

**PLANNING COMMISSION**  
**MEETING MINUTES DECEMBER 14, 2022**  
**(Council Chambers of City Hall) 5:30 P.M.**  
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The City of Foley Planning Commission held a meeting on December 14, 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 Bill Swanson. Absent members were: Tommy Gebhart and Calvin Hare. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eckman, Environmental Manager; Eden Lapham, Planner 1 and Melissa Ringler, Recording Secretary.

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

**MINUTES:**

Approval of the November 2, 2022 and November 9, 2022 meeting minutes.

Commissioner Hinesley made a motion to approve the November 2, 2022 and November 9, 2022 meeting minutes. Commissioner Mixon seconded the motion. All Commissioners voted aye.

**Motion to approve the November 2, 2022 and November 9, 2022 meeting minute's passes.**

**AGENDA ITEMS:**

**1. West Laurel Apartments- 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 West Laurel Apartments. Property is located N. of US Hwy. 98 and E. of N. Beech St. Applicant is Engineer Design Group, LLC.

**Planning Commission Action:**

Mrs. Miriam Boone explained staff are recommending approval of the requested extension. She stated the Land Disturbance permit and Environmental permits for the site are in progress.

Commissioner Hellmich asked if they would be saving any of the oak trees located on the property.

Mr. David Dichiara with Engineering Design Group stated they are aiming to save as many oak trees as possible. He stated the design of the building plans is in progress but not completed.

Commissioner Hellmich made a motion to approve the requested 1 year site plan extension. Commissioner Swanson seconded the motion. All members voted aye.

**Motion to approve the requested 1 year site plan extension passes.**

**2. A & R Townhomes- Request for 1 year Site Plan Extension**

The City of Foley Planning Commission has received a 1 year site plan extension for A & R Townhomes. Property is located S. of E. Michigan Ave. and E. of S. McKenzie St. Applicant is Hopkins & Associates.

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**Planning Commission Action:**

Mrs. Boone explained the property is zoned B-1A which no longer allows standalone residential uses. She stated at the work session there was a consensus to deny the request.

Commissioner Hinesley made a motion to deny the requested 1 year site plan extension. Commissioner Engel seconded the motion.

Commissioner Hellmich asked if the Land Disturbance or Environmental permits have been issued.

Mrs. Boone explained no permits have been issued for the site.

All Commissioners voted aye.

**Motion to deny the requested 1 year site plan extension passes.**

**3. \*Jacob Snow Subdivision- Request for Minor/Exempt**

The City of Foley Planning Commission has received a request for approval of Jacob Snow Subdivision a minor/exempt subdivision which consists of 3.5 +/- acres and 2 lots. Property is located N. of Hwy. 98 and W. of County Rd. 55 and is located in the City of Foley Planning Jurisdiction. Applicant is Jacob Snow.

**Planning Commission Action:**

Mrs. Boone stated the request is for a two lot subdivision. She explained the property is located in unzoned Baldwin County, District 11. She stated one of the lots was modified into a flag lot as requested by staff. She explained that the staff is recommending approval.

Commissioner Hellmich made a motion to approve the requested minor/exempt subdivision based on staff's recommendation. Commissioner Quaites seconded the motion.

Commissioner Engel asked if there was any information about the future development on the lots.

Mr. Jake Snow stated the lot with the existing house will be sold to his business partner. He explained he will be building a home for himself on the vacant lot. He stated he will live in the newly constructed house half of the year due to living in Thailand the other half of the year.

All Commissioners voted aye.

**Motion to approve the existing minor/exemption passes.**

**4. Richard Lord RV Park – RV Park Modification**

The City of Foley Planning Commission has received a request for a RV Park modification. Property is located at 22410 US Hwy. 98. Applicants are Kenneth and Richard Lord.

**Planning Commission Action:**

Mrs. Boone stated the approval of the RV Park zoning included a condition for a 4' berm with a 6' fence to be installed on the berm on the eastern boundary of the property. She explained a petition

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was provided from the owners. She stated the neighboring property owners had signed the petition to request the berm not be installed. She stated the applicant was present at the work session and explained a fence and landscaping will be provided.

Chairman Abrams stated the applicant explained at the work session the neighboring property owners currently have fences along the eastern boundary. He explained there was a concern from the neighbors that if the berm is installed up against their fences it would leave an area that will not be able to be maintained.

Mrs. Boone explained the Engineering Department has noted and the applicant was made aware at the meeting that if the berm is waived the Land Disturbance Permit must be amended for grading.

Commissioner made a motion to allow the modification to exclude the previously required 4' berm. Commissioner Swanson seconded the motion. All Commissioners voted aye.

**Motion to allow the modification to exclude the previously required 4' berm passes.**

**5. \*Paxton Farms Phase 2- Request for Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Paxton Farms Phase 2 which consists of 16.02 +/- acres and 60 lots. Property is located at the SW corner of County Rd. 12 and County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is Jade Consulting, LLC.

**Public Hearing:**

Ms. Narissa Nelson stated the area is already flooding from the first phase of the subdivision. She explained Baldwin County has shut the site down twice for using a pump to pump water off their site. She stated the ditch on the east side of County Road 65 has been cleaned out but the west side has not.

Commissioner Hellmich asked who cleaned out the ditch.

Ms. Nelson stated she is not sure who was responsible for cleaning the ditch.

Mr. Chad Christian stated the detention ponds are sized to our requirements.

Commissioner Hinesley stated the discharging problems need to be reported to Ashley Campbell with Baldwin County.

Mrs. Angie Eckman stated as far as she is aware there has been no pumping since the summer. She stated there were rip rap and sediment bags added to the area to help alleviate some of the previous issues.

Mr. David Walters stated all the additional water is coming to his property because the ditch on the west side of County Road 65 has never been cleaned out.

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Commissioner Hellmich explained the property is located in Baldwin County but is required to meet the city's subdivision, stormwater and drainage requirements due to being located in the city's Extra Territorial area. He stated sediment violations need to be reported to Baldwin County.

Mrs. Eckman stated the City will inspect the site during construction but will not handle any inspections once the building permits for the lots are issued.

Ms. Nelson asked if there were any types of flooding or traffic studies required.

Mr. Christian stated the area is not in a flood zone. He stated based on what he is hearing the issues are more related to an erosion and sediment problem. He explained a traffic study has been conducted and he will email the study to Ms. Nelson.

Ms. Nelson asked what is being added in regards to traffic improvements. .

The representative from Jade Consulting stated the study did not show a need for any turn lanes. He explained they have addressed all Baldwin Counties requirements.

Ms. Nelson stated you are telling me it will not cause more water to come onto the surrounding properties.

Commissioner Hellmich explained the area currently has drainage issues and is like a lake when it rains. He stated he can tell them there will be more retention than is currently located on the site. He explained if there is an erosion and sediment issue it needs to be reported to staff. He explained this will not fix the current water issues in the area but the city's regulations will keep it from getting worse.

The representative from Jade Consulting representative stated the pumping into the ditches will not happen after construction and should not have ever happened.

Mr. Walters asked if the current ponds are for both phases.

The representative with Jade Consulting stated the north pond will be enlarged for phase two. He stated all stormwater will have to go through the retention ponds on site.

Ms. Nelson stated ADEM was on her property today investigating the creek being green.

Commissioner Hellmich stated the city has increased their requirements which is an advantage and the end result is larger retention ponds are being required. He explained it is not to say if you get a hurricane Sally or 500 year storm there will not be issues. He stated the storm water design is for a 100 year storm event. He stated the city requirements for stormwater are more stringent than Baldwin Counties and is an advantage that the property is located in the City of Foley's Planning Jurisdiction. He stated the property being located is unzoned Baldwin County causes an issue regarding the allowed density.

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**Planning Commission Action:**

Commissioner Engel stated he has preached for months that more and more development has an effect on the Bon Secour River. He explained after a rain the Bon Secour River is red. He asked how much larger the pond on the north side will be.

The representative with Jade Consulting stated the current ponds were designed for both phases. He explained phase 1 did not require all the capacity so the north pond will be slightly enlarged. He stated the water design will release less water than is currently being released from the site.

Commissioner Hellmich made a motion to approve the request preliminary. Chairman Abrams seconded the motion.

Chairman Abrams stated this will not alleviate the issues or make them worse. He explained the entire area currently has drainage issues.

Commissioner Hinesley asked the applicant to remove the seven invasive popcorn trees located on the west property line.

Commissioner Engel voted nay. All other Commissioners voted aye.

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

**6. Kaymac, LLC/Chris & Phil Johnson- Rezoning**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 2.02 +/- acres. Property is currently zoned R-1C (Residential Single Family) requested zone is PUD (Planned Unit Development). Property is located N. of Azalea Ave. and W. of S. Juniper St. Applicant is Kaymac, LLC/Chris & Phil Johnson.

**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 Hellmich stated it was previously recommended that the drive be moved to the west side of the property. He asked if the drive location had been changed.

Mrs. Boone explained the drive has been shifted and the applicant has worked with the fire department on modifications to the plan.

Commissioner Hinesley made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Swanson seconded the motion. All members voted aye.

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

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**7. Pecan Subdivision- Request for Minor/Exempt**

The City of Foley Planning Commission has received a request for approval of Pecan Subdivision, a minor/exempt subdivision which consists of 3.4 +/- acres and 2 lots. Property is located at the NE corner of S. Pecan St. and E. Bullard Ave. Applicant is Smith Clark & Associates, LLC.

**Planning Commission Action:**

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

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

**8. Approval of the 2023 Bylaws**

**Planning Commission Action:**

Commissioner Hellmich made a motion to approve the 2023 By-laws. Commissioner Quaites seconded the motion. All members voted aye.

**Motion to approve the 2023 By-Laws passes.**

**9. Election of 2023 Officers**

**Planning Commission Action:**

Commissioner Hellmich made a motion for the current Chairman Wes Abrams and Vice-Chairman Calvin Hare to continue serving in 2023. Commissioner Quaites seconded the motion. All members voted aye.

**Motion for the current Chairman Abrams and Vice-Chairman Hare to continue serving for 2023 passes.**

**ADJOURN:**

Commissioner Abrams adjourned the meeting at 6:21 p.m.