

**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 1 of 9

The City of Foley Planning Commission held a meeting on September 21, 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 and Phillip Hinesley. Absent members were: Calvin Hare, Bill Swanson and 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.

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

**MINUTES:**

Approval of the August 10, 2022 and August 17, 2022 meeting minutes.

Commissioner Hinesley made a motion to approve the August 10, 2022 and August 17, 2022 meeting minutes. Commissioner Mixon seconded the motion. All members voted aye.

**Motion to approve the August 10, 2022 and August 17, 2022 meeting minutes passes.**

**AGENDA ITEMS:**

**1. David Green- Request for Duplex Site Plan Approval**

The City of Foley Planning Commission has received a request for a duplex site plan approval. Property is located S. of W. Begonia Ave. and W. of Cedar St. Applicant is David Green.

**Planning Commission Action:**

Mrs. Miriam Boone explained the requested site plan is for two duplexes which will be located in an R-2 zone. She stated the requirements in the Zoning Ordinance for duplexes was recently changed to add an additional 5' side yard setback. She explained the duplex plans were designed prior to the changes to the ordinance. She stated the applicant has received a variance from the Board of Adjustment and Appeals for the additional 5' side yard setback. She stated staff recommends approval of the site plan.

Commissioner Engel asked if the property around the proposed area is residential single family or duplexes.

Mrs. Boone stated the area has a mixture of single family and duplexes and is zoned R-2 Residential Single Family and Duplex.

Commissioner Hellmich made a motion to approve the requested site plan based on the recommendation of staff and the site plan meeting zoning requirements. Commissioner Quaites seconded the motion. All members voted aye.

**Motion to approve the requested site plan passes.**

**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 2 of 9

**2. Muscadine Place- Request for Preliminary**

The City of Foley Planning Commission has received a request for Muscadine Place, a preliminary subdivision which consists of 38 +/- acres and 182 lots. Property is located at the NE corner of County Rd. 20 and Hickory St. Applicant is Lennar Homes of Alabama.

**Public Hearing:**

Mr. Paul Smith resident of 2715 S. Hickory St. stated he owns the property adjoining the proposed subdivision. He explained he has no objection to the request but does have an objection to the weeds that are currently covering the property. He stated the overgrown area has caused an infestation of rats. He explained the rats have ruined the electrical wiring in his vehicle and water pipes in his shop. He stated he has contacted the City numerous times for some relief regarding the problems.

Mrs. Angie Eckman stated the property was on the Council agenda Monday night as a public nuisance. She explained the owner has contacted her and will be cutting the area when their tractor is repaired. She explained the owner is only required to cut the 50' buffer area.

Mrs. Kim Scasny resident of 11871 Venice Blvd. stated this is the type of development she does not want to see in Foley. She explained the homes are on 0.2 of an acre. She stated she is not opposed to growth but it needs to be done responsibly. She explained there are 182 lots within the development with each residence having one to two cars which will be adding a lot of traffic to the roads.

Commissioner Hellmich stated he would like to clarify these are not single family residential homes, the development will be townhomes.

**Planning Commission Action:**

Mrs. Boone explained the property was rezoned in December and the requested preliminary is matching the plan that was approved at that time.

Commissioner Hellmich stated the preliminary approval is good for a period of two years.

A resident asked if the property went from farm land to 182 lots in a years' time frame.

Mrs. Boone explained a pre-application meeting was held on September 1, 2021 with staff and the rezoning was approved in December of 2021. She stated in December a public hearing was held for the rezoning of the property. She explained the developers added additional buffers based off residents' voiced concerns at the public hearing.

Commissioner Engel stated the additional homes will increase the traffic on Hickory St. and County Rd. 20 which already has issues.

Commissioner Hinesley stated improvements are needed at the Hickory St. and County Rd. 20 intersection.

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 3 of 9

Commissioner Hellmich stated the intersection is maintained by Baldwin County. He explained the City has been working with Baldwin County on the traffic issues at the intersection. He stated Baldwin County is currently seeking funding for improvements to County Rd. 20.

Mr. Chad Christian stated turn lanes will be required on S. Hickory St. and County Rd. 20.

Commissioner Engel stated he would like to see more green space within the development.

Mrs. Boone explained the development is a planned development and matches the zoning plan which was approved in December.

Commissioner Hellmich stated the drainage plans for the proposed development have been reviewed.

Mr. Christian stated the development will be a net benefit on the drainage for the Ashford Park and Hampton ponds.

Commissioner Hellmich stated the developer will be making improvements/upgrades to the ditch along County Rd. 20.

Commissioner Hellmich made a motion to approve the requested preliminary. Commissioner Quaites seconded the motion based on staff's recommendation for approval. Commissioner Engel voted nay. All other Commissioners voted aye.

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

**3. River Oaks Phase III- Request for Preliminary**

The City of Foley Planning Commission has received a request for River Oaks Phase III, a preliminary subdivision which consists of 16.74 +/- acres and 68 lots. Property is located S. of Michigan Ave. and E. of Hickory St. Applicant is River Oaks Development, LLC.

**Public Hearing:**

Mrs. Boone stated the request is for a phase of an approved PUD development that was started several years ago. She explained the requested preliminary is matching the approved PUD.

Ms. Elsie Reed resident of 808 W. Michigan Ave. stated at a previous meeting she was told the entrance to the subdivision would be off of Hickory St. She explained they have recently removed trees and cleared an opening on Michigan Ave. She asked if the area was going to be used as a construction entrance.

Mrs. Boone stated she believes the development is required to have a secondary egress access to meet fire code requirements.

Mrs. Reed asked about the open space, clear cutting the entire area and if a fence would be added around the development.

**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 4 of 9

Mrs. Boone explained the development is required to have 25% open space.

Mr. Trey Jinwright stated there will be a 30' to 40' common area along W. Michigan Ave. which will be left natural to act as a buffer.

Mrs. Angie Eckman stated they will have to follow the land disturbance ordinance regulations regarding the amount of area that can be cleared at a time.

Commissioner Hellmich asked if sidewalks along Michigan Ave. were required.

Mr. Christian stated sidewalks along Michigan Ave. are not being added.

Mr. Jinwright stated sidewalks cannot be put in the right of way due to a ditch in the area.

Mrs. Reed stated she asked at a previous meeting about the proposed development for a portion of property that is still zoned AO at the traffic light that is not included in this phase.

Mr. Jinwright stated he has no information regarding the parcel. He explained it is owned by another entity and is not a part of this development.

Mr. Mark Irwin asked if the site will be watered to control the dust.

Mrs. Eckman stated they will have to control the dust on the site.

**Planning Commission Action:**

Commissioner Engel asked if the site will be clear cut.

Mr. Jinwright stated the buffer areas will be left natural.

Commissioner Engel asked if there was any consideration regarding the homes facing more outward rather than inward.

Commissioner Hellmich stated due to the buffer the houses will not be seen from Michigan Ave. He explained the development was started several years ago under previous regulations.

Mrs. Boone stated the PUD plan was approved several years ago. She explained they are requesting less lots than originally approved in the PUD.

Commissioner Hellmich made a motion to approve the requested preliminary based on negotiations regarding the development in previous years. Commissioner Mixon seconded the motion. All Commissioners voted aye.

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

**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 5 of 9

**4. 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:**

Mrs. Boone stated the applicant has been working with the City since last year on the development. She explained the property was annexed into the city limits in November. She stated modifications have been made to the previous plan which includes increased lot sizes. She explained the development will not be built inside the wetlands or flood zone. She stated the applicant will be meeting with South Alabama Land Trust regarding donating land for a conservation easement.

Commissioner Hellmich stated the property was located in unzoned Baldwin County before annexing into the city limits. He explained modifications have been made due to previous feedback.

Mrs. Boone explained some of Plantation at Magnolia River was not delineated at the time of construction. She stated current city regulations do not allow any building within a flood zone.

Mr. Dan Lecian resident of 12037 Venice Blvd. and president of the Plantation at Magnolia River Homeowners Association stated there are currently drainage problems on Venice Blvd. He stated the retention pond on Venice Blvd. flows through the proposed property. He asked how the drainage will be handled if houses are built in the current drainage area. He stated the increase in traffic on US Hwy. 98 is going to be outrageous. He explained they would like turn lanes to be installed at the development's entrance. He stated they would request the developer not eliminate all the trees and vegetation and a homeowners association to be formed. He explained the residents would like an environmental study done to show the impacts the new development will have on the existing homes in the area. He stated they do not want the streets within the new development to be connected to the Plantation at Magnolia River streets.

Mr. Jinright stated the property was located in unzoned Baldwin County. He explained if the property remained in Baldwin County they could have a commercial development on the site. He stated the city has some of the most aggressive environmental and drainage requirements. He explained modifications have been made from the previous plan which include reduced number of lots and larger lots backing up to existing lots. He stated the smaller lots were moved to the west side of the property. He explained there is a 15' green space located on the east side of the property between the developments. He stated a traffic calming landscaped island has been added at the connection of Macbeth Ln. He explained the city will review the drainage details for the development when they submit for the subdivision of the property. He explained an area has been set aside to accept the water coming from Plantation at Magnolia River. He stated the lots backing up to the proposed stormwater area will be limited to 4' fence heights. He explained the current road stub out was for future connectivity and to allow multiple points in and out of the development.

**PLANNING COMMISSION**  
**MEETING MINUTES SEPTEMBER 21, 2022**  
**(Council Chambers of City Hall) 5:30 P.M.**

Page 6 of 9

Mr. Lecian stated at a previous meeting he was told the roads would not be connected and would be gated for emergency personnel only. He explained if the roads are connected it is going to cause problems with vehicles coming through the development to avoid the US Hwy. 98 traffic light.

Mr. Jinright stated the existing road was stubbed out for future interconnectivity.

Mrs. Susan Holman resident of 12183 Venice Blvd. stated there are three large subdivisions within the area that currently all pour traffic onto US Hwy. 98. She explained all three of the subdivisions have similar lot sizes which are larger than the proposed lots. She stated she bought her home because it backed up to a wooded area. She explained this development is going to ruin the integrity of their subdivision.

Ms. Kim Scasny resident of 11871 Venice Blvd. stated she would like to remind the Commissioners they can vote no. She explained the citizens do not like the proposed development and will be this subdivision's neighbors. She stated she appreciates the engineer adding the traffic calming island but there are no traffic calming elements on the existing Venice Blvd.

Mr. Tom Wright resident of 16274 Macbeth Ln. stated there will be another 100 cars a day taking Venice Blvd. in order to avoid the traffic light.

Ms. Carla McLain resident of 11901 Venice Blvd. explained her home has flooded twice. She stated there were recently two accidents on US Hwy. 98. She explained future accidents will cause traffic to be routed down Venice Blvd. She stated she has grandchildren that ride their bikes and a golf cart within the subdivision.

Mr. Ron Bousquet resident of 12106 Venice Blvd. stated he lives in the area of what is the proposed connection of the roads. He asked if he should open a restaurant on his property to service all the traffic.

Mr. Tom Teagardin resident of 12408 Montague Dr. asked what is being done to clear out the overgrowth and trees in Magnolia River.

Mr. Kevin Scasny resident of 11871 Venice Blvd. explained he was a meteorologist for a number of years. He stated just because there will be nothing built within the buffer zones does not mean this development will have no impact on the Magnolia River.

Mr. Jim Raney resident of 12341 Venice Blvd. stated his property backs up to the proposed development. He explained behind his home onto the proposed property is a running river. He stated when they build houses on the property the water is going to back up into the houses located on Venice Blvd.

Mr. Jerry Wiersig resident of 12439 Capulet Dr. stated he does water restoration for a living. He explained he has seen a number of the homes located within the subdivision flooded. He stated he is on the high end of the subdivision and doesn't flood but is concerned for his neighbors.

Chairman Abrams explained the request is for initial zoning of the property. He stated if the request is approved the applicant will be required to provide a detailed drainage plan.

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 7 of 9

Commissioner Hellmich stated property rights are very important and the owners can request to develop their property. He explained what many people do not see is a lot of these types of projects never make it through the application process. He stated the city regulations are some of the most stringent in the area. He explained a lot of the existing subdivisions with issues would not be allowed to be built under today's standards. He stated the city has been working with Baldwin County in regards to cleaning up some of the areas contributing to the flooding. He explained the city does not have control over all of the issues of concern and cannot go outside the city limits to repair issues.

Ms. Emma Lee resident of 12006 Venice Blvd. explained she has spoken with Baldwin County regarding the flooding issues. She stated Baldwin County will not clean up the river which is the majority of the problem. She explained 3' of water entered her home during hurricane Sally. She stated the water is like a yoyo and she never knows when she will have to pack up her belongings and leave. She explained if the trees are cut down it will increase the current flooding issues. She stated she moved to Baldwin County due to the love of the area and the open country lifestyle. She explained the feeling and love for the area is disappearing because the city keeps allowing these types of developments to be built.

Mr. Kenneth Nall resident of 16340 Othello Ln. asked if the traffic study is public knowledge. He asked about the backfill and elevation of the homes, sewer system and what the city is going to do to prevent Venice Blvd. from being a race track.

Mr. Jinright stated he feels ALDOT will require some improvements to US Hwy. 98. He explained he will have the exact answers regarding the improvements when he applies for a preliminary subdivision. He explained the proposed development is downhill from Plantation at Magnolia River. He stated they will have to take into account all water and manage it in a safe manner.

Residents asked who the builder would be and the price range of the homes.

Mr. Jinright stated he cannot provide the builder information. He stated the builder is a reputable builder in the area.

Commissioner Hellmich explained a PUD zoning allows the city to have a plan and negotiate items. He stated he understands the main concern is flooding and the street connection. He stated to get his support he would request that a gate be added to the Macbeth Ln. connection for emergency vehicles only.

Mrs. Debbie Wright resident of 16274 Macbeth Ln. stated her subdivision is a safe, quiet, friendly neighborhood and is the reason she moved to the area. She explained the new development will affect the quality of life she currently enjoys.

Mr. Ted Johnson resident of 12281 Macbeth Ln. stated there has been a lack of coordination between Mr. Jinright and staff with the Plantation at Magnolia River residents. He explained they would like the request to be denied or stipulations to be added. He stated they would request the access between the two subdivisions be gated for emergency vehicles only. He explained Plantation at Magnolia Rivers has a 30' front and rear yard setback and a 15' side yard setback. He stated the proposed development is requesting a 20' front yard setback, 15' rear yard setback and

Note: \*Denotes property located in the Planning Jurisdiction

**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 8 of 9

10' side yard setback. He stated they would like to request the homes backing up to existing lots match in lot size and setbacks to the Plantation and Magnolia River lots. He explained houses in the area sell quickly and the issue with the lot sizes is the developer's profitability. He stated the property has been annexed but the Commission and city has the responsibility to preserve the character of the area. He stated there are several engineers whose homes are potentially being endangered and they need to be involved in the review of the plans.

Commissioner Hellmich stated staff follows legal requirements for notifying neighboring property owners. He explained there have been times when developers do reach out to neighboring property to work with them which is encouraged.

Mr. Rob Cline resident of 16054 US Hwy. 98 stated his home backs up to the proposed development and is located in Baldwin County. He stated he likes his privacy and wants to know if there will be a buffer left in place between his property and the development.

Mr. Jinright stated a wooded buffer would be located between his property and the development.

Mr. Roderick Burkle resident of 8343 Bay View Dr. stated he is representing a neighboring property owner who is not in favor of the development.

Mr. Steven Dalby 11758 Venice Blvd. stated the area cannot handle the current drainage let alone the drainage from the new development. He explained he is concerned about property value due to the Cracker Jack box style houses they are building in the city.

Ms. Donna Farley resident of 11833 Venice Blvd. stated she brought her grandchildren to the meeting to observe the process. She stated there are a lot of younger children in the neighborhood. She explained there should be no connectivity between the two subdivisions.

Mr. David Howald resident of 12411 Venice Blvd. stated you can engineer all the water from the development but it will not help unless the issues with the river are addressed. He stated the item needs to be tabled until issues are addressed.

Mr. Lecian stated their current covenants require the homes to blend together and be fully bricked. He stated they would like to request the same requirement for the new development.

Mrs. Donna Fuller resident of 16108 explained there will only be 15' between her yard and the proposed lots. She stated the quiet back yard is one reason why she chose her home. She asked how the added traffic and having someone in her back yard is going to affect her property. She stated there needs to be a buffer and a fence installed between the developments.

Commissioner Engel stated he has a concern regarding the density of the development. He explained the proposed development does not fit in with the zoning in the area. He stated he is worried about the river and all the silt going into it due to all the construction. He stated the Commission sees a lot of requests for PUD's which he feels results in lower quality. He stated he understands the goal is to make money. He stated there is a way it can be done with increasing lot sizes and reducing the number of lots. He stated the proposed lots do not match the existing lot



**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 21, 2022  
(Council Chambers of City Hall) 5:30 P.M.**

Page 9 of 9

sizes in the area. He stated this is a prime piece of property if larger lots are created they will still make money.

Commissioner Hellmich stated he agrees the houses backing up to existing houses need to be expanded to match lot size. He explained the city has no control over the builder or building materials. He suggested the applicant carry over the item and work with the neighbors regarding the concerns.

Chairman Abrams stated his concern is more about lot quality and layout of the subdivision rather than lot numbers and lot sizes. He stated smaller lots allow for larger green spaces and amenities whereas larger lots will have less green space and amenities. He explained unfortunately there is nothing we can do regarding designs that were done in the past. He stated he does understand traffic concerns but takes the most direct routes and sees the benefit of the connectivity.

**Planning Commission Action:**

Mr. Jinright requested to carry over the item to provide him time to work out issues with the residents in the area.

Chairman Abrams made a motion to approve the request to carry over the item. Commissioner Engel seconded the motion. All Commissioners voted aye.

**Motion to carry over the item passes.**

**ADJOURN:**

Chairman Abrams adjourned the meeting at 7:47 p.m.