

**PLANNING COMMISSION
MEETING MINUTES JUNE 19, 2024
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a meeting on June 19, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Larry Engel, Vera Quaites, Wes Abrams, Calvin Hare, Phillip Hinesley, Bill Swanson and Tommy Gebhart. Absent member was Ralph Hellmich. Staff present were: Miriam Boone, City Planner; Angie Eckman, Environmental Manager; Jeff Phillips, Construction Project Manager; Wayne Dyess; Executive Director of Infrastructure and Development; Eden Lapham, Planner 1; 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 May 8, 2024 and May 15, 2024 meeting minutes.

Commissioner Gebhart made a motion to approve the May 8, 2024 and May 15, 2024 meeting minutes. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the May 8, 2024 and May 15, 2024 meeting minutes passes.

AGENDA ITEMS:

1. Causey Subdivision- Minor

The City of Foley Planning Commission has received a request for approval of the Causey Subdivision, a minor subdivision which consists of 0.42 +/- acres and 2 lots. Property is located N. of 6th Ave. and W. of S. Oak St. Applicant is Weygand Wilson Surveying LLC.

Mrs. Boone explained staff are recommending approval of the minor subdivision.

Planning Commission Action:

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

Motion to approve the requested minor subdivision passes.

2. Cedar Grove Mobile Home Park- Site Plan

The City of Foley Planning Commission has received a request for approval of the site plan for an additional 10 lots in Cedar Grove Mobile Home Park. Property is located at 1120 E. Laurel Ave. Applicant is Atwell, LLC.

Mrs. Boone explained the initial recommendation from staff was a denial. She stated the applicant has worked with the City Engineer and Fire Department and has taken care of staff's concerns. She explained staff are recommending approval of the requested site plan.

Planning Commission Action:

Commissioner Hare 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.

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3. Bella Vista Townhomes Subdivision- Minor

The City of Foley Planning Commission has received a request for approval of Bella Vista Townhomes Subdivision, a minor subdivision which consists of 2.25 +/- acres and 2 lots. Property is located at 105 Cody Ln. Applicant is Mark Lazar Intervivos Trust.

Public Hearing:

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

Mr. Dent Ramsey stated he is the surveyor of the property. He explained his client's intentions are to create a separate lot for the townhomes to be sold or to condo at a later date. He stated there is nothing planned for the larger parcel.

Mrs. Boone stated the City Engineer, Flood Plain Manager and Environmental Manager have recommended denial of the requested subdivision due to issues with potential wetlands and flood hazard areas.

Planning Commission Action:

Commissioner Hinesley made a motion to deny the requested subdivision. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to deny the requested subdivision passes.

4. Satsuma Two- Minor

The City of Foley Planning Commission has received a request for approval of Satsuma Two, a minor subdivision which consists of 1.37 +/- acres and 2 lots. Property is located at 410 W. Persimmon Ave. Applicant is Charles Guy.

Public Hearing:

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

Mrs. JaNay Dawson resident of 420 W. Satsuma Ave. stated she is opposed to the development of the property. She explained the area is marked as a drainage on other plats of properties in the area. She stated the property is a basin and all the property in the NW quad of Foley runs into this property. She explained if a house is built on the property the water will go to the east and flood existing homes. She stated she was hoping someone from the Engineering firm would be present to explain the plan for the drainage.

Mr. Bruton, resident of 1101 N. Oak St. provided the Commissioners with pictures of flooding in the area. He explained he doesn't have a problem with a home being built on the property as long as the drainage is addressed. He stated he personally cleans the drainage ditch in the area and they are unable to get the city to maintain the ditch or the culvert. He explained no one from the city has addressed what is going to be done to handle the water. He stated building another home in the area is not going to fix the current drainage problems.

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Mr. Jeff Phillips stated the applicant is providing a drainage easement. He explained there is a note being added to the plat stating the city will be maintaining the drainage easement. He stated the city will check for issues with the existing culvert.

Mr. Charlie Guy stated a drainage easement will be provided and maintained by the city. He explained they are proposing to build a house on the lot which will not interfere with water flow. He stated he has provided an analysis from an Engineering firm which stated the proposed construction will not interfere with the flow of water.

Mr. Dyess explained the city is currently working in the area on culverts and grading of the ditches. He stated the plat will not be signed until the notes regarding the easement are added to the plat and the proposed plan meets the city's drainage requirements.

Mr. Phillips stated the note will give the city access to the easement if it needs maintenance.

Mr. Marvin York resident of 403 W. Satsuma Ave. stated they have been working on the culvert in the area for 6 days. He explained he provided pictures to the Commission at the work session. He stated the pictures show the flooding and standing water on the property. He explained if anything is built on the property the water will flood his property.

A Resident of 1105 S. Oak St. stated it would be good to have someone come out to the property and walk it with the area residents so they can explain the drainage plan they are proposing before the home is built on the property.

Mrs. Dawson asked if the city is going to clean out the drainage easement.

Mr. Phillips stated the city will not routinely maintain the easement but the easement will allow the city permission to access the easement if needed.

Resident of 1011 N. Oak St. stated he has only lived in the home a short time and has already had 5" to 6" of water in his yard. He explained he keeps the culvert areas cleaned to help with the water flow. He stated if something is not done and the water is not diverted his house will flood.

Mr. Dyess explained he would like to remind everyone this area was developed in approximately 1950. He stated a lot of the engineering we have today was not in place at that time. He explained the city is playing catch up and trying to resolve issues that were created a lifetime ago.

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

Chairman Abrams stated the engineering analysis that was done is based on the proposed design and work. He stated the engineer report shows the development of the problem will not fix the problem but will not impact the area.

Mr. Phillips stated the grading plan and engineering analysis show the proposed plan will not increase the current water issues in the area.

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Commissioner Hare stated the city is looking at how they can help the issues in the area. He explained the project engineer has stated the development will not aggravate the situation. He stated he understands the concerns but the Commission has to rely on the engineer and city staff. He explained his thoughts are the Commission cannot deny the applicant the use of the property.

Mr. Dyess stated if it would provide the Commission comfort in their decision they can request the Engineer to attend the meeting.

Mr. Guys stated the engineer's analysis has been provided.

Commissioner Engel stated unfortunately this area has always been a low area. He explained he hates to deny the owner the right to build on their property.

Mr. Guy stated he would agree to carry the item over to next month's meeting and have the engineering firm present at the meeting to address any questions.

Planning Commission Action:

Chairman Abrams made a motion to carry over the requested subdivision to next month's meeting. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to carry over the requested subdivision to next month's meeting passes.

5. Townhomes Addition to Live Oak Village- Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of the Townhomes Addition to Live Oak Village which consists of 8.23 +/- acres and 20 lots. Property is located W. of N. Cedar St. and N. of W. Peachtree Ave. Applicant is McCrory and Williams Inc.

Public Hearing:

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

A resident asked for details about the proposed plan.

Mr. Laney Smith explained the request is for phase 1 of the townhome project which was in the approved master plan. He stated they are not building all the town homes that were originally shown on the master plan due to a wetland study.

Planning Commission Action:

Mrs. Boone stated staff is recommending approval. She explained they have submitted the project to the FAA and it was determined it was not an obstruction to the air space.

Commissioner Engel stated the area is known for flooding and asked how this will affect the surrounding area.

Mrs. Boone stated the Engineering department had commented in the staff report that the Land Disturbance Permit has been reviewed and is ready to be issued.

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Mrs. Angie Eckman stated they went through three reviews to ensure the design was in compliance.

A neighboring resident asked about the elevation of the proposed development.

Mr. Smith stated the elevation will be the same as the elevation of the current houses. He explained there is a wetland area between this development and the current homes. He stated they lost four lots due to the required increase in size of the retention pond. He explained the flow will not be increasing and they will not be bringing in fill.

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

Motion to approve the requested preliminary passes.

6. Element Townhomes-Site Plan Extension

The City of Foley Planning Commission has received a request for a 1 year site plan extension approval to begin on July 19, 2024. Property is located S. of Co. Rd. 20 and E. of State Hwy. 59. Applicant is KTC Development.

Mrs. Boone stated staff is recommending denial of the requested extension. She explained they are working with the Corp on getting the wetlands to be classified as non-jurisdictional.

Commissioner Abrams stated last week at the work session the applicant went into details regarding the litigation and wetlands.

Mrs. Boone explained the property is zoned B-1A and the approval was granted prior to the removal of standalone residential in a B-1A zone. She stated it was asked at the work session if the plan would meet today's regulations and her guess would be it would not meet today's regulations.

Planning Commission Action:

Commissioner Engel made a motion to deny the requested extension. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to deny the requested extension passes.

7. Nickle Creek Development- Site Plan

The City of Foley Planning Commission has received a request for approval of the site plan for Nickle Creek Development. Property is located at the NW corner of S. Juniper St. and E. Pride Blvd. Applicant is Volkert.

Planning Commission Action:

Mrs. Boone stated staff has been working with the applicant and they are working on revisions to the plans. She stated staff has recommended the item be carried.

Mr. Dyess stated there are homes to the north of the property that have previously flooded. He explained historical flow of the property and drainage is an issue of concern.

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Mrs. Boone explained the property is zoned GPH-1 and B-1A. She stated they are proposing joint commercial and residential on the front lots.

Mr. Dyess stated the reasons to carry over the item are in order to look at the new proposed drainage way. He explained the applicant is aware the item will be carried over.

Chairman Abrams made a motion to carry over the item. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to carry over the requested site plan passes.

8. Subdivision Regulation Amendments- Street Trees

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 Engel made a motion to approve the requested Subdivision Regulation Amendments. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested Subdivision Regulations Amendments passes.

WORK SESSION:

1. Zoning Ordinance Amendments - Wayne Dyess Discuss Proposed Residential Development Buffer Zones

Mr. Dyess went over the proposed residential development buffer zones with the Commissioners.

ADJOURN:

Chairman Abrams made a motion to adjourn the meeting at 6:46 p.m.

Meeting adjourned at 6:46 p.m. passes.