

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

Page 1 of 7

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 Site Plan 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.

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

Page 2 of 7

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

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

Page 3 of 7

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.

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

Page 4 of 7

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:

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

Page 5 of 7

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.

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

Page 6 of 7

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

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

Page 7 of 7

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.