

**PLANNING COMMISSION
MEETING MINUTES DECEMBER 13, 2023
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a meeting on December 13, 2023 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Larry Engel, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley and Bill Swanson. Absent members were: Vera Quaites and Tommy Gebhart. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Angie Eckman, Environmental Manager; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Chairman Wes Abrams called the meeting to order at 5:30 pm.

MINUTES:

Approval of the November 1, 2023 and November 8, 2023 meeting minutes.

Commissioner Hellmich made a motion to approve the November 1, 2023 and November 8, 2023 meeting minutes. Commissioner Swanson seconded the motion. All Commissioners voted aye.

Motion to approve the November 1, 2023 and November 8, 2023 meeting minutes passes.

AGENDA ITEMS:

1. West Laurel Apartments- Request for 1 year Site Plan Extension

The City of Foley Planning Commission has received a 1 year site plan extension for West Laurel Apartments. Property is located N. of US Hwy. 98 and E. of N. Beech St. Applicant is Engineer Design Group, LLC.

Mrs. Miriam Boone explained the LDP permit has been issued, ALDOT has approved the turnout and the building permit is in process. She stated staff is recommending approval of the requested site plan extension.

Planning Commission Action:

Commissioner Hellmich made a motion to approve the requested 1 year site plan extension. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested 1 year site plan extension passes.

2. *Bedsole Moseley Subdivision- Minor

The City of Foley Planning Commission has received a request for approval of Bedsole Moseley Subdivision, a minor subdivision which consists of 38.11 +/- acres and 2 lots. Property is located at the SW corner of Underwood Rd. and County Rd. 55 and is located in the City of Foley Planning Jurisdiction. Applicant is Engineering Design Group.

Public Hearing:

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

A representative speaking on the behalf of the Underwood's residents of 14149 County Rd. 55 stated they know the property is under contract with DR Horton. She asked how many homes would be built on the property.

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Mrs. Boone explained at this time the request is to subdivide the property into two lots which consists of 6 +/- acres and 33 +/- acres. She stated the applicant will have to come back to further subdivide the property.

Commissioner Hellmich explained the property is located in unzoned Baldwin County.

Commissioner Engel stated if they subdivide the property into individual lots they will be required to meet the 100' minimum lot width and 30,000 sq. ft. minimum lot area.

Planning Commission Action:

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

Commissioner Swanson made a motion to approve the requested minor subdivision. Commissioner Mixon seconded the motion.

Commissioner Engel stated it appears to him that they are subdividing the property for a commercial property to be located on the corner lot.

Commissioner Hellmich stated it is possible the owners are retaining the corner which is considered a valuable piece of property.

The representative for the Underwood's stated they have concerns regarding drainage.

Commissioner Hellmich stated when the property is developed they will have to address drainage.

All Commissioners voted aye.

Motion to approve the requested minor subdivision passes.

3. The Resubdivision of Lot 1B and the Replat of Lot 7 of the Replat of Woerner's Two Lots- Minor

The City of Foley Planning Commission has received a request for approval of The Resubdivision of Lot 1B and the Replat of Lot 7 of the Replat of Woerner's Two Lots, a minor subdivision which consists of 35.69 +/- acres and 3 lots. Property is located S. of County Rd. 20 (Miflin Rd.) and E. of S. McKenzie St. Applicant is Goodwyn Mills Cawood, 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:

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

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Commissioner Hellmich made a motion to approve the minor subdivision based on staff's recommendation. Commissioner Swanson seconded the motion. All members voted aye.

Motion to approve the minor subdivision based on staff's recommendation passes.

4. Mills- Initial Zoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the initial zoning of 170 +/- acres. Proposed zoning is R-4 (Residential Single Family and Duplex) and AO (Agricultural Open Space). Property is located N. of US Hwy. 98 and W. of County Rd. 65. Applicant is the City of Foley.

Public Hearing:

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

Ms. Kathy Terry resident of 17277 US Hwy. 98 stated the parcel behind her is being proposed as an AO zone.

Commissioner Hellmich explained AO is our Agricultural Open Space zone and is often used as a holding pattern. He stated he is not aware of any plans the property owner has for the parcel.

Planning Commission Action:

Commissioner Hellmich made a motion to recommend the requested initial zoning to the Mayor and Council. Commissioner Hinesley seconded the motion.

Commissioner Hellmich thanked Mrs. Boone and the leaders of the Mills Community for working together to get the zoning completed.

All Commissioners voted aye.

Motion to recommend the requested initial zoning to the Mayor and Council passes.

5. Mills Park- Initial Zoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the initial zoning of 4 +/- acres. Proposed zoning is OSP (Open Space/Preservation District). Property is located E. of Mills Rd. and N. of 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.

Mr. William Franklin resident of 17210 Pettibone Ln. asked if any work had been started on the property.

Commissioner Hellmich stated they have a contractor in place to forest cut the lot. He stated they will be preserving any significant trees for shading purposes.

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Mrs. Boone stated staff is recommending approval of the requested initial zoning.

Planning Commission Action:

Commissioner Engel made a motion to recommend the requested initial zoning to the Mayor and Council. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to recommend the requested initial zoning to the Mayor and Council passes.

6. Live Oak Village- PUD Modification

The City of Foley Planning Commission has received a request for a PUD modification for Live Oak Village. The property is located W. of Cedar St. and N. of W. Peachtree Ave. Applicant is McCrory & Williams, Inc.

Commissioner Abrams explained several letters were received and on record regarding residents' concerns.

Mrs. Boone explained the staff report was modified due to the revisions that were submitted by the applicant. She stated staff is recommending a conditional approval.

Commissioner Hinesley asked when the original master plan was approved.

Commissioner Hellmich stated the master plan was approved in 1997 with several modifications after that time. He explained the proposed plan is a lower density than the original plan. He stated the original plan included commercial components which have also been reduced.

Mrs. Boone read the staff report provided by the Engineering Department which stated approved with the following conditions pouring sidewalks with the infrastructure and arranging lots to pass through off site water safety.

Commissioner Hinesley asked if there are apartments currently within the area.

Mr. Laney Smith representative with CHS explained the apartments being proposed are identical to the existing apartments in the development. He stated the apartments will be one story with 8 to 12 units per building.

Commissioner Hellmich stated the citizens expressed concerns in regards to the proposed storage units being rented to people living outside of Live Oak Village.

Mr. Smith stated the storage units were added at the request of some residents. He explained the units would strictly be for Live Oak Village residents only.

Mr. Ronnie Cook resident of 1669 Hudson Rd. stated he just arrived back in town and found out about the meeting. He asked for an explanation of the approval process.

Commissioner Hellmich explained the request is to have the Commission approve the conceptual design. He stated they will have to work with the Engineering Department to finalize the drainage

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plans to meet the new guidelines which may result in a slight change to the design and possible reduction in lots. He explained his understanding is the residents have a lot of concerns which many are internal community issues that will be discussed at the annual community meeting on Thursday. He stated the request is meeting the city guidelines with less density and concerns regarding traffic and drainage will have to be addressed.

Mrs. Boone explained the plan is a conceptual zoning plan. She stated if the property is subdivided into individual lots they will have to come before the Commission for approval which would include a public hearing.

Commissioner Hellmich stated they will be looking at internal drainage as well as up and down stream drainage. He explained the original development was done in the 90's and the design regulations have changed drastically since that time.

Commissioner Hinesley stated the proposed lots appear to be much smaller than the existing lots within the subdivision.

Mr. Smith explained the changes in the regulations are what prompted the modifications. He stated they cannot build what was previously approved and meet today's regulations. He explained there are currently over 40 acres of open space within the entire development which do not include drainage areas.

Commissioner Engel asked about the flood zones in the area which he stated appear to be close to the proposed lots.

Mrs. Boone explained Chuck Lay, the FloodPlain manager, had reviewed the proposed modification. She stated the design is conceptual and when they apply for preliminary a more intense review will be completed by staff.

Commissioner Engel stated it would be nice to see some larger lots mixed into the design.

Commissioner Hellmich recommended a conditional approval which shall include the comments from the Engineering Department in regards to the sidewalks, drainage and a traffic study. Commissioner Swanson seconded the motion. Commissioner Engel and Commissioner Hinesley voted nay. All other Commissioners voted aye.

Motion to approve the requested PUD modification passes.

7. Approval of the 2024 By-Laws

Commissioner Abrams made a motion to approve the 2024 by-laws. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the 2024 by-laws passes.

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8. Election of 2024 Officers

Commissioner Hellmich made a motion to nominate the current Chairman Wes Abrams and Vice Chairman Calvin Hare to serve as the 2024 officers. Commissioner Engel seconded the motion.

Motion to nominate the current Chairman Wes Abrams and Vice Chairman Calvin Hare to serve as the 2024 officers passes.

ADJOURN:

Chairman Abrams adjourned the meeting at 6:09 p.m.