CITY OF FOLEY
PLANNING COMMISSION

WORK SESSION
June 14, 2023
City Hall
Council Chambers
At 5:30 p.m.

&

MEETING
June 21, 2023
City Hall
Council Chambers
At 5:30 p.m.
PLANNING COMMISSION
WORK SESSION AGENDA JUNE 14, 2023 & MEETING AGENDA JUNE 21, 2023 (Council Chambers of City Hall) 5:30 P.M.

The City of Foley Planning Commission will hold a work session on June 14, 2023 at 5:30 p.m. and a meeting on June 21, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue.

MINUTES:
Approval of the May 10, 2023 and May 17, 2023 meeting minutes.

AGENDA ITEMS:

1. Paxton Farms Phase 1- Request for 1 year Preliminary Extension
   The City of Foley Planning Commission has received a 1 year preliminary extension request for Paxton Farms Phase 1. Property is located at the SW corner of County Rd. 12 and County Rd. 65. Applicant is Jade Consulting.

Planning Commission Action:

2. Jon Stricklin/Paul Lartigue III Duplex Lot 5- Site Plan Review
   The City of Foley Planning Commission has received a request for a site plan review for a duplex. Property is located S. of E. Michigan Ave. and E. of S. Poplar St. Applicant is New Era Construction.

Planning Commission Action:

3. Jon Stricklin/Paul Lartigue III Duplex Lot 6- Site Plan Review
   The City of Foley Planning Commission has received a request for a site plan review for a duplex. Property is located S. of E. Michigan Ave. and E. of S. Poplar St. Applicant is New Era Construction.

Planning Commission Action:

4. Tyler Higginbotham- Request to Rezone
   The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 3 +/- acres. Property is currently zoned B-3 (Local Business District). Proposed zoning is R-IR (Restricted Residential Single Family). Property is located N. of US Hwy 98 and W. of Bender Rd. Applicant is Tyler Higginbotham.

Public Hearing:

Planning Commission Action:

5. Next to Last, LLC- Request to Rezone
   The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 6 +/- acres. Property is currently zoned B-3 (Local Business District) and RV (Recreation Vehicle Park). Proposed zoning is RV (Recreational Vehicle

Note: *Denotes property located in the Planning Jurisdiction
PLANNING COMMISSION  
WORK SESSION AGENDA JUNE 14, 2023  
&  
MEETING AGENDA JUNE 21, 2023  
(Council Chambers of City Hall) 5:30 P.M.

Public Hearing:

Planning Commission Action:

6. Last Resort - Request for Preliminary  
The City of Foley Planning Commission has received a request for preliminary approval of Last Resort which consists of 6.28 +/- acres and 44 lots. Property is located S. of County Rd. 20 and E. of James Rd. Applicant is Next to Last, LLC.

Public Hearing:

Planning Commission Action:

7. Foley Professional Park Developer, Inc. - Request for Rezoning  
The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 7 +/- acres. Property is currently zoned R-1A (Residential Single Family), B-1A (Extended Business District) and M-1 (Light Industrial District). Proposed zoning is PO (Preferred Office District). Property is located E. of N. McKenzie St. and S. of E. Peachtree Ave. Applicant is Foley Professional Park Developer, Inc.

Public Hearing:

Planning Commission Action:

8. Old Town II, LLC - Request for Rezoning  
The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 11 +/- acres. Property is currently zoned B-2 (Neighborhood Business District). Proposed zoning is R-1C (Residential Single Family). Property is located W. of S. Hickory St. and S. of Michigan Ave. Applicant is Old Town II, LLC.

Public Hearing:

Planning Commission Action:

9. OWA - PDD Modification  
The City of Foley Planning Commission has received a request for a PDD modification to allow Helicopter Rides and a Helicopter Pad. Applicant is Brock Beall.

Planning Commission Action:

Note: *Denotes property located in the Planning Jurisdiction
10. Zoning Ordinance- Amendments
The City of Foley Planning Commission has received a request to recommend Zoning Ordinance Amendments to the Mayor and Council.

Public Hearing:

Planning Commission Action:

WORK SESSION ONLY:
11. Planning Jurisdiction Agreement- Discuss

12. Presentation- Wayne Dress

ADJOURN:

Note: *Denotes property located in the Planning Jurisdiction
PLANNING COMMISSION
WORK SESSION MINUTES May 10, 2023
(Council Chambers of City Hall) 5:30 P.M.

The City of Foley Planning Commission held a work session on May 10, 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, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley, Bill Swanson and Tommy Gehart. Absent member was Vera Quaties. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eckman, Environmental Manager; Eden Lapham, Planner I; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

AGENDA ITEMS:

1. Fairfield Inn & Suites - Site Plan Extension
   The City of Foley Planning Commission has received a request for a 6 month site plan extension for Fairfield Inn & Suites. Property is located S. of County Rd. 20 and E. of S. McKenzie St. Applicant is Anil Badve.

   Mrs. Miriam Boone stated staff is recommending approval of the site plan.

   Mr. Anil Badve explained attorneys are working out some issues with the language within the deed. He explained his clients financing is in place and construction is ready to begin once the issue with the deed is corrected.

2. Ocean Marine - Site Plan Review
   The City of Foley Planning Commission has received a request for a site plan review for Ocean Marine. Property is located W. of State Hwy. 59 and N. of County Rd. 10. Applicant is Lieb Engineering.

   Mrs. Boone explained the request is meeting the zoning requirements and staff is recommending approval.

3. Zoning Ordinance - Amendments
   The City of Foley Planning Commission has received a request to recommend Zoning Ordinance Amendments to the Mayor and Council.

   Mr. Wayne Dyess went over the proposed zoning ordinance amendments with the Commissioners.

WORK SESSION ONLY:

4. Presentation - Wayne Dyess

   Mr. Dyess presented a training series on zoning and its early precursors.

ADJOURN:
Chairman Abrams adjourned the meeting at 6:06 p.m.

Note: *Denotes property located in the Planning Jurisdiction
PLANNING COMMISSION
MEETING MINUTES May 17, 2023
(Council Chambers of City Hall) 5:30 P.M.

Page 1 of 2

The City of Foley Planning Commission held a meeting on May 17, 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, Wes Abrams, Calvin Hare, Phillip Hinesley, Bill Swanson and Tommy Gebhart. Absent members were: Ralph Hellmich and Vera Quailes. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eickman, Environmental Manager; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

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

MINUTES:
Approval of the April 12, 2023 and April 19, 2023 meeting minutes.

Commissioner Hinesley made a motion to approve the April 12, 2023 and April 19, 2023 meeting minutes. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the April 12, 2023 and April 19, 2023 meeting minutes passes.

AGENDA ITEMS:

1. Fairfield Inn & Suites - Site Plan Extension
   The City of Foley Planning Commission has received a request for a 6 month site plan extension for Fairfield Inn & Suites. Property is located S. of County Rd. 20 and E. of S. McKenzie St. Applicant is Anil Badve.

   Planning Commission Action:
   Mrs. Miriam Boone explained the applicant is working with the property owners on some issues with the legal description which has delayed the start of construction.

   Commissioner Gebhart made a motion to approve the 6 month site plan extension request. Commissioner Swanson seconded the motion. All Commissioners voted aye.

   Motion to approve the 6 month site plan extension request passes.

2. Ocean Marine- Site Plan Review
   The City of Foley Planning Commission has received a request for a site plan review for Ocean Marine. Property is located W. of State Hwy. 59 and N. of County Rd. 10. Applicant is Lieb Engineering.

   Planning Commission Action:
   Mrs. Boone stated staff is recommending approval of the site plan.

   Commissioner Hare made a motion to approve the requested site plan. Commissioner Engel seconded the motion. All Commissioners voted aye.

   Motion to approve the requested site plan passes.

Note: *Denotes property located in the Planning Jurisdiction
3. **Zoning Ordinance Amendments**
The City of Foley Planning Commission has received a request to recommend Zoning Ordinance Amendments to the Mayor and Council.

**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 recommend the Zoning Ordinance amendments to the Mayor and Council. Commissioner Hare seconded the motion. All Commissioners voted aye.

**Motion to recommend the Zoning Ordinance amendments to the Mayor and Council passes.**

**ADJOURN:**
Chairman Abrams made a motion to adjourn the meeting at 5:34 p.m.
PLANNING COMMISSION
JOINT STAFF REPORT:
June 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Paxton Farms, Phase 1
REQUEST: Preliminary Plat 1 yr Extension

OWNER / APPLICANT: Jade Consulting

ACREAGE: 20.34 ac
PIN(#):

LOCATION: SW corner of CR12 & CR65
PROJECT DESCRIPTION:
50 lots in Ph1

CURRENT ZONING:
Unzoned BC Dist 34
REQUESTED ZONING: n/a

ADJACENT ZONING:
Unzoned BC Dist 34, RSF-2 BC Dist 21, & M1 BC Dist 35

FUTURE LAND USE:
RR, Rural 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 - This is a request for a preliminary extension in unzoned BC. PI got preliminary approval on 7/21/21, this is their first extension request.

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
May 18, 2023

Mrs. Miriam Boone, MPA, AICP, CFM
City of Foley
Planner/Building Official
120 S McKenzie Street
Foley, AL 36535

RE: Paxton Farms – Phase 1
Preliminary Plat Application

Dear Mrs. Boone:

On behalf of the owner/developer, we would like to request a one year extension on the preliminary Plat approval of the referenced project. The project is currently under construction.

Respectfully,

JADE CONSULTING, LLC

Sincerely,

Lee Rambo
Project Manager
LRiar
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Jon Stricklin, Lot 5

REQUEST: Duplex Site Plan Review

OWNER / APPLICANT:
Paul J Lartigue, III / Jon Stricklin, New Era Construction

ACREAGE:
.58 ac (24,960 sf)

PIN#(s): 309955

LOCATION:
S of E Michigan, E of S Poplar

PROJECT DESCRIPTION:
Duplex

CURRENT ZONING:
R-2

REQUESTED ZONING:
N/A

ADJACENT ZONING:
R-2 & PUD

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 - These units meet zoning requirements.

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
TO: City of Foley Community Development and Planning Commission

Re: Duplex Site Plan Approval

Please accept this letter as a request for site plan approval for the attached referenced new construction duplex located on the east side of S. Poplar Street in Foley. PIN # 309955, Lot 5

Based on City of Foley requirements the following information is provided for your review:

Survey
Site Plan
Duplex Occupancy
3,100 square feet heated and cooled living space with 550 square feet porches and carport.
17’ building height
Setbacks – see attached drawing.
4 Parking Spaces per Unit (Total 8)
Total lot area 24,950 square feet
Landscaping Plan
Architectural Detail per plans
Building Façade – Covered Front Porch and Carport
Transparency – 30% of building width in front covered in windows exceed the 20% requirement.

Please let me know if any additional information is required.

Respectfully Submitted,

Jon Stricklin, President
New Era Construction, Inc.
ADDENDUM:

TO: City of Foley Community Development and Planning Commission
Re: Duplex Site Plan Approval

Please accept this letter as a request for site plan approval for the attached referenced new construction duplex located on the east side of S. Poplar Street in Foley. PIN # 309955, Lot 5.

Based on City of Foley requirements the following information is provided for your review:

LANDSCAPE PLAN 11½ 2,745 SQ. FT.

Respectfully Submitted,

Jon Stricklin, President
New Era Construction, Inc.
PLANNING COMMISSION
JOINT STAFF REPORT:
June 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Jon Stricklin, Lot 6

REQUEST: Duplex Site Plan Review

OWNER / APPLICANT:
Paul J Lartigue, III /
Jon Stricklin, New Era Construction

ACREAGE: .58 ac (24,960 sf)

PIN#: 309956

LOCATION:
S of E Michigan,
E of S Poplar

PROJECT DESCRIPTION:
Duplex

CURRENT ZONING:
R-2

REQUESTED ZONING:
N/A

ADJACENT ZONING:
R-2 & PUD

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 - These units meet zoning requirements.

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
New Era Construction, Inc.
720 W Laurel Ave.
Foley, AL 36535
251-948-4248        251-942-6774

TO: City of Foley Community Development and Planning Commission

Re: Duplex Site Plan Approval

Please accept this letter as a request for site plan approval for the attached referenced new construction
duplex located on the east side of S. Poplar Street in Foley. PIN # 309956, Lot 6

Based on City of Foley requirements the following information is provided for your review:

Survey
Site Plan
Duplex Occupancy
3,100 square feet heated and cooled living space with 550 square feet porches and carport.
12' building height
Setbacks – see attached drawing.
4 Parking Spaces per Unit (Total 8)
Total lot area 24,960 square feet
Landscaping Plan
Architectural Detail per plans
Building Façade – Covered Front Porch and Carport
Transparency – 30% of building width in front covered in windows exceed the 20% requirement.

Please let me know if any additional information is required.

Respectfully Submitted,

Jon Stricklin, President
New Era Construction, Inc.
New Era Construction, Inc.
720 W Laurel Ave.
Foley, AL 36535
251-948-4248  251-942-6774

ADDENDUM:

TO: City of Foley Community Development and Planning Commission

Re: Duplex Site Plan Approval

Please accept this letter as a request for site plan approval for the attached referenced new construction duplex located on the east side of S. Poplar Street in Foley, PIN # 309956, Lot 6.

Based on City of Foley requirements the following information is provided for your review:

LANDSCAPE PLAN 113% 2,745 SQ. FT

Respectfully Submitted,

[Signature]

Joe Stricklin, President
New Era Construction, Inc.
PLANNING COMMISSION
JOINT STAFF REPORT:
June 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Tyler Higginbotham

REQUEST: Rezone to R-1R

OWNER / APPLICANT: Tyler Higginbotham

ACREAGE: 3± ac

PIN#(s): 20772

LOCATION: N of US Hwy 98 & W of Bender Rd

PROJECT DESCRIPTION: Rezone property to R-1R to build a home

CURRENT ZONING: B-3

REQUESTED ZONING: R-1R

ADJACENT ZONING: R-1R to west, B-3 & MH-1 to south, B-3 to east, unzoned BC Dist 18 to north

FUTURE LAND USE: MXU, Mixed Use Commercial/Residential

EXISTING LAND USE: vacant
UTILITY LETTERS RECEIVED: NOT APPLICABLE
DEED RECEIVED: NOT APPLICABLE
AGENT AUTHORIZATION: NOT APPLICABLE

ZONING:
Miriam Boone - This property is adjacent to an R1R zoning designation.

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
PLANNING COMMISSION
JOINT STAFF REPORT:
June 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Next to Last, LLC

REQUEST: Rezone to RV Park

OWNER / APPLICANT:
Next to Last, LLC / Jim Brown

ACREAGE: ±6.28 ac

PIN(s):
54282, 68039, 93449

LOCATION: S of Miflin Rd, E of James Rd

PROJECT DESCRIPTION: 44 lots now instead of 38 that were approved in April 2023

CURRENT ZONING:
B-3 & RV Park

REQUESTED ZONING:
All RV Park

ADJACENT ZONING:
B-3, PUD, PDD

FUTURE LAND USE:
MXU, Mixed Use

EXISTING LAND USE:
RV is vacant & vacant SFR in B3
UTILITY LETTERS RECEIVED: Yes / No / Not Applicable
DEED RECEIVED: Yes / No / Not Applicable
AGENT AUTHORIZATION: Yes / No / Not Applicable

ZONING:
Miriam Boone - This parcel is becoming part of the RV Park that was previously approved.

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
PLANNING COMMISSION
JOINT STAFF REPORT:
June 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Last Resort

REQUEST: Preliminary Subdivision

OWNER / APPLICANT: Next to Last, LLC / Jim Brown

ACREAGE: ±6.28 ac

PIN(s): 54262, 68039, 93449

LOCATION: S of Miflin Rd, E of James Rd

PROJECT DESCRIPTION: 44 lots now instead of 38 that were approved in April 2023

CURRENT ZONING: B-3 & RV Park

REQUESTED ZONING: "rezoning is a separate item proceeding concurrent with Preliminary"

ADJACENT ZONING: B-3, PUD, PDD

FUTURE LAND USE: MXU, Mixed Use

EXISTING LAND USE: RV is vacant & vacant SFR in B3
UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:
Miriam Boone - The plat appears to meet the RV zoning requirements.

ENGINEERING:
Chad Christian - Engineering recommends approval pending LDP amendment. Revised plans have been submitted and are under review.

ENVIRONMENTAL:
Angie Eckman - The layout changes meet the open space and landscape requirements under the Land Development Ordinance.

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
PLANNING COMMISSION
JOINT STAFF REPORT:
June 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Foley Professional Park Developer, Inc.

REQUEST: Rezoning

OWNER / APPLICANT:
Larry E Chason & Glenda Gravlee

ACREAGE: 7.1 acres

PIN#(s): 89381 & 107978

LOCATION:
E of N McKenzie,
S of E Peachtree

PROJECT DESCRIPTION:
Rezone to PO

CURRENT ZONING:
R-1A, B-1A, M-1

REQUESTED ZONING:
PO - Preferred Office

ADJACENT ZONING:
B-1A, M-1, R-1A

FUTURE LAND USE:
RCC - Retail Commercial Concentration & RM - Residential Medium 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 - The bulk of the property is shown as RM - Residential Medium Density adjacent to the existing subdivision. PO - Preferred Office with a buffer would not be inappropriate as part of a medical park.

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Old Town II, Sherwood Sub Ph3

REQUEST: Rezone to R-1C

OWNER / APPLICANT: Old Town II, LLC

ACREAGE: 11.79 ac

PIN(#s): 266105

LOCATION: W of S Hickory, S of W Michigan

PROJECT DESCRIPTION:
Rezone B2 portion to R-1C to match the remainder

CURRENT ZONING: B-2

REQUESTED ZONING: R-1C

ADJACENT ZONING: B-2, M-1, PUD, R-1C

FUTURE LAND USE: NC, Neighborhood Commercial

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 property had split zoning, R1C & B2. They wish to complete the subdivision with all residential so are requesting to rezone from B2 to R1C to be consistent with the zoning of several subdivisions on the west side of Hickory in this area.

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
PLANNING COMMISSION
JOINT STAFF REPORT:
June 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: OWA PDD Use Modification

OWNER / APPLICANT: Brock Beall

ACREAGE: 372 acres

PIN#(s): 353557

LOCATION: North of S OWA Blvd, E of E Pride Blvd

PROJECT DESCRIPTION: Heli pad for tourist rides heading south towards the beach

CURRENT ZONING: PDD

REQUESTED ZONING: n/a

ADJACENT ZONING: 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 - Zoning is not opposed

ENGINEERING:
Chad Christian - Engineering is not opposed

ENVIRONMENTAL:
Angie Eckman - Environmental is not opposed

FIRE:
Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:
Chuck Lay - Building is not opposed
CITY OF FOLEY, ALABAMA
APPLICATION FOR
PDD MODIFICATION

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION,
MAP/SURVEY, DEED, CORPORATION OWNERSHIP INFORMATION, AND
AGENT AUTHORIZATION IF REQUIRED):

2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:

3. APPROXIMATE SIZE OF PROPERTY: 370 Acres

4. PRESENT ZONING OF PROPERTY: PDD

5. REQUESTED ZONING: PDD

6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE
PROPERTY: Waterpark, Shopping, Dining, Coffee Shops, Theme Park

7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED
(TYPE OF DEVELOPMENT, DENSITY, ETC.)
- Provide Helicopter Rides Around the Park & South to the Beach,
- Provide an Amadeus Market & Other to Serve Food & Ease Services
  of the Event. They Need a BPRA. Helicopter to Land At.

8. IF EXTENSIVE MODIFICATIONS ARE BEING REQUESTED, ENSURE ACCURACY
OF THE FOLLOWING ITEMS THAT ARE REQUIRED AT THE TIME OF ZONING:
PRELIMINARY TRAFFIC ANALYSIS, OFFICIAL UTILITY COMMITMENT
LETTERS, DRAWING, AND WRITTEN NARRATIVE.

I CERTIFY THAT I AM THE PROPERTY OWNER AND ATTEST THAT ALL FACTS AND
INFORMATION SUBMITTED ARE TRUE AND CORRECT.

DATE: 17-MAY-2023

PROPERTY OWNER/APPLICANT
360-360-9012
PHONE NUMBER
michealhailey@gmail.com
EMAIL ADDRESS

363-807-4407
PROPERTY OWNER ADDRESS
801 S. Ocean Blvd
Foley, Al 36535
PIN: 8907

363-807-4407
PROPERTY OWNER ADDRESS
801 S. Ocean Blvd
Foley, Al 36535
PIN: 8907

363-807-4407
PROPERTY OWNER ADDRESS
801 S. Ocean Blvd
Foley, Al 36535
PIN: 8907
PROPOSED HELIPAD COORDINATES:
30° 22' 33" N
087° 39' 48" W

SAFETY AREA (20' FROM FATO LINE)
FATO LINE
TLOF LINE

CONCRETE PAD

TAKEOFF POSITION #2
S. OWA BLVD.

70' APPROACH/DEPARTURE SURFACE

TAKEOFF POSITION #1
10' X 24' OPERATIONS TRAILER

2:1 TRANSITION SURFACE

8:1 APPROACH/DEPARTURE SURFACE

PROPOSED OWA HELIPAD

THOMPSON

PROJECT NO.: 23-9000-0003
REV.: MAY 1, 2023
Flight path
25.33 "FOLEY MEDICAL OVERLAY DISTRICT (FMOD)"

A. **Purpose.** The purpose of the Foley Medical District Overlay District is to allow areas for the concentration of medical facilities and related uses in a campus like setting to enable the provision of a wide range of medical services to enhance the public’s health, safety and general welfare and allow for the continuation and flexible expansion of the hospital, medical clinics and associated uses in a planned and coordinated manner so existing and future uses can respond and adapt to changes in technology, the medical profession, and society as a whole.

The primary uses in the Medical District Overlay District are hospitals, medical clinics, pharmaceutical businesses, medical technology research and related uses. Related uses may be located within the hospital or clinic buildings or as independent uses within the overlay district area. The overlay zone is intended to enhance the underlying zones.

B. **Applicability.** Provisions of the FMOD apply to all properties within the boundaries of the FMOD as shown on the boundary map, Figure 25. Where there is a conflict between the provisions of the FMOD and those of other portions of the Zoning Ordinance, the provisions of this overlay district shall control.

C. **Permitted Uses.** Irrespective of the current zoning of properties within the Medical Overlay District following uses shall be permitted by right subject to applicable standards and processes:

1. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, medical educational facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists and other health care providers (both public and private).

2. Medical staff facilities and similar uses, including but not limited to administrative offices, educational and meeting facilities and staff sleeping quarters;

3. Childcare and adult care services, including respite care;

4. Short term residential uses dependent upon or directly related to medical care, including convalescent care facilities, skilled nursing facilities, group homes for the disabled and overnight accommodations;

5. Health care related retail (i.e. pharmacy, medical supplies and equipment, medical cannabis dispensaries);

6. Social service providers including counseling centers and alcohol and drug treatment facilities;

---

1 Approval is subject to any and all rules or regulations promulgated by the Alabama Medical Cannabis Commission and applicable State Law.
7. Accessory parking;

8. Utilities and public facilities

9. Retail Stores with the following stipulations:
   a. Must be ancillary or common to areas around medical facilities. Examples include but are not limited to: coffee shops, pharmacies, book stores, florists, medical supply stores, and retail banking.
   b. All retail facilities shall have a maximum square footage of 10,000 square feet.

D. Conditional Uses. The following uses require an additional conditional use permit for approval:

1. Medical helicopter landing pad on the following conditions:
   a. The landing pad meets the Alabama Department of Transportation and Federal Aviation Administration requirements and conditions.

2. Facilities for the treatment and/or temporary storage of biomedical, radioactive and hazardous waste generated within the overlay district; provided however that no materials may be transported to the site from other facilities for storage or treatment purposes.

E. Site Plan Requirements. All development within the Medical Overlay District shall be governed by a site plan, constituted as a binding site plan and shall be reviewed and approved by the Planning Commission. In addition to other applicable sections of the Zoning Ordinance, the site plan shall include the following:

1. Architectural elevations of proposed structures. There should be continuity of character and building materials throughout the development and with adjacent development in the Medical Overlay to enhance a campus setting. Building(s) design must provide focal points highlighting the primary entrance(s), architectural articulation and embellishments to avoid long blank walls and a scale appropriate to the setting. Building heights including parapets and other architectural embellishments should be varied reflecting the individualized character of medical and office architecture. Any part of a building, visible from a public right of way must present an architectural façade, or use landscaping areas, to present an aesthetically appealing appearance.

2. Open active space plan. When two or more buildings are proposed for a site, a plaza or courtyard should be incorporated into the site design with the intent to create a useful courtyard or plaza settings for users of the facilities. A site plan indication the location, type and extent must be provided. These areas should be designed with pavers or other
acceptable hardscape and landscaped areas in order to provide a place for the public to sit and enjoy the outdoors.

3. Landscape plan. Minimum landscaping shall be as required in Section 10.2.3; provided however, that additional landscaping may be required by the Planning Commission at the time of site plan approval to achieve the following effects:
   a. Effective screening of off-street parking areas and eliminating monotony of parking areas;
   b. Effective buffering of adjacent residential uses;
   c. Enhance the building architecture and on-site landscaping;
   d. Streetscape plantings are required as part of the site plan, including street trees.
   e. Additional landscaping within setback areas to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent residential properties from new development may be required.

4. Lighting plan. A Lighting plan shall be provided indicating type and height of lighting throughout the site and along all pedestrian paths and building entrances. Lighting spillover off-site is discouraged. Lighting wall packs and similar lighting techniques and methods are prohibited.

5. Vehicular and pedestrian circulation plan. The development should have accessible pedestrian connections beyond standard sidewalks along the street and between buildings. Special attention should be paid to crosswalks, connections between parking lots serving adjacent uses and interior walkway connections. Connectivity should be carefully planned to prevent pedestrian-vehicle conflicts in vehicular ways and parking spaces.

6. Rooftop Equipment. All rooftop equipment must be organized, proportioned, detailed and screened with parapet walls that are colored or finished with materials that make them an integral element of a building.

7. Fencing/Walls. The use of fencing shall ensure that nonresidential properties are integrated into a campus style of development yet still provide an appropriate barrier or separation from adjacent residential properties.

8. Signage. Limited to ground and wall signs only. Low-profile signs shall not exceed six feet in height and 36 square feet per side with a maximum of two sides. When multiple buildings are proposed, a consistent wayfinding system is encouraged.
Amendment to ARTICLE XIX - INDUSTRIAL DISTRICTS

19.1 M1 – LIGHT INDUSTRIAL DISTRICT

A. Uses / Structures Permitted: Buildings used for the operation of light industrial, fabricating, processing, assembling and manufacturing, bottling and distribution plants, woodworking shops, cabinet shops, contractor or building material yards, highway maintenance yards and buildings, laundry and dry cleaning plants and printing establishments; wholesale sales. Retail sales of products fabricated, processed, assembled and/or manufactured on the same site of the larger manufacturing use is permitted subject to the additional site design requirements found in the Zoning Ordinance.
The Honorable Ralph Hellmich, Mayor  
City of Foley  
Post Office Box 1750  
Foley, Alabama 36536  

August 2, 2022

RE: Planning Jurisdiction Agreement with City of Foley

Dear Mayor Hellmich:

The Baldwin County Commission, during its regularly scheduled meeting held on August 2, 2022, adopted Resolution #2022-141 which approves the Planning Jurisdiction Agreement between the Baldwin County Commission, the City of Foley, and the Planning Commission of the City of Foley, governing the regulation of subdivisions outside the City’s corporate limits but within the municipal planning jurisdiction.

Enclosed is a fully executed copy of the Agreement for your file.

If you have any questions or need further assistance, please do not hesitate to contact me or Matthew Brown, Planning Director, at (251) 937-0264.

Sincerely,

JAMES E. BALL, Chairman  
Baldwin County Commission

JB/clc Item BR4  

cc: Miriam Boone, Community Development Director (via email - mboone@cityoffoley)  
planning@baldwincountyal.gov

ENCLOSURE(S)
Resolution #2022-141

AGREEMENT BETWEEN
THE BALDWIN COUNTY COMMISSION,
THE CITY OF FOLEY AND THE
PLANNING COMMISSION OF THE CITY OF FOLEY
CONCERNING THE EXERCISE OF SUBDIVISION REGULATIONS
WITHIN THE PLANNING JURISDICTION OF THE
CITY OF FOLEY PLANNING COMMISSION

The BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama (hereinafter referred to as the "COMMISSION"), the CITY OF FOLEY, an Alabama municipal corporation (hereinafter referred to as the "MUNICIPALITY"), and the PLANNING COMMISSION OF THE CITY OF FOLEY (hereinafter referred to as the "MUNICIPAL PLANNING COMMISSION"), hereby enter into an agreement, the terms and conditions of which shall govern the regulation of subdivisions outside the MUNICIPALITY's corporate limits but within the MUNICIPAL PLANNING COMMISSION's planning jurisdiction for a period of time until July 25, 2023.

WHEREAS, the COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION are parties to a previous agreement that established the planning jurisdiction around the MUNICIPALITY for the MUNICIPAL PLANNING COMMISSION to exercise and apply its subdivision regulations; and

WHEREAS, recent changes to State Law pertaining to planning jurisdictions have caused the parties to revisit and review their previous agreement;

NOW, THEREFORE, in consideration of the mutual benefits, rights, and responsibilities contained herein, the parties hereby agree as follows:

1. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the planning jurisdiction of the MUNICIPAL PLANNING COMMISSION shall include all land located in the corporate limits of the MUNICIPALITY, as it may exist and change from time to time, and all land lying within the boundary depicted on Exhibit "A", which boundary is within one and one-half miles of the corporate limits of the MUNICIPALITY and is not located in the corporate limits of another municipality or within the planning jurisdiction of another municipality until December 31, 2022. See Map attached hereto as Exhibit A.

2. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the planning jurisdiction of the MUNICIPALITY as of January 1, 2023, shall include all land located in the corporate limits of the MUNICIPALITY and all land lying not located in any other municipality within a mile and a half from the corporate limits of the MUNICIPALITY, except that land lying within the planning jurisdiction of more than one municipality having a municipal planning commission, the jurisdiction of each municipal planning commission shall terminate at a boundary line equidistant from the
respective corporate limits of the municipalities until July 25, 2023. See Map attached hereto as Exhibit A.

3. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the COMMISSION shall regulate, review, approve, and enforce subdivision regulations for condominium developments, multiple occupancy developments, recreational vehicle parks, and manufactured home parks that are fully outside of the corporate limits of the MUNICIPALITY and inside of the boundary depicted on Exhibit A.

4. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the boundaries for the land subject to the provisions of this Agreement may automatically change from time to time as permitted by state law, and such changes shall not affect the validity or enforceability of this Agreement, except as expressly limited herein.

5. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that the MUNICIPAL PLANNING COMMISSION shall have exclusive responsibility for the regulation, review, approval, administration, and enforcement of the development of subdivisions which are wholly or partly located within the planning jurisdiction of the MUNICIPAL PLANNING COMMISSION, subject to applicable state law and the requirements of Section 11-52-32, Code of Alabama requiring review and certification by the County Engineer and compliance with all applicable Baldwin County Zoning regulations.

6. Unless otherwise provided or allowed by applicable state law, where the MUNICIPAL PLANNING COMMISSION is responsible for the regulation and enforcement of a subdivision development within the planning jurisdiction of the MUNICIPAL PLANNING COMMISSION outside the corporate limits of the MUNICIPALITY, no map or plat of any subdivision shall be recorded, and no property shall be sold referenced to the map or plat, until and unless it has been first submitted to, and approved by, the MUNICIPAL PLANNING COMMISSION, pursuant to § 11-52-32, Code of Alabama, and then certified by the county engineer or his or her designee within 30 days of being submitted to the county engineer. Approval by the county engineer shall not constitute approval in lieu of or on behalf of the MUNICIPALITY with respect to a subdivision development regulated and enforced by the MUNICIPAL PLANNING COMMISSION.

7. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that if any portion of a proposed subdivision is located within the MUNICIPAL PLANNING COMMISSION'S planning jurisdiction, then the subdivision regulations of the MUNICIPAL PLANNING COMMISSION shall apply. The MUNICIPAL PLANNING COMMISSION may alter and amend its subdivision regulations in its sole discretion from time to time.
8. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that in the case of any subdivision located outside the corporate limits of the MUNICIPALITY which has received preliminary plat approval from the COMMISSION or MUNICIPAL PLANNING COMMISSION prior to the effective date of this Agreement, the same shall continue to be solely under the jurisdiction of the respective COMMISSION or MUNICIPAL PLANNING COMMISSION as long as the approval remains effective.

9. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that any application for subdivision located outside the corporate limits of the MUNICIPALITY properly submitted and accepted into the COMMISSION'S or MUNICIPAL PLANNING COMMISSION'S subdivision review process prior to the effective date of this Agreement shall remain under the review authority of the entity to whom it was properly submitted.

10. Except as provided in paragraph 4 regarding the automatic adjustment of planning jurisdiction boundaries as permitted by state law, it is expressly understood that this Agreement can be modified or amended only by mutual action of the COMMISSION, the MUNICIPALITY, and the MUNICIPAL PLANNING COMMISSION, whenever such modification is needed.

11. If any part, section, or subdivision of this Agreement shall be held to be illegal, invalid, or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Agreement which shall continue in full force.

12. The COMMISSION, MUNICIPALITY, and MUNICIPAL PLANNING COMMISSION hereby agree that any previous Agreement entered into between the COMMISSION, MUNICIPALITY, and/or MUNICIPAL PLANNING COMMISSION regarding the regulation of subdivisions outside the MUNICIPALITY'S corporate limits but with the MUNICIPAL PLANNING COMMISSION'S planning jurisdiction, is hereby terminated and replaced by this Agreement.

13. This Agreement shall become effective on the later of the following two dates: (1) July 26, 2021, or (2) the date upon which the last of the following have been completed: a resolution adopted by the COMMISSION approving this Agreement, an ordinance adopted by the MUNICIPALITY approving this Agreement, and a resolution adopted by the MUNICIPAL PLANNING COMMISSION approving this Agreement.

14. This Agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in both the County and the MUNICIPALITY.

IN WITNESS WHEREOF, the parties have set their hands and seals, by and through their duly authorized representatives, on the dates indicated below with the full intent and authority to bind the parties hereto.
[SIGNATURES ON THE FOLLOWING PAGE]
STATE OF ALABAMA
COUNTY OF BALDWIN

I, Caricille Crook, a Notary Public in and for said County in said State, hereby certify that JAMES E. BALL, whose name as Chairman of the BALDWIN COUNTY COMMISSION, and RONALD CINK, whose name as Interim County Administrator of the BALDWIN COUNTY COMMISSION, the governing body of Baldwin County, Alabama, a political subdivision of the State of Alabama, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said commission on the day the same bears date.

Given under my hand and seal this 2nd day of August, 2022.

Notary Public, Baldwin County, Alabama
My Commission Expires: July 14, 2026
MUNICIPALITY:
CITY OF FOLEY,
ALABAMA

ATTEST:

By: Michael Thompson
Its: City Administrator

By: Ralph Hellmich
Its: Mayor

STATE OF ALABAMA
COUNTY OF BALDWIN

I, [Name], a Notary Public in and for said County in said State, hereby certify that RALPH HELLMICH, whose name as Mayor of FOLEY, ALABAMA, and MICHAEL THOMPSON, whose name as City Clerk of FOLEY, ALABAMA, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of such instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said municipality on the day the same bears date.

Given under my hand and seal this 20th day of July, 2022.

[Notary Stamp]

Notary Public, Baldwin County, Alabama
My Commission Expires: [Expiry Date]

[Notary Seal]
MUNICIPAL PLANNING COMMISSION:
PLANNING COMMISSION OF THE
CITY OF FOLEY, ALABAMA

By: ____________________________
Its: Chairman

STATE OF ALABAMA
COUNTY OF BALDWIN

Branda W. Shanko, a Notary Public in and for said County in said State, hereby certify that WES Abrams, whose name as Chairman of the PLANNING COMMISSION OF FOLEY, ALABAMA, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Planning Commission on the day the same bears date.

Given under my hand and seal this 25th day of July, 2022.

Branda W. Shanko
Notary Public, Baldwin County, Alabama
My Commission Expires: April 25, 2024