

**PLANNING COMMISSION
MEETING MINUTES APRIL 19, 2023
(Council Chambers of City Hall) 5:30 P.M.**

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The City of Foley Planning Commission held a meeting on April 19, 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, Wes Abrams, Calvin Hare, Phillip Hinesley and Tommy Gebhart. Absent members were: Ralph Hellmich and Bill Swanson. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eckman, 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 March 8, 2023 and March 15, 2023 meeting minutes.

Commissioner Hare made a motion to approve the March 8, 2023 and March 15, 2023 meeting minutes. Commissioner Engel seconded the motion. All members voted aye.

Motion to approve the March 8, 2023 and March 15, 2023 meeting minute's passes.

AGENDA ITEMS:

1. William Crosby Duplex- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for a duplex. Property is located W. of S. Juniper St. and S. of E. Michigan Ave. Applicant is William Crosby.

Planning Commission Action:

Chairman Abrams stated items 1 & 2 on the agenda will be discussed and voted on together.

Mrs. Miriam Boone stated staff is recommending approval of the site plans for agenda items 1 and 2.

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

Motion to approve the requested site plans passes.

2. Crosby Properties LLC. Duplex- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for a duplex. Property is located W. of S. Juniper St. and S. of E. Michigan Ave. Applicant is Crosby Properties LLC.

Planning Commission Action:

Item was discussed and voted on with agenda item # 1.

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3. CGHC LLC (Lot 22) Duplex- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for a duplex. Property is located W. of S. Elm St. and S. of W. Laurel Ave. Applicant is CGHC LLC.

Planning Commission Action:

Chairman Abrams stated items 3 & 4 on the agenda will be discussed and voted on together.

Mrs. Boone stated there was some concern regarding the road servicing the duplex not being up to current standards for emergency vehicle access. She explained she spoke with Ms. Yarborough about the concerns regarding the road.

Mr. Joseph Yarbrough stated they recognize the road needs repairs and will make the needed repairs while they are doing the site work. He explained the construction of the duplexes will take approximately 5 months. He stated the road construction would be done before the building construction and take about 30 days to complete.

Commissioner Engel stated he would like to see the applicant save as many trees as possible.

Mr. Yarborough stated he has ordered a tree survey. He explained if needed they will move the location of the building or possibly ask for a variance if needed in order to save the trees.

Commissioner Gebhart made a motion to approve the requested site plans with the condition that the needed road repairs are completed prior to the issuance of the certificate of occupancy. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to approve the requested site plans with the condition that the needed road repairs are completed prior to the issuance of the certificate of occupancy passes.

4. CGHC LLC (Lot 23) Duplex- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for a duplex. Property is located W. of S. Elm St. and S. of W. Laurel Ave. Applicant is CGHC LLC.

Planning Commission Action:

Item was discussed and voted on with agenda item # 3.

5. Goodwill- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Goodwill. Property is located S. of E. Azalea Ave. and E. of S. McKenzie St. Applicant is Piedmont Companies for Goodwill Gulf Coast.

Planning Commission Action:

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

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

Motion to approve the requested site plan passes.

6. Cobblestone Hotel & Suites- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Cobblestone Hotel & Suites. Property is located at the NE corner of County Rd. 20 and Koniar Way. Applicant is Excel.

Planning Commission Action:

Mrs. Boone explained staff are recommending approval of the site plan. She stated the applicant will be adding a sidewalk in the right of way along Koniar Way and Farmers Market Lane. She explained the city is working on a lighting project for the area.

Mr. Chad Christian stated there is a proposed cross walk that will feed into a roundabout along Kenny Stabler Ave.

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

Motion to approve the requested site plan passes.

7. City of Foley Public Works- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for the City of Foley Public Works. Property is located at the SE corner of N. Poplar St. and E. Section Ave. Applicant is the City of Foley.

Planning Commission Action:

Mrs. Boone stated staff is recommending approval of the site plan. She explained the signage is not included in the approval due to dimensions not being provided. She stated the signage will be reviewed by staff at a later date.

Commissioner Hinesley 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.

8. Resub of Lots 1-10 of Magnolia Land Co Addition to Foley- Request for Exempt/Minor Subdivision

The City of Foley Planning Commission has received a request for approval of the Resub of Lots 1-10 of Magnolia Land Co Addition to Foley, an exempt/minor subdivision which consists of .72 +/- acres and 2 lots. Property is located at 307 S. McKenzie St. Applicant is Engineering Design Group, LLC.

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Planning Commission Action:

Mrs. Boone explained the request is to move the lot line to match the footprint of the existing building. She stated staff is recommending approval.

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

Motion to approve the requested exempt/minor subdivision passes.

9. Resubdivision of Lot 1B Old Time Pottery- Request for Minor Subdivision

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 1B Old Time Pottery, a minor subdivision which consists of 1.55 +/- acres and 2 lots. Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is Engineering Design Group, LLC.

Public Hearing:

Planning Commission Action:

Chairman Abrams stated the agenda item has been withdrawn per the applicant's request.

10. Last Resort- Request for Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Last Resort which consists of 5.74 +/- acres and 38 lots. Property is located S. of County Rd. 20 and E. of James Rd. Applicant is Next to Last, LLC.

Public Hearing:

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

Mr. John Bennett owner of the storage units located at 21188 Mifflin Rd. Asked if any fencing would be added around the development.

Mr. Jim Brown stated there will be a fence added to the east and west sides of the property and a fence, berm and vegetation added to the front. He explained there is a natural buffer being left between the development and the mini storage. He stated the natural buffer would be damaged if a fence was added to the area.

Planning Commission Action:

Commissioner Quaites made a motion to approve the requested preliminary. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested preliminary passes.

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11. Young Properties- Request for Minor

The City of Foley Planning Commission has received a request for approval of Young Properties, a minor subdivision which consists of 6.54 +/- acres and 2 lots. Property is located W. of State Hwy. 59 and S. of County Rd. 20 S. Applicant is Charles Rosser.

Public Hearing:

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

Mr. Tim Arant with Remax Realty stated he is representing Mr. Rosser if anyone has any questions.

Planning Commission Action:

Mrs. Boone stated there was discussion regarding the new lot possibly being landlocked. She explained the lot will be combined with the existing RV park.

Mr. Christian stated the plat will be modified to accomplish what is noted on the plat. He stated he will sign the plat once the lots are combined and all lots front the County Rd. 20 S.

Commissioner Engel asked what the intended use is for the back parcel.

Mrs. Boone stated her understanding is the lot will be used for storage of RV's which will require the Board of Adjustment and Appeals approval.

Commissioner Hare made a motion to approve the requested minor subdivision with the conditions that the plat will be modified in order to reflect the note of combining lots. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the requested minor subdivision with the conditions that the plat will be modified in order to reflect the note of combining lots passes.

12. Turf Properties LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 619 +/- acres. Proposed zoning is PID (Planned Industrial District). Property is located S. of County Rd. 26 and W. of County Rd. 65. Applicant is Turf Properties LLC.

Public Hearing:

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

Ms. Lisa Kennedy resident of 17594A Brewer Rd. stated she is concerned about the effects the solar farm will have on her property value, the solar panels becoming projectiles during a hurricane, and the wildlife on the property. She asked if a buffer would be provided.

Mr. Kenneth Kennedy resident of 17594A Brewer Rd. asked about the benefits the solar farm will have to the community. He stated he is going to have to stare at solar panels that will decrease his property that has been in his family for 40 years.

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Mr. Andrew Boggs stated in the event of heavy winds the solar panels go into a stow mode. He explained the stow mode turns the panels flat to prevent them from being damaged. He stated they are offering fencing as a buffer. He stated if the use is discontinued the land can be restored easily to its current state.

A resident asked about the people working in the sod farm currently that will lose their jobs.

Mr. Boggs explained the project will employ approximately 10 job contracts which include maintaining the grass.

A resident asked what would happen if the solar farms became nonoperational and decided not to continue the use on the property.

Mr. Boggs stated the equipment would be removed and the property would be restored to its current state. He explained the power generated from the farm will be sold to Alabama Power which will benefit Foley citizens.

Mr. Kennedy stated residents in the area don't use Alabama Power.

Mr. Boggs stated Riviera Utilities and others will be receiving transmission from Alabama Power. He explained there will not be additional transmission lines. He explained there will be a smaller substation installed in the SW corner of the property. He stated they currently have a 25 to 40 year contract which is the useful life of the panels.

A resident asked how the heat from the panels will affect the surrounding residents. He stated the panels will be flying objects all over Baldwin County during a hurricane event.

Mr. Boggs explained the panels perform low in heat. He stated they do not generate much heat. He explained tests have been performed which indicate the depth needed for the poles which are installed with a cement footer.

Residents asked how many solar farms the company currently has operating.

Mr. Boggs stated they have approximately 20 operating solar farm locations which are much larger than the one being proposed for this location. He stated it is a quiet operation with minimal traffic. He explained there was research done to ensure no endangered animals would need to be relocated from the site.

Mrs. Boone explained since the property is being zoned to a PID if the uses change the Planning Commission would have to approve a different use.

A resident stated he would like to see the panels moved back off of Poser Rd.

Mrs. Boone explained there will be a 250' buffer between the solar farm and the residence.

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Planning Commission Action:

Commissioner Hinesley made a motion to recommend the requested pre-zoning to the Mayor and Council with the condition that a landscaped buffer and fence will be in place along the areas that are adjacent to residences.

Commissioner Hare seconded the motion.

Commissioner Gebhart explained he understands the residents' concerns and also recognizes the use could be worse. He stated he challenges the developer to find a middle ground for the residents that live in the area.

Mr. Boggs stated the trees will be something native that grow well in the area. He explained the proposed fencing will be 6' with barbed wire on top which will make the total fence height 7'. He explained the trees will be much taller than the fencing. He stated the use of barbed wire is optional and can be eliminated if needed.

Mrs. Boone explained the property is currently in unzoned Baldwin County. She stated the city is encouraging annexation so the City can have some control over the approved use.

Commissioner Engel stated he understands the concern and also understands the use could be a lot worse.

Commissioner Hinesley stated solar panels are the way of the future and the use will not be a large traffic generator.

All Commissioners voted aye.

Motion to recommend the requested pre-zoning to the Mayor and Council passes.

13. 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 of the item. There were none.

Planning Commission Action:

Commissioner Hinesley made a motion to recommend the proposed Zoning Ordinance Amendments to the Mayor and Council. Commissioner Quaites seconded the motion. All members voted aye.

Motion to recommend the proposed Zoning Ordinance Amendments to the Mayor and Council passes.

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ADJOURN:

Chairman Abrams adjourned the meeting at 6:25 p.m.