

**PLANNING COMMISSION
MEETING MINUTES AUGUST 17, 2022
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a meeting August 17, 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, Phillip Hinesley and Tommy Gebhart. Absent members were: Bill Swanson and Calvin Hare. 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 July 13, 2022 and July 20, 2022 meeting minutes.

Commissioner Hellmich made a motion to approve the July 13, 2022 and July 20, 2022 meeting minutes. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the July 13, 2022 and July 20, 2022 meeting minutes passes.

AGENDA ITEMS:

1. Public Projects - North Pecan Street Extension

The City of Foley Planning Commission has received a public projects request for the North Pecan Street Extension.

Planning Commission Action:

Commissioner Hellmich stated the North Pecan Street extension is in the City's 10 year road plan.

Commissioner Gebhart made a motion to recommend the public project for the North Pecan Street extension to the Mayor and Council. Commissioner Quaites seconded the motion. All Commissioners voted aye.

Motion to recommend the public project for the North Pecan Street extension to the Mayor and Council passes.

2. Public Projects - Farmers Market Pickleball Park

The City of Foley Planning Commission has received a public projects request for a Farmers Market Pickleball Park.

Planning Commission Action:

Mrs. Miriam Boone stated the Pickleball Park will be located north of the Farmers Market.

Commissioner Hinesley asked if the parking for the park will be located along the gravel road.

Commissioner Hellmich stated there will be parking along the proposed gravel road. He explained they will also be utilizing the Farmers Market parking area.

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Commissioner Quaites made a motion to recommend the public project for a Pickleball Park to the Mayor and Council. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to recommend the public project for a Pickleball Park to the Mayor and Council passes.

3. AAM Equipment Rentals - Request for Site Plan

The City of Foley Planning Commission has received a request for a site plan for AAM Equipment Rentals. Property is located E of the Foley Beach Express and S of Doc McDuffie Rd. Applicant is OTK Architecture/Kipp Trawick.

Planning Commission Action:

Mrs. Boone stated staff is recommending approval of the site plan. She explained the proposed site plan has been coordinated with the Navy. The building is 131' from the Foley Beach Express and is meeting zoning requirements.

Commissioner Hellmich asked if the access was meeting the Foley Beach Express Access Management Plan.

Mrs. Boone asked Chad Christian who responded yes.

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

Motion to approve the requested site plan passes.

4. Las Colinas Townhomes - Request for Site Plan

The City of Foley Planning Commission has received a request for a site plan for Las Colinas Townhomes. Property is located S of CR 20 and W of James Rd. Applicant is Lieb Engineering

Planning Commission Action:

Mrs. Boone explained the site plan is meeting zoning requirements. She stated the Planning Commission approved a PUD modification to allow multifamily in April and a minor subdivision to combine 3 lots in June. She explained modifications were made to the plan to include a centrally located green space.

Commissioner Engel asked about the number of units to be located in the development.

Mrs. Boone stated there will be 100 units which is the maximum that was approved for the PUD.

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

Motion to approve the requested site plan passes.

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5. Scooter's Addition to South McKenzie Street - Request for Minor

The City of Foley Planning Commission has received a request for Scooter's Addition to South McKenzie Street, a minor subdivision which consists of 5.9+/- acres and 2 lots. Property is located W of S McKenzie St and N of W Michigan Ave. Applicant is Carter Engineering Consultants, Inc.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item.

Ms. Sirena Spencer resident of 12628 Bender Rd. asked if the road was going to be made four lanes.

Mrs. Boone explained the location and stated State Hwy. 59 is currently five lanes.

Planning Commission Action:

Commissioner Hinesley stated the green space on lot 2 was recently added. He asked what the purpose was of adding the green space if they are going to remove it to add a building.

Commissioner Hellmich stated the low impact development standards will have to be met for the construction to be located on lot 2.

Mr. Christian stated the green space was added when the redevelopment of the area was being done for the Dairy Queen. He stated the loss of green space will have to be addressed with the new design for the property.

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

Motion to approve the requested minor subdivision passes.

6. Swindle Subdivision - Request for Minor

The City of Foley Planning Commission has received a request for Swindle Subdivision, a minor subdivision which consists of 2.08+/- acres and 2 lots. Property is located at 710 W Michigan Ave. Applicant is Engineering Design Group.

Public Hearing:

Mr. Jack Swindle resident of 710 W. Michigan Ave. stated he is a long time local resident of the area. He explained he is wanting to divide the parcel in order to sell the front parcel and will be keeping the back parcel for his family.

Planning Commission Action:

Mrs. Boone explained the property is zoned AO and each of the lots are slightly over 1 acre. She stated staff recommends approval of the requested subdivision.

Commissioner Engel asked if there was a proposed use for the back lot.

Mr. Swindle stated they may build a house on the lot or it might remain vacant.

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

Motion to approve the requested minor subdivision passes.

7. Beach Express RV and Self Storage - A Resubdivision of Lot 6 Providence- Request for Minor

The City of Foley Planning Commission has received a request for Beach Express RV and Self Storage - A Resubdivision of Lot 6 Providence, a minor subdivision which consists of 26.55+/- acres and 4 lots. Property is located S of CR 20 and W of the Foley Beach Express. Applicant is S.E. Civil.

Public Hearing:

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

Planning Commission Action:

Mrs. Boone stated a revised site plan has been submitted by the applicant. She explained the revision increased lots 3 & 4 and there was a slight change in the configuration of lot 2. She stated the request is meeting zoning requirements.

Commissioner Hellmich stated the applicant has been working with staff on the subdivision.

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

Motion to approve the requested minor subdivision passes.

8. Powers Investments, LLC - Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 9.12+/- acres. Property is currently zoned RV Park (Recreational Vehicle Park District). Proposed zoning is B-1A (Extended Business District). Property is located S of CR 20 and W of the Foley Beach Express. Applicant is S.E. Civil.

Public Hearing:

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

Planning Commission Action:

Mrs. Boone stated the request is to rezone lots 2, 3, and 4 on the proposed plat.

Commissioner Hellmich stated they are requesting to rezone from the RV park zone to B-1A. He explained the property is located in a commercial corridor.

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

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

9. The Reserve of Foley, LLC and The Reserve West of Foley, LLC - Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 43.2+/- acres. Property is currently zoned B-1A (Extended Business District). Proposed zoning is R-3 (Residential Multi Family). Property is located S of Co Rd 12 and W of the Foley Beach Express. Applicant is Phil Noonan.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item.

Mr. Phil Noonan stated they are requesting to change the zoning which will make the existing use of apartments a conforming use.

Planning Commission Action:

Commissioner Hellmich stated the requested zoning to R3 is being done so the zone will match what is currently built on the site and bring it into compliance.

Mrs. Boone stated staff is recommending approval of the requested rezoning.

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

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

10. *Daniel Ray Pugh, Sandra Pugh Norwood, Vickie Wilkinson, John Ricky Pugh and Rebecca Rapiere - Request for Pre-Zoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the pre-zoning of 35.27+/- acres. Proposed zoning is PUD (Planned Unit Development). Property is located on the E of State Hwy 59 and S of Hadley Rd. Applicant is S.E. Civil.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item.

Ms. Shelby Middleton resident of 20239 Hadley Rd. stated her house is directly across the street from the development. She explained her main concern is not the use but the number of houses and size of the lots. She stated Hadley Rd. is an older county road that has not been maintained. She explained if there are two cars per household that will be an additional 160 cars on Hadley Rd. She stated they already have issues trying to get out onto Highway 59 off of Hadley Rd. She explained the development will cause an increase of traffic on the unmaintained road. She asked if another location for the entrance is possible. She explained when vehicles leave the subdivision their vehicle lights will be shining into her bedroom window.

Chairman Abrams stated the request is for a rezoning to a PUD. He explained before the subdivision is built they will come back before the Commission with more details and a final design.

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Ms. Debra Sanford resident of 20245 Hadley Rd. stated she has a signed petition from neighboring property owners to protest the rezoning of the property.

Mrs. Boone explained the request is to pre-zone the property. She stated if the property is annexed and zoned the City has some control over the development. She explained the applicant has been working with staff. She stated there will be a 45' buffer on the East side of the development and a green space area in the center of the development. She explained the density of the development is 2.35 units per acre.

A resident stated the infrastructure in the area is not up to date to accommodate the development.

Commissioner Hellmich stated at this time the property is located in unzoned Baldwin County. He explained if the property is annexed it can be zoned which should give the neighboring property owners some comfort. He stated the City requirements are more stringent and have low impact requirements. He explained the number of lots has been reduced from what was previously presented to staff. He stated the applicant has added green space and there will be a sidewalk added along Hadley Rd. which will eventually tie into the Rose Trail.

Mr. David Diehl with SE Civil stated the Baldwin County regulations are not as stringent as the City of Foley's. He explained they would be allowed to build 100 homes if the development remains in Baldwin County. He stated they will look at moving the driveway as requested. He explained right of way will be donated for the Rose trail extension and a sidewalk will be added along Hadley Rd. He stated the next step is to have engineered drawings designed and a completed traffic study. He explained the traffic study will determine if the developer will be required to make any road improvements.

Commissioner Engel asked who currently owns the right of way along Highway 59 in front of the proposed development.

Commissioner Hellmich stated a right of way was not retained. He explained the developer will be donating the right of way to the city for the rose trail extension.

Commissioner Hinesley stated his concern is the maintenance and condition of Hadley Rd.

Commissioner Hellmich stated Hadley Road is currently maintained by Baldwin County. He explained if the properties on both sides of the road are not in city limits the city can not legally take over the road.

Planning Commission Action:

Commissioner Hellmich made a motion to recommend the requested pre-zoning to the Mayor and Council. Commissioner Gebhart seconded the motion. Commissioner Engel and Commissioner Mixon voted nay. All other Commissioners voted aye.

Motion to recommend the requested pre-zoning to the Mayor and Council passes.

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11. A Resubdivision of Parcel 1 Wilson Pecan Property Subdivision - Request for Preliminary

The City of Foley Planning Commission has received a request for A Resubdivision of Parcel 1 Wilson Pecan Property Subdivision, a preliminary subdivision which consists of 16.2+/- acres and 7 lots. Property is located between Kenny Stabler Ave and CR 20. Applicant is Engineering Design Group.

Public Hearing:

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

Planning Commission Action:

Commissioner Hinesley asked if there were any plans for the property.

Commissioner Hellmich stated they are wanting to clean up the ownership of the parcels in order to proceed with the pickleball courts.

Commissioner Engel made a motion to approve the requested preliminary. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the requested preliminary passes.

12. *Eastgate Subdivision - Request for Preliminary

The City of Foley Planning Commission has received a request for Eastgate Subdivision, a preliminary subdivision which consists of 30+/- acres and 101 lots. Property is located NW Corner of Bender Rd and Springsteen Ln. Applicant is Dewberry.

Public Hearing:

Planning Commission Action:

Mr. Casey Therrell resident of 13100 Bender Rd. stated there are not many houses currently in the area. He explained they started paving the road which is only a single layer of asphalt. He stated there is currently very light traffic on the road and this development would increase the traffic by approximately 200 cars a day. He explained they already have issues trying to get out onto US Hwy. 98 and this is going to increase the problem.

Commissioner Hellmich stated the subdivision is located in Baldwin County and in the City of Foley's Extra Territorial Jurisdiction. He explained the City can only control certain things when the property is not located in City limits.

Ms. Spencer asked if the area was zoned.

Mrs. Boone stated the development is located in unzoned Baldwin County.

Mr. Therrell stated he thought the area was within the city limits and the city was responsible for the paving of the road.

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Commissioner Hellmich stated the road is maintained by Baldwin County. He explained his understanding is the road is being paved due to the request of the residents in the area.

Mr. Christian stated a turn lane will be added at Bender Rd. and Highway 98.

Commissioner Abrams stated the property is located in the City of Foley's Extra Territorial jurisdiction which means the City has some input over the development in regards to standards. He explained the requirements are met to ensure if the property is ever annexed into the City limits of Foley it will meet City standards.

Residents asked if Baldwin County would be holding a meeting to discuss the development.

Mrs. Boone explained the residents could contact Baldwin County to express concerns but is unaware of a public hearing.

Ms. Vivian Springsteen stated the development is going to put a huge amount of traffic on their roads. She explained the section of road she lives on is still gravel. She stated the water runoff will increase in the area. She stated the access off of Bender Rd. onto US Hwy. 98 is extremely dangerous and located on a hill.

Ms. Annesse Springsteen Weeks stated her concerns are in regards to drainage. She explained her property slopes down and there is a gully in her backyard.

Mr. Jimmy Spencer resident of 1268 Bender Rd. stated Bender Rd. and US Hwy. 98 is going to need a traffic light.

Commissioner Hellmich stated the developer will be required to add a turn lane onto US Hwy. 98.

Mr. Spencer stated there are numerous live oaks and tortoises on the property.

Commissioner Gebhart stated he is not in favor of the development due to the lack of green space.

Commissioner Hellmich stated the property is not zoned or in City limits. He explained the Code of Alabama states if the development is meeting the city's requirements it is to be approved.

Residents asked about utilities that will be servicing the lots.

Mr. Anderson with Dewberry stated the utilities will be provided by Riviera Utilities. He explained the sewer will be gravity fed. He stated the development will help resolve some of the drainage issues they currently have in the area. He explained all of the drainage from the property will be directed to the retention pond. He explained a traffic study has been performed and does show a left turn lane at US Hwy. 98 onto Bender Road is required. He stated they do have a landscape plan and they do plan on saving some of the live oaks and magnolia trees located on the property.

A resident stated the development will be built up and make his property flood.

Chairman Abrams stated the topo of the property shows the natural flow of water is to the NE

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corner of the property which is where the proposed retention pond is to be located.

Mr. Anderson explained they will be adding drainage ditches. He stated no water from the development will go East or West of the property or affect any of the neighboring owners.

Ms. Spencer asked about the size of the proposed lots.

Mr. Anderson stated the lots will be 60' x 120'.

The residents stated the lots currently located in the area are a minimum of 2 acres.

Mrs. Monika Thereel stated 200 more cars a day is a major increase in traffic on Bender Rd. She explained the increase in traffic will cause problems during a hurricane evacuation and for emergency vehicles.

A resident stated the ditches along Bender Rd., located in the City, flow into the ditches on US Hwy 98 are clogged and currently holding water.

Commissioner Hellmich stated staff will have someone from the City inspect the ditches.

Residents asked if it was too late to contact Baldwin County in regards to the development.

Mr. Anderson stated the development still required Baldwin County and ALDOT approval.

Chairman Abrams stated the best course of action would be for the concerned residents to contact Baldwin County. He stated their concerns being voiced tonight will be reflected in the meeting minutes.

Commissioner Engel explained there is not much the Commission can do about the development. He stated he would try to appeal to the developer and get him to do the right things for his neighbors. He explained he would request green space and amenities be added to the development. He explained the lack of green space and amenities will also affect the residents of the development.

Commissioner Hellmich stated the City reviews the drainage and inspect the infrastructure. He explained once the development is complete and the lots are sold, Baldwin County will be inspecting the building of the homes.

Commissioner Gebhart made a motion to approve the requested preliminary due to the development meeting the limitations the Commission can control. Commissioner Hellmich seconded the motion. Commissioner Abrams voted aye. Commissioner Engel and Commission Mixon voted nay. Commissioner Hinesley and Commissioner Quaites abstained.

Motion to approve the requested preliminary passes.

ADJOURN:

Chairman Abrams adjourned the meeting at 7:06 p.m.

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