

**CITY OF FOLEY
PLANNING COMMISSION**

WORK SESSION

August 9, 2023

City Hall

Council Chambers

At 5:30 p.m.

&

MEETING

August 16, 2023

City Hall

Council Chambers

At 5:30 p.m.

**PLANNING COMMISSION
WORK SESSION AGENDA AUGUST 9, 2023
&
MEETING AGENDA AUGUST 16, 2023
(Council Chambers of City Hall) 5:30 P.M.**

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The City of Foley Planning Commission will hold a work session on August 9, 2023 at 5:30 p.m. and a meeting on August 16, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue.

MINUTES:

Approval of the July 12, 2023 and July 19, 2023 meeting minutes.

AGENDA ITEMS:

1. AAM Equipment Rental- Site Plan Extension

The City of Foley Planning Commission has received a 1 year site plan extension request for AAM Equipment Rental. Property is located E. of the Foley Beach Express and S. of Doc McDuffie Rd. Applicant is OTK Architecture.

Planning Commission Action:

2. Bay Street Village Phase 1- Preliminary Extension

The City of Foley Planning Commission has received a 6 month preliminary extension request for Bay Street Village Phase 1. Property is located at the NW corner of Michigan Ave. and Bay Street. Applicant is Goodwyn Mills Cawood, LLC.

Planning Commission Action:

3. Bay Street Village Phase 2- Preliminary Extension

The City of Foley Planning Commission has received a 6 month preliminary extension request for Bay Street Village Phase 2. Property is located at the NW corner of Michigan Ave. and Bay Street. Applicant is Goodwyn Mills Cawood, LLC.

Planning Commission Action:

4. *Childress-Dillon Line Shift & Family Division- Request for Minor/Exempt

The City of Foley Planning Commission has received a request for approval of the Foley Childress-Dillon Line Shift & Family Division a minor/exempt subdivision which consists of 35 acres and 2 lot. Property is located W. of Barner Rd. and S. of W. Michigan Ave. Applicant is John & Marilyn Dillon.

Planning Commission Action:

5. Resubdivision of Lot 1 of the Foley Crossroads Subdivision- Request for Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of the Resubdivision of Lot 1 of Foley Crossroads Subdivision which consists of 124.7 +/- acres and 9 lots. Property is located at the SW corner of County Rd. 20 and the Foley Beach Express. Applicant is Engineering Design Group, LLC.

Public Hearing:

Note: *Denotes property located in the Planning Jurisdiction

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Planning Commission Action:

6. Element Townhomes- Request for 1 year Site Plan Extension

The City of Foley Planning Commission has received a 9 month site plan extension request for Element Townhomes. Property is located S. of County Rd. 20 and E. of State Hwy. 59. Applicant is KTC Development, LLC.

Planning Commission Action:

7. Subdivision Regulation- Amendments

Public Hearing:

Planning Commission Action:

WORK SESSION ONLY:

8. Presentation- Wayne Dyess

ADJOURN:

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The City of Foley Planning Commission held a work session on July 12, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were; Larry Engel, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley, Deborah Mixon and Bill Swanson. Absent members were Tommy Gebhart and Vera Quaites. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eckman, Environmental Manager; Wayne Dyess, Executive Director of Infrastructure and Design; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

AGENDA ITEMS:

1. Uhaul- Request for 1 year Preliminary Extension

The City of Foley Planning Commission has received a 1 year site plan extension request for UHaul. Property is located S. of Brinks Willis Rd. and E. of State Hwy. 59. Applicant is Goodwyn Mills Cawood.

Mrs. Miriam Boone explained the request is for a site plan approval extension. She stated the plan is meeting zoning requirements and staff is recommending approval of the extension.

2. Tony Loveless 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 at the NE corner of N. Alston St. and W. Walnut Ave. Applicant is Tony Loveless.

Mrs. Boone explained the request is for a duplex site plan review. She stated the plan is meeting the form based Zoning Ordinance requirements. She explained the Environmental Department has noted an Erosion and Sediment permit will be required. She stated staff is recommending approval of the site plan.

3. Phillip Long 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 N. McKenzie St. and S. of W. Birch Ave. Applicant is Phillip Long.

Mrs. Boone explained the request is for a duplex site plan review. She stated the plan is meeting the form based Zoning Ordinance requirements. She explained the Environmental Department has noted an Erosion and Sediment permit will be required. She stated staff is recommending approval of the site plan.

4. Collins Aerospace- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Collins Aerospace. Property is located at 1300 W. Fern Ave. Applicant is Barton & Shumer Engineering, LLC.

Mrs. Boone explained the site plan is for a 95,000 sq. ft. addition to the west end of the existing building.

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Commissioner Hellmich explained when the current building was built they made it known there would be an addition in the future. He stated this will basically finish out the building.

Mrs. Boone explained the Engineering Department has commented that an LDP will be required. She stated staff is recommending approval of the site plan.

5. Empower Rental Group - Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Empower Rental Group. Property is located E. of the Foley Beach Express and S. of the Industrial Pkwy. Applicant is Jade Consulting.

Mrs. Boone explained the Engineering Department commented the LDP has been submitted and is under review. She stated staff is recommending approval of the site plan.

6. DSLD Homes Gulf Coast LLC- Request for PUD Modification

The City of Foley Planning Commission has received a request for a PUD Modification for Lakeview Gardens Phase 1 lot 77. Property is located at the SW corner of Putter Ln. and Chipper Ln. Applicant is DSLD Homes (Gulf Coast) LLC.

Mrs. Boone explained the request is for a modification to the rear setback for Lot 77. She stated the requested setback is exceeding the Zoning requirements but does not meet the approved PUD for the subdivision.

Commissioner Hellmich asked if the approved PUD setbacks would still apply for the rest of the subdivision.

Mrs. Boone answered yes the requested modification is for the one lot.

7. Foley BTR- Request for Minor/Exempt

The City of Foley Planning Commission has received a request for approval of the Foley BTR, a minor/exempt subdivision which consists of 18.19 acres and 1 lot. Property is located at the SE corner of S. Hickory St. and County Rd. 20. Applicant is Jade Consulting.

Mrs. Boone explained the applicant has been working with Baldwin County on donating right of way. She stated the request is to combine two lots into one lot. She explained staff are recommending approval of the minor/exempt subdivision.

8. * Freemans Resubdivision- Request for Minor/Exempt

The City of Foley Planning Commission has received a request for approval of the Freemans Resubdivision, a minor/exempt subdivision which consists of 1.2 acres and 1 lot. Property is located N. of Waverly Ln. and S. of Simmons Dr. Applicant is Weygand Wilson Surveyors, LLC.

Mrs. Boone explained the subdivision consists of combining two lots into one lot and is located in the Extra Territorial Jurisdiction. She stated staff is recommending approval of the minor/exempt subdivision.

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9. Creekside International Subdivision- Request for Minor

The City of Foley Planning Commission has received a request for approval of the Creekside International, a minor subdivision which consists of 2.9 +/- acres and 1 lot. Property is S. of County Rd. 20 and W. of James Rd. Applicant is Creekside International Speedway, LLC.

Mr. Chad Christian stated the plat is being done to correct the lot numbering system.

Mrs. Boone stated staff is recommending approval of the minor subdivision.

10. Creekside International Speedway- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Creekside International Speedway. Property is located S. of County Rd. 20 and W. of James Rd. Applicant is Creekside International Speedway, LLC.

Mrs. Boone stated the Engineering Department has commented that an LDP permit will be required. She explained the Building Department has commented ADA parking compliance will be required. She stated the go karts will be electric.

Chairman Abrams asked if the parking for the Creekside International Speedway will be shared with the existing mini golf.

Mr. Jim Brown stated the parking will be shared.

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

11. Underwood- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 19 +/- acres. Property is currently zoned AO (Agricultural Open Space). Proposed zoning is B-1A (Extended Business District). Property is located at the NW corner of Springsteen Ln. and US Hwy. 98. Applicant is Gary Underwood.

Mrs. Boone explained the request is to rezone the property from AO to B-1A. She stated the applicant would like to have RV and Boat storage on the lot. She explained the applicant will have to request a use permitted on appeal from the Board of Adjustment and Appeals and site plan approval from the Planning Commission. She stated the Environmental Department commented that a wetland study will be required. She explained the Engineering Department commented the LDP application will be required for ALDOT and City review and improvements to Springsteen Lane may be required.

12. Sherwood- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 8.71 +/- acres. Property is currently zoned B2 (Neighborhood Business District). Proposed zoning is R-1C (Residential Single Family). Property is located W. of S. Hickory St. on Ocala Dr. Applicant is the City of Foley.

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Mrs. Boone explained the requested rezoning was discussed at last month's meetings. She stated the parcels were legal conforming when they were created and due to Zoning Ordinance amendments the parcels are now legal non-conforming. She explained the rezoning is being handled by the City at the request of the citizens.

Commissioner Hellmich stated the rezoning will make the lots conforming and take a hardship off of the citizens.

13. Proposed Mills Community Park - Request for Minor

The City of Foley Planning Commission has received a request for approval of the proposed Mills Community Park, a minor subdivision which consists of 33 +/- acres and 2 lots. Property is located at 17625 Breckner Rd. Applicant is the City of Foley.

Mrs. Boone explained the City will be purchasing the property for a park.

Mr. Christian stated the surveyor is currently working on the plat.

Commissioner Hellmich stated the park will be a low intensity park. He explained the park will be strictly for the community. He stated the envision is for playground equipment, basketball courts and sidewalks in the area.

WORK SESSION ONLY:

14. Presentation- Wayne Dyess

Mr. Dyess presented a training series.

ADJOURN:

Chairman Abrams adjourned the meeting at 6:36 p.m.

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(Council Chambers of City Hall) 5:30 P.M.**

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The City of Foley Planning Commission held a meeting on July 19, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Larry Engel, Deborah Mixon, 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; Wayne Dyess, Executive Director of Infrastructure and Development; 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 June 14, 2023 and June 21, 2023 meeting minutes.

Commissioner Gebhart made a motion to approve the June 14, 2023 and June 21, 2023 meeting minutes. Commissioner Hinesley seconded the motion. All Commissioners voted aye.

Motion to approve the June 14, 2023 and June 21, 2023 meeting minute's passes.

AGENDA ITEMS:

1. Uhaul- Request for 1 year Preliminary Extension

The City of Foley Planning Commission has received a 1 year site plan extension request for UHaul. Property is located S. of Brinks Willis Rd. and E. of State Hwy. 59. Applicant is Goodwyn Mills Cawood.

Planning Commission Action:

Mrs. Boone explained the request is for a one year site plan extension. She stated staff is recommending approval.

Mr. Chad Christian stated the Land Disturbance package has been submitted.

Commissioner Hellmich made a motion to approve the requested one year site plan extension. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the requested one year site plan extension passes.

2. Tony Loveless 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 at the NE corner of N. Alston St. and W. Walnut Ave. Applicant is Tony Loveless.

Planning Commission Action:

Mrs. Boone stated the request is meeting the Zoning Ordinance form based code requirements. She explained the Environmental Department has commented that an erosion and sediment permit will be required. She stated staff is recommending approval of the duplex site plan.

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

Motion to approve the requested duplex site plan passes.

3. Phillip Long 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 N. McKenzie St. and S. of W. Birch Ave. Applicant is Phillip Long.

Planning Commission Action:

Mrs. Boone stated the request is meeting the Zoning Ordinance form based code requirements. She explained the Environmental Department has commented that an erosion and sediment permit will be required. She stated staff is recommending approval of the duplex site plan.

Mr. Phillip Long stated he has applied for the erosion and sediment permit.

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

Motion to approve the requested duplex site plan passes.

4. Collins Aerospace- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Collins Aerospace. Property is located at 1300 W. Fern Ave. Applicant is Barton & Shumer Engineering, LLC.

Planning Commission Action:

Mrs. Boone explained the request is for a 95,000 square foot addition to the existing building.

Commissioner Hellmich 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.

5. Empower Rental Group- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Empower Rental Group. Property is located E. of the Foley Beach Express and S. of the Industrial Pkwy. Applicant is Jade Consulting.

Planning Commission Action:

Mrs. Boone explained the request is for a site plan for an equipment rental business to be located in the Industrial Park which is zoned PID. She stated the Engineering Department has commented that the Land Disturbance application has been submitted.

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

Note: *Denotes property located in the Planning Jurisdiction

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Motion to approve the requested site plan passes.

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

The City of Foley Planning Commission has received a request for a PUD Modification for Lakeview Gardens Phase 1 lot 77. Property is located at the SW corner of Putter Ln. and Chipper Ln. Applicant is DSLH Homes (Gulf Coast) LLC.

Planning Commission Action:

Mrs. Boone stated the required rear yard setback for a PUD in the Zoning Ordinance is 15'. She explained the developer of this PUD set the rear setback for 30'. She stated the request is for a 17' rear setback which is exceeding the Zoning Ordinance requirements.

Commissioner Hellmich stated this is a unique situation being driven by the configuration of the lot and how they would like the home to sit on the lot.

Commissioner Hare asked if other owners in the PUD could potentially request the same setback.

Mr. Boone stated the owners would have to request a modification to the PUD. She explained the Commission would have to take into consideration the circumstances of the request.

Commissioner Hellmich stated the covenants for the subdivision may restrict the setback requirements.

Commissioner Engel asked if approval would set a precedence.

Mrs. Boone stated several years ago the city had to consult their attorney on how to handle the situation if the requested setback is meeting the Zoning Ordinance but not the approved PUD for the area. She explained the situations are handled on a case by case basis and would be a modification strictly for the individual lot.

Commissioner Hellmich made a motion to approve the requested PUD modification. Commissioner Quaites seconded the motion. Commissioner Engle voted nay. All other Commissioners voted aye.

Motion to approve the requested PUD modification passes.

7. Foley BTR- Request for Minor/Exempt

The City of Foley Planning Commission has received a request for approval of the Foley BTR, a minor/exempt subdivision which consists of 18.19 acres and 1 lot. Property is located at the SE corner of S. Hickory St. and County Rd. 20. Applicant is Jade Consulting.

Planning Commission Action:

Mrs. Boone explained the request is for a minor/exempt subdivision to combine two lots into one lot. She stated staff is recommending approval.

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Commissioner Hinesley made a motion to approve the requested minor/exempt subdivision. Commissioner Gebhart seconded the motion.

Commissioner Engel asked if the proposed development for the property has already received site plan approval.

Mrs. Boone stated a site plan approval has been done. She explained the applicant has met with staff regarding slight modifications to the plan. She stated if there are any major changes to the approved plan they will have to come back for approval from the Commission.

Commissioner Hellmich stated Baldwin County is working on improvements to the Hickory St. and County Rd. 20 intersection.

Mr. Christian stated the applicant donated the right of way to Baldwin County for the improvements.

All Commissioners voted aye.

Motion to approve the requested minor/exempt subdivision passes.

8. * Freemans Resubdivision- Request for Minor/Exempt

The City of Foley Planning Commission has received a request for approval of the Freemans Resubdivision, a minor/exempt subdivision which consists of 1.2 acres and 1 lot. Property is located N. of Waverly Ln. and S. of Simmons Dr. Applicant is Weygand Wilson Surveyors, LLC.

Planning Commission Action:

Mrs. Boone explained the request is for a minor/exempt subdivision to combine two lots into one lot. She stated staff is recommending approval.

Commissioner Hellmich 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. Creekside International Subdivision- Request for Minor

The City of Foley Planning Commission has received a request for approval of the Creekside International, a minor subdivision which consists of 2.9 +/- acres and 1 lot. Property is S. of County Rd. 20 and W. of James Rd. Applicant is Creekside International Speedway, LLC.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item. There were none.

Planning Commission Action:

Note: *Denotes property located in the Planning Jurisdiction

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Mrs. Boone explained the requested minor subdivision is being done to correct an error or omission on a previous plat. She stated staff is recommending approval.

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.

10. Creekside International Speedway- Site Plan Review

The City of Foley Planning Commission has received a request for a site plan review for Creekside International Speedway. Property is located S. of County Rd. 20 and W. of James Rd. Applicant is Creekside International Speedway, LLC.

Planning Commission Action:

Mrs. Boone stated the request is for a site plan review. She explained the site is next to the mini golf and will consist of electric go-kart and bumper cars and batting cages. She stated staff is recommending approval.

Commissioner Hellmich 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.

11. Underwood- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 19 +/- acres. Property is currently zoned AO (Agricultural Open Space). Proposed zoning is B-1A (Extended Business District). Property is located at the NW corner of Springsteen Ln. and US Hwy. 98. Applicant is Gary Underwood.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item. There were none.

Planning Commission Action:

Mrs. Boone stated staff has met with the applicant to review a site plan for the property for a RV and boat storage. She explained the site plan will have to be approved by the Planning Commission and the use will have to be approved by the Board of Adjustment and Appeals. She stated the Engineering Department had commented they were not opposed but a turn lane warrant analysis will be required for ALDOT and the City's review and improvements may be required to Springsteen Ln.

Commissioner Engel made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Hare seconded the motion. All Commissioners voted aye.

Motion to recommend the requested rezoning to the Mayor and Council passes.

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12. Sherwood- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 8.71 +/- acres. Property is currently zoned B2 (Neighborhood Business District). Proposed zoning is R-1C (Residential Single Family). Property is located W. of S. Hickory St. on Ocala Dr. Applicant is the City of Foley.

Public Hearing:

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

Mrs. Darrelyn Dunmore thanked the city for their help with the rezoning.

Planning Commission Action:

Mrs. Boone explained the lots are located in Sherwood subdivision. She stated at the time the homes were built residential use was allowed in a B-2 zone. She explained the Zoning Ordinance does not currently allow residential use in a B-2 zone. She stated the City is sponsoring the rezoning of the lots.

Commissioner Hellmich stated this rezoning is something that needed to be done and will make the zoning within the subdivision consistent.

Commissioner Hinesley made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Nixon seconded the motion. All Commissioners voted aye.

Motion to recommend the requested rezoning to the Mayor and Council passes.

13. Proposed Mills Community Park - Request for Minor

The City of Foley Planning Commission has received a request for approval of the proposed Mills Community Park, a minor subdivision which consists of 33 +/- acres and 2 lots. Property is located at 17625 Breckner Rd. Applicant is the City of Foley.

Public Hearing:

Chairman Abrams asked if there were any members of the public to speak on the item. There were none.

Planning Commission Action:

Mrs. Boone stated staff is recommending approval of the minor subdivision. She explained the 4 acre lot will be purchased by the city to use as a park for the Mills Community. She stated Mr. Breckner has started the petition for annexation of the property.

Mr. Chad Christian stated the surveyor is working on completing the plat.

Commissioner Hinesley asked about the future uses for the property and the proposed M-1 initial zoning.

Ms. Lydia Franz stated they will be coming back to subdivide the property into possibly 4 lots. She explained there will be approximately 75' buffers between the potential lots and the park. She

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stated they are marketing the property for warehouse and larger equipment rentals which will bring jobs to the area.

Mrs. Boone explained the property is currently unzoned.

Commissioner Quaites made a motion to approve the requested minor subdivision.

Commissioners asked if the approval needed to contain any contingency since the plat has not been completed at this time.

Commissioner Quaites amended her motion to approve the requested minor subdivision upon the completion of the plat and both parties agreeing to the plat. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the requested minor subdivision contingent upon both parties agreeing on and the completion of the final plat passes.

ADJOURN:

Commissioner Abrams adjourned the meeting at 6:11 p.m.



PLANNING COMMISSION JOINT STAFF REPORT: August 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: AAM Equipment Rentals

REQUEST: Site Plan
Extension

OWNER / APPLICANT:
OTK Architecture/Kipp Trawick

ACREAGE: 15.88

PIN#(s): 50087

LOCATION: East of FBE, south
of Doc McDuffie Rd

DESCRIPTION:
Requesting a 9 month extension
on the currently approved site
plan.

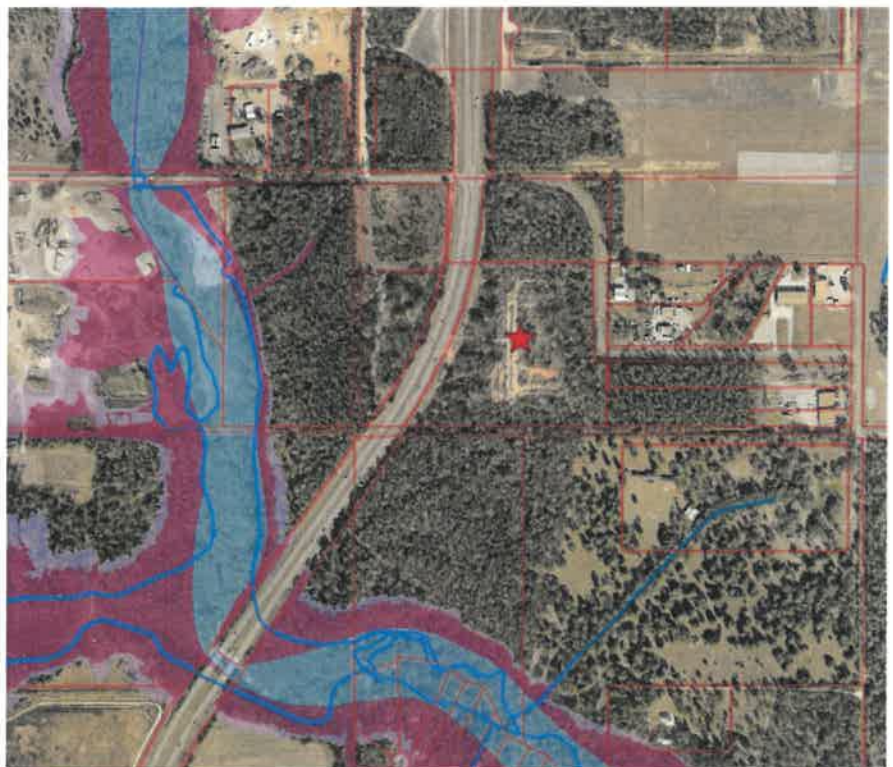
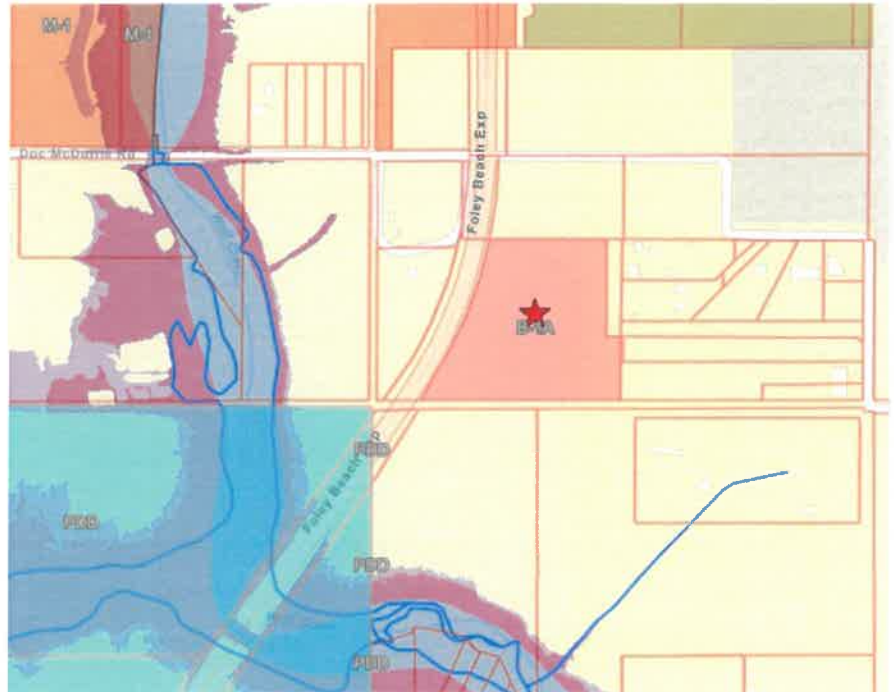
CURRENT ZONING:
B1A - Extended Business District

REQUESTED ZONING:
NA

ADJACENT ZONING:
Unzoned BC

FUTURE LAND USE:
NA

EXISTING LAND USE:
Vacant



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UTILITY LETTERS RECEIVED: YES / NO / **NOT APPLICABLE**
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING: This is an extension of the already approved site plan.

ENGINEERING: Not opposed.

ENVIRONMENTAL: Not opposed.

FIRE: Not opposed.

FLOODPLAIN ADMINISTRATOR: Not opposed.

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AAM EQUIPMENT RENTAL EXTENSION REQUEST

On Mon, Jul 24, 2023 at 12:50 PM <kipp.trawick@otkarchitecture.com> wrote:

Melissa,

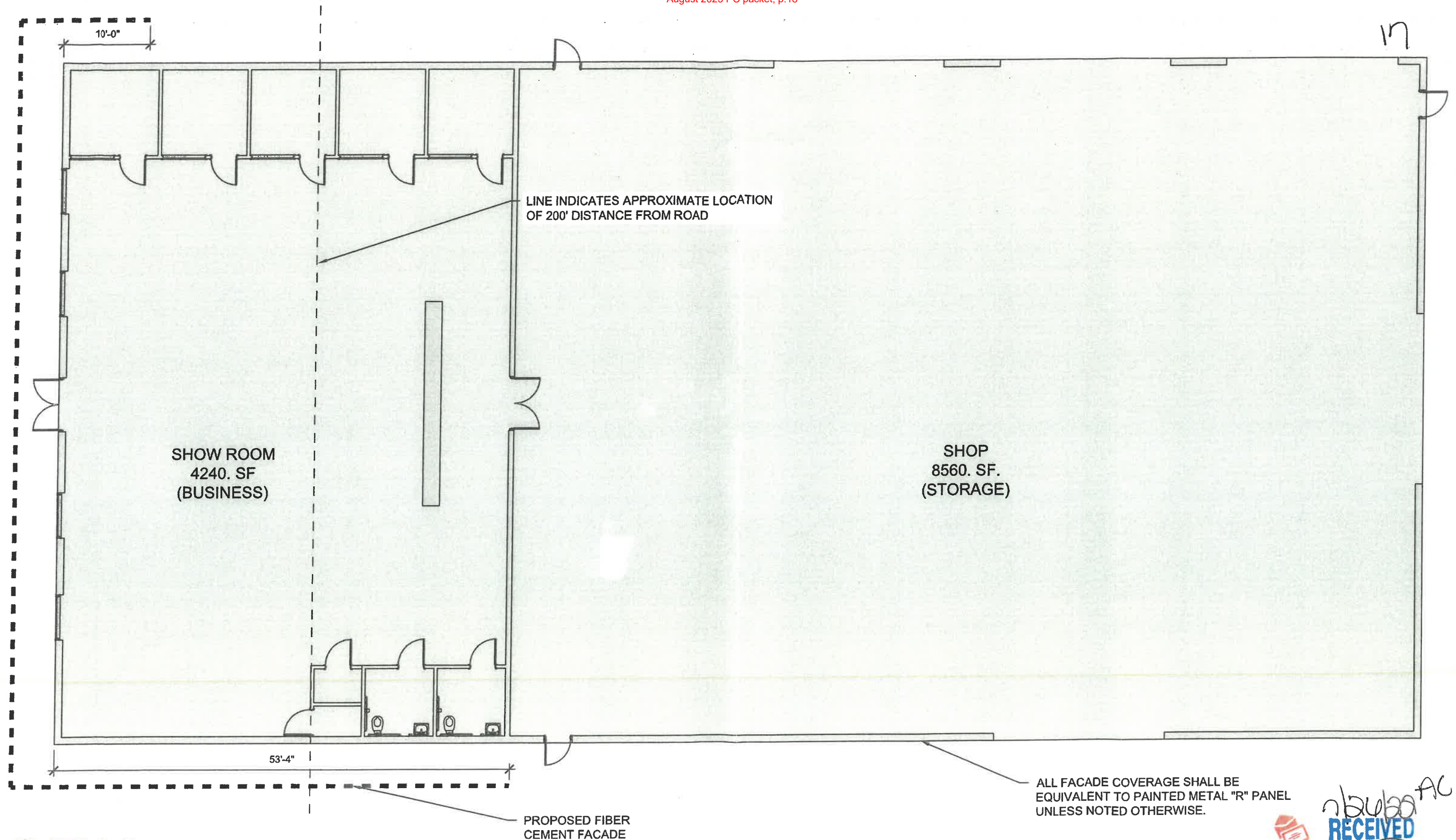
Please ask the approval to be renewed for an additional year. The plans are currently under review.

Kipp

Kipp Trawick
251-978-7279
OTK Architecture LLC
1302 N. McKenzie St.
Foley AL. 36535

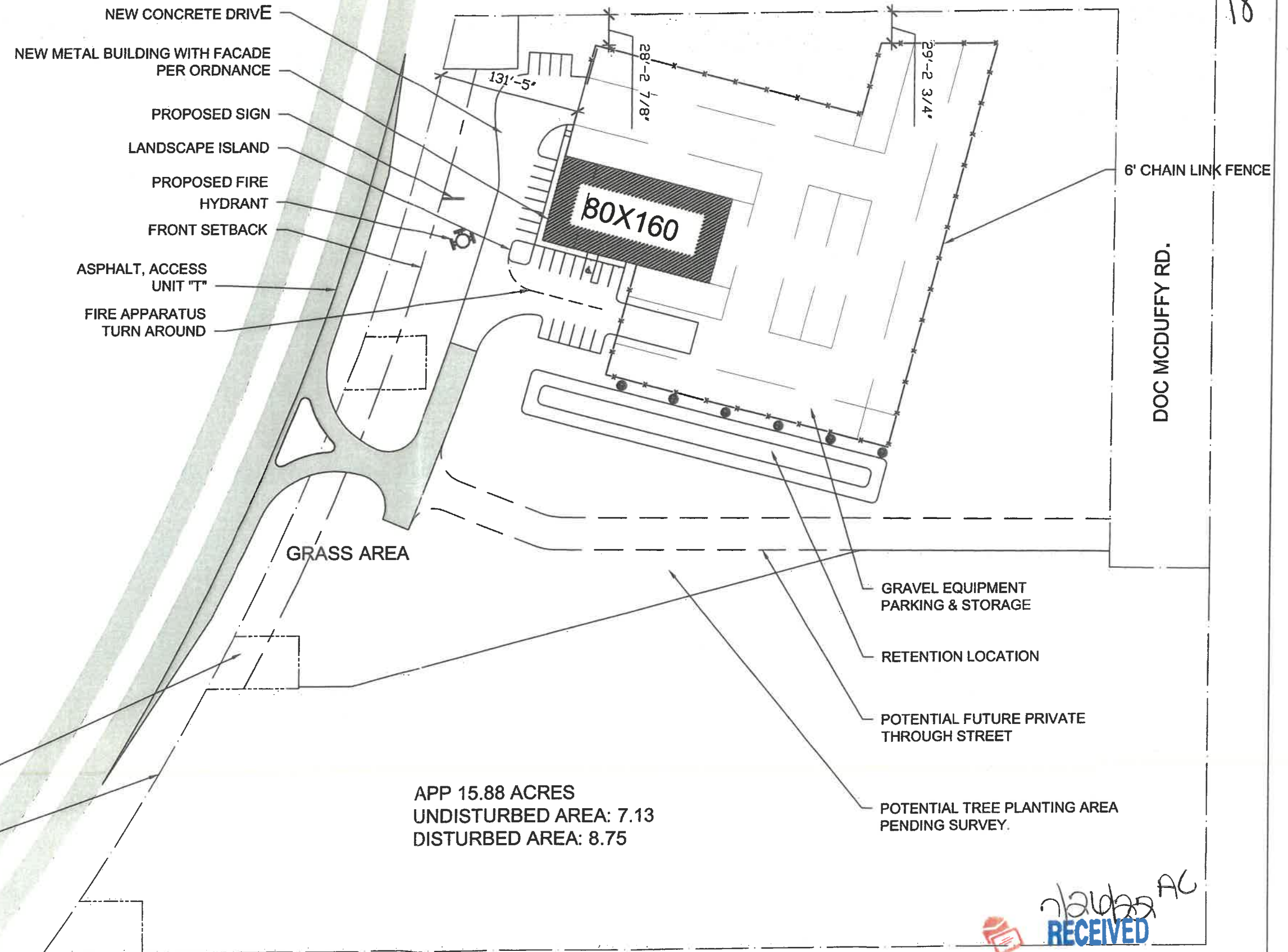
Principal: Otis Gatlin
251-270-6401

7/24/23
RECEIVED AC



NOTES:

1. THE FOLLOWING PROJECT IS A PROPOSED CONSTRUCTION EQUIPMENT RENTAL FACILITY. THE FACILITY CONSIST OF A METAL BUILDING PARTIALLY CLAD IN FIBER CEMENT SIDING AS NOTED ON THE SCHEMATIC FLOOR PLAN. RENTAL EQUIPMENT WILL BE STORED IN THE BACK GRAVEL PARKING AREA WHILE WAITING FOR ITS NEXT ASSIGNMENT. THE FRONT GRASS AREA WILL BE USED FOR DISPLAY OF SOME EQUIPMENT.
2. CITY OF FOLEY ZONE: B1-A
3. TOTAL ACREAGE: 15.88 ACRES
4. BUILDING OCCUPANCY BUSINESS/STORAGE INTENDED FOR CONSTRUCTION EQUIPMENT RENTAL COMPANY.
5. BUILDING AREA: 12,800.
6. EAVE HEIGHT: 20', MRH: 25'
7. W. BUILDING FACE (BF) APP 130' N. BF APP 130' FROM PROPERTY LINE.
8. ASPHALT PAVING AREA: 16,236. SF
9. CONCRETE PAVING AREA: 23,170. SF
10. TOTAL IMPERVIOUS AREA: 52,210. SF
11. GRAVEL PAVING AREA: 91,410. SF
12. TOTAL DISTURBED AREA: 381,150. SF
13. TOTAL OTHER AREA: 127,760. SF
14. TOTAL PARKING SPACES 22
15. MAX INLINE PARKING SPACES 8
16. REQUIRED PARKING OFFICE $\frac{4240}{400} = 11$ SPACES
17. REQUIRED PARKING SHOP $\frac{8560}{3000} = 3$
18. LANDSCAPED ISLANDS WITH SHRUBS: 2 EACH GREATER THAN 16SF. TOTAL 915. SF. CURBING AND SIDEWALKS TO BE RAISED 6".
19. TREES SPACED AT 50' O.C.
20. DISTANCE FROM PROPOSED F.E. 230'
21. BEACH EXPRESS ACCESS AS SHOWN TO MEET DESIGN REQUIREMENTS OF ACCESS UNIT "T" IN THE ACCESS MANAGEMENT PLAN.
22. AREA ALONG BEACH EXPRESS IS INTEND TO HAVE SECONDARY USE AS EQUIPMENT DISPLAY.
23. SEE PROPOSED SIGN
24. TOTAL NATIVE TREES TO BE 10 PER ACRE OF DISTURBED AREA. $8.75 \times 10 = 88$ TREES. DESIGN PENDING SURVEY OF EXISTING TREES.





EXISTING LAND USE:
Site work in progress



26

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 extension of an approved subdivision plat.

ENGINEERING:

Chad Christian - Not opposed.

ENVIRONMENTAL:

Angie Eckman - Not opposed.

FIRE:

Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:

Chuck Lay - Not opposed.

21



Goodwyn Mills Cawood

2039 Main Street
P.O. Box 1127
Daohne, AL 36526

T (251) 626-2626
F (251) 626-6934

www.gmcnetwork.com

July 24, 2023

RE: Bay Street Village

City of Foley Planning Commission

To whom it may concern:

Please accept this letter as a formal request for an extension of the preliminary plat approvals for Phases 1 & 2 of Bay Street Village Subdivision. The contractor for the project, R&R Construction has stated that all infrastructure has been installed and that all that remains is final stabilization of the site and some final cleanup, which they are taking care of this week. Once complete, GMC will request a final inspection with the City. GMC has already requested an inspection from Riviera's water and sewer departments, and we are currently preparing the final plat package for submittal to the City. Please note that both Phases 1 & 2 have been constructed, and the final plat will reflect the entire subdivision instead of it being separated into two phases. It is anticipated that all work will be complete prior to the September 15th expiration of the preliminary plat approvals; however we are asking for a six month extension as a precaution while the contractor works through their punch list and project closeout.

Thank you for your assistance with this matter.

Sincerely,

GOODWYN MILLS CAWOOD, LLC

A handwritten signature in black ink, reading "Amanda J. Thompson".

Amanda J. Thompson, P.E.
Project Manager

PLANNING COMMISSION WORK SESSION MINUTES

September 8, 2021 (Council Chambers of City Hall) 5:30 P.M.

22

Page 1 of 3

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WORK SESSION:

1. River Oaks Phase II- Preliminary

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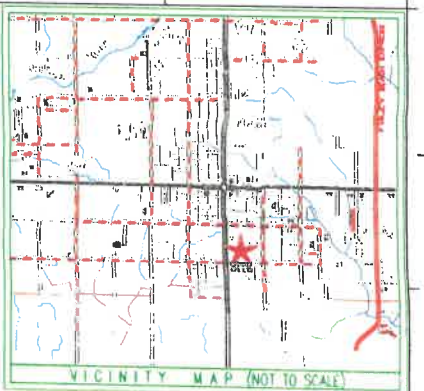
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Note: *Denotes property located in the Planning Jurisdiction



OWNER/DEVELOPER
MAGNOLIA LAND COMPANY, INC.
PO BOX 1047
FOLEY, AL 36536

SURVEYOR
STUART L. SMITH
AL. LICENSE NO. 27403

SITE DATA
TAX PARCEL NO. 05-54-08-33-2-000-016.000
TOTAL SITE AREA = 15.60 ACRES±
TOTAL COMMON AREA = 5.55 ACRES± (241,539 S.F.±)
TOTAL LINEAR FEET OF STREET = 1,357' (PHASE 2)
PHASE 1 = LOTS 1 THRU 22
NUMBER OF LOTS = 27
SMALLEST LOT = 0.12 ACRES± (5,250 S.F.±)
LARGEST LOT (1) = 0.12 ACRES± (5,384 S.F.±)
PHASE 2 = LOTS 28 THRU 77
NUMBER OF LOTS = 50
SMALLEST LOT (55) = 0.12 ACRES± (5,059 S.F.±)
LARGEST LOT (54) = 0.16 ACRES± (6,903 S.F.±)

CITY OF FOLEY ZONING
B-1A EXTENDED BUSINESS DISTRICT

ZONING REQUIREMENTS
• 30' FRONT SETBACK
• 20' REAR SETBACK
• 5' SIDE SETBACK FOR INTERIOR LOTS
• 30' SETBACK ALONG SIDE ADJUTING STREET
• 50' MAXIMUM HEIGHT REQUIREMENT
• MAXIMUM BUILDING AREA IS 50%

DEDICATED EASEMENTS
• RIVERA UTILITIES REQUIRES A 10' EASEMENT ALONG ALL SIDE PROPERTY LINES (5' EACH SIDE) AND A 15' EASEMENT ALONG ALL FRONT AND REAR PROPERTY LINES

UTILITIES
POWER - BALDWIN EMC
SEWER - RIVERA UTILITIES
WATER - RIVERA UTILITIES
PHONE - CENTURYLINK
NOTE: ALL UTILITIES WILL BE CONSTRUCTED UNDERGROUND.

- LEGEND**
- | | |
|---|--------------------------|
| P.O.C. POINT OF COMMENCEMENT | TELEPHONE BOX (VAULT) |
| P.O.B. POINT OF BEGINNING | WATER METER |
| (A) ACTUAL | SANITARY SEWER VALVE |
| (R) RECORD DEED | WATER VALVE |
| (P) PLAT OF RECORD (SLIDE NO. 1661-B) | DAS VALVE |
| (C) COMPUTED | TRANSFORMER BOX |
| OTF OPEN TOP IRON PIPE FOUND | LIGHT POLE |
| PF IRON PIN FOUND | CABLE TV BOX |
| CRF CRIMP TOP IRON PIPE FOUND | ELECTRIC BOX |
| CRF CRIMP REAR FOUND | ELECTRIC PANEL |
| CRS 5/8" CRIMP REAR SET STAMPED ON 1/8" | IRRIGATION CONTROL VALVE |
| CMF CONCRETE MONUMENT FOUND | SANITARY SEWER MANHOLE |
| CMF CONCRETE MONUMENT SET | STORM DRAIN MANHOLE |
| LSB LICENSED PROFESSIONAL SURVEYOR'S NUMBER | TELEPHONE MANHOLE |
| CMF CERTIFICATE OF AUTHORIZATION NUMBER | SEWER CLEANOUT |
| (DIST) DISTURBED | SEWER GRINDER PUMP |
| (REF) REFERENCE CORNER SET ON LINE | CREASE TRAP |
| (UNR) UNRECORDED | FLAG POLE |
| INST # INSTRUMENT NUMBER | GAS LINE SIGN MARKER |
| SECT. SECTION | TELEPHONE SIGN MARKER |
| R- RANGE | WATERLINE MARKER |
| PO- POWER POLE | FIBER OPTIC LINE MARKER |
| RDW RIGHT-OF-WAY | |
| R.O.W. RIGHT-OF-WAY | |
| SDN SIGNAL | |
| TELEPHONE PEDESTAL | |
| AW CONCRETE BOX | |
| JUNCTION BOX (VAULT) | |
| EL/ELEV ELEVATION | |
| INV INVERT | |
- NOTE:**
ALL CORNERS ARE "CHS" UNLESS OTHERWISE STATED.

GENERAL SURVEYOR'S NOTES

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS AND OTHER FIRMS, THE RECORDED SUBDIVISION PLAT, AND/OR OTHER RECORDED DOCUMENTS SHOWN HEREON.
- NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT THE TIME OF SURVEY.
- FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 01/15/2021.
- ALL BEARINGS ARE BASED ON NORTH AMERICAN DATUM 1983, ALABAMA WEST ZONE, STATE PLANE GRID NORTH, DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATION; ALL DISTANCES SHOWN ARE GROUND DISTANCES. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARD FEET. ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988. CONTOURS ARE SHOWN AT ONE FOOT INTERVALS.
- THE SURVEYED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AS SCALED FROM FLOOD INSURANCE RATE MAP NO. 01003C0018M, WITH A REVISED DATE OF IDENTIFICATION OF APRIL 19, 2019, FOR COMMUNITY NO. 010007, IN BALDWIN COUNTY, STATE OF ALABAMA.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS SHOWN.
- ALABAMA ONE CALL WAS CONTACTED TO HAVE THE UNDERGROUND UTILITIES MARKED FOR LOCATION ON 01/07/2021 (TICKET #210071507 & 210071517). ANY EXISTING UNDERGROUND UTILITIES NOT SHOWN HEREON WERE NOT MARKED AT THE TIME OF THIS SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, BUT THE UTILITIES ARE SHOWN AS THEY WERE MARKED IN THE FIELD.

LEGAL DESCRIPTION

LOT 2, BAY COVE, AS PER PLAT THEREOF RECORDED ON SLIDE NUMBER 1661-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

SURVEYOR'S CERTIFICATION

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF

STUART L. SMITH, PLS
ALABAMA LICENSE NUMBER 27403
DATE
*DRAWING IS INVALID WITHOUT SIGNATURE & SEAL OF A LICENSED LAND SURVEYOR

| CURVE TABLE | | | | | CURVE TABLE | | | | | CURVE TABLE | | | | | CURVE TABLE | | | | |
|-------------|------------|---------|------------|----------|-------------|------------|---------|-------------|----------|-------------|------------|---------|-------------|----------|-------------|------------|---------|-------------|----------|
| CURVE # | ARC LENGTH | RADIUS | CHORD | DISTANCE | CURVE # | ARC LENGTH | RADIUS | CHORD | DISTANCE | CURVE # | ARC LENGTH | RADIUS | CHORD | DISTANCE | CURVE # | ARC LENGTH | RADIUS | CHORD | DISTANCE |
| C1 | 36.86' | 149.98' | 508'00"27" | 36.87' | C6 | 35.33' | 150.00' | 579'43"3" | 35.24' | C11 | 64.76' | 275.00' | N48°44'30"E | 64.61' | C16 | 44.06' | 100.00' | N18°41'14"E | 43.71' |
| C2 | 35.33' | 150.00' | 521'45"18" | 35.24' | C7 | 21.33' | 150.00' | S86°33'00"W | 21.32' | C12 | 64.76' | 275.00' | N52°14'07"E | 64.61' | C17 | 5.17' | 100.00' | N02°34'55"E | 5.17' |
| C3 | 35.33' | 150.00' | 535'14"54" | 35.24' | C8 | 68.04' | 275.00' | N07°55'20"E | 67.86' | C13 | 64.76' | 275.00' | N75°43'43"E | 64.61' | | | | | |
| C4 | 35.33' | 150.00' | 548'44"30" | 35.24' | C9 | 64.78' | 275.00' | N21°45'18"E | 64.61' | C14 | 39.11' | 275.00' | N86°33'00"E | 39.08' | | | | | |
| C5 | 35.33' | 150.00' | 562'14"07" | 35.24' | C10 | 64.76' | 275.00' | N35°14'54"E | 64.61' | C15 | 107.01' | 100.00' | N59°56'01"E | 101.98' | | | | | |

**BAY STREET VILLAGE
PHASE 1
PRELIMINARY PLAT**

sheet 1 of 2

BAY STREET VILLAGE
MAGNOLIA LAND COMPANY, INC.

**SEC. 33-T7S,R4E
FOLEY, AL
GMC Project #
CMOB200134**

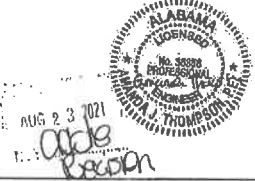
ISSUE DATE

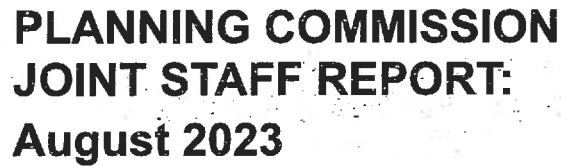
DRAWN BY: SLS
CHECKED BY: SLS

2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM



GOODWYN MILLS CAWOOD, LLC





EXISTING LAND USE:
Site work in progress



26

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an



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www.gmcnetwork.com

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Project Manager

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September 8, 2021 (Council Chambers of City Hall) 5:30 P.M.

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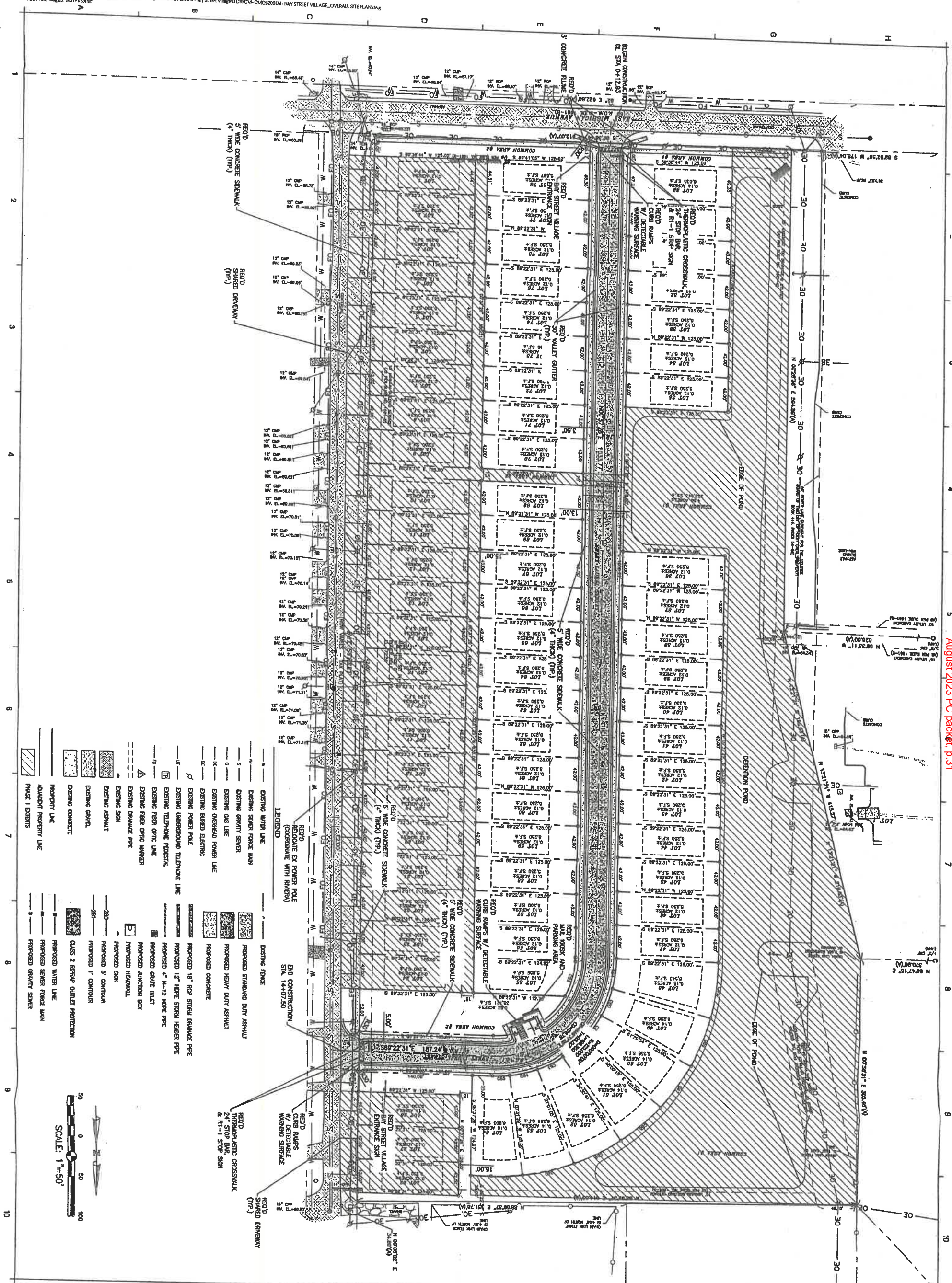
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OVERALL
SITE PLAN

SCALE: 1"=50'

C-101
sheet 4 of 24

BAY STREET VILLAGE
MAGNOLIA LAND COMPANY, INC

BAY STREET VILLAGE
FOLEY, AL
GMCProject: CMOB200134

ISSUE / DATE

| | |
|-----------------------|------------|
| SITE PLAN SUBMITTAL | 04/16/2021 |
| SITE PLAN RESUBMITTAL | 07/16/2021 |
| CITY COMMENTS | 08/19/21 |

DRAWN BY: BCL
CHECKED BY: AJT

2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM





PLANNING COMMISSION JOINT STAFF REPORT: August 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: John & Marilyn Dillon

REQUEST: Minor/Exempt (in Planning Jurisdiction)

OWNER / APPLICANT:
John K & Marilyn Dillon/
Michelle Dillon

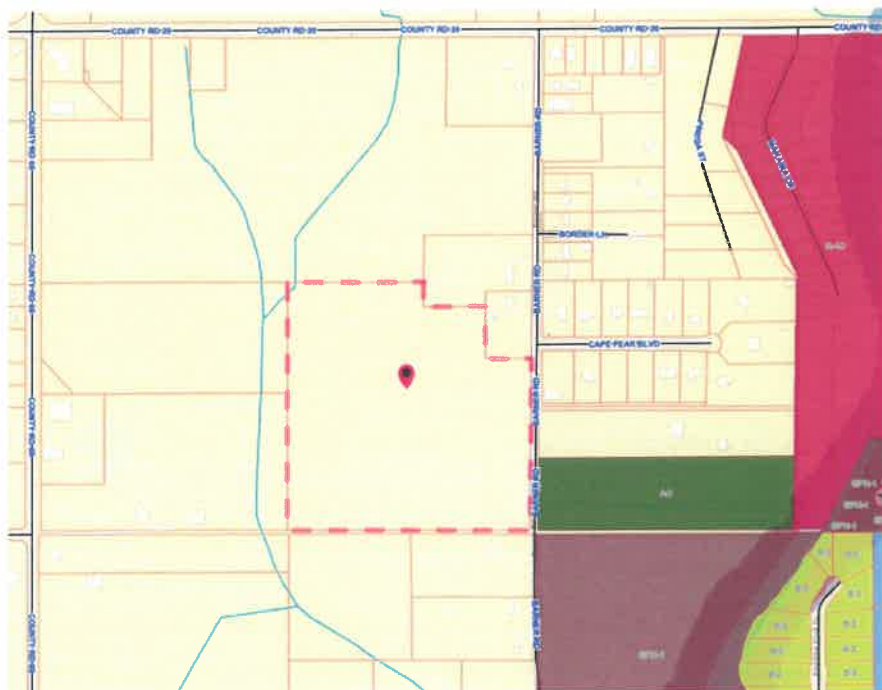
ACREAGE: 35 ac

PIN#(s): 64271

LOCATION: W of Barner Rd,
S of W Michigan Ave (CR-26)

PROJECT DESCRIPTION: 2 lot
family split

CURRENT ZONING:
Unzoned BC Dist 34



REQUESTED ZONING:
n/a

ADJACENT ZONING:
Unzoned BC Dist 34 & City of
Foley AO

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

EXISTING LAND USE:
farmland



32

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - This property is located in Unzoned BC District 34. The city has no zoning restrictions in this area however each lot is 5+/- acres. They currently have 2 parcels & will reconfigure but will still have 2 parcels.

ENGINEERING:

Chad Christian - Recommends approval. County-maintained road frontage.

ENVIRONMENTAL:

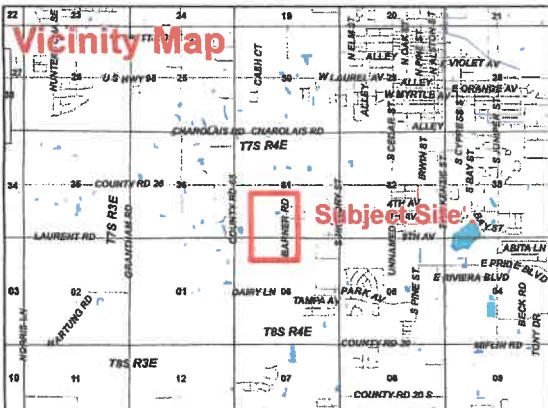
Angie Eckman - Not opposed.

FIRE:

Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:

Chuck Lay - Not opposed.





PLANNING COMMISSION JOINT STAFF REPORT: August 2023

34

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Resubdivision of Lot 1 - Foley Crossroads

REQUEST: Preliminary Subdivision

OWNER / APPLICANT:
Byrd Sons Family Trust /
Engineering Design Group
LLC

ACREAGE: 124.7 ac

PIN#(s): 12967

LOCATION: SW corner of
Mifflin Rd and Foley Beach
Express

PROJECT DESCRIPTION:
9 lots

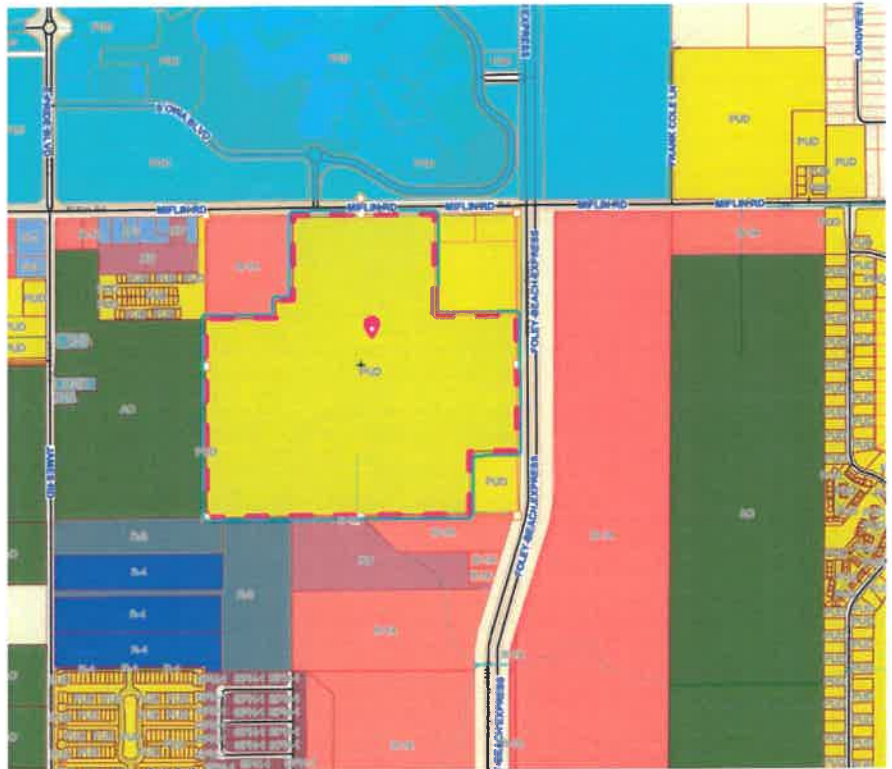
CURRENT ZONING:
PUD

REQUESTED ZONING:
n/a

ADJACENT ZONING:
AO, B-1A, PDD, R-2

FUTURE LAND USE:
RCC, Retail/Commercial
Concentration

EXISTING LAND USE:
vacant



35

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - This layout generally meets the conceptual PUD plan. The proposed road along the western boundary shown on the concept PUD has been removed due to some signal changes on CR 20.

ENGINEERING:

Chad Christian - The lots shown without existing frontage should be Phase 2 or "Not Part of This Subdivision". The Council is participating in an Economic Development project related to road design and construction.

ENVIRONMENTAL:

Angie Eckman - Not opposed.

FIRE:

Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:

Chuck Lay - Not opposed.

NOTES:

- ALL EASEMENTS AND RIGHT-OF-WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE HAVE BEEN SHOWN HEREON.
- BEARINGS SHOWN HEREON ARE RELATIVE TO THE ALABAMA STATE PLANE COORDINATE SYSTEM GRID AZIMUTH (ALABAMA WEST ZONE) (NAD 83) AND WERE DETERMINED USING GPS OBSERVATION.
- ACCORDING TO THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR ALABAMA (COMMUNITY PANEL 0100300227M & 0100300832M, EFFECTIVE DATE APRIL 19, 2019), THIS SITE LIES WITHIN ZONE X, DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".
- 30' STORM AND UTILITY EASEMENT SHOWN ACROSS LOTS 10-12 (FUTURE 13) ARE EXCLUSIVE TO THESE LOTS UNLESS OTHERWISE PERMITTED.

| LINE | BEARING | DISTANCE |
|------|-------------------------------------|-------------------------|
| L1 | S 00°17'41" E | 100.00' |
| L2 | N 89°42'19" E | 100.00' |
| L3 | N 89°48'30" E (M) N 89°48'30" E (R) | 147.54' (M) 147.54' (R) |
| L4 | N 00°08'20" W (M) N 00°08'20" W (R) | 148.05' (M) 147.63' (R) |

| CURVE | ARC LENGTH | RADIUS | CHORD LENGTH | CHORD BEARING |
|-------|------------|--------|--------------|---------------|
| C1 | 35.35' | 90.00' | 35.12' | S 44°42'19" W |
| C2 | 35.35' | 90.00' | 35.12' | S 45°17'41" E |
| C3 | 35.35' | 90.00' | 35.12' | N 44°42'19" E |
| C4 | 36.06' | 90.00' | 35.82' | N 45°03'52" W |

SURVEYOR
ENGINEERING DESIGN GROUP, LLC
1000 EAST LAUREL AVENUE
FOLEY, AL 36535
(251) 943-8960
CONTACT: CRAIG JOHNSON, P.L.S.

SITE DATA
TOTAL ACRES = 124.70 AC
NUMBER OF LOTS = 6
SMALLEST LOT SIZE = 2 AC
LARGEST LOT SIZE = 105.88 AC

EASEMENT NOTE:
THERE IS A DEDICATED HEREWITH A 10 FOOT UTILITY EASEMENT ON ALL LOT LINES AND COMMON AREAS ADJACENT TO THE RIGHT-OF-WAYS AND A 5 FOOT UTILITY EASEMENT ON EACH SIDE OF LOT AND COMMON AREA LINES, UNLESS OTHERWISE NOTED

OWNER
BYRD SONS RESIDUAL TRUST
7241 BLUEFIELD DRIVE
BAYMINETTE, AL 36507

ZONING
PLANNED UNIT DEVELOPMENT (PUD)
CITY OF FOLEY, AL 36535

VICINITY MAP (NOT TO SCALE)

SITE

C:\Users\Trowel\Desktop\Capture2.JPG

CERTIFICATE OF APPROVAL BY E-911 GIS/ADDRESSING:
The undersigned, as authorized by Baldwin County E-911 Board, hereby approves the road names as depicted on the map within plat and hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this _____ day of _____, 2023.

Authorized Representative

FINAL PLAT FOR RESUBDIVISION OF LOT 1 OF FOLEY CROSSROADS SUBDIVISION

AS RECORDED IN ON SLIDE 2829-F IN THE PROBATE OFFICE IN BALDWIN COUNTY, ALABAMA

SITUATED IN SECTION 10, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA

THE PURPOSE OF THIS RESUBDIVISION IS TO SUBDMDE ONE LOT INTO NINE LOTS AND TO DEDICATE RIGHT-OF-WAY TO THE CITY OF FOLEY, ALABAMA.

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

THE UNDERSIGNED, AS CITY ENGINEER OF THE CITY OF FOLEY, ALABAMA HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

SIGNED THIS _____ DAY OF _____, 2023.

CITY ENGINEER

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION

THE WITHIN PLAT RESUBDIVISION OF LOT 1 FOLEY CROSSROADS SUBDIVISION, FOLEY, ALABAMA IS HEREBY APPROVED BY THE CITY OF FOLEY PLANNING COMMISSION THIS THE _____ DAY OF _____, 2023.

CITY PLANNING COMMISSION CHAIRMAN

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (GAS)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA: THIS THE _____ DAY OF _____, 2023.

AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (WATER)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA: THIS THE _____ DAY OF _____, 2023.

AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY BALDWIN ELECTRIC (ELECTRIC)

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN ELECTRIC, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA: THIS THE _____ DAY OF _____, 2023.

AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (SEWER)

THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA: THIS THE _____ DAY OF _____, 2023.

AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY BRIGHTSPEED COMMUNICATIONS

THE UNDERSIGNED, AS AUTHORIZED BY CENTURYLINK COMMUNICATIONS, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA: THIS THE _____ DAY OF _____, 2023.

AUTHORIZED SIGNATURE

CERTIFICATE OF APPROVAL BY E-911 GIS/ADDRESSING

THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE MAP WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS _____ DAY OF _____, 2023.

AUTHORIZED REPRESENTATIVE

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

THIS IS TO CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOW AND DESCRIBED IN THE PLAT THAT I (WE) HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREON INDICATED; AND GRANT ALL EASEMENTS AND DEDICATE STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACE TO PUBLIC OR PRIVATE USE ADS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND COVENANTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT

DATED THIS _____ DAY OF _____, 2023.

PRINTED NAME

BYRD SONS RESIDUAL TRUST
7241 BLUEFIELD DRIVE
BAY MINETTE, AL 36507

CERTIFICATE OF APPROVAL BY NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF BALDWIN

I, _____ NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, HEREBY CERTIFY THAT _____ (OWNERS NAME) WHOS NAME IS SIGNED TO THE FOREGOING INSTRUMENT AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, EXECUTED THE SAME VOLUNTARILY,

GIVEN UNDER MY HAND AND OFFICIAL SEAL

THIS _____ DAY OF _____, 2023.

SIGNATURE OF NOTARY PUBLIC

DESCRIPTION:

LOT 1, FOLEY CROSSROADS SUBDIVISION, PHASE 3 AS RECORDED ON SLIDE 2548-F IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

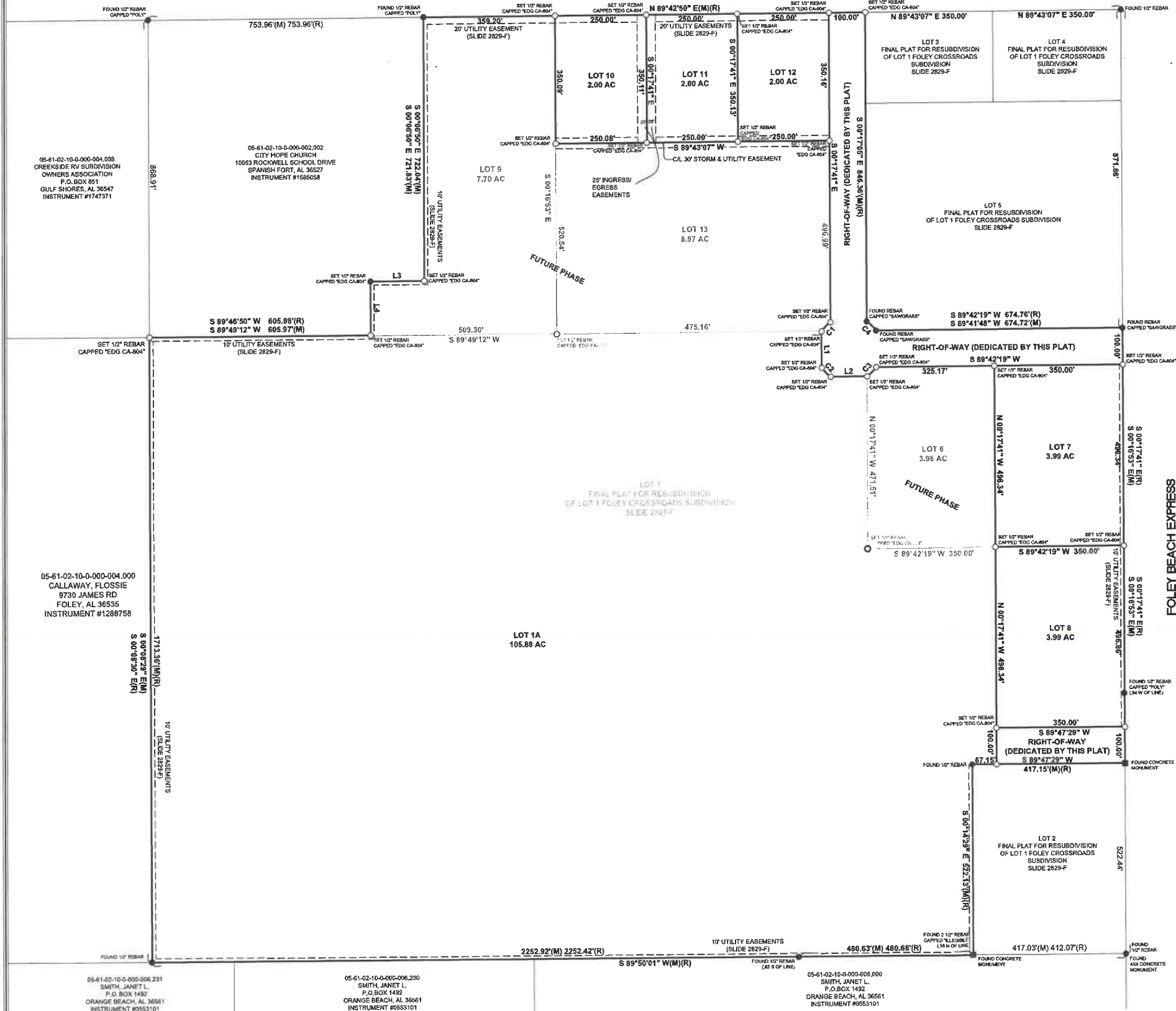
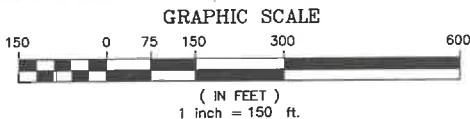
SURVEYOR:

Craig Johnson
B. CRAIG JOHNSON
ALABAMA LICENSE NO. 23004
DATE: July 24, 2023



received
10/25/23
relation

BALDWIN COUNTY ROAD 20
(120' R.O.W.)



REVISIONS

DRAWN BY: JAT
CHECKED BY: MAJ
PROJECT No.: F_HOWA0020
DATE: July 24, 2023
SCALE: 1" = 150'

RESUBDIVISION OF LOT 1
FOLEY CROSSROADS SUBDIVISION

FINAL PLAT

1000 E. LAUREL AVENUE
Foley, AL 36535
251.943.8960



SHEET NO.
1 OF 1



**PLANNING COMMISSION
JOINT STAFF REPORT:
August 2023**

37

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Element Townhomes

REQUEST: Site Plan Extension, 9 months

OWNER / APPLICANT:
Foley AL Apartments LLC /
KTC Development

ACREAGE: 35.73 ac

PIN#(s):
36619, 99116, 121386,
104086, 29203, 91172

LOCATION:
South of Mifflin Rd (CR 20)
East of Hwy 59

PROJECT DESCRIPTION:
Site Plan Extension,
requesting 9 months from
current Oct23 expiration to a
new July 19, 2024 expiration

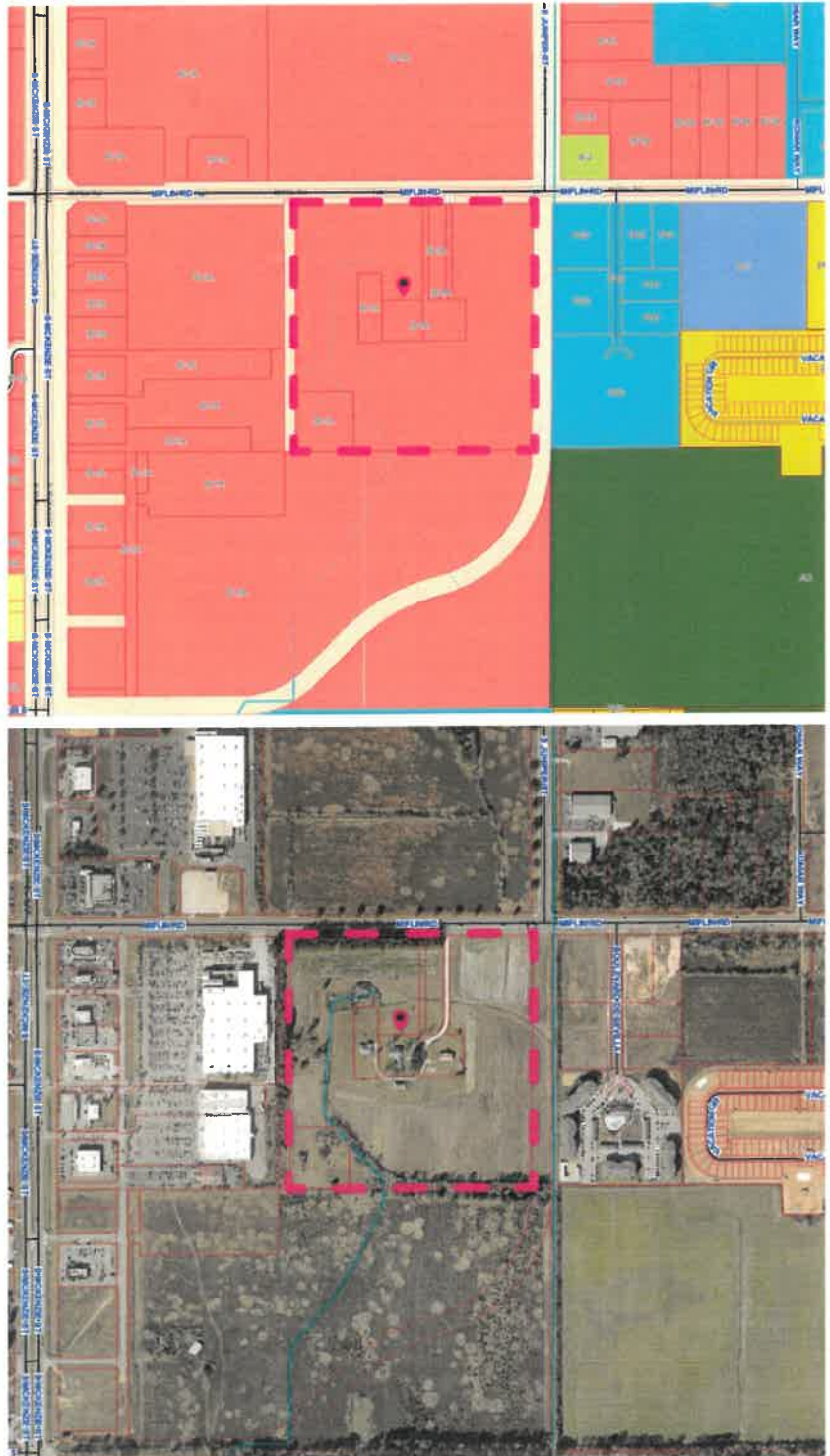
CURRENT ZONING:
B-1A

REQUESTED ZONING:
N/A

ADJACENT ZONING:
B-1A & PDD

FUTURE LAND USE:
MXU, Mixed Use

EXISTING LAND USE:
Vacant & Residential



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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 extension of the already approved site plan.

ENGINEERING:

Chad Christian - Resubmittal for LDP will be required for a full redesign.

ENVIRONMENTAL:

Angie Eckman - We are awaiting the Corps wetland determination for the property with respect to recent changes in WOTUS.

FIRE:

Brad Hall - Not opposed.

BUILDING/FLOODPLAIN:

Chuck Lay - Not opposed

ELEMENT TOWNHOMES

A Multifamily Rental Community

20324 Mifflin Road

Foley, Alabama

Request for Extension of Site Plan Approval

July 24, 2023

Project History

On January 19, 2022, Foley Planning Commission approved a site plan for proposed development of this 35.73-acre tract as multifamily residential under provisions of the B-1A zoning classification in effect at the time. Following this approval, Element Real Estate closed on the purchase of the property in March, 2022.

Wetlands delineation and permitting, along with civil design were initiated upon PC approval of site plan. At the outset of design, the City's LDP moratorium and proposed LDP Ordinance necessitated some delay for review and implementation of new site development criteria. Our initial LDP submittal was made to the City on September 2nd, 2022, and USACE approved wetlands disturbances under a Nationwide Permit later that month.

The City issued comments on the LDP submittal on September 22, 2022, taking exception to grading and stormwater structures within the 30' wetlands buffer. The changes required by the City involved significant re-design of storm drainage and retention areas, and a further request to USACE for additional wetlands disturbance. USACE granted this request on February 24, and City followed with approval of the LDP submittal on March 1, 2023.

Throughout the design and approval process, fine-tuning for compliance with wetlands protection and buffering requirements delayed overall project approval significantly and had a negative impact on function and aesthetics of the site design.

US Supreme Court Ruling on Sackett v. EPA

On May 25, 2023, the US Supreme Court ruled in favor of Sackett in this case, and in doing so, greatly limited the jurisdiction of EPA and USACE over wetlands. The new standard created by SCOTUS limits the definition of jurisdictional wetlands to those areas having "continuous surface connection" to navigable water. Following this ruling, we are told that EPA and USACE expect to revise their guidance and issue a final administrative rule on September 1, 2023.

7/24/23
RECEIVED

Once the new rule is issued, we fully expect that our proposed development site will be rendered free of any jurisdictional wetlands, allowing for much greater flexibility in site design, with both aesthetic and economic benefits to the project.

Potential for Re-design of Site

In response to the SCOTUS decision, Element would like to take full advantage of this opportunity to improve site functionality and aesthetics. To date, Element Real Estate has spent over \$270,000 in civil engineering fees alone, and more than \$1 million for all due diligence and A&E services. We expect civil revisions will cost another \$150,000, and add months for design, review and approval process. We have been actively engaged in due diligence, design, review and permitting since November 2021, and we fully intend to move forward with this development. We do not undertake proposed changes lightly, as we expect to achieve a much more attractive plan while reducing sitework costs by more than \$1 million.

Extension Request

Out of an abundance of caution, Element respectfully requests that site plan approval be extended by 9 months from the current permit deadline of October 19th, 2023. This will create a new deadline of July 19th, 2024, and will help assure excellence in site design and thorough documentation in plans and specifications.

Goals of Re-Design

Original site plan was approved for a **maximum of 420 residential units** designed in the style of attached townhomes, to be owned and managed by a single entity (not individually platted), and rented as apartments. Subsequent changes to accommodate stormwater retention and drainage, wetland and buffer areas, and proposed LDP requirements resulted in density **reduction to 360 residential units**. Regardless of wetlands status, we do not seek additional density at this time.

As currently designed, nearly all areas outside of building and parking footprints are dedicated to wetland buffers and storm detention basins, chopped up with earthen berms separating the two (See attached Grading & Drainage Plan). Buildings are pushed uncomfortably close to parking and drives to accommodate basin side slopes and 30' wetland buffers, some requiring stem wall foundations and elevated decks to accommodate slopes and grade changes. Despite buffering, these protected areas remain quite unattractive, as may be expected from existing livestock ponds and drainage ditches. Under City wetland requirements, "no-touch" buffers cannot be reshaped or enhanced in any significant way. If new SCOTUS ruling allows low areas to avoid federal jurisdiction, our goal is to shape, enhance and landscape existing pond edges

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and use as part of our stormwater management, allowing significantly more area for active green space, and creating broader landscaped separation between parking and buildings. We also hope to incorporate several elements from Foley's new multifamily design guidelines.

Amenities

Project will include a Clubhouse/Amenity Building, swimming pool and deck, playground, dog park, open lawn areas, walking trails, and cookout/picnic areas. Active and passive outdoor amenities can be greatly expanded through re-design.

Developer

Element Real Estate Development is based in Montvale, NJ, and will serve as developer for the project. The principals of Element, through affiliated entities, own and manage over 10,000 residential units across the South, Midwest and Northeast. While much of this portfolio consists of older properties, their goal is to double in size over the next several years primarily through new market-rate development.

Element will be represented and advised by Kent Campbell of KTC Development, LLC, based in Nashville, TN. Kent has extensive multifamily development experience, totaling over \$600 million in completed projects, including several developments in coastal regions of Texas, Louisiana, Alabama and Florida.

Contact Info

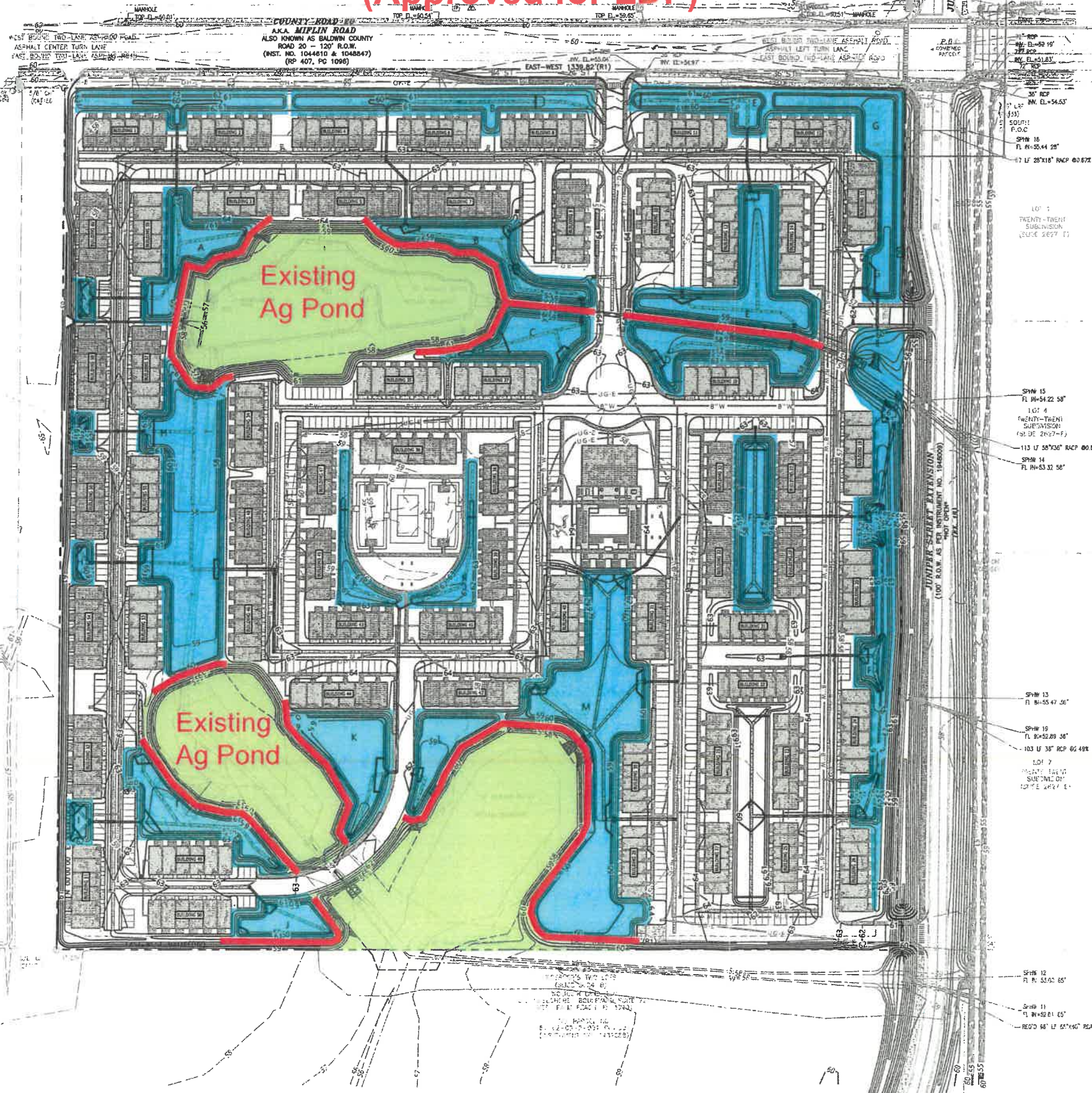
Developer:

Element Real Estate Development
1 Paragon Drive, Suite 200
Montvale, NJ 07645
Attn: David Klein, Vice President
dklein@elementredev.com
845.352.5656

Represented by:

KTC Development, LLC
905 Sunset Rd W
Brentwood, TN 37027
Attn: Kent Campbell, Owner
kentcampbell@outlook.com
205.532.6412

Grading & Drainage Plan w/Jurisdictional Wetlands (Approved for LDP)



- Jurisdictional Wetlands and buffers
- Proposed Water Quality/ Detention Basins
- Berm Separating Wetlands from Detention



ELEMENT REAL ESTATE
DEVELOPMENT
1 PARAGON DRIVE, SUITE 200
MONTICELLO, AL 36053
914-920-3461

ELEMENT TOWNHOMES
20324 MIPLIN ROAD
FOLEY, ALABAMA, 36535
BALDWIN COUNTY

| NO. | DATE | DESCRIPTION |
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|-----------------|----------|
| DRAWING TITLE | |
| PHASING EXHIBIT | |
| PROJECT NUMBER | 20210270 |
| DRAWING NUMBER | EX001 |

P:\2021\20210270\dwg\Exhibit\20210270_2023-06-07_Foley Townhomes - Phasing Exhibit.dwg C6.0 OVERALL GRADING & DRAINAGE PLAN Jun 07, 2023 Hneust

previously Approved
Site Plan

Element
Real Estate
Development

43

North



SCALE: 1" = 100'

| | |
|---|--|
| SITE DATA TABLE | |
| SITE LOCATION: | 20324 MIFLIN ROAD |
| PARCELS: | MULTIPLE |
| CURRENT OWNERS: | MULTIPLE |
| DEVELOPER: | ELEMENT REAL ESTATE DAVID KLEIN 1 PARAGON DRIVE, SUITE 260 MONTVALE, NJ 07645 |
| SITE AREA: | 35.73 ACRES, +/- |
| DELINEATED WETLANDS: | 3.53 ACRES, +/- |
| EXISTING ZONING: | B-1A - EXTENDED BUSINESS DISTRICT |
| PROPOSED LAND USE: | MULTIFAMILY RESIDENTIAL |
| REZONING REQUIRED: | NO |
| MAX ALLOWED DENSITY: | 32.2 ACRES X 20 DU/Acre = 644 UNITS |
| PROPOSED DENSITY: | 420 UNITS, Maximum (13 DU/Acre) |
| PARKING REQUIRED: | 2 SPACE PER UNIT = 840 |
| PARKING PROVIDED: | 420 GARAGE SPACES 524 SURFACE SPACES 944 TOTAL, INCLUDING 20 ACCESSIBLE |
| NOTE: Final parking count to be adjusted based on total unit count, but shall allow for 2.2 spaces per unit, minimum. | |
| PARKING DIMENSIONS: | 10' X 20' STALLS |
| DRIVE DIMENSIONS: | 25' MINIMUM |
| SETBACKS REQUIRED: | FRONT YARD = 30' SIDE YARD = 30' ABUTTING STREET REAR YARD = 20' |
| SETBACKS PROVIDED: | FRONT YARD (MIFLIN RD) = 40' SIDE YARD (JUNIPER ST) = 40' SIDE YARD = 25' REAR YARD = 30' |
| MAXIMUM BUILDING HEIGHT PERMITTED: | 65' / 6 STORIES |
| MAXIMUM BUILDING HEIGHT PROPOSED: | 35' / 3 STORIES |
| MAXIMUM BUILDING AREA = 50% GROSS LOT AREA = 778,000 SF | |
| PROPOSED BUILDING AREA = 305,000 SF | |
| MINIMUM OPEN SPACE: | NOT APPLICABLE UNDER B-1A |
| PROPOSED OPEN SPACE: | 30% +, ACTUAL OPEN SPACE TBD. |
| THIS PARCEL IS LOCATED IN ZONE "X" AND IS NOT INCLUDED IN AREAS DESIGNATED AS "SPECIAL FLOOD HAZARD AREAS". | |
| SIGNAGE NOTE: SIGNAGE TO BE DESIGNED IN COMPLIANCE WITH ALL CITY SIGN ORDINANCES. | |
| AMENITIES: | |
| <ul style="list-style-type: none"> CLUBHOUSE 4000 sf +/- POOL - TO BE DESIGNED IN ACCORDANCE WITH APPLICABLE HEALTH DEPT. REQUIREMENTS. PLAYGROUND - SIZE AND CONFIGURATION T.B.D. DOG PARK - SIZE AND CONFIGURATION T.B.D. WALKING TRAIL - TO FOLLOW PERIMETER OF WETLANDS BUFFERS. | |
| STORMWATER: Design of Stormwater Management areas and connection to existing drainageways, wetlands and buffers to be determined in accordance with applicable standards for Low Impact Development. | |

- Townhouse-style Multifamily with 2-car garages - 1800 SF HVAC
- Townhouse-style Multifamily with 2-car garages - 1400 SF HVAC
- Townhouse-style Multifamily, Surface-parked - 1200 SF HVAC
- Amenity Building - 4000 SF +/-

CONCEPTUAL SITE PLAN
ELEMENT TOWNHOMES
20324 MIFLIN RD.
FOLEY, ALABAMA

Prepared by
Kent Campbell
KTC Development

205.532.6412
kentcampbell@outlook.com

12/22/2021

9/19/2023
RECEIVED