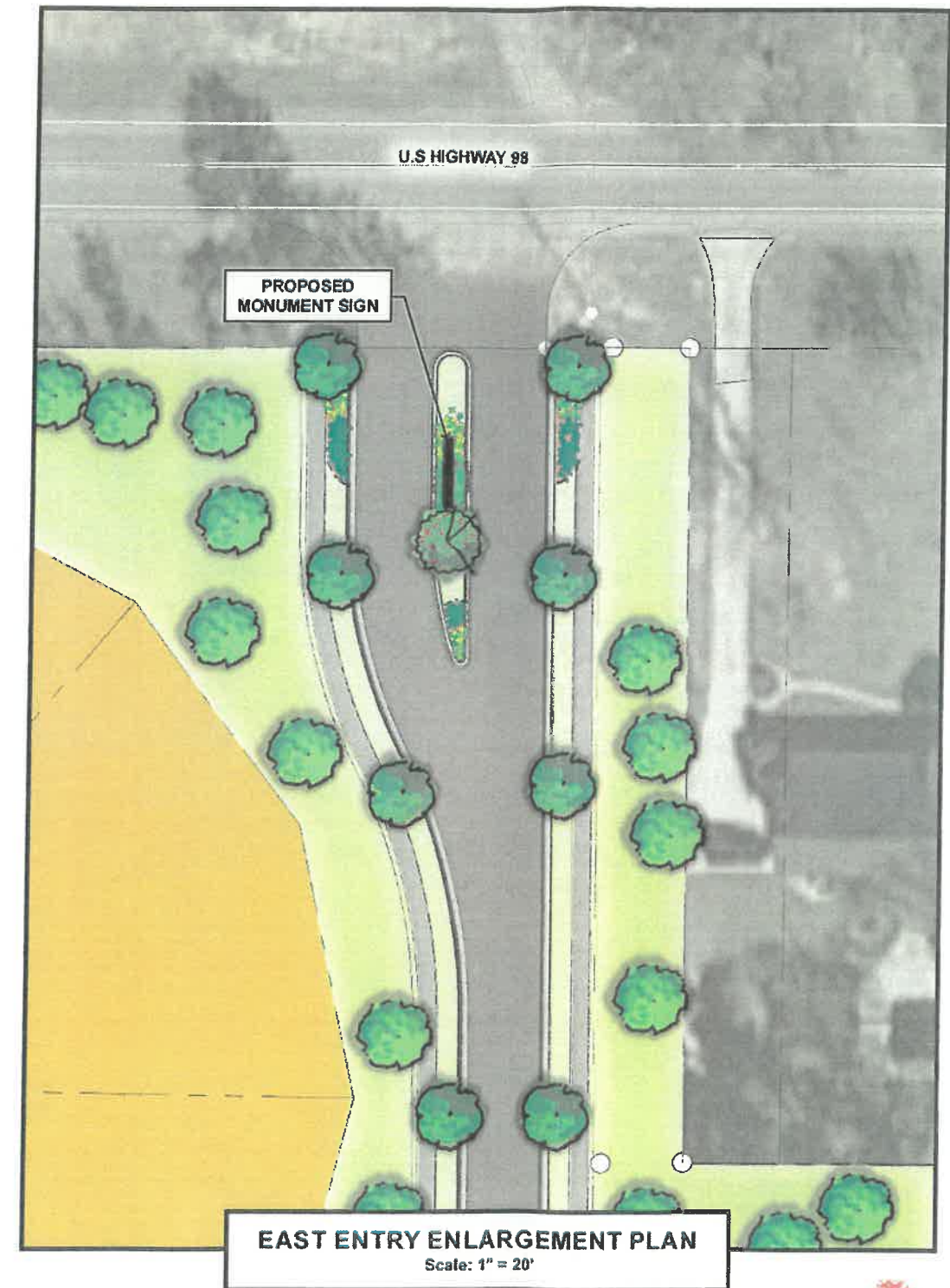
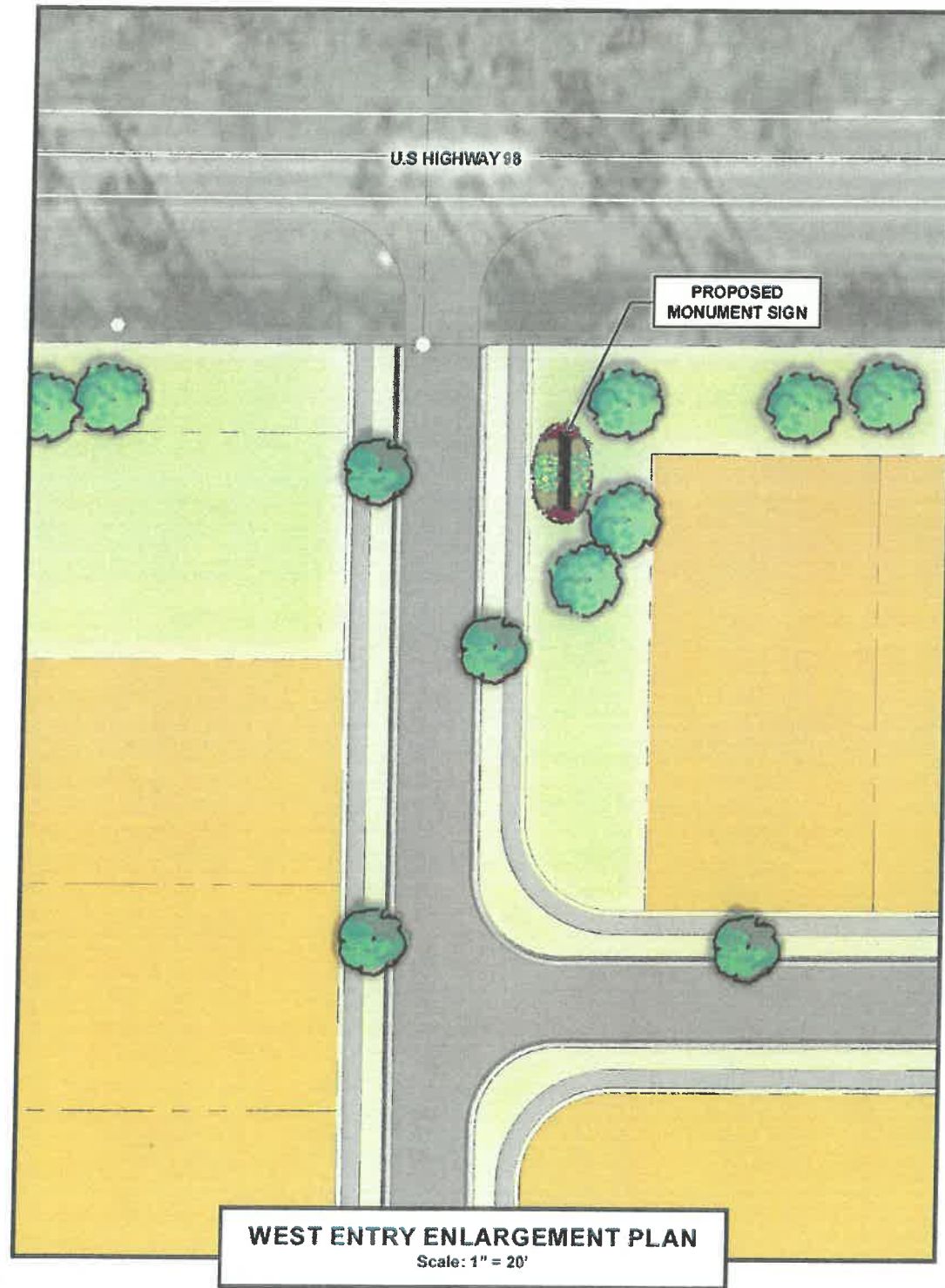
PERMITTING DESIGN

10.20.22 | Page 1 of 2

Project Number: 222012-083

was
DESIGN
landscape architects

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Keystone Subdivision - Foley, Alabama

PERMITTING DESIGN
10.20.22 | Page 2 of 2

Project Number: 222012-083





PLANNING COMMISSION JOINT STAFF REPORT: November 2022

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STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: FY23 Planned Public Projects

REQUEST: PC Review & Recommendation

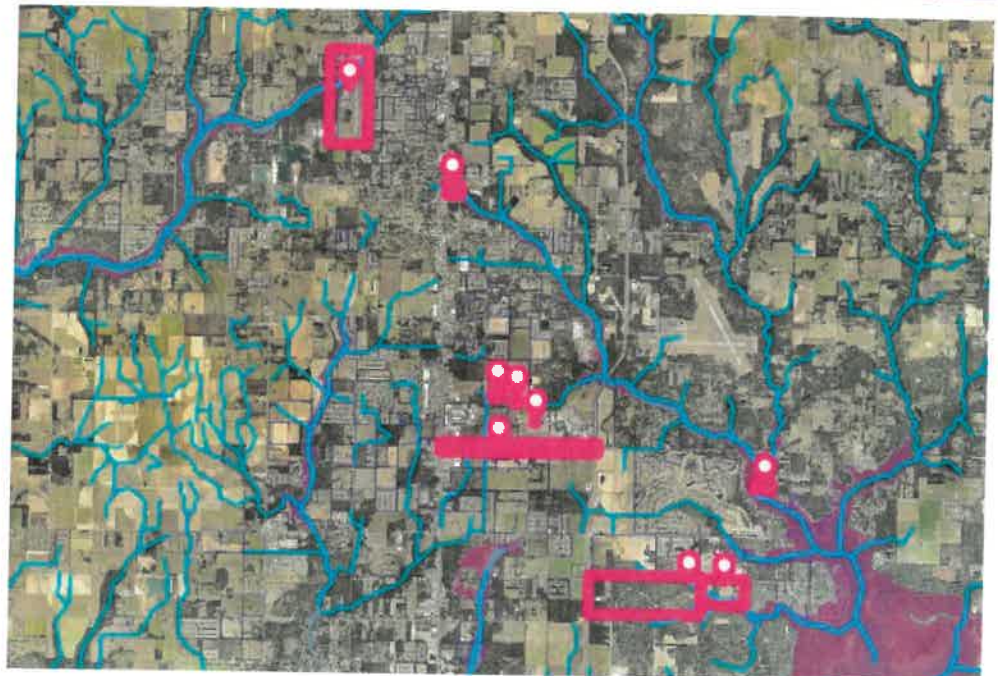
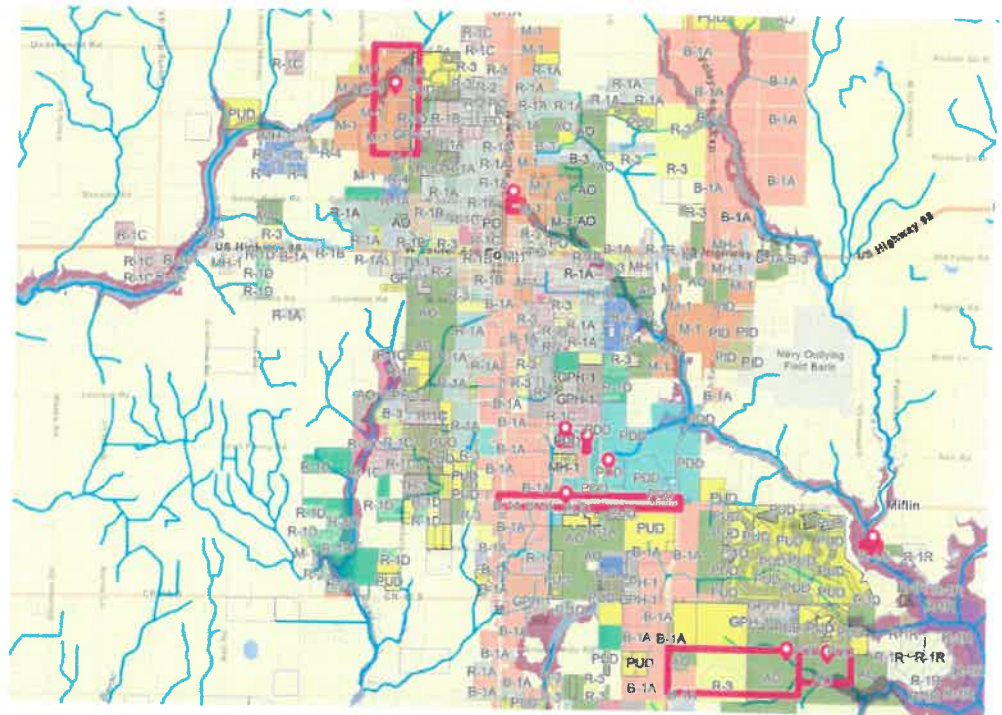
OWNER / APPLICANT:
City of Foley / Rachel
Keith, Project/Risk
Manager

ACREAGE: N/A

PIN#(s): various

LOCATION: Airport,
Police Dept, FSTC,
Miflin Rd, Wolf Creek,
Wolf Bay Rd, GCNP

DESCRIPTION:
See following pages
for descriptions of
individual projects.



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ZONING:

Miriam Boone - Specific zoning & codes will be reviewed as each item is ready to build.

ENGINEERING:

Chad Christian - not opposed

ENVIRONMENTAL:

Angie Eckman - not opposed

FIRE:

Brad Hall - not opposed

FLOODPLAIN ADMINISTRATOR:

Chuck Lay - not opposed

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P.O. Box 1750
Foley, Alabama 36536



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FROM THE FINANCIAL SERVICES DIVISION OFFICE

October 24, 2022

Melissa Ringler
City of Foley
Planning & Zoning

Melissa,

Below is a list of the City of Foley's FY23 Planned Projects that are subject to Planning Commission review and recommendation based on Section 11-52-11, Code of Alabama. Be advised that the projects have not been reviewed by any other commission, board or district of the City, County or State. I request that these items be placed on the November Planning Commission Agenda.

ENGINEERING:

- **2022-01 – Mifflin Road Access Management Project**
Location: Mifflin Road
Estimated Cost: \$120,618.00
Project Description: Install raised medians and dedicated turn lanes from SR 59 to Foley Beach Express along Mifflin Road. Work to be performed in three phases.
- **2022-02 - Wolf Bay Drive Extension**
Location: Wolf Bay Drive
Estimated Cost: \$1,975,000
Project Description: Extend Wolf Bay drive from Graham Creek Nature Preserve westward and to the southwest to intersect Philomene Holmes Road.

GENERAL GOVERNMENT:

- **2022-03 – ACCESS TAXIWAY AND 8-UNIT T-HANGAR BUILDING**
Location: 510 Airport Drive
Estimated Cost: \$1,500,000 (Pending FAA & ALDOT Grant Awards)
Project Description: Construction of Access taxiways and a metal 8-unit T-Hangar on the south apron.
- **2022-04 – AIRPORT TERMINAL BUILDING**
Location: 510 Airport Drive
Estimated Cost: \$2,042,500 (Pending Grant Award – 95% FAA share and 5% Local Share)
Project Description: Construction of a new general aviation terminal building and associated site development. The new building will be located on the west side of the airport. The exact location will be determined during the Master Plan/Airport Improvement Plan update currently being performed.



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NATURE PARKS:

- **2022-05 – Graham Creek Nature Preserve Pavilions**

Location: Graham Creek Park

Estimated Cost: \$60,000

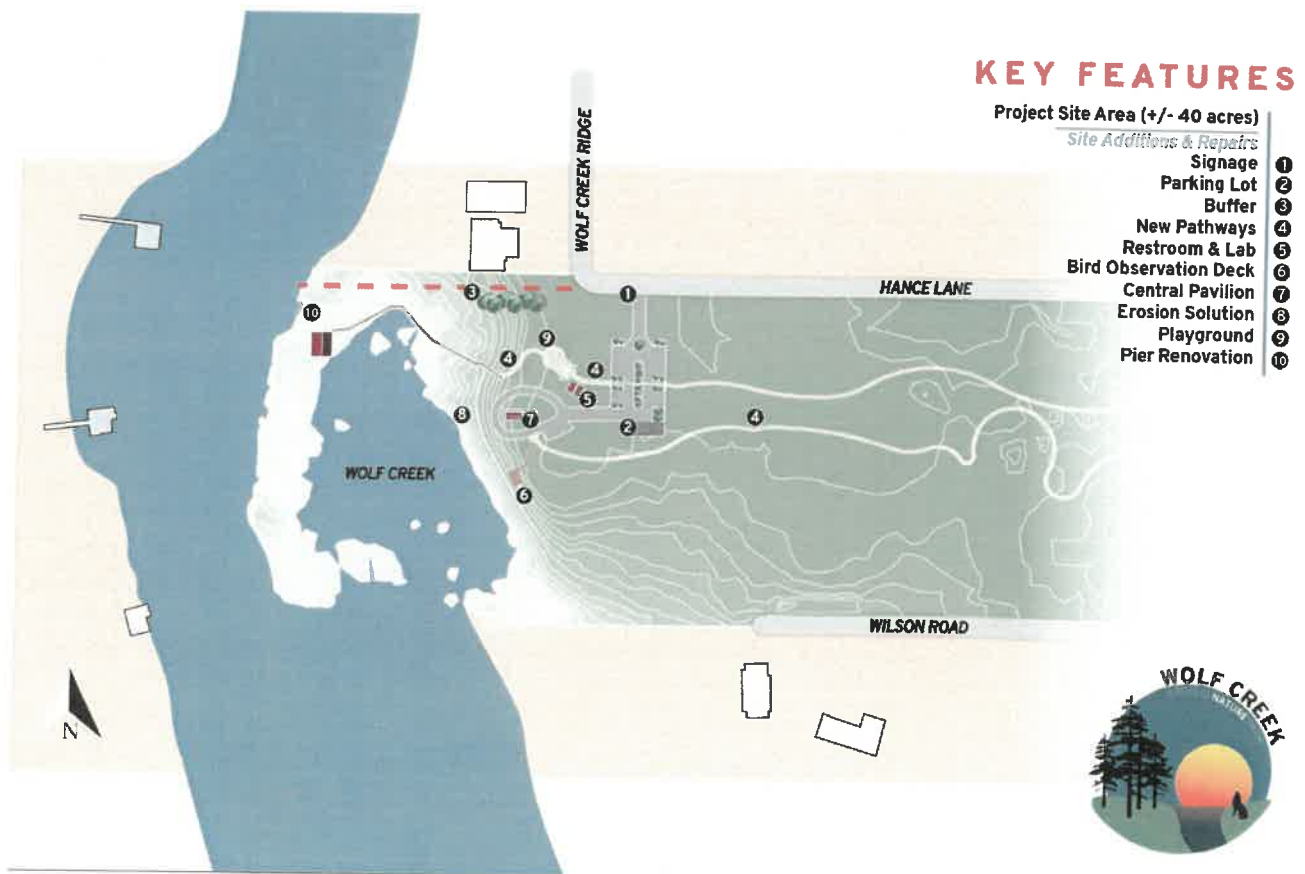
Project Description: Two pavilions will be constructed. One pavilion will be located in the archery park area and the other will be near the canoe launch area.

- **2022-06 – Wolf Creek Park Comfort Station & Playground**

Location: Wolf Creek Nature Park

Estimated Cost: \$300,000

Project Description: Bathroom and playground to be added to Wolf Creek Park. Grant funds will offset some of the cost.



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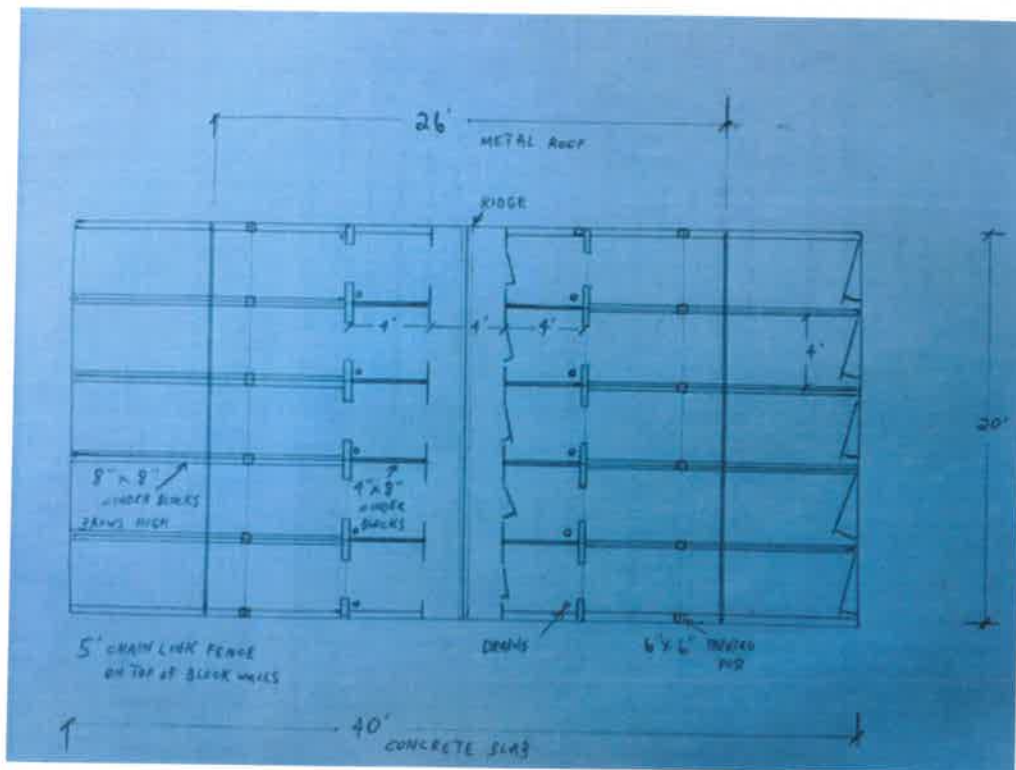
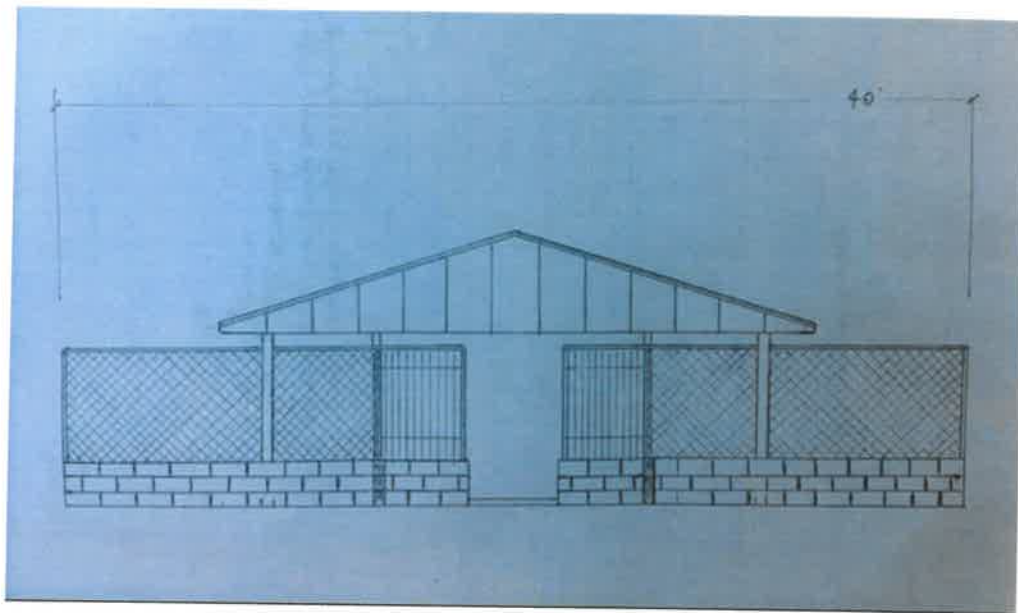
POLICE:

- **2022-07 – Dog Kennels**

Location: 200 East Section Street

Estimated Cost: \$80,000

Project Description: Construct an improved and larger kennel area for dogs.



SPORTS TOURISM:

- **2022-08 – Lighted Sign**

Location: Roundabout at E. Pride Blvd and Event Center Entrance

Estimated Cost: \$45,000

Project Description: A large lighted sign will be constructed in the roundabout at the entrance to the Event Center.



- **2022-09 – Two Bathroom Buildings**

Location: 850 East Pride Boulevard

Estimated Cost: \$375,000

Project Description: Two bathroom buildings will replace restroom trailers currently located on the multi-field complex.



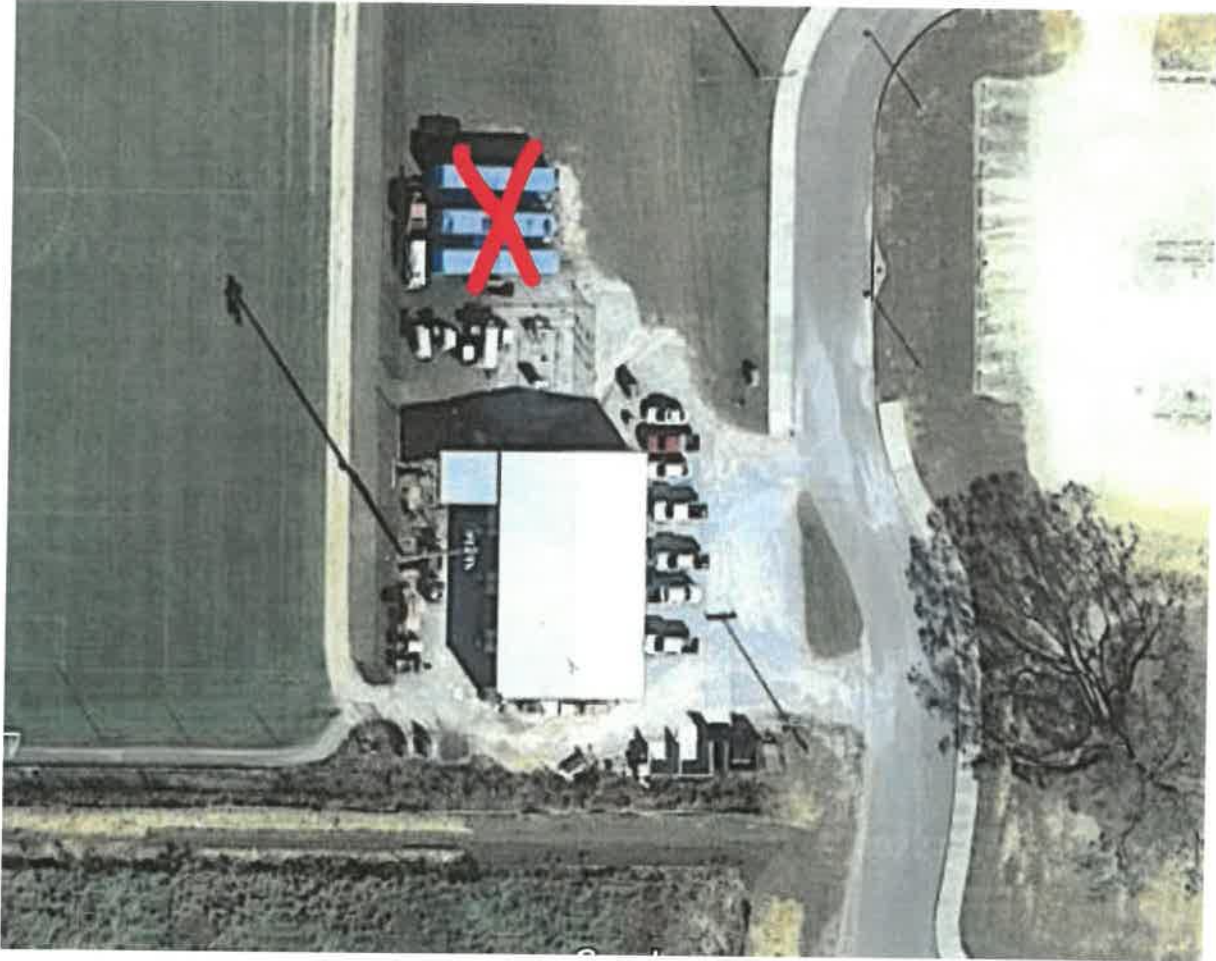
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- **2022-10 – Pole Barn for Equipment Storage**

Location: North of the Sports Tourism Maintenance Building (920 East Pride Blvd.)

Estimated Cost: \$40,000

Project Description: Pole barn for equipment storage



Respectfully submitted,

Rachel Keith

Rachel Keith
Project/Risk Manager

City of Foley Planning Commission Meeting Schedule 2023

2023

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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29	30	31				

April						
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July						
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October						
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February						
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August						
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November						
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March						
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June						
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December						
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Planning Commission Meeting
- Work Session Meeting as needed
- Noon Deadline for next monthly PC meeting

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