

**PLANNING COMMISSION
MEETING MINUTES JANUARY 18, 2023
(Council Chambers of City Hall) 5:30 P.M.**

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The City of Foley Planning Commission held a meeting on January 18, 2023 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, Calvin Hare, Phillip Hinesley and Tommy Gebhart. Absent member was Bill Swanson. 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 December 7, 2022 and December 14, 2022 meeting minutes.

Commissioner Gebhart made a motion to approve the December 7, 2022 and December 14, 2022 meeting minutes. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the December 7, 2022 and December 14, 2022 meeting minute's passes.

AGENDA ITEMS:

1. DSLH Homes (Gulf Coast), LLC- Request for PUD Modification

The City of Foley Planning Commission has received a request for a PUD modification. Property is located on Chipper Ln. and Hibiscus Cir., Lakeview Gardens Lot 88. Applicant is DSLH Homes (Gulf Coast), LLC.

Mrs. Miriam Boone explained the request is for a modification to the street side yard setback for lot 88. She stated the request is for a 3.5' variance from the required 30' street side yard setback for a small portion of the setback.

Planning Commission Action:

Commissioner Hellmich made a motion to approve the requested PUD modification based on staff's recommendation. Commissioner Quaites seconded the motion. All members voted aye.

Motion to approve the requested PUD modification passes.

2. CEFCO/Atwell Consulting, Engineering and Construction- Request for Site Plan

The City of Foley Planning Commission has received a request for the CEFCO site plan. Property is at the SE corner of E. Fern Ave. and N. McKenzie St. Applicant is Atwell Consulting, Engineering and Construction.

Mrs. Boone stated the request is for site plan approval for CEFCO. She explained it was discussed at work session the portion of walking path located off of State Hwy. 59 needs to be striped for a pedestrian crossing. She stated the structures that were originally being proposed in the rail road right of way were relocated. She explained the applicant has been working with staff on the entrance locations and has added the pedestrian crossing striping to the plan.

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Planning Commission Action:

Commissioner Hellmich stated pedestrian crossing signage needs to be added to the area.

Commissioner Engel stated the portion of pedestrian crossing being located in the driveway entrance is not that far off of State Hwy. 59. He explained he is concerned travelers will be concentrating more on the Hwy. traffic and not the pedestrian crossing. He asked if there was a way to indicate on State Hwy. 59 that a pedestrian crossing is ahead.

Commissioner Hellmich asked if there was a reason that a decel lane was not required.

Mr. Chad Christian stated a decel lane is being proposed.

Mr. Wayne Dyess stated he would like to clarify that State Hwy. 59 is an ALDOT road.

Commissioner Hellmich stated there will be future modifications to the Fern Ave. and State Hwy. 59 intersection. He explained staff has worked with the applicant to ensure this request will work with the future modifications. He stated since ALDOT handles State Hwy. 59 they would have to approve any signage or modifications.

Commissioner Hellmich made a motion to approve the request which shall incorporate pedestrian crossing striping, the applicant to work with the engineering department on any signage ALDOT may allow to make the crossing safer and for the gas tanks not to be located in the rail road right of way easement. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the request which shall incorporate pedestrian crossing striping, the applicant to work with the engineering department on any signage ALDOT may allow to make the crossing safer and for the gas tanks not to be located in the rail road right of way easement passes.

3. Fikes Subdivision A Resubdivision of Lot 01-A Fern Commercial Park as Recorded in Slide 2465-A- Request for Minor

The City of Foley Planning Commission has received a request for approval of the Fikes Subdivision A Resubdivision of Lot 01-B Fern Commercial Park as Recorded in Slide 2465-A a minor subdivision which consist of 16.87 +/- acres and 2 lots. Property is located at the SE corner of E. Fern Ave. and N. McKenzie St. Applicant is SE Civil Engineering & Surveying.

Mrs. Boone stated the request is for a two lot subdivision. She explained one of the lots will be for the previously discussed CEFCO gas station and the remaining lot will be 12+ acres. She explained 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 Engel asked if there is a proposed use for the 12 acre lot.

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Mrs. Boone stated the applicant has not indicated a use for the 12 acres at this time.

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

Motion to approve the requested minor subdivision passes.

4. *Swift Church Road Subdivision- Request for Minor

The City of Foley Planning Commission has received a request for approval of Swift Church Road Subdivision a minor subdivision which consists of 20 +/- acres and 5 lots. Property is located at the NE corner of Swift Church Rd. and is located in the City of Foley Planning Jurisdiction. Applicants are Larry and Juanita Peavy.

Mrs. Boone stated the property is located in unzoned Baldwin County. She explained they are requesting to divide the property into 5 large lots. She stated staff is recommending approval.

Public Hearing:

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

Ms. Mary Evans resident of 23151 Swift Church Rd. stated she has concerns that the lots will become a trailer park. She asked about the future plans for the property.

Mr. Larry Peavy stated there will be deed restrictions which only allow a 1,800 sq. ft. or larger single family home and no mobile homes. He explained he owns two houses on the property and doesn't want an RV park in his back yard.

Mr. John Rader resident of 22995 Swift Church Rd. stated he would like to know if there are any plans for the runoff water. He explained there are issues at that corner and more homes and driveways will increase the issues.

Mr. Peavy stated all the water runs on the north side of the road. He explained no water runs off of this property onto anyone else's property.

Mr. Chad Christian stated no retention is required due to each lot being 3 +/- acres.

Mr. Peavy stated he had spoken with Baldwin County and no drainage was required due to the size of the lots.

Planning Commission Action:

Commissioner Hinesley made a motion to approve the requested minor subdivision. Commissioner Mixon seconded the motion.

Commissioner Hellmich stated if there is an existing water issue the residents need to make the County Commissioner aware of the problem.

Commissioner Engle stated he enjoys seeing the larger sized lots.

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All Commissioners voted aye.

Motion to approve the requested minor subdivision passes.

5. Resubdivision of Lot 1, of Uno Subdivision – Request for Minor

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 1, Uno Subdivision a minor subdivision which consists of 1.9 +/- acres and 2 lots. Property is located at the SW corner of US Highway 98 and S. Hickory St. Applicant is Wash-N-Go, LLC.

Ms. Boone explained the request is for a two lot subdivision. She stated a car wash will be built one of the lots and the other will be for storage buildings. She explained the Board of Adjustments and Appeals has approve the use of storage on the lot.

Public Hearing:

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

Mr. Harry Hackney resident of 271 Ogden Ct. stated the property backs up to his home. He explained he doesn't mind seeing the trees removed as they have cost him money in maintenance. He stated he does have security concerns. He explained his neighbor has had someone climb over his fence and into his yard.

Ms. Boone explained a storage development will be built on the portion of property baking up to Mr. Hackney. She stated the area will be fenced and landscaped.

Planning Commission Action:

Commissioner Hellmich stated one advantage to the lot being developed is sometimes things occur in areas that are wooded and cannot be easily visible.

Commissioner Hellmich made a motion to approve the minor subdivision based off the recommendation of staff. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the requested minor subdivision based off the recommendation of staff passes.

6. Glenlakes Unit 1 Phase 4- Request for Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Glenlakes, Unit 1 Phase 4 which consists of 49.94 +/- acres and 116 lots. Property is located W. of Clarke Ridge Rd. and E. of Carnoustie Dr. Applicant is Lennar Homes of Alabama, LLC.

Mrs. Boone explained the proposed preliminary consisting of 116 lots is meeting the approved PUD layout.

Mr. Christian stated the construction plans have been submitted and after a very lengthy review process it was determined they meet the regulations and the land disturbance permit is ready to be

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issued. He explained the current water going towards Clarke Ridge Road will be reduced by 40% due to the three new ponds that will be constructed with this phase.

Commissioner Hellmich stated several letters were received from residents in the area addressing their concerns. He explained the previous phase allowed drainage between the lots and caused some issues. He stated his understanding is another drainage method is being used.

Mrs. Boone explained staff is recommending a conditional approval.

Public Hearing:

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

Mr. David Vosloh resident of 23342 Carnoustie Drive stated four years ago the property was rezoned by the previous owners Breland Homes. He explained at the time of the rezoning there was a signed agreement between Breland Homes and Glenlakes which was recorded. He stated he is on the Home Owners Association, sat on the advisory committee for the City's Comprehensive Plan and is an owner of the Glenlakes Golf Course. He explained he has reviewed the revised plans and does not have an issue with the overall plan. He stated the home orientation of the lots facing Carnoustie Dr. needs to be addressed. He explained it is in the agreement that the lots facing Carnoustie Dr. would have the houses facing Carnoustie Dr. He stated the 20' front setback is not adequate for vehicle parking and causes vehicles to be parked on and block the sidewalk. He stated if they would voluntarily push the houses back it would give adequate room for parking. He explained he also sits on the Fire Department review board. He stated there are a lot of left and right turns to get into the development. He explained the number of turns could potentially cause an issue for fire truck access. He requested an access point be added to Clarke Ridge Rd. to make it safer for fire trucks to access the area.

Commissioner Hellmich stated the zoning ordinance has been amended to address the front setbacks. He explained unfortunately this PUD development was in place before the amendments were made. He stated there was originally an access off of Clarke Ridge Rd. and that was removed when the PUD was approved.

Ms. Sara Filley resident of 9071 Albatross Dr. stated she had sent in a letter to the Commission addressing her concerns. She asked how they will know when the items are addressed and get reviewed to ensure they are corrected.

Commissioner Hellmich stated it was discussed at the previous work session that the approval of the land disturbance permit would not be issued until the items that are of concern in Phase 3 are corrected.

Ms. Filley asked if the streets and sidewalks become the city or homeowners responsibility. She stated the current ponds are full of construction debris and silt. She explained the sidewalks are cracked and she has been told for over a year they will be repaired. She asked how she can make sure the items all get addressed and asked if there would be another meeting to review the items.

Mr. Christian stated the city will take over the maintenance of the sidewalks and roads and at no time will the residents be responsible for the maintenance.

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Mrs. Angie Eckman stated she walked the entire site with the applicant's Engineer and discussed all the issues. She stated she has a list of the issues from the residents letters that were received.

Commissioner Hellmich stated the sidewalk repairs are on the list.

Mrs. Boone explained if the Planning Commission approves the request with a condition the item will not come back before the Commission. She stated they can check with staff regarding the status of the repairs. She explained staff will be held responsible for making sure all items are corrected.

Mr. Wayne Dyess explained there will be accountability if the items are not corrected and if they do not pass inspection they cannot proceed with construction. He stated the city is taking this issue very seriously and will inspect to make sure the items are repaired. He explained there is a time when the ownership of the streets will be transferred to the city. He stated before the streets are accepted they are thoroughly inspected to make sure there are no issues. He explained the ponds will also be inspected to make sure there are no issues. He stated the development has to be built to the city's standards which is very important to the future health of the city.

Ms. Filly stated the common areas have only been maintenance once or twice. She explained her understanding is it is the builder's responsibility to maintain the common area which is not being done.

Mr. Vosloh stated in the signed agreement it states the builder is responsible for the common area until the area is 75% developed.

Commissioner Hellmich stated the city gets involved with the common areas if they become a nuisance. He explained once a Home Owners Association is formed they take over the responsibility of the common areas.

Mr. Curtis Chaudoin resident of 9094 Albatross Drive stated there are several residents in attendance tonight that are having issues with the warranty on the homes. He asked if there is any way the City could assist the residence in possibly holding the builders from being issued any more permits until the warranty issues are resolved.

Commissioner Hellmich stated he did not think the city can be involved with home warranty issues and recommended them possibly contacting the Better Business Bureau for assistance.

Mr. Dyess stated unfortunately the warranty issues are beyond the City's scope of authority and regulations and would be a private matter.

Mr. Chaudoin asked what the city will look like in the future if bad construction is allowed.

Mr. Denis Snyder resident of 9970 Lakeview Dr. stated he does not see a master plan showing sidewalks and street lighting which involves security for him. He explained he has been waiting since February 1 for the street light by his home to be turned on.

Commissioner Hellmich stated Baldwin EMC handles the street lighting.

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Mr. Snyder stated he has spoken with the homebuilder who tells him to talk with the city. He said the city tells him to talk to Baldwin EMC. Baldwin EMC tells him it is a builder issue. He stated there is not enough lamp post or lighting. He stated people are walking on broken sidewalks with no lighting which is a security and safety issue. He asked if the street lighting issue was on the list of items to be corrected.

Mr. Joe Rector stated the builder does not decide the location of the street lighting. He stated Baldwin EMC determines where the lighting will be placed.

Commissioner Hellmich stated our guidelines have requirements for the placement of the lighting. He explained the city will add the lighting issues to the list and ensure it is adequate and any issues are resolved.

Mr. Scott Gatlin resident of 9287 Clarke Ridge Rd. explained his main concern is drainage. He stated Phase 3 has caused some serious water problems coming off of the Golf Course. He explained several houses have flooded during rain events. He stated he feels an access on Clarke Ridge Rd. is a bad idea. He explained with all the homes being added on to County Rd. 12 Clarke Ridge Rd. has become a cut through and increased the speeding and amount of traffic. He stated adding traffic from 160 lots will not help the current traffic problems. He stated he is not trying to stop the subdivision but has real concerns about the drainage.

Mr. Barrett Tynes resident of 9293 Clarke Ridge Rd. stated he would like to see the proposed elevation for the houses. He explained he has concerns they will be at a higher elevation than his home and cause people to be looking over into his home and yard.

Mr. Rector stated he does not have a copy of the grading plans on hand which indicates the elevation.

Mr. Paul Serina resident of 9139 Albatross Dr. stated he provided a list of his concerns to the Commissioners. He explained he has concerns about the water that is coming onto his property. He stated he has lost numerous trees due to all the rain. He explained he is concerned if things are not corrected more water will be coming into his backyard.

Mr. John Slaats resident of 9734 Clarke Ridge Rd. explained he has a copy of the development which he received in 2017 from the Planning Commission which shows no access off of Clarke Ridge Rd. He stated he had met with Mr. Christian and went over the drainage details for the development. He stated Baldwin County did some major culvert and drainage work in the area after hurricane Sally. He asked who maintains the drainage pipes since Clarke Ridge Rd. residence are in Baldwin County and the Golf Course is located in city limits. He asked who they call if there is problems with the ponds in the long term and they are filled with silt and overgrown. He stated he understands the drainage is being reduced by 40% but has concerns for years down the road. He explained there is a jurisdictional problem and the Clarke Ridge Rd. residents are caught in the middle.

Mrs. Eckman explained the ponds and maintenance of them are eventually turned over to the Home Owners Association. She stated the city does inspect the ponds once a year for any issues. She explained if the ponds are not in compliance they are notified by mail of any issues.

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Commissioner Hellmich explained if there are any issues with the ponds the city provides guidance on correcting the issues. He stated the city's standards are by far a lot stronger than Baldwin County's but no design will withstand a 500 year flood. He explained Clarke Ridge Rd. has existing problems since it was not developed as a subdivision and no drainage was installed. He advised the residence to get together and speak with the County Commissioner of ways to correct the issues

Mr. Slaats stated north of the proposed development there are berms on the golf course that have been cut through over time and are allowing water to flow onto them. He explained he is assuming the berms were put into place to slow down the water.

Commissioner Hellmich advised Mr. Slaats to let the Golf Course owners know about the problems with the berms. He explained the golf course was developed in 1980 and at that time a master drainage plan was not included.

Mr. Snyder stated there are a lot of younger families moving into the area with children. He explained it would be nice if an area was set aside for a playground or Community Park.

Mr. Dyess explained the PUD was approved several years ago. He stated since the time of approval the requirements have changed regarding active open space. He explained since the plan was already approved the active open space requirements cannot be required in this development.

Mrs. Boone stated Glenlakes was annexed into the city as a Planned Unit Development in 2002. She explained the plan was approved before a lot of the amenity requirements that are in place today existed. She stated in a PUD the entire site is usually looked at as one and the Golf Course and Clubhouse were considered the amenities for the development.

Mr. Tim Aldridge resident of 9651 Lakeview Dr. stated he has spoken with the City and Lennar about the drainage issues he has on his lot. He explained they have discussed a few possible resolutions. He stated the water off of the golf course is pouring onto his property. He stated the homes in his area all have drainage issues and have almost flooded. He explained the sidewalks being poured before the homes are built is causing the sidewalks to be installed at a lower elevation and the sidewalks are constantly under water.

Commissioner Hellmich stated the sidewalk installation timing has been an ongoing issue. He explained at one time they were not to be installed until the homes were built. He stated the issue can up some of the homes were not built for 10 years so the sidewalk stayed incomplete until that time.

Ms. Renee James resident of 9500 Clarke Ridge Rd. stated she sent in pictures and videos of the water issues. She explained she is a 2014 flood survivor and water is not her friend. She asked the location of the ponds. She stated she heard the lots could be further subdivided to create more lots.

Commissioner Hellmich stated the number of lots cannot be increased.

Ms. James stated the access road sounds like it is an issue the owner needs to work out. She explained the fire trucks should have no issues if the school buses are able to travel the same roads.

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She stated Clarke Ridge Rd. cannot handle any more traffic. She asked if there is a backup plan if the retention ponds flood.

Mr. Rector explained the approved PUD states no access is allowed off of Clarke Ridge Rd. and indicates the number and size of allowed lots.

A resident asked why all the construction dumpsters and vehicles are allowed to park in and block the roads.

Commissioner Hellmich recommended if the road is being blocked to call the police department.

Resident of 10028 Lakeview Dr. asked if there are any plans to widen County Rd. 12.

Commissioner Hellmich stated a lot of traffic studies have been done on County Rd. 12 which did not indicate the road was overloaded with traffic. He explained a 3 way stop was added to try and reduce the speeding. He stated the city does not have any plans to widen the road.

Mr. Dyess explained the wider roads cause increase speeding. He stated if a road is narrowed it tends to cut down on the speeding.

Mr. David Elliott resident of 9059 Albatross Dr. stated the narrow road reducing speeding is an excuse. He stated cops need to be put in the area and there will be a financial boom. He explained another issue is referring people to the Home Owners Association or to the Home Builder for resolution. He stated he has been in his home for 12 months and still has issues he is waiting to be addressed. He explained he has had landscaping issues, problems with inadequate building materials and electrical issues. He stated if these people were building a railroad you would have a train wreck. He stated the issues are serious and need to be addressed promptly. He asked that the Commission and city do something to make the builders address and resolve the issues.

Chairman Abrams stated the Commission and City have no control over home warranty issues.

Mr. Darryl James resident of 9500 Clarke Ridge Rd. state the speeding on Clarke Ridge Rd. has become a major issue.

Commissioner Hellmich stated Clarke Ridge Rd. is a county road and they would need to report the issues to Baldwin County.

Ms. Wendy Knauff resident of 9625 Lakeview Dr. stated all the drainage currently goes into the inlets in the streets. She explained the ones located near her home are not large enough and she hopes the engineer is going to provider deeper inlets.

Ms. Shelly Eason resident of 9400 Clarke Ridge Rd. stated they currently have trees which provide a little barrier between them and the neighboring property. She asked if the trees or any type of barrier would remain between their lots and the proposed lots.

Mr. Rector stated it does appear there is a gap/barrier but he would have to verify the actual amount of landscaping by the construction plans.

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A Clarke Ridge Rd. resident stated currently the residents are maintaining the ditches.

Commissioner Hellmich suggest the area get together and speak with the County regarding possibly giving an easement so they can install ditches which would help with the drainage issues.

A Clarke Ridge Rd. resident stated she has called and reported speeding six times and has not seen the first patrol car in the area.

Commissioner Hellmich stated Clarke Ridge Road is a county road and would be patrolled by Baldwin County.

Ms. Eason stated the main reason they moved to the area was for the allusion of privacy which the trees provide. She stated if the trees are removed they will have no privacy.

A resident asked if the City checks the required PSI of the concrete being used for the sidewalks, slabs and driveways.

Mrs. Boone explained the building plans are reviewed to meet the adopted minimum building codes.

Ms. Filley asked if she could get a list of all of the items that were discussed and are to be resolved.

Mrs. Eckman stated she would forward Ms. Filley the list by email.

Mr. Todd Wheeler thanked everyone for attending and making them aware of their concerns. He stated he feels he has all the information documented and will try to address everything. He explained he did see the photos and videos of the water issues on Clarke Ridge Rd. He stated he has worked with Chad and a plan has been developed to reduce the storm water coming onto them by 40%. He explained it is apparent from the videos there is a horrible problem regarding drainage on Clarke Ridge Rd. and suggests they contact the County Commissioner. He stated they have a backup emergency spill way for the retention ponds. He explained he will let the developers know how many were in attendance tonight with home warranty issues. He stated the sidewalk issues are on the list and will be corrected. He explained he will be in touch with Baldwin EMC regarding the street lights. He suggested if the roads are being blocked to contact the police department. He explained he will look at the landscaping, buffer and elevations for the lots backing up to Clarke Ridge Rd. He asked that the Clarke Ridge Rd. residents with buffer and elevation concerns provide him with contact information so he can work with them on the issue. He discussed several proposed drainage plans to resolve the individual lots flooding issues. He explained they understand there are issues and will take care of the issues.

Mr. David Vosloh asked about the pipe that was never installed in the water garden that is flooding the golf cart path.

Mr. Wheeler stated the water garden is a part of Low Impact Development and was requested by the city engineer and he did not recall a pipe being required. He stated he was not aware there were any issues but will check with the City Engineer and work on resolving.

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Mr. Vosloh asked what the use is of having a signed document if they are not going to follow the requirements. He stated the homes on Carnoustie Dr. are the nicest in the area and they do not want the sides of houses facing the street.

Mrs. Boone explained if the setbacks are modified for the lots facing Carnoustie Dr. a PUD modification would be required.

Mr. Wheeler stated he will check on the width of the product and make the owner aware of the house orientation issues.

Mr. Dyess stated it is important that they prove to the Commission that the product will not fit on the lot if they are going to request a relaxation.

Ms. Filley asked that the maintenance of the common areas be addressed.

Mr. Dyess asked about the trees and buffer along Clarke Ridge Rd.

Mr. Wheeler stated he is unsure where each resident lives and will get their information and work with them.

Ms. Filley asked if there would be an entrance sign into the community.

Mr. Wheeler stated he was not aware of any signage. He explained once the development is turned over to the homebuilder it is outside of his scope of work.

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Commissioner Engel stated he doesn't fill it will hurt to lose a few lots backing up to Clarke Ridge Rd. residence. He explained there is a lot of water to retain and the engineers have their work cut out for them.

Commissioner Gebhart stated he heard and understands the home orientation concerns, the elevation of the slab issues and the serious drainage issues.

Commissioner Hellmich made a motion to approve the request with the three following conditions and staffs input: 1. No LDP will be signed or issued until all the issues on the list are resolved (previous issues and issues addressed at tonight's meeting), 2. The engineer and Glenlakes will work together on the corner lot home orientation issues 3. The privacy issues along the lots abutting the residents along Clarke Ridge road where there is no buffer will be addressed. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the request with the three following conditions and staffs input: 1. No LDP will be signed or issued until all the issues on the list are resolved (previous issues and issues addressed at tonight's meeting), 2. The engineer and Glenlakes will work together on the corner lot home orientation issues 3. The privacy issues along the lots abutting the residents along Clarke Ridge road where there is no buffer will be addressed passes.

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ADJOURN:

Chairman Wes Abrams adjourned the meeting at 8:15 p.m.