

PLANNING COMMISSION
MEETING MINUTES NOVEMBER 9, 2022
(Council Chambers of City Hall) 5:30 P.M.
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The City of Foley Planning Commission held a meeting on November 9, 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, Wes Abrams, Phillip Hinesley, 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 Wes 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 Swanson made a motion to approve the September 14, 2022 and September 21, 2022 meeting minutes. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the September 14, 2022 and September 21, 2022 meeting minute's passes.

AGENDA ITEMS:

1. Fuzzy'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:

Chairman Abrams explained a request was received from the applicant to withdraw the item from the agenda.

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:

Mrs. Miriam Boone explained the property is located in unzoned Baldwin County and staff is recommending approval.

Commissioner Hinesley made a motion to approve the requested 1 year preliminary extension. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested 1 year preliminary extension passes.

3. Sherwood Phase 3- Request for 6 month Preliminary Extension

Note: *Denotes property located in the Planning Jurisdiction

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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:

Mrs. Boone explained the applicant is requesting a 6 month extension conditional upon working out the traffic study details with the Engineering Department. She stated the applicant has been made aware that a portion of the property which is zoned B-2 will need to be rezoned before any homes can be built on the lots.

Commissioner Swanson made a motion to approve the requested 6 month preliminary extension. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the requested 6 month preliminary extension passes.

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:

Mrs. Boone explained the property is zoned R-3 and a site plan has been approved for a multi-family development. She stated the request is to combine multiple lots into 1 lot.

Commissioner Hinesley made a motion to approve the requested Minor/Exempt subdivision. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested Minor/Exempt subdivision passes.

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.

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 explained the property is in unzoned Baldwin County. She stated the Land Disturbance Permit is ready to be issued upon the Commission's approval.

Commissioner Hinesley stated an opposition email was received from a neighboring property owner. He explained the items which included traffic, noise etc. that were mentioned in the opposition letter are not something the city can control since the property is not located in the city limits.

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Commissioner Engel asked if the city had any control over the lot sizes.

Mrs. Boone answered no.

Commissioner Swanson made a motion to approve the requested preliminary. Commissioner Hinesley seconded the motion. Commissioner Engel voted nay. All other Commissioners voted aye.

Motion to approve the requested preliminary passes.

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:

Mrs. Boone explained the request is meeting zoning requirements and staff is recommending approval. She stated the driveway has been shifted as requested by the neighboring property owners to prevent headlights from shining into their homes.

Ms. Shelby Middleton resident of 20239 Hadley Rd. asked what the next step would be if the request is approved.

Mrs. Boone stated the Land Disturbance Permit will be issued which allows them to start moving dirt. She explained once the infrastructure is in place they will request a final plat and then homes can start to be built.

A resident asked if there would be a wall between her property and the development.

Mr. Aaron Collins stated there will be live oaks planted in the area between the neighboring property and the subdivision. He explained no structures are being built in between the properties to prevent potential drainage issues.

Planning Commission Action:

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

Motion to approve the requested preliminary passes.

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:

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Mrs. Boone explained the request is for initial zoning of the property. She stated SALT will be reviewing the proposed conservation easement request in December to consider acceptance. She explained a gate is being proposed between the development and Plantation at Magnolia River.

Mr. Dyess stated part of the approval will require the conservation easement to be in place.

A resident asked what will prevent the developer or future HomeOwners Association from removing the gate between the two subdivisions.

Mr. Dyess explained removal of the gate would require city action.

Commissioner Hinesley stated the gate removal would not be a HomeOwners Association issue.

Ms. Pam Monroe Blaylock, resident of 11928 Venice Blvd. asked if the City will require the gate to have a lock. She asked if the Fire Department is in agreement with the locked gated access.

Commissioner Gebhart stated the Fire Department has approved the locked gated access. He explained there are a number of developments within the city with similar access gates.

Commissioner Swanson asked if the connection between the two roads will be paved or gravel.

Ms. Boone stated the connection will be paved.

Mr. Larry Lauger resident of 16281 explained the development will increase the traffic in the area by an average of 160 cars. He stated his concern is the traffic and public safety within the city. He asked if a traffic study is being done to show how this will affect the downtown area during the tourist season. He stated it currently takes him 25 minutes to get out of the Plantation at Magnolia River on US Hwy. 98. He explained the city needs to be smart with all the development in the area or it is going to create a mess.

Mr. Trey Jinright stated a traffic study has been done. He explained US Hwy. 98 is controlled by ALDOT. He stated they will be required to add turn lanes at both entrances.

Mr. Al Lugo resident of 11792 Venice Blvd. stated he is a retired Police Officer and Fireman and it makes absolutely no sense to use a gated access through Plantation at Magnolia River for an emergency access. He stated the closest access is off of US Hwy. 98 and going through Plantation at Magnolia River is about six miles longer. He stated it would be much safer to use the accesses off of US Hwy. 98.

Commissioner Gebhart explained the gated access will be used in the event the other two entrances are blocked. He stated the access would not be used in every emergency instance and is a backup emergency entrance.

Mr. Lugo stated that Plantation at Magnolia River only has two entrances and the new development also has two off of US Hwy. 98.

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Mr. Dyess asked Commissioner Gebhart if the emergency access is meeting the current fire code requirements.

Commissioner Gebhart answered yes.

Ms. Donnette Burkhalter resident of 12386 Venice Blvd. asked if the gate is allowed will the permitted uses of the gate be in writing.

Mr. Dyess explained there will be city regulations that will control the gate.

Ms. Burkhalter stated she wants to know if the gate will be left in place and permanent. She asked what will prevent the other subdivision from removing the gate.

Mr. Dyess stated if there were a request to remove the gate the removal would have to be approved by the City Council.

Mrs. Boone explained the Fire Code that is in place today requiring the gated access was not in place when the Plantation at Magnolia River was developed.

Mr. Larry Lauger asked if the gate would be a bar style gate with a padlock.

Mr. Jinright explained they will work with the Fire Department regarding the required gate style.

Mr. Craig Olmstead stated he is adjacent to the property on the west side and will have 20 houses up against his property. He asked if there would be a buffer and what is being done to prevent polluting the Magnolia River and runoff water.

Mr. Jinwright stated there will be a 30' natural buffer between the adjacent property and the development. He explained if the zoning request is approved a very extensive engineered drainage design plan will be submitted. He stated the Engineering Department will have to review and approve the drainage details before they are allowed to submit for a preliminary approval which will require a public meeting.

Mr. Larry Lauger asked if an EPA study had been conducted.

Mr. Jinright explained the engineered details will come at a later date.

Commissioner Hinesley stated the jurisdictional wetlands are excluded from the project.

Mr. Dyess explained the request is to zone the property. He stated the city has very high water quality standards. He explained there will be additional steps that will have to be completed once a request for a preliminary approval for the development is submitted.

Ms. Bulkhalter stated she has had the river come within 4' of her home and over her ankles in her yard. She stated she is not really impressed with the drainage pond and this development is going to cause the water to be at her front door.

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Chairman Abrams stated the drainage standards for the Plantation at Magnolia River subdivision are not the same as today's standards.

Mr. Dyess stated a lot of the homes in the neighboring subdivision would not be able to be built under our current standards.

A resident explained that two wrongs do not make a right. She stated a lot of her neighbors homes have taken on water and they are 1/3 of a mile from the River. She explained her concern is protecting the river and hopes the city will protect the residents. She stated a lot of seniors in the area had to move because they could not handle the flooding. She explained she would appreciate the zoning approval not being given until the agreement with SALT has been reached.

Mr. Dyess explained today's regulations do not allow building in a flood zone.

Ms. Debbie Wright resident of 16274 Macbeth Ln. stated every time it rains she has sewage in her yard.

Chairman Abrams stated the request tonight is for zoning. He stated a lot of the concerns discussed tonight are design issues.

A resident asked how many citizens have to say no to a development before they are taken seriously.

A resident asked if the water pressure will be adequate and if a new fire station is planned to be built within the vicinity in the future which can have effects on insurance rates.

Mr. Lunghard explained one of the reasons he moved here was due to all the building in Ohio. He stated Ohio had one huge rain storm that wiped out half the county. He explained the building and flooding was a result of poor planning. He stated he would like the city to hit the brakes and slow down. He asked how many more homes have to be built before we have failed and inadequate infrastructure.

Planning Commission Action:

Commissioner Hinesley asked for the total acreage being developed.

Mr. Jinwright explained the majority of the property is being reserved for a conservation easement or storm water. He stated 50 acres will be donated to SALT. He explained a large footprint has been reserved to handle Foley's very strong requirements for handling storm water.

Commissioner Mixon asked about the lot sizes in Plantation at Magnolia River that are backing up to the new development.

Commissioner Hinesley stated the lots in Plantation at Magnolia River are 100' wide and the lots backing up to the lots appear to be 95' + wide.

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Commissioner Engel stated he is still looking at the proposed lot sizes. He explained the lots backing up to the existing subdivision are larger and the others in the development are half the size. He stated this is not going to help the property values for the surrounding property owners. He explained the area around it is zoned R-1C and has larger lots and this development does not fit in the area. He stated he is not in favor of the PUD. He stated the lady is correct in asking when will the building stop. He explained he has people ask him every day and he tells them he voted no for the developments. He stated it is up to us to do something about it.

Chairman Abrams stated the things we can control are run off water and infrastructure details. He explained we cannot not allow them to build on their property.

Commissioner Engel stated he hates to be a negative Nelly but does not see how this fits in the area. He explained it is the Commission's job to represent the Citizens of Foley. He stated if larger lots were created with trees the lots would sell.

Mr. Jinright explained this is a very low density development. He stated the development density is less than 1 unit per acre.

Commissioner Swanson made a motion to recommend the requested initial zoning to the Mayor and Council. Commissioner Gebhart seconded the motion. Commissioner Engel voted nay. Commissioner Hinesley abstained. All other Commissioners voted aye.

Motion to recommend the requested initial zoning to the Mayor and Council passes.

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: Miflin 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:

Mr. Dyess explained the Wolf Bay Drive Extension public project needs to be withdrawn from the requested public projects.

Commissioner Hinesley made a motion to recommend the requested public projects with the exception of the Wolf Bay Drive Extension. Commissioner Engel seconded the motion All Commissioners voted aye.

Motion to approve the requested public projects with the exception of the Wolf Bay Drive Extension passes.

9. Approval of the 2023 Deadline/Meeting Calendar

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Commissioner Hinesley made a motion to approve the 2023 Deadline/Meeting calendar. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the 2023 Deadline/Meeting calendar passes.

ADJOURN:

Chairman Abrams adjourned the meeting at 6:23 p.m.