CITY OF FOLEY
PLANNING COMMISSION

WORK SESSION
March 8, 2023
City Hall
Council Chambers
At 5:30 p.m.

&

MEETING
March 15, 2023
City Hall
Council Chambers
At 5:30 p.m.
The City of Foley Planning Commission will hold a work session on March 8, 2023 at 5:30 p.m. and a meeting on March 15, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue.

**MINUTES:**
Approval of the February 8, 2023 and February 15, 2023 meeting minutes.

**AGENDA ITEMS:**

1. **Southwood at Arborwalk Phase 1 - Request for 2 year Preliminary Extension**
The City of Foley Planning Commission has received a 2 year preliminary extension request for Southwood at Arborwalk Phase 1. Property is located N. of County Rd. 12 & S. of Hickory St. Applicant is Dewberry Engineers Inc.

   Planning Commission Action:

2. **Southwood at Arborwalk Phase 2 - Request for 2 year Preliminary Extension**
The City of Foley Planning Commission has received a 2 year preliminary extension request for Southwood at Arborwalk Phase 2. Property is located N. of County Rd. 12 & S. of Hickory St. Applicant is Dewberry Engineers Inc.

   Planning Commission Action:

3. **Southwood at Arborwalk Phase 3 - Request for 2 year Preliminary Extension**
The City of Foley Planning Commission has received a 2 year preliminary extension request for Southwood at Arborwalk Phase 3. Property is located N. of County Rd. 12 & S. of Hickory St. Applicant is Dewberry Engineers Inc.

   Planning Commission Action:

4. **Roberts Cove - Request for 4 year Preliminary Extension**
The City of Foley Planning Commission has received a 4 year preliminary extension request for the remaining phases of Roberts Cove. Property is located at the SE corner of County Rd. 12 and the Foley Beach Express. Applicant is Engineering Design Group Inc.

   Planning Commission Action:

5. **Bailey Dillon Line Shift - Request for Minor/Exempt Subdivision**
The City of Foley Planning Commission has received a request for approval of the Bailey Dillon Line Shift a minor/exempt subdivision that consists of 22.71 +/- acres and 2 lots. Property is located E. of County Rd. 65 and S. of County Rd. 26 and is located in the City of Foley Planning Jurisdiction. Applicant is Michele Bailey.

   Planning Commission Action:

Note: *Denotes property located in the Planning Jurisdiction
6. **Pedro Subdivision- Request for Minor/Exempt Subdivision**
The City of Foley Planning Commission has received a request for approval of Pedro Subdivision a minor/exempt subdivision that consists of 10 +/- acres and 2 lots. Property is located S. of Breckner Rd. and E. of Bodenhamer Rd. Applicant is Weygand Wilson Surveying Inc.

**Planning Commission Action:**

7. **HossCat's Place- Request for Minor Subdivision**
The City of Foley Planning Commission has received a request for approval of HossCat’s Place a minor subdivision that consists of 8.8 +/- acres and 2 lots. Property is located at the SW corner of Charolais Rd. and County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is Daniel Scott Johnston.

**Public Hearing:**

**Planning Commission Action:**

8. **Lot 1A, 1B & 7 of the Resubdivision of Lot 1 of the Replat of Woerner's Two Lots- Request for Minor Subdivision**
The City of Foley Planning Commission has received a request for approval of Lot 1A, 1B & 7 of the Resubdivision of Lot 1 of the Replat of Woerner’s Two Lots, a minor subdivision which consists of 60.14 +/- acres and 3 lots. Property is located E. of S. McKenzie St. and S. of County Rd. 20. Applicant is Woerner Land, LLC.

**Public Hearing:**

**Planning Commission Action:**

9. **Grand Riviera Phase 1 a Resubdivision of Lot 5 Little Woerner Subdivision- Request for Minor Subdivision**
The City of Foley Planning Commission has received a request for approval of Grand Riviera Phase 1 a Resubdivision of Lot 5 Little Woerner Subdivision a minor subdivision which consists of 25.29 +/- acres and 2 lots. Property is located S. of County Rd. 20 and W. of James Rd. Applicant is Weygand Wilson Surveying LLC.

**Public Hearing:**

**Planning Commission Action:**

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**Note:** *Denotes property located in the Planning Jurisdiction*
PLANNING COMMISSION
WORK SESSION AGENDA MARCH 8, 2023
&
MEETING AGENDA MARCH 15, 2023
(Council Chambers of City Hall) 5:30 P.M.

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10. Darby Subdivision/City of Foley - Request for Minor
The City of Foley Planning Commission has received a request for approval of Darby Subdivision, a minor subdivision which consists of 23 +/- acres and 2 lots. Property is located E. of the Foley Beach Express and S. of Industrial Parkway. Applicant is The City of Foley.

Public Hearing:

Planning Commission Action:

11. Riverside at Arborwalk Phase 3 - Request for Rezoning
The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 1.26 +/- acres. Current zoning is M-1 (Light Industrial District). Proposed zoning is R-1D (Residential Single Family). Property is located E. of County Rd. 65 and S. of Pencarro Blvd. Applicant is Dewberry Engineers, Inc.

Public Hearing:

Planning Commission Action:

12. Foley Crossings - Request for Preliminary
The City of Foley Planning Commission has received a request for preliminary approval of Foley Crossings which consists of 66.18 +/- acres and 18 lots. Property is located at the NE corner of County Rd. 65 and County Rd. 26 and is located in the City of Foley Planning Jurisdiction. Applicant is Smith Clark and Associates, LLC.

Public Hearing:

Planning Commission Action:

13. Wolf Creek - Request for Rezoning
The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the prezoning of 43.44 +/- acres. Proposed zoning is PUD (Planned Unit Development). Property is located N. of County Rd. 12 and E. and W. of Clarke Ridge Rd. Applicant is Creek Ridge LLC.

Public Hearing:

Planning Commission Action:

ADJOURN:

Note: *Denotes property located in the Planning Jurisdiction
The City of Foley Planning Commission held a work session on February 8, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Larry Engel, Vera Quaites, Ralph Hellmitz, Wes Abrams, Phillip Hinesley and Bill Swanson. Absent members were: Deborah Mixon, Calvin Hare 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.

AGENDA ITEMS:

1. Primland Phase 3- Request for 1 year Preliminary Extension
   The City of Foley Planning Commission has received a 1 year preliminary extension request for Primland Phase 3. Property is located S. of County Rd. 12 & E. of Wolf Bay Dr. Applicant is Terracore Development Services.

Mrs. Miriam Boone explained the request is for a one year extension and staff is recommending approval.

Ms. Amanda Thompson with Goodwyn Mills and Caywood stated the year extension will allow them time to finish construction and the closing process. She explained they are finishing up installing utilities at this time and the estimated completion date is April.

2. Riverside at Arbor Walk Phase 3- Request for 6 month Preliminary Extension
   The City of Foley Planning Commission has received a 6 month preliminary extension request for Riverside at Arbor Walk Phase 3. Property is located E. of County Rd. 65 and N. of County Rd. 12. Applicant is Dewberry Engineers Inc.

Mrs. Boone explained the request is for a 6 month extension.

A representative with Dewberry Engineers Inc. stated the phase should be completed within a month. He explained they are requesting a six month extension as a precaution.

Mrs. Boone stated staff is recommending approval.

3. *Hadley-Jones Subdivision- Request for Minor Subdivision
   The City of Foley Planning Commission has received a request for approval of Hadley-Jones Subdivision, a minor subdivision which consists of 1.60 +/- acres and 2 lots. Property is located at the SE corner of Hadley Rd. and N. Juniper St. and is located in the City of Foley Planning Jurisdiction. Applicant is Weygand Wilson Surveying, LLC.

Mrs. Boone explained the request is for a minor two lot subdivision which is located in unzoned Baldwin County, District 18. She stated the septic tanks and field lines have been added to the plat as requested by staff.

Commissioner Engel asked if the property had been subdivided before.

Note: *Denotes property located in the Planning Jurisdiction
Staff stated they were unaware of another subdivision of the property.

Mrs. Boone stated staff is recommending approval.

4. *Driftwoods Two- Request for Minor Subdivision*
   The City of Foley Planning Commission has received a request for approval of Driftwoods Two, a minor subdivision which consists of 76.15 +/- acres and 2 lots. Property is located S. of County Rd. 26 and E. of County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is Dewberry Engineers Inc.

   Mrs. Boone explained the request is to combine 3 lots into 2 lots. She stated the property is located in unzoned Baldwin County, District 34 and staff is recommending approval.

**WORK SESSION ONLY:**

5. *Creek Ridge Subdivision- Discuss proposed subdivision*
   The City of Foley Planning Commission has received a request to discuss the proposed Creek Ridge Subdivision the property is located N. of County Rd. 12 and on both sides of Clarke Ridge Rd. Applicant is David Green.

   Mrs. Boone explained the discussion is regarding 45 +/- acres located in Baldwin County, zoned RA in District 30. She stated they have met with staff regarding the subdivision and possible annexation.

   Mr. Chris Lieb stated they would like to subdivide the two large parcels into multiple lots. He explained the subdivision would include larger residential lots with a shared pond, pier and individual boat slips. He stated the subdivision will have a rural look. He explained the Fire Department has approved the proposed cul-de-sac. He stated they would be requesting to do open ditches and no sidewalks within the subdivision. He explained a larger lot within the subdivision could potentially be used for RV and Boat storage for individuals that live in the subdivision. He stated the private storage area would be fenced and heavily landscaped.

   Chairman Abrams asked if the storage area would be covered or opened.

   Mr. Lieb stated they are not sure of the details of the storage at this time. He explained there will be a walking trail around the perimeter of the main subdivision. He stated all of the lots will be over an acre and there is more than 25% open space. He explained they are requesting guidance on the best zoning option and if his could be considered a rural subdivision.

   Mr. David Green stated they are trying to achieve the look of consistency with the current neighborhood. He explained they would like to annex the property into the City limits.

   Commissioner Hellmich stated the lot sizes are matching the existing lot sizes in the area. He asked if the property is zoned R-1A if there could be a conditional approval where this specific plan could be tied to the zoning.

   Mrs. Boone stated the plan could not be tied to a R-1A zone.

Note: *Denotes property located in the Planning Jurisdiction
Chairman Abrams stated if the property is zoned a PUD the plan would be tied to the zoning approval. He explained his concern is if the property is zoned R-1A the plan could at some point change.

Mr. Lieb clarified it would be an R-1R zone they would be asking for instead of R-1A as he previously stated.

Chairman Abrams stated he would be ok with allowing a walking trail instead of sidewalks.

Commissioner Hellmich stated if it is zoned R-1R the storage would not be allowed. He stated if the development is zoned a PUD the storage could be part of the plan and it also allows flexibility and negotiating.

Mr. Robert Anderson stated he has lived in the area for 25 years. He explained he knows most of the people in the area and feels they are ok with the proposed development.

Mr. Christian stated the water quality and sidewalks are requirements in the subdivision regulations.

Mr. Green explained a rural subdivision would allow open ditches. He stated Baldwin County allows 1 acre lots and the City requires 2 acre lots for a rural subdivision.

Commissioner Hellmich stated the property is located in the City’s Extra Territorial Jurisdiction and the development would have to meet the City’s requirements if it is annexed or not.

Mr. Wayne Dyess stated when you start allowing deviations from the subdivision regulations it starts getting into gray water. He explained the benefit of it coming into the City is you have certainty of the buffers and requirements if it does get sold and redesigned.

Chairman Abrams stated he is not comfortable allowing relaxations from the subdivision regulations.

Commissioner Hellmich explained he likes the design. He stated he would be willing to allow certain relaxations if the property was annexed into the City.

Commissioner Hinesley stated he did not feel they should deviate from the required subdivision regulations as it will set a precedence.

Chairman Abrams stated he thinks everyone can agree they do not want to deviate from the regulations but would like the property to be annexed into the City.

Commissioner Hinesley asked about the sewer service.

Mr. Anderson stated Orange Beach Sewer would be the provider or possibly septic tanks.

Commissioner Hinesley asked if grinder pumps would be allowed.

Note: *Denotes property located in the Planning Jurisdiction
Mr. Christian explained if it is not feasible for gravity sewer to be installed an alternative can be used. He stated he would work with Riviera to see if it is feasible for them to serve the development.

Commissioner Hellmich asked staff to work together and possibly consult with the City Attorney to see if a deviation for the sidewalk and drainage requirements would be setting a precedent.

6. Craft Property PUD—Discuss proposed rezoning
   The City of Foley Planning Commission has received a request to discuss the rezoning of the property to a PUD. Property is located E. of the Foley Beach Express between County Rd. 20 and County Rd. 12. Applicant is Sawgrass Consulting, LLC.

Mr. Ercil Godwin with Sawgrass Consulting, LLC stated his client is looking to develop 183 acres of the Craft Property located between County Rd. 20 and County Rd. 12, East of the Foley Beach Express. He explained the Craft’s will be retaining a portion of the property fronting the Foley Beach Express for future commercial developments. He stated the proposed development will be a residential mixture which will include 50’ to 80’ wide residential lots. He explained the home builder will be DSLD. He stated the larger lots will be on the east side of the property. He stated there will be a 30’ buffer area and a larger wet pond amenity between this development and Glen Lakes. He explained the development will also include 90 townhomes and 400 apartment units. He stated the development has a lot of connectivity and green space. He explained there will be approximately 25 acres reserved for common areas and amenities. He stated the overall density of the proposed residential development is 4.3 units per acre.

Chairman Abrams asked about the types of amenities that would be provided.

A representative for the development stated they have not decided on the exact amenities. He explained he feels it would be similar to a development they have done in Escambia County called Iron Rock. He stated Iron Rock has a clubhouse, conditioned restrooms, gazebo, fenced pool, dog park and community gardens.

Commissioners asked about the road lining up with the proposed Burton Property Group development to the north of the County Rd. 20.

Mr. Godwin stated they have worked to line the access up with the proposed Burton Property Group development on County Rd. 20, Robert’s Cove on County Rd. 12 and it is also meeting the Foley Beach Express access management plan.

Mr. Wayne Dyess stated the property is located in the Foley Beach Express Overlay District. He explained the applicant has worked very closely with staff to develop a good project. He stated the area is appropriate and is planned for this type of density as determined in the Comprehensive Plan. He explained he feels this neighborhood will be very unique and will raise the bar for future development in Foley.

Commissioner Abrams stated he likes the mixture of the types of housing within the development and the curvature of the roads.

Note: *Denotes property located in the Planning Jurisdiction
Mr. Godwin stated the biggest hurdle is the multi-level multifamily adjacent to single family required buffer. He explained they are unable to meet the required buffer due to the change in orientation of the apartments to meet staff's request of street facing. He stated they have oriented the single family homes so the side of the homes are facing the apartments rather than the front of the homes.

Commissioner Hellmich stated he feels this situation is different from previous situations since people buying the homes will know beforehand that they are located next to a multi-family development.

Mr. Dyess stated the street fronting developments give people a sense of security when walking and activates a crime prevention environment.

Commissioner Hellmich stated they need to ensure two cars can fit into the driveway so cars are not parking on the sidewalks.

Mr. Godwin stated they would keep the driveway size in mind and should be able to achieve that through setbacks or staggered garages.

Commissioner Engel asked if the lots being left for commercial development along the Foley Beach Express are large enough for bigger box stores.

Mr. Godwin stated the lots are large enough to accommodate larger commercial developments.

Commissioner Engel asked about road improvements for County Rd. 20 and County Rd. 12.

Commissioner Hellmich stated he feels a traffic study will be required for the proposed development. He explained improvements are planned for County Rd. 20 and improvements have been made to County Rd. 12.

Mr. Dyess stated there is excess capacity on the Foley Beach Express to handle a larger amount of traffic.

Chairman Abrams stated he feels the proposed development is a good mixture and blend of density and is what they have been looking to see.

7. **Zoning Ordinance Amendments- Discuss proposed Amendments**

Mrs. Boone went over the proposed Zoning Ordinance Amendments.

Commissioner Hinesley stated no activity for the site plan expirations may need to be made more specific.

Commissioner Hellmich stated staff may want to work with the City Attorney to see how to handle the expirations for site plans and the planned unit development site plans.

Note: *Denotes property located in the Planning Jurisdiction
Mr. Dyess stated after talking with Public works in regards to dumpster access issues staff may need to incorporate requirements for dumpster locations.

Mrs. Boone stated as requested the 40’ front loaded garage setback was added. She asked if the same setback requirement should be required for one and two car garages.

Commissioner Hellmich stated more research may need to be done to see how to handle multi car garage setbacks.

**ADJOURN:**

Meeting adjourned at 7:26 p.m.
The City of Foley Planning Commission held a meeting on February 15, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Vera Quarles, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley, Bill Swanson and Tommy Gebhart. Members absent were: Deborah Mixon and Larry Engel. 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 January 11, 2023 and January 18, 2023 meeting minutes.

Commissioner Hinesley made a motion to approve the January 11, 2023 and January 18, 2023 meeting minutes. Commissioner Swanson seconded the motion. All Commissioners voted aye.

**Motion to approve the January 11, 2023 and January 18, 2023 meeting minutes passes.**

**AGENDA ITEMS:**

1. **Primland Phase 3- Request for 1 year Preliminary Extension**
   The City of Foley Planning Commission has received a 1 year preliminary extension request for Primland Phase 3. Property is located S. of County Rd. 12 & E. of Wolf Bay Dr. Applicant is Terracore Development Services.

Mrs. Miriam Boone explained Phase 3 is under construction. She stated staff is recommending approval of the extension.

**Planning Commission Action:**
Commissioner Hellmich made a motion to approve the extension based on staff’s recommendation and the phase being under construction. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

**Motion to approve the extension based on staff’s recommendation and the phase being under construction passes.**

2. **Riverside at Arbor Walk Phase 3- Request for 6 month Preliminary Extension**
   The City of Foley Planning Commission has received a 6 month preliminary extension request for Riverside at Arbor Walk Phase 3. Property is located E. of County Rd. 65 and N. of County Rd. 12. Applicant is Dewberry Engineers Inc.

Mrs. Boone explained staff are recommending approval of the requested extension.

**Planning Commission Action:**
Commissioner Hinesley made a motion to approve the requested extension. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

**Note:** *Denotes property located in the Planning Jurisdiction*
Motion to approve the requested extension passes.

3. *Hadley-Jones Subdivision- Request for Minor Subdivision
   The City of Foley Planning Commission has received a request for approval of Hadley-Jones Subdivision, a minor subdivision which consists of 1.60 +/- acres and 2 lots. Property is located at the SE corner of Hadley Rd. and N. Juniper St. and is located in the City of Foley Planning Jurisdiction. Applicant is Weygand Wilson Surveying, LLC.

   Mrs. Boone stated there was a staff comment from the Engineering Department requesting the septic tanks and field lines be shown on the plat. She stated the applicant has added the requested information to the plat and staff is recommending approval.

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 Hellnich made a motion to accept the requested minor subdivision. Commissioner Swanson seconded the motion. All Commissioners voted aye.

Motion to approve the requested minor subdivision passes.

4. *Driftwoods Two- Request for Minor Subdivision
   The City of Foley Planning Commission has received a request for approval of Driftwoods Two, a minor subdivision which consists of 76.15 +/- acres and 2 lots. Property is located S. of County Rd. 26 and E. of County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is Dewberry Engineers Inc.

   Mrs. Boone explained the property is located in unzoned Baldwin County. She stated they are combining three lots into two lots and staff is recommending approval.

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

Motion to approve the requested minor subdivision passes.

ADJOURN:
Chairman Abrams adjourned the meeting at 5:38 p.m.

Note: *Denotes property located in the Planning Jurisdiction
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Southwood at Arbor Walk, Phase 1

REQUEST:

APPLICANT: Emily Phillips w/ Dewberry

ACREAGE: 77.82 ac

PIN#(s): 10453

LOCATION: N of CR12, W of S Hickory St

PROJECT DESCRIPTION:
Received Preliminary 4/21/21. Requesting first Extension. Construction is underway.

CURRENT ZONING: R-1D

REQUESTED ZONING: N/A

ADJACENT ZONING: R1-D, PUD, & Unzoned BC

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

EXISTING LAND USE: vacant
ZONING:
Miriam Boone - P1, 2 & 3 Preliminary Approval 4/21/21. This is their 1st extension request for 2 years. Phases 1 & 2 are currently under construction.

ENGINEERING:
Chad Christian - Not opposed.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
STAFF RECOMMENDATION: **Approve** / Deny / Conditional

PROJECT NAME: Southwood at Arbor Walk, Phase 2

REQUEST: 2 year Extension

APPLICANT: Emily Phillips w/ Dewberry

ACREAGE: 77.82 ac

PIN#(s): 10453

LOCATION: N of CR12, W of S Hickory St

PROJECT DESCRIPTION: Received Preliminary 4/21/21. Requesting first Extension. Construction is underway.

CURRENT ZONING: R-1D

REQUESTED ZONING: N/A

ADJACENT ZONING: R1-D, PUD, & Unzoned BC

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

EXISTING LAND USE: vacant
ZONING:
Miriam Boone - P1, 2 & 3 Preliminary Approval 4/21/21. This is their 1st extension request for 2 years. Phases 1 & 2 are currently under construction.

ENGINEERING:
Chad Christian - Not opposed.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
STAFF RECOMMENDATION: **Approve** / Deny / Conditional

**PROJECT NAME:** Southwood at Arbor Walk, Phase 3

**REQUEST:**

**APPLICANT:** Emily Phillips w/ Dewberry

**ACREAGE:** 77.82 ac

**PIN(#)s:** 10453

**LOCATION:** N of CR12, W of S Hickory St

**PROJECT DESCRIPTION:**
Received Preliminary 4/21/21. Requesting first Extension.

**CURRENT ZONING:**

R-1D

**REQUESTED ZONING:**

N/A

**ADJACENT ZONING:**

R1-D, PUD, & Unzoned BC

**FUTURE LAND USE:**

RL, Residential Low Density (2-4)

**EXISTING LAND USE:**
vacant
ZONING:
Miriam Boone - P1, 2 & 3 Preliminary Approval 4/21/21. This is their 1st extension request for 2 years. Phases 1 & 2 are currently under construction.

ENGINEERING:
Chad Christian - Not opposed.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
February 13, 2023

Miriam Boone
City Planner
City of Foley
120 S McKenzie Street
Foley, AL 36535

RE: Southwood at Arbor Walk, Phases 1-3 Extension Requests

Dear Ms. Boone,

On behalf of the owner/developer, we would like to request two-year extensions on the preliminary plat approvals for Southwood at Arbor Walk, Phases 1-3. All three phases will expire on 04/21/2023. Phases 1 and 2 are currently under construction. The project has been delayed due to inclement weather and difficulty obtaining materials.

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

Sincerely,

Emily M. Phillips
Project Support Specialist

cc: File 50131670
Development Summary

Current Zoning: R-1D
Streets: 8,885 L.F.
Total Acreage: 77.82 Ac.
Density: 2.35 Units per Acre
Wetlands: 8.41 Ac. (10.8%)

Phasing Summary

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LEGEND:
- Zone X (Unshaded): Minimal flood hazard (outside 500-yr flood)
- Zone X (Shaded): Moderate flood hazard (between 100-yr and 500-yr flood)
- Zone A: Flood hazard (100-yr flood, or 1% annual chance)
- Zone AE(27): Flood hazard, base flood elevation determined
- Floodway within Zone AE
- Wetlands

SOUTHWOOD at Arbor Walk
MASTER PLAN
SEPTEMBER 28, 2021 - SHEET 1 OF 1
PLANNING COMMISSION
JOINT STAFF REPORT:
March 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional (see comments)

PROJECT NAME: Robert's Cove, Ph 2 - last phase

REQUEST: 4 year Extension

APPLICANT: David Dichiera / Engineering Design Group LLC

ACREAGE: 242 ac total

PIN(s): 36357 & 69307

LOCATION: SE corner of CR12 & FBE

PROJECT DESCRIPTION: 567 total lots. 156 lots finale in Ph 1. 411 remaining lots in Ph 2-5

CURRENT ZONING: PUD

REQUESTED ZONING: n/a

ADJACENT ZONING: AO, B1A, R-3 & GPH1

FUTURE LAND USE: MXU, Mixed Use Commercial/Residential & RM, Residential Med. Density (4-7)

EXISTING LAND USE: vacant
ZONING:
Miriam Boone - This is their first request for an extension. Phase I final plat was recorded on 2/2/23. The request is for a 4 year extension for the remaining phases. The application states that Phase II is under construction & will be ready for final soon. I have communicated with the applicant who may modify the P2 timeframe to a shorter period but wants to discuss with PC at work session.

567 lots given preliminary approval on 4/21/21
156 lots given final approval & recorded on 2/2/23
411 lots remaining for future phases

Maybe a staggered time frame should be considered? Depending on the status of Phase II, maybe 1 year? I'll check with applicant to get a better time frame for each phase.

ENGINEERING:
Chad Christian - Not opposed to an extension.

ENVIRONMENTAL:
Angie Eckman - Not opposed to an extension.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
February 17, 2023

City of Foley Planning and Zoning Department
120 South McKenzie Street
Foley, AL 36535

Attn: Melissa Ringler

Re: Preliminary Plat Approval Extension – Roberts Cove Planned Unit Development

Dear Mrs. Ringler,

It is our understanding that the preliminary plat approval for the remaining phases for Roberts Cove Planned Unit Development would expire on April 21, 2023. As you are aware the project is progressing along the timeline as discussed during the preliminary plat approval stage with the first phase already being completed and platted. The developer with his contractor is actively progressing with the next phase of construction and will be requesting final plat for phase 2 in the near future. The construction and platting of the remaining phases are planned to continue following each completed phase. We are requesting to be put on the March Planning Commission agenda in order to request an extension for the project approvals. Based on current project progress and on behalf of the developer, we would like to request a 4 year extension with the ability to request additional extensions should they become necessary.

If there are any other extensions necessary to be requested from the City for this project that have pending expirations, we would respectfully request that we be notified so that we can evaluate any need for extension,

Should you have any questions please don’t hesitate to contact our office.

Sincerely,

[Signature]

David Dichiara, PE
Engineering Design Group

CC: Steve Harbin, Development Director; Forestar
PLANNING COMMISSION
JOINT STAFF REPORT:
March 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional (see comments)

PROJECT NAME: Bailey-Dillon Line Shift (in the ETJ)

REQUEST:
Minor SD for Line Shift (would've been Exempt pre-Moratorium)

OWNER / APPLICANT:
Michele D Bailey;
John & Marilyn Dillon

ACREAGE: 22.71 ac

PIN(s):
115385 & 64271

LOCATION: 11050 CR 65,
E of CR65, S of CR26

PROJECT DESCRIPTION:
Affecting 2 lots

CURRENT ZONING:
Baldwin County Unzoned District 34

REQUESTED ZONING:
N/A, remaining in ETJ

ADJACENT ZONING:
Baldwin County Unzoned District 34

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

EXISTING LAND USE:
Residential/Agricultural
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - This is in unzoned BC, no City zoning applies.

ENGINEERING:
Chad Christian - Show existing septic tanks and disposal fields.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
STAFF RECOMMENDATION: Approve / Deny / Conditional (see comments)

PROJECT NAME: Pedro Subdivision

REQUEST: Minor/Exempt

APPLICANT: Weygand Wilson Surveying LLC

ACREAGE: ± 10ac

PIN(#s): 360862

LOCATION: S of Breckner Rd, E of Bodenhamer Rd

PROJECT DESCRIPTION: 2 lots, family split

CURRENT ZONING: AO

REQUESTED ZONING: n/a

ADJACENT ZONING: AO to west, R-3 to south, Unzoned BC Dist 18 to north and east

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

EXISTING LAND USE: vacant
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - Each lot meets/exceeds the AO requirement of a minimum 1 acre lot.

ENGINEERING:
Chad Christian - How will sewer be provided?

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIKE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
PLANNING COMMISSION
JOINT STAFF REPORT:
March 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: HossCat's Place (in the ETJ)

REQUEST: Minor SD

OWNER / APPLICANT: Scott Johnston

ACREAGE: 8.8 ac

PIN#(s): 41308

LOCATION: SW corner of Charolais Rd & CR65

PROJECT DESCRIPTION: Creating 2 lots to separate residential and commercial uses.

CURRENT ZONING: Unzoned BC Dist 18

REQUESTED ZONING: n/a

ADJACENT ZONING: Unzoned BC & R-1A

FUTURE LAND USE:
R1, Residential Low Density (2-4)

EXISTING LAND USE:
Boat/RV Storage to west & Residential to east
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - This is located in unzoned BC, no City zoning applies.

ENGINEERING:
Chad Christian - Recommend approval.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Structures are already in existence on proposed Lot 2, so no: opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Lot 1A, 1B & 7 of Resubdivision of Lot 1 of the Replat of Woerner's Two Lots

REQUEST: Minor SD

OWNER / APPLICANT: Woerner Land, LLC

ACREAGE: 60.14 ac

PIN#(s): 2608

LOCATION: E of S McKenzie St & S of CR20

PROJECT DESCRIPTION: 3 Lots

CURRENT ZONING: B-1A (Extended Business District)

REQUESTED ZONING: N/A

ADJACENT ZONING: B-1A & PDD

FUTURE LAND USE: RCC, Retail/Commercial Concentration

EXISTING LAND USE: vacant
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - All 3 lots meet/exceed the B1A requirements.

ENGINEERING:
Chad Christian - Recommend approval.

ENVIRONMENTAL:
Angie Eckman - Recommend approval.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Recommend approval.
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: A Resubdivision of Lot 5 Little Woerner Subdivision

REQUEST: Minor Subdivision

APPLICANT: Weygand Wilson Surveying, LLC

ACREAGE: 25.29 ac

PIN(#s): 26102

LOCATION: SW corner of Mifflin Rd & James Rd

PROJECT DESCRIPTION: 2 lot Minor SD for commercial lot on Mifflin Rd

CURRENT ZONING: PUD

REQUESTED ZONING: n/a

ADJACENT ZONING: PUD & PDD

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

ZONING:
Miriam Boone - I think the naming convention is misleading. This is for a minor 2 lot subdivision, not a PUD revision. The lot is sufficient for the PUD.

ENGINEERING:
Chad Christian - Review name and label of lots on plat. Pending these corrections, recommend approval.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Darby Subdivision

REQUEST: Minor SD

OWNER / APPLICANT: The City of Foley

ACREAGE: 23 ac

PIN#(s): 334478

LOCATION: E of FBE, S of Ind Pkwy

PROJECT DESCRIPTION: 2 lots

CURRENT ZONING: PID (Planned Industrial District)

REQUESTED ZONING: n/a

ADJACENT ZONING: Unzoned BC Dist 34, City of Foley M-1 & PID

FUTURE LAND USE: IN, Industrial District

EXISTING LAND USE: Vacant/Parking
UTILITY LETTERS RECEIVED:  YES / NO / NOT APPLICABLE
DEED RECEIVED:  YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION:  YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - The lot meets the M1 zoning designation. The 50' access road will need to be named for addressing purposes for Lot 3A.

ENGINEERING:
Chad Christian - Recommend approval.

ENVIRONMENTAL:
Angie Eckman - Recommend approval.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Riverside at Arbor Walk Ph3

REQUEST: Rezoning

APPLICANT: Emily Phillips w/ Dewberry

ACREAGE: ±1.26 ac

PIN#(s): 363288

LOCATION: E of CR65, S of Pencarro Blvd

PROJECT DESCRIPTION:
cleaning up zoning on former separate parcel

CURRENT ZONING:
M-1

REQUESTED ZONING:
R-1D (to match remainder of development)

ADJACENT ZONING:
Unzoned BC Dist 34, M-1, B-2, R-1D, R-2

FUTURE LAND USE: IN, Industrial District

EXISTING LAND USE: vacant
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - This is an unusual situation. As you can see from the map above, a small portion of this phase is zoned M1 - Light Industrial District. The applicants were advised at preliminary that this small portion of the Riverside at Arbor Walk Phase 3 Subdivision would need to be rezoned. It received preliminary approval on 3/20/19 & there were several extenuating circumstances - staff changes at Dewberry, COVID, etc. so this never took place. In general we are not zoning any more property R1D but in this instance it is only a couple of lots that will be affected & then the entire subdivision will be in compliance for the final plat. PC approved a 6 month extension at the February 2023 meeting.

ENGINEERING:
Chad Christian - Not opposed.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
PLANNING COMMISSION
JOINT STAFF REPORT:
March 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Foley Crossings (in the ETJ)

REQUEST: Preliminary SD

OWNER / APPLICANT: Hunter Smith/Smith Clark & Associates LLC

ACREAGE: 66.18 ac

PIN#(s): 396811

LOCATION: NE corner of CR65 & CR26

PROJECT DESCRIPTION:
18 lots

CURRENT ZONING:
Unzoned BC Dist 34

REQUESTED ZONING:
N/A

ADJACENT ZONING:
Unzoned BC Dist 34 & 18

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

EXISTING LAND USE:
vacant
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - This is in unzoned BC so no city zoning applies.

ENGINEERING:
Chad Christian - Recommend approval.

ENVIRONMENTAL:
Angie Eckman - Recommend approval.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed.
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Wolf Creek PUD / Creek Ridge LLC

REQUEST: Prezoning to PUD

OWNER / APPLICANT:
Creek Ridge LLC / Chris Lieb, Lieb Eng.

ACREAGE: 43.44 ac

PIN(s): 45501, 72378, 45500

LOCATION: N of CR12, E & W of Clarke Ridge Rd

PROJECT DESCRIPTION:
Seeking PreZoning of PUD while Initiating Annexation

CURRENT ZONING:
RA in Baldwin County Dist 30

REQUESTED ZONING:
City of Foley PUD

ADJACENT ZONING:
BC Dist 30 RSF-1 & RA, City of Foley PUD

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

EXISTING LAND USE:
vacant
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - SFR
USE
DENSITY 1.5 per acre
OPEN SPACE 23.37% (SUPPOSED TO BE 25%)
SMALLEST LOT .5 acres
FRONT SETBACK 30'
REAR SETBACK 30'
SIDE YARD 10'
AMENITIES Pier, boat docks, walking trail, recreation, boat/rv storage

ENGINEERING:
Chad Christian - Not opposed. Sewer availability form incomplete.

ENVIRONMENTAL:
Angie Eckman - Not opposed.

FIRE:
Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:
Chuck Lay - Not opposed. Separate the flood zone from the buildable area.