

**PLANNING COMMISSION
MEETING MINUTES JUNE 21, 2023
(Council Chambers of City Hall) 5:30 P.M.**

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The City of Foley Planning Commission held a meeting on June 21, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Wes Abrams, Calvin Hare, Phillip Hinesley, Bill Swanson and Tommy Gebhart. Absent members were: Vera Quaites, Ralph Hellmich and Larry Engel. 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.

MINUTES:

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

Commissioner Hinesley made a motion to approve the May 10, 2023 and May 17, 2023 meeting minutes. Commissioner Mixon seconded the motion. All members voted aye.

Motion to approve the May 10, 2023 and May 17, 2023 meeting minutes passes.

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:

Mrs. Boone stated this is the first extension request and staff is recommending approval.

Commission Hare made a motion to approve the requested 1 year preliminary extension. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to approve the requested 1 year preliminary extension passes.

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:

Mrs. Boone stated the request is meeting the form based zoning code requirements and staff is recommending approval.

Commissioner Hare made a motion to approve the requested site plan. Commissioner Hinesley seconded the motion.

Commissioner Swanson asked about the façade.

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Staff stated their understanding is that the façade of the duplex would be hardie plank.

All Commissioners voted aye.

Motion to approve the requested site plan passes.

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:

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

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

Motion to approve the requested site plan passes.

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-1R (Restricted Residential Single Family). Property is located N. of US Hwy. 98 and W. of Bender Rd. Applicant is Tyler Higginbotham.

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 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.

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 Park). 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. There were none.

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Planning Commission Action:

Mrs. Boone stated staff is recommending approval of the rezoning.

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

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

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:

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

Planning Commission Action:

Commissioner Gebhart made a motion to approve the requested preliminary. Commissioner Hare seconded the motion. All members voted aye.

Motion to approve the requested preliminary passes.

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:

Mr. Harry Bruhn resident of 113 Washington Blvd. stated he has concerns regarding a buffer between any potential buildings on the property and his home.

Mrs. Boone explained it is her understanding the property would be used as an extension of the current medical park in the area. She stated at the work session meeting a natural buffer requirement was discussed.

Ms. Lisa Daniels resident of 115 Washington Ave. stated she is concerned about the potential height of the buildings.

Staff stated the allowable maximum height is 50' and 3 stories in a PO zone.

Mrs. Boone stated the minutes will reflect the neighboring property owners' concerns.

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Planning Commission Action:

Commissioner Hare made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Mixon seconded the motion.

Commissioner Hinesley asked if a condition can be placed on the recommendation to limit the height of the buildings.

Mrs. Boone stated a height restriction cannot be placed on the recommendation due to the requested zone being PO. She explained Wayne Dyess is in communication with the owners and is making them aware of the neighboring residents' concerns.

Commissioner Mixon seconded the motion. All Commissioners voted aye.

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

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:

Mrs. Ginger Harrelson owner of Beach Ball Properties explained she operates a commercial laundry for her vacation rentals on Fielding Dr. She stated there is a lot of commercial activity currently located on Fielding Dr. She stated she is not opposed to the request but is concerned about possible complaints from future residents in the area. She asked that her concerns be noted in the record.

Mrs. Boone explained there was previously an approved preliminary plat for the area. She stated it is her understanding there are new owners of the property.

Mrs. Darrelyn Dunmore stated she lives on Ocala Dr. She explained her concern is how the new portion of the subdivision will fit into the current Sherwood Subdivision. She stated there are currently 19 properties located in Sherwood that are still zoned B2. She explained they would like the city to consider changing the existing zoning of the 19 residential properties from B-2 to R-1C.

Chairman Abrams stated the issue of the rezoning of the 19 residential lots was discussed at the work session. He explained if the rezoning is done as one unit the direction for that action will have to come from the Mayor.

Mrs. Boone explained at the time the lots were platted residential use was allowed in a B-2 zone. She stated the Zoning Ordinance has changed and does not currently allow a standalone residential use. She explained the request for the rezoning has been discussed and she will get confirmation on the path that needs to be taken.

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Mrs. Carolin Ridout resident of 2542 Ocala Dr. asked if there was a way to restrict the elevation of the future homes to match the existing homes. She stated several of the homes backing up to this area have pools in their backyards. She asked what is going to be done in regards to the roads and infrastructure to assist the residents with the traffic on Hickory St.

Mr. Chad Christian stated a full traffic study will be done which will determine if any improvements will be required.

Mr. Joe Rector with Mullins stated Baldwin County has jurisdiction over Hickory St. and are looking at doing improvements in the area.

Mr. Scott Ridout resident of 2542 Ocala Dr. stated he has concerns over construction vehicles using the current roads.

Mr. Joe Rector stated there will be a construction entrance which will not affect the existing roads within the subdivision.

A resident asked when the construction would start.

Mr. Rector stated the rezoning is the first step in the process. He explained construction plans will have to be done and approved. He stated the construction may not begin for another year.

A resident asked about the builder and size of the proposed homes.

Commissioner Abrams stated the Commission has no control over the builder or size of homes.

Mr. Rector stated the proposed lot sizes are consistent with the current lots within Sherwood.

Ms. Michelle Waldrop resident of 2566 Ocala Dr. stated there is currently a lot of wildlife in the area. She stated the deer, raccoon, rabbits and owl will have nothing and these animals need somewhere to go.

A resident asked if there would be a buffer left between the existing homes and the property being rezoned when it is developed.

Mrs. Boone stated there is currently a common area behind the current homes.

Planning Commission Action:

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

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

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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:

Mrs. Boone stated Commissioner had questioned at a previous meeting how many flights will be offered a day.

Mr. Brock Beall stated he anticipates anywhere from 25 to 30 flights a day. He explained they will be offering several flight options which will include a 3 minute flight as well as a flight to Fort Morgan, Perdido Beach and to the Pirates Cove area. He stated they are flexible with the paths and have worked with the Navy on the proposed flight path plans. He explained they currently are operating out of the Foley Airport.

Commissioners expressed concern over noise possibly interfering with the church and subdivisions located in the area and discussed a possible operating start and ending time.

Mr. Beall explained an EMS helicopter is approximately 125 decibel and the helicopter he will be using is approximately 79 decibel. He stated the helicopter he flies will be much quieter than an EMS helicopter. He explained there will be no noise heard on land once the Helicopter is at 500' and the noise decreases when the speed is lowered as the helicopter approaches the landing area.

Commissioner Hare made a motion to approve the requested PDD modification with the restriction that flight operating hours will be no earlier than 10:00 a.m. and no later than sunset Monday-Saturday and no flights will operate before 12:30 p.m. and not later than sunset on Sundays. Commissioner Gebhart seconded the motion.

Mr. Beall stated they will be offering use of the helipad to emergency services as a landing zone.

All Commissioners voted aye.

Motion to approve the requested PDD modification with the restriction that flight operating hours will be no earlier than 10:00 a.m. and no later than sunset Monday-Saturday and no flights will operate before 12:30 p.m. and not later than sunset on Sundays passes.

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:

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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Commissioner Gebhart made a motion to recommend the requested zoning ordinance amendments to the Mayor and Council. Commissioner Swanson seconded the motion. All Commissioners voted aye.

Motion to approve the requested zoning ordinance amendments to the Mayor and Council passes.

11. Planning Jurisdiction Agreement

Planning Commission Action:

Chairman Abrams made a motion to approve a 6 month extension for the Planning Jurisdiction Agreement. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve a 6 month extension for the Planning Jurisdiction Agreement passes.

ADJOURN:

Chairman Abrams adjourned the meeting at 6:23 p.m.