

**CITY OF FOLEY  
PLANNING COMMISSION**

**WORK SESSION  
October 9, 2024  
City Hall  
Council Chambers  
At 5:30 p.m.**

**&**

**MEETING  
October 16, 2024  
City Hall  
Council Chambers  
At 5:30 p.m.**

**PLANNING COMMISSION  
WORK SESSION AGENDA OCTOBER 9, 2024  
&  
MEETING AGENDA OCTOBER 16, 2024  
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission will hold a work session on October 9, 2024 at 5:30 p.m. and a meeting on October 16, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue.

**MINUTES:**

Approval of the September 16, 2024 and September 18, 2024 meeting minutes.

**AGENDA ITEMS:**

**1. \*Magnolia Pines Phase 3- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Magnolia Pines which consists of 19.82 +/- acres and 84 lots. Property is located E. of County Rd. 55 and S. of Rhodes Ln and is located in the City of Foley Planning Jurisdiction. Applicant is Dewberry Engineers Inc.

**Planning Commission Action:**

**2. Southwood at Arbor Walk Phases 1, 2 &3- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 6 month preliminary extension for Southwood at Arbor Walk Phases 1, 2 &3 which consists of 77.82 +/- acres and 183 lots. Property is located E. of County Rd. 65 and N. of County Rd. 12 S. Applicant is Dewberry Engineers Inc.

**Planning Commission Action:**

**3. \*Bayou Ridge Estates- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Bayou Ridge Estates which consists of 23.89 +/- acres and 50 lots. Property is located W. of State Hwy. 59 and S. of County Rd. 10 and is located in the City of Foley Planning Jurisdiction. Applicant is Mullins LLC.

**Planning Commission Action:**

**4. Tractor Supply Master Signage- Site Plan**

The City of Foley Planning Commission has received a request for site plan approval for Tractor Supply's master signage. Property is located S. of Keller Rd. and E. of State Hwy. 59. Applicant is Wrico Signs, Inc.

**Planning Commission Action:**

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**5. \*Resubdivision of Lots 1 & 2 of Hightower- Minor**

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lots 1 & 2 of Hightower, a minor subdivision which consists of 3.48+/- acres and 2 lots. Property is located E. of Woodland Ave and N. of Hightower Dr. and is located in the City of Foley Planning Jurisdiction. Applicant is Beyond Measure Surveying, LLC.

**Planning Commission Action:**

**6. \* The Sicilian Syndicate Division- Minor**

The City of Foley Planning Commission has received a request for approval of The Sicilian Syndicate Division, a minor subdivision which consists of 2.5+/- acres and 2 lots. Property is located N. of Engel Ln. and E. County Rd. 55 and is located in the City of Foley Planning Jurisdiction. Applicant is Salvatore Miligore.

**Public Hearing:**

**Planning Commission Action:**

**7. Schlichting Family Subdivision- Minor**

The City of Foley Planning Commission has received a request for approval of the Schlichting Family Subdivision a minor subdivision which consists of 13.54+/- acres and 2 lots. Property is located at the SW corner of US Hwy. 98 and Foley Beach Express. Applicant is Weygand Wilson Surveying LLC.

**Public Hearing:**

**Planning Commission Action:**

**8. Transportation Continuity Plan**

**Public Hearing:**

**Planning Commission Action:**

**WORK SESSION:**

**9. Nelson Lyons-** Discuss parcel located on Pastoral Ln.

**10. Zoning Ordinance- Proposed Amendments**

**ADJOURN:**

**PLANNING COMMISSION  
WORK SESSION MINUTES SEPTEMBER 16, 2024  
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a work session on September 16, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Larry Engel, Vera Quaites, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley and Tommy Gebhart. Members absent were: Bill Swanson and Deborah Mixon. Staff present were: Miriam Boone, City Planner; Wayne Dyess, Executive Director of Infrastructure and Development; Chad Christian, City Engineer; Angie Eckman, Environmental Manager; Eden Lapham, Planner 1; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

**AGENDA ITEMS:**

**1. Muscadine Place- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Muscadine Place which consists of 38 +/- acres and 182 lots. Property is located at the NE corner of County Rd. 20 and Hickory St. Applicant is Khaled Ghorab.

Mrs. Miriam Boone stated preliminary approval was issued on September 21, 2022. She explained they are requesting a 1 year extension and this would be their first extension. She stated staff is recommending approval.

**2. Grasslands- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Grasslands which consists of 75.51 +/- acres and 258 lots. Property is located E. of County Rd. 65 and S. of Dairy Ln. Applicant is SE Civil, LLC.

Mrs. Boone stated preliminary approval was issued on October 20, 2021 and a 1 year extension was granted on September 20, 2023. She explained the applicant is requesting a 1 year extension. She stated the initial recommendation from staff was denial. She explained staff has been working with the applicant and are now recommending approval.

Commissioner Hellmich asked if the time should be changed to a 6 month to ensure progress is being made.

Mr. Wayne Dyess stated they could come back in 6 months and request another extension if needed.

Mr. Aaron Collins with SE Civil stated they should have the subdivision completed within 6 months.

**3. Begonia Ave. Duplexes- 1 Year Site Plan Extension**

The City of Foley Planning Commission has received a request for a 1 year site plan extension. Property is located S. of Begonia Ave. and W. of Cedar St. Applicant is David Green.

Mrs. Boone explained a site plan approval was issued on September 21, 2022 and a 1 year extension was granted on September 20, 2023. She explained the applicant is requesting a 1 year extension and staff is recommending approval.

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Mr. Dyess asked if the plan was meeting design standards.

Mrs. Boone answered yes.

**4. Climate Control Storage- Site Plan**

The City of Foley Planning Commission has received a request for site plan approval for a Climate Control Storage. Property is located E. of S. McKenzie St. and S. of S. Juniper St. Applicant is Axis Engineering Group.

Mrs. Boone stated the property is zoned PDD. She explained this area was designated as an RV park in the approved PDD. She explained a PDD modification and site plan would need to be done which can be done simultaneously. She stated staff is recommending approval.

**5. Coin Laundry & Spec. Building- Site Plan**

The City of Foley Planning Commission has received a request for site plan approval for a Coin Laundry and Spec. Building. Property is located S. of Mifflin Rd. and E. of Juniper St. Applicant is Rowe Engineering & Surveying and Jim Brown.

Mrs. Boone stated the staff's original recommendation was denial. She explained staff are recommending approval based on revised plans that have been submitted.

Mrs. Angie Eckman stated there were questions in regards to the site data, landscaping and open space. She explained the revised plans have addressed the concerns.

Mr. Jim Brown stated they are not happy with the elevations that were submitted. He explained they are still working on the plans.

Commissioner Hellmich asked if the revised elevations will be reviewed by staff.

Mr. Brown stated the plans will be submitted to staff for review.

**6. Resubdivision of Lot 24, Block 15, of the Town of Foley- Minor**

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 24, Block 15, of the Town of Foley, a minor subdivision which consists of 0.16+/- acres and 2 lots. Property is located at 200 W. Orange Ave. Applicant is Brett Gaar.

Mrs. Boone explained the Engineering Department noted some of the certification block descriptions on the plat need rewording. She stated staff is recommending approval.

**7. \*LaCoste Subdivision- Minor**

The City of Foley Planning Commission has received a request for approval of LaCoste Subdivision, a minor subdivision which consists of 31.03+/- acres and 3 lots. Property is located W. of County Rd. 65 and S. of US Hwy. 98. Applicant is Beyond Measure Surveying, LLC.

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Mrs. Boone stated the parcel is located in unzoned Baldwin County. She explained the Engineering Department noted a land disturbance permit will be required for future development. She stated staff is recommending approval.

**8. Schlichting Family Subdivision- Minor**

The City of Foley Planning Commission has received a request for approval of the Schlichting Family Subdivision a minor subdivision which consists of 13.54+/- acres and 2 lots. Property is located at the SW corner of US Hwy. 98 and Foley Beach Express. Applicant is Weygand Wilson Surveying LLC.

Mr. Andrew Harrell stated he is representing the Schlichting family. He explained a ruling was received late this afternoon. He stated the order allows the family to move forward with the requested subdivision. He explained the court has reserved jurisdiction over the action to ensure everyone adheres to the agreement.

Mrs. Boone explained the Engineering Department noted a land disturbance permit will be required for construction and questioned if the easement on the west margin can be converted to right of way. She stated staff is recommending approval.

Commissioner Hellmich asked if the conversion of right of way needs to be a part of the condition of the approval.

Mr. Christian stated it does not need to be a part of the approval.

Commissioner Hare asked about the location of the access off the Foley Beach Express.

Mr. Christian stated the proposed access is lining up with the existing access north of the parcel.

**9. Andover Lakes- PUD Mod**

The City of Foley Planning Commission has received a request for a PUD Modification for Andover Lakes. Property is located at the SE Corner of County Rd. 32 and Bucolic Ln. Applicant is S.E. Civil, LLC.

Mrs. Boone stated the requested PUD modification was discussed at a previous work session meeting.

Commissioner Hellmich asked if any turn lanes would be added.

Ms. Chloe Kelly with 68 Ventures stated they will be conducting a traffic study and will adhere to any improvements needed.

Commissioner Hellmich asked if turn lanes were required if they would be installed up front.

Ms. Kelly answered yes.

**10. Haley Commercial Subdivision- Rezoning**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 9.14+/- acres. Property is currently zoned R-1A (Residential

Note: \*Denotes property located in the Planning Jurisdiction

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Single Family). Proposed zoning is PUD (Planned Unit Development). Property is located S. of E. Peachtree Ave. and E. of N. McKenzie St. Applicant is Lieb Engineering Co.

Mrs. Boone stated the property is located within the Medical Overlay District. She explained the applicant has stated the conceptual layout of potential buildings and parking on site are noted on the plan but are subject to change by the owner of the lots and their programming needs. She stated the site plans are required to be submitted and approved by the Commission.

Mr. Chris Haley stated the site plan layout was provided for informational purposes. He explained the purpose of the request is for a PUD rezoning. He stated the property will be divided into six lots. He explained the lots will be sold and the owners will come before the Commission for site plan approval before construction.

Mr. Dyess stated there are stringent guideline goals and conditions within the medical overlay district. He explained he would like to make a comment regarding the proposed open ditches. He stated the open ditches are more for rural areas. He stated the city would like to see piped ditches which will leave more area for trees.

Mr. Haley stated they have submitted for the land disturbance permit and have not received comments back at this time.

Mr. Dyess stated the open space requirement will be incorporated with each building and lot.

Commissioner Engel asked if the property being located in the Medical Overlay district would prevent a housing development from being built within the PUD.

Mr. Dyess stated the applicant would have to come back before the Commission if there is a change in use.

**11. Nickel Creek Development- Rezoning**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 6.72 +/- acres. Property is currently zoned B-1A (Extended Business District). Proposed zoning is TH-1 (Residential Townhouse). Property is located N. of E. Pride Blvd. and W. of S. Juniper St. Applicant is Volkert, Inc.

**Chairman Abrams stated the applicant has requested to withdraw the item from the agenda.**

**12. Zoning Ordinance- Amendments**

Mr. Dyess went over the proposed amendments with the Commissioners.

**ADJOURN:**

Meeting adjourned at 6:23 p.m.

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**PLANNING COMMISSION  
MEETING MINUTES SEPTEMBER 18, 2024  
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a meeting on September 18, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Larry Engel, Vera Quaites, Ralph Hellmich, Wes Abrams, Calvin Hare, Phillip Hinesley and Bill Swanson. Absent members were: Tommy Gebhart and Deborah Mixon. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Wayne Dyess, Executive Director of Infrastructure and Development; Angie Eckman, Environmental Manager; 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 August 14, 2024 and August 21, 2024 meeting minutes.

Commissioner Swanson made a motion to approve the August 14, 2024 and August 21, 2024 meeting minutes. Commissioner Hinesley seconded the motion. All Commissioners voted aye.

**Motion to approve the August 14, 2024 and August 21, 2024 meeting minutes passes.**

**AGENDA ITEMS:**

**1. Muscadine Place- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Muscadine Place which consists of 38 +/- acres and 182 lots. Property is located at the NE corner of County Rd. 20 and Hickory St. Applicant is Khaled Ghorab.

Mrs. Miriam Boone explained a preliminary approval was issued on September 21, 2022. She stated they are requesting a 1 year extension and this would be their first extension. She explained that the staff is recommending approval.

**Planning Commission Action:**

Commissioner Hellmich made a motion to approve the requested preliminary extension. Commissioner Swanson seconded the motion.

Commissioner Engel asked if there was any idea of when the project will be started.

The applicant was not present.

Mr. Chad Christian stated he was uncertain of a start date but did know there had been a change in ownership.

All Commissioners voted aye.

**Motion to approve the requested 1 year preliminary extension passes.**

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

**2. Grasslands- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Grasslands which consists of 75.51 +/- acres and 258 lots. Property is located E. of County Rd. 65 and S. of Dairy Ln. Applicant is SE Civil, LLC.

**Planning Commission Action:**

Mrs. Boone stated preliminary approval was issued on October 20, 2021 and a 1 year extension was granted on September 20, 2023. She explained the applicant is requesting a 1 year extension. She stated the initial recommendation from staff was denial. She explained staff has been working with the applicant and are now recommending approval. She stated at the work session it was discussed to change the length of the extension to 6 months.

Commissioner Hellmich made a motion to approve a 6 month preliminary extension. Commissioner Quaites seconded the motion.

Commissioner Engel asked if all Environmental concerns were addressed.

Mrs. Angie Eckman explained there is still stabilization to be done but it has been raining every day. She stated it does look better than previously and she feels the 6 months will give them a stricter deadline.

All Commissioners voted aye.

**Motion to approve a 6 month preliminary extension passes.**

**3. Begonia Ave. Duplexes- 1 Year Site Plan Extension**

The City of Foley Planning Commission has received a request for a 1 year site plan extension. Property is located S. of Begonia Ave. and W. of Cedar St. Applicant is David Green.

**Planning Commission Action:**

Mrs. Boone explained a site plan approval was issued on September 21, 2022 and a 1 year extension was granted on September 20, 2023. She explained the applicant is requesting a 1 year extension and staff is recommending approval. She stated the approved site plans are meeting the form based code requirements.

Commissioner Hellmich asked if there were two duplexes being proposed for the lot.

The applicant Mr. David Green answered yes.

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

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

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**4. Climate Control Storage- Site Plan & PDD Modification**

The City of Foley Planning Commission has received a request for a PDD modification and a site plan approval for Climate Control Storage. Property is located E. of S. McKenzie St. and S. of S. Juniper St. Applicant is Axis Engineering Group.

**Planning Commission Action:**

Mrs. Boone explained it was discussed at the work session that the applicant needed to apply for a PDD modification with the site plan. She stated the applicant has submitted the application for the modification. She explained that the staff is recommending approval.

Commissioner Hellmich made a motion to approve the requested site plan and PDD modification. Commissioner Swanson seconded the motion. All Commissioners voted aye.

**Motion to approve the requested site plan and PDD modification passes.**

**5. Coin Laundry & Spec. Building- Site Plan**

The City of Foley Planning Commission has received a request for site plan approval for a Coin Laundry and Spec. Building. Property is located S. of Mifflin Rd. and E. of Juniper St. Applicant is Rowe Engineering & Surveying and Jim Brown.

**Planning Commission Action:**

Mrs. Boone stated the initial staff report recommended denial. She explained as discussed at work session revised plans were submitted and staff are recommending approval.

Commissioner Quaites 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.**

**6. Resubdivision of Lot 24, Block 15, of the Town of Foley- Minor**

The City of Foley Planning Commission has received a request for approval of the Resubdivision of Lot 24, Block 15, of the Town of Foley, a minor subdivision which consists of 0.16+/- acres and 2 lots. Property is located at 200 W. Orange Ave. Applicant is Brett Gaar.

**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 the Engineering Department had noted the wording of the certification block on the plat needed to be revised which the applicant is aware of and correcting.

Commissioner Hinesley made a motion to approve the request. Commissioner Hellmich seconded the motion.

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Commissioner Hellmich stated the applicant's proposed use of the property will be a good fit with the downtown area.

All members voted aye.

**Motion to approve the request passes.**

**7. \*LaCoste Subdivision- Minor**

The City of Foley Planning Commission has received a request for approval of LaCoste Subdivision, a minor subdivision which consists of 31.03+/- acres and 3 lots. Property is located W. of County Rd. 65 and S. of US Hwy. 98. Applicant is Beyond Measure Surveying, LLC.

Mrs. Boone explained the Engineering Department noted a land disturbance permit will be required for future development. She stated staff is recommending approval.

**Planning Commission Action:**

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

**Motion to approve the requested minor subdivision passes.**

**8. Schlichting Family Subdivision- Minor**

The City of Foley Planning Commission has received a request for approval of the Schlichting Family Subdivision a minor subdivision which consists of 13.54+/- acres and 2 lots. Property is located at the SW corner of US Hwy. 98 and Foley Beach Express. Applicant is Weygand Wilson Surveying LLC.

**Public Hearing:**

Chairman Abrams explained a request was received from the applicant to defer the item. He asked if there were any members of the public to speak on the item. There were none.

Mrs. Boone explained the applicant has requested the item to be deferred until next month's meeting.

**Planning Commission Action:**

Commissioner Hellmich made a motion to accept the written request to carry over the item. Commissioner Engel seconded the motion. All Commissioners voted aye.

**Motion to accept the written request to carry over the item passes.**

**9. Andover Lakes- PUD Mod**

The City of Foley Planning Commission has received a request for a PUD Modification for Andover Lakes. Property is located at the SE Corner of County Rd. 32 and Bucolic Ln. Applicant is S.E. Civil, LLC.

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Mrs. Boone explained the item was discussed at a previous work session. She stated the property is currently zoned PUD and they are requesting a PUD modification. She explained that the staff is recommending approval.

Ms. Chloe Kelly with 68 Ventures explained they are requesting a modification of the PUD. She stated they are decreasing density, increasing setbacks and open space.

Commissioner Hellmich stated he would like the minutes to reflect that turn lanes need to be installed for all three access points up front and not in phases.

Ms. Kelly stated the traffic study is being done but is not complete at this time. She asked if the requirement could be amended if needed once the study is complete.

Commissioner Hellmich stated he would like to put the requirement on the record since we do not have the traffic study information at this time. He explained they can come back to discuss if needed once the study is completed.

**Planning Commission Action:**

Commissioner Hellmich made a motion to approve the requested PUD modification with the requirement for turn lanes at all three entrances to be added with the first phase of the development. Commissioner Engel seconded the motion. All Commissioners voted aye.

**Motion to approve the requested PUD modification with the requirement for turn lanes at all three entrances to be added with the first phase of the development passes.**

**10. Haley Commercial Subdivision- Rezoning**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 9.14+/- acres. Property is currently zoned R-1A (Residential Single Family). Proposed zoning is PUD (Planned Unit Development). Property is located S. of E. Peachtree Ave. and E. of N. McKenzie St. Applicant is Lieb Engineering Co.

**Public Hearing:**

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

Mr. William Daniels resident of 115 Washington Blvd. explained he has a petition signed by 24 residents of Heritage Estates. He stated they are requesting a 30' buffer and possibly some type of wall or trees within the buffer area. He stated the layout shows no buffer and the road being 14' from their backyards. He explained the road placement is a hazard to the residents. He stated he has children and a pool and this plan would place buildings and a road against his backyard. He explained he feels the plan needs to be shifted west in order to provide more of a buffer to satisfy everyone. He stated he did not see any information regarding the types of use, amount of green space or drainage.

Mr. Chris Lieb stated the rendering that was provided was a basic schematic to show what could be built. He explained they do not have the exact site plan for the area and those will come before the

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Planning Commission for review. He stated the use will be medical and there will be an architectural board formed for the development. He stated all city regulations and requirements will be followed.

Commissioner Hellmich stated the road placement is due to existing right of way and future road extension.

Mr. Lieb stated the area is being developed to bring specialized doctors into the area.

Mr. Dyess stated street trees and sidewalks will be required. He stated the narrow streets will slow down traffic and be used as a traffic calming measure. He explained the lighting will be pedestrian lighting and light pollution will not be allowed.

A resident asked about noise from the development once the existing trees are cleared.

Commissioner Hellmich explained the property is located in the medical overlay district. He stated there should be no after hour noise from the development.

Mr. Lieb stated the proposed road area will be cleared and the lots will be cleared after they are sold.

Commissioner Hellmich stated the city would like to see piped ditches rather than the open ditches shown on the plans.

Mr. Lieb stated they will be putting in the road and each individual lot will be required to bring up the site and add drainage swales and gardens with sidewalks.

A resident asked if they could leave the existing trees in the buffer areas instead of clear cutting the area.

Mr. Lieb explained they will be removing trees within the proposed road area. He stated some of the trees along the north boundary will remain.

Mr. Tim Thibaut resident of 117 Washington Blvd. the previous owner of his lot had given the parcel to the south to the city of Foley to preserve as a bird sanctuary in 1999. He stated the previous owner's intent was for the parcel to be preserved. He asked what the city's intentions are for the remainder of the parcel.

Commissioner Hellmich stated the city's intent is to build a road for connection to the hospital. He explained there are no plans intended for the remainder of the parcel. He stated he was unaware of the land being donated for a bird sanctuary. He stated he will have the city clerk research the city's records.

Dr. Nidal Morrar stated the property beside his business located at 1604 N. McKenzie Street turns into a lake when it rains. He explained he wants to be sure drains are being installed underground so water is not coming onto his property.

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Commissioner Hellmich stated they cannot displace water onto another property.

Mr. Lieb stated they have done the drainage details for the road infrastructure. He explained the drainage for the individual lots will be handled on each site by the owners.

Mr. Harry Bruhn resident of 113 Washington Blvd. stated if a driver traveling on the proposed road missed the curve they will end up in his backyard.

Mr. Lieb stated a stop sign will be located at the curve.

**Planning Commission Action:**

Commissioner Hellmich stated he feels the development needs no open ditches within the development, a detailed site plan of the landscaped buffer, a stop sign at the curve, a 4' berm which does not interfere with water protection, street trees and a 8' non wooden wall to be placed along the east side. He explained the berm and wall will not be able to block the water flow and if it presents a problem an alternative method can be looked at to address the concerns of vision and sound.

Mr. Dyess stated before the item is sent for recommendation to the Mayor and Council there need to be detailed plans for the buffer area.

Commissioner Engel asked if they could move the road 30' from the neighboring properties which would allow more room for a fence and berm.

Mr. Dyess stated there are requirements and standards for roads. He explained he will get with the applicant and the city engineer to look at options.

Mrs. Eckman stated the applicant has submitted for a land disturbance permit and it is currently under review.

Mr. Dyess stated the next phase is preliminary subdivision and the road placement will be reviewed at that time.

Chairman Abrams stated we need to make sure the drainage is looked at with each site plan. He explained he likes the idea of possibly offsetting the road.

Commissioner Engel stated he wanted to make sure the applicant cannot do a PUD subdivision if the rezoning is approved.

Commissioner Hellmich stated the approval is tied to the plan and if they are changing the plan and use they would have to come before the commission for approval.

Commissioner Hellmich made a motion to recommend the requested rezoning to the Mayor and Council contingent upon no open ditches, 4' berm and a 6' non wood fence or equivalent. Commissioner Swanson seconded the motion. All Commissioners voted aye.

**Motion to recommend the requested rezoning to the Mayor and Council contingent upon no open ditches, 4' berm and a 6' non wood fence or equivalent passes.**

Note: \*Denotes property located in the Planning Jurisdiction

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**11. Nickel Creek Development- Rezoning**

The City of Foley Planning Commission has received a request to recommend to the Mayor and

Council the rezoning of 6.72 +/- acres. Property is currently zoned B-1A (Extended Business District). Proposed zoning is TH-1 (Residential Townhouse). Property is located N. of E. Pride Blvd. and W. of S. Juniper St. Applicant is Volkert, Inc.

**Public Hearing:**

Chairman Abrams stated the applicant has requested to withdraw the item from the agenda. He asked if there were any members of the public to speak on the item.

Mr. Bubba Baker stated he owns the neighboring property. He explained he wants to make sure nothing is done that will impact his property. He stated whatever future median cuts are added they need to line up and coordinate with both parcels.

**Planning Commission Action:**

Commissioner Hellmich asked Mr. Dyess and the engineering staff to make sure all medians being added are following the requirements.

Commissioner Hellmich made a motion to approve the applicant's request to withdraw. Commissioner Quaites seconded the motion. All Commissioners voted aye.

**Motion to approve the applicants request to withdraw passes.**

**12. Zoning Ordinance- Amendments****Public Hearing:**

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

**Planning Commission Action:**

Mr. Dyess went over the proposed amendments with the Commissioners.

Commissioner Hellmich made a motion to recommend the Zoning Ordinance amendments to the Mayor and Council. Commissioner Engel seconded the motion. All Commissioners voted aye.

**Motion to recommend the Zoning Ordinance amendments to the Mayor and Council passes.**

**ADJOURN:**

Chairman Abrams adjourned the meeting at 6:42 p.m.

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# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Approval

**PROJECT NAME:** Extension Request for Magnolia Pines Phase 3 Preliminary Plat

**REQUEST:** 1 Year Preliminary Extension

**SUB TYPE:** Application for Extension

**OWNER / APPLICANT:** Dewberry Engineers Inc.

**ACREAGE:** 19.82  
**NUMBER OF LOTS:** 84

**PIN#(s):** 99180

**LOCATION:** S of Rhodes Ln, E of Co Rd 55

**PROJECT DESCRIPTION:** Extension Request for Magnolia Pines Phase 3 Preliminary Plat

**CURRENT CITY ZONING:** Unzoned BC- District 11

**OVERLAY DISTRICT:** N/A

**REQUESTED ZONING:** N/A

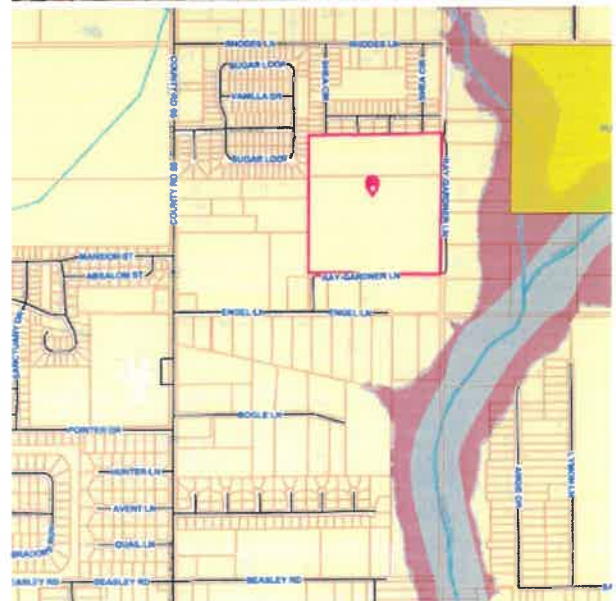
**ADJACENT ZONING:** Unzoned BC- Districts 11 & 18

**COUNTY ZONING:** Unzoned BC- District 11

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** RR - Rural Residential

**EXISTING LAND USE:** N/A



16

**UTILITY LETTERS RECEIVED:** No  
**DEED RECEIVED:** No  
**AGENT AUTHORIZATION:** Yes

**Reviewer:** Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department  
**Review Status:** Approved

1. Preliminary Plat was received on 12/9/20. 1 year extension was approved on 11/9/22. 1 year extension was approved on 10/18/23. They are requesting a 1 year extension. This info provided by the applicant: Construction complete, waiting for fees and recording

**Reviewer:** Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering  
**Review Status:** Approved

1. Engineering recommends extension

**Reviewer:** Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental  
**Review Status:** Approved

1. Environmental has no outstanding issues with the project and recommends approval of the extension request.

**Reviewer:** Gene Williamson, 251-952-4011, gwilliamson@cityoffoley.org, Building Department  
**Review Status:** Approved

1. Building Department / Flood Zone no issues

17



Dewberry Engineers Inc. | 251.990.9950  
25353 Friendship Road | 251.990.9910 fax  
Daphne, AL 36526 | www.dewberry.com

September 26, 2024

Miriam Boone  
City Planner  
120 S. McKenzie St.  
Foley, AL 36535

**RE: Magnolia Pines, Phases 2 & 3  
Extension Requests**

Dear Mrs. Boone,

On behalf of the owner/developer, we respectfully request an additional twelve-month extension on the preliminary plat approvals for Magnolia Pines, Phases 2 and 3. The previous extension will expire on 10/18/2024. The project construction has been completed, Baldwin County has authorized the mylar be circulated for signatures and is waiting for fees and recording.

If you have any questions or comments, please contact us.

Sincerely,  
**Dewberry**

A handwritten signature in black ink, appearing to read "Kiersten U. Cavender", written over a horizontal line.

Kiersten U. Cavender

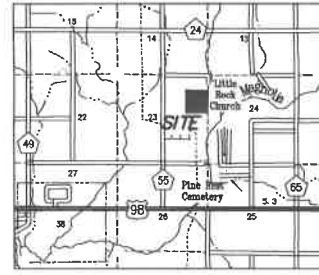
cc: File 50118852

CERTIFICATE OF APPROVAL BY BALDWIN EMC (ELECTRIC): THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN EMC HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

CERTIFICATE OF APPROVAL BY RIVERA UTILITIES (WATER): THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, 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.

THIS PROPERTY IS LOCATED IN SECTION 23, TOWNSHIP 7 SOUTH, RANGE 3 EAST.



AUTHORIZED REPRESENTATIVE

AUTHORIZED REPRESENTATIVE

CITY ENGINEER

CERTIFICATE OF APPROVAL BY POINT BROADBAND (COMMUNICATION): THE UNDERSIGNED, AS AUTHORIZED BY POINT BROADBAND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE (SEWER): THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SEWER SERVICE HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

CERTIFICATE OF APPROVAL BY THE PLANNING DIRECTOR: THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

AUTHORIZED REPRESENTATIVE

AUTHORIZED REPRESENTATIVE

PLANNING DIRECTOR

CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING: THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS SHOWN ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

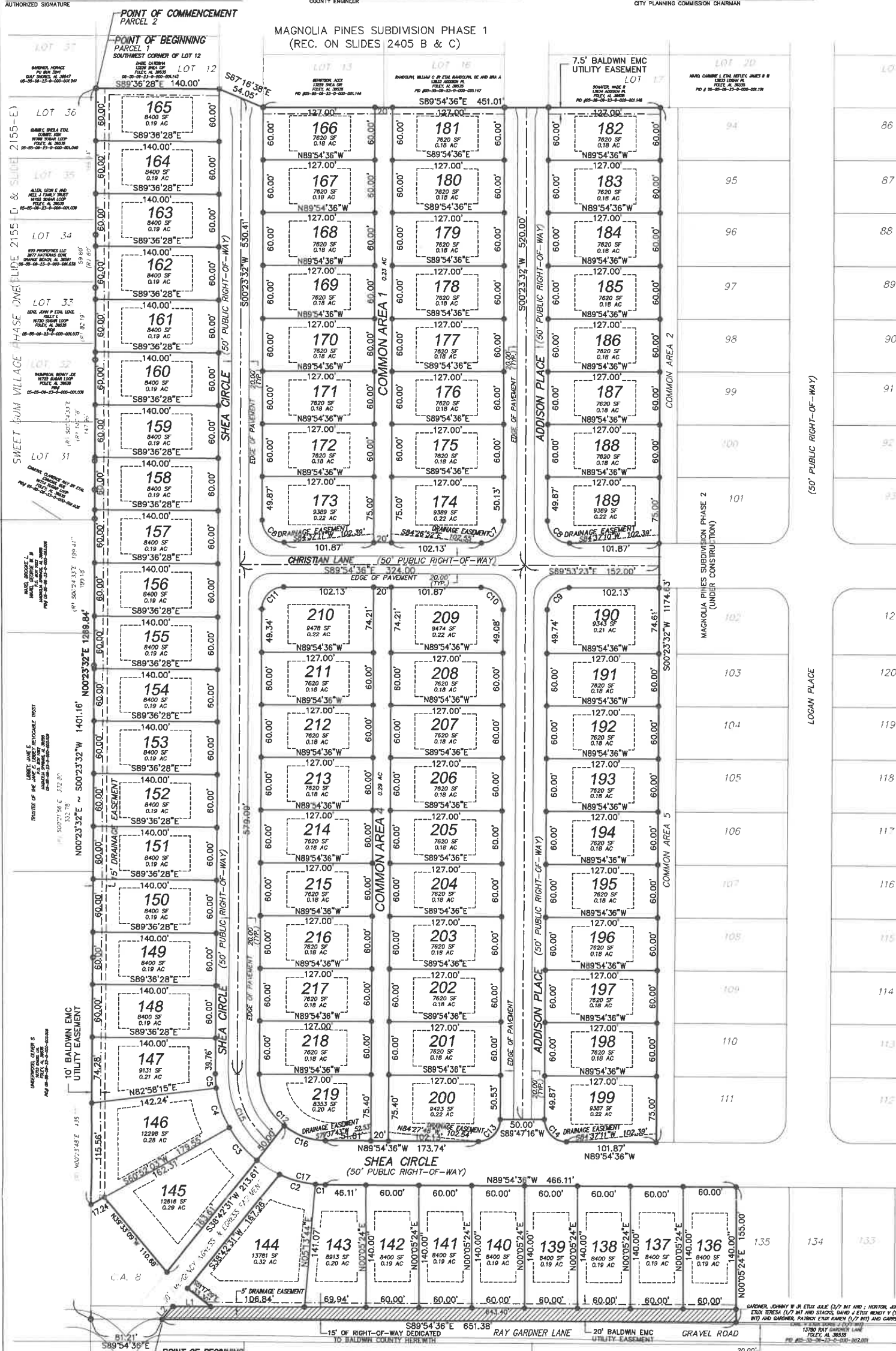
CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER: THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA.

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION: THE WITHIN PLAT OF MAGNOLIA PINES PHASE 3 SUBDIVISION, FOLEY, ALABAMA, IS HEREBY APPROVED BY THE CITY OF FOLEY PLANNING COMMISSION.

AUTHORIZED SIGNATURE

COUNTY ENGINEER

CITY PLANNING COMMISSION CHAIRMAN



SURVEYOR: DEWBERRY, 25353 FRIENDSHIP ROAD DAPHNE, AL 36526, VICTOR L GERMAIN, PLS LIC. NO. 38473, JASON N ESTES, PE LIC. NO. 22714. OWNER: R & P DEVELOPMENT LLC, PO BOX 1264, FAIRHOPE, AL 36536.

- GENERAL NOTES: 1. FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS. 2. ALL COMMON AREAS, INCLUDING DRAINAGE FACILITIES, ARE NOT THE RESPONSIBILITY OF BALDWIN COUNTY OR THE CITY OF FOLEY TO MAINTAIN, BUT SHALL BE OWNED AND MAINTAINED BY THE MAGNOLIA PINES SUBDIVISION PROPERTY OWNERS ASSOCIATION...

\*BALDWIN EMC UTILITY NOTE: THIS PROPERTY LIES WITHIN ZONE "A" (UNPAVED) AS SHOWN ON THE BALDWIN COUNTY FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA...

FLOOD CERTIFICATE: THIS PROPERTY LIES WITHIN ZONE "A" (UNPAVED) AS SHOWN ON THE BALDWIN COUNTY FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA...

SITE DATA: CURRENT ZONING: UNZONED LN. FT. STREETS: 2,825 LF NUMBER OF LOTS: 84 DENSITY: 4.2 UNITS/AC SMALLEST LOT: 7,620 SF LARGEST LOT: 13,781 SF COMMON AREA: 0.52 AC (2.6%) TOTAL AREA: 19.82 AC

FRONT: 30 FT REAR: 30 FT SIDE: 10 FT SIDE STREET: 20 FT WATER SERVICE: RIVERA UTILITIES SEWER SERVICE: BALDWIN COUNTY SEWER ELECTRIC SERVICE: BALDWIN EMC COMMUNICATION SERVICE: POINT BROADBAND

Table with columns: LINE, BEARING, DISTANCE, CURVE RADIUS, ARC LENGTH, CHORD BEARING, CHORD LENGTH. Contains data for lines 1-2 and curves C1-C17.

SURVEYOR'S CERTIFICATE: I, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDES 2405 B & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND RUN THENCE SOUTH 89°36'28" EAST, A DISTANCE OF 140.00 FEET, THENCE RUN SOUTH 67°16'38" EAST, A DISTANCE OF 54.05 FEET, THENCE RUN SOUTH 89°54'36" EAST, A DISTANCE OF 451.01 FEET...

CERTIFICATION OF OWNERSHIP AND DEDICATION: THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT THEY HAVE CALLED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON FOR THE USES AND PURPOSES HEREIN SET FORTH...

MORTGAGEE'S ACCEPTANCE: IN WITNESS WHEREOF, THE UNDERSIGNED, THE OWNERS OF THE MORTGAGED PROPERTY, HAVE CAUSED THIS INSTRUMENT TO BE EXECUTED BY THE UNDERSIGNED OFFICERS, TRUSTEES AND COVENANTS NOTED BELOW OR ATTACHED BY A SEPARATE LEGAL DOCUMENT.

ACKNOWLEDGEMENT: I, THE NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID BANK.

CERTIFICATION BY NOTARY PUBLIC: I AM NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION.

ACKNOWLEDGEMENT: I, THE NOTARY PUBLIC IN AND FOR THE COUNTY OF BALDWIN, IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID BANK.

SURVEYOR'S NOTES: 1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH ALABAMA STANDARDS. 2. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SAID PROPERTIES.

DEWBERRY, VICTOR L GERMAIN, AL. P.L.S. NO. 38473. SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



MAGNOLIA PINES PHASE 3 FINAL PLAT AUGUST 13, 2024 - SHEET 1 OF 1 SHEETS

Table with columns: DESIGN, CKH, DRAWN, AEF, CHKD, VLG. Includes Dewberry logo and contact information: 25353 Friendship Road, Daphne, AL 36526.



# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Approval

**PROJECT NAME:** Southwood at Arbor Walk Phase 1 - 3 Preliminary Plat Extension Request

**REQUEST:** 6 Month Preliminary Extension

**SUB TYPE:** Application for Extension

**OWNER / APPLICANT:** Dewberry Engineers Inc.

**ACREAGE:** 78.22  
**NUMBER OF LOTS:** 183

**PIN#(s):** 10453

**LOCATION:** 3876 CASITA CIR S

**PROJECT DESCRIPTION:** Southwood at Arbor Walk Phase 1 - 3 Preliminary Plat Extension Request

**CURRENT CITY ZONING:** R-1D

**OVERLAY DISTRICT:** N/A

**REQUESTED ZONING:** N/A

**ADJACENT ZONING:** E: R-1D & PUD; W: R-1D & R-2; N&S: BC Unzoned Dist 34 & Dist 35 RSF-1

**COUNTY ZONING:** N/A

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** NC - Neighborhood Commercial

**EXISTING LAND USE:** Infrastructure under construction



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**UTILITY LETTERS RECEIVED:** No  
**DEED RECEIVED:** No  
**AGENT AUTHORIZATION:** Yes

**Reviewer:** Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department  
**Review Status:** Approved

1. Phase 1-3 received Preliminary approval on 4/21/21. A 1-year extension was received on 3/15/23. An 8 month extension was received on 02/21/2024.

**Reviewer:** Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering  
**Review Status:** Approved

1. Engineering recommends extension.

**Reviewer:** Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental  
**Review Status:** Approved

1. Environmental recommends approval of the Southwood extension request. The landscape is installed, and the site is stabilized.

**Reviewer:** Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department  
**Review Status:** Approved

1. No concerns with this request

21



Dewberry Engineers Inc. | 251.990.9950  
25353 Friendship Road | 251.990.9910 fax  
Daphne, AL 36526 | www.dewberry.com

January 4, 2024

Miriam Boone  
City Planner  
City of Foley  
120 S McKenzie Street  
Foley, AL 36535

**RE: Southwood at Arbor Walk, Phases 1–3  
Extension Requests**

Dear Ms. Boone,

On behalf of the owner/developer, we would like to request six-month extensions on the preliminary plat approvals for Southwood at Arbor Walk, Phases 1–3. All three phases will expire on 10/21/2024. We are anticipating submitting the final plat for approval on 09/30/2024 and are submitting an extension request to cover the approval time. The project has been delayed due to cost of materials and difficulty maintaining materials.

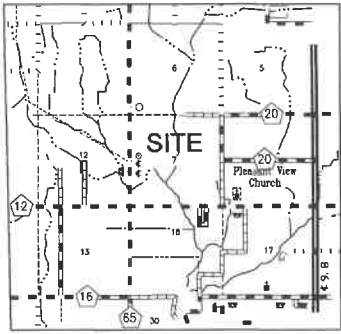
If you have any questions or comments, please contact us.

Sincerely,  
**Dewberry Engineers**

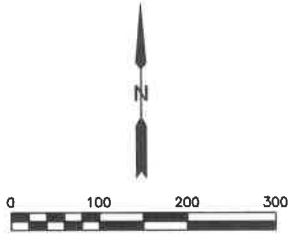
A handwritten signature in black ink, appearing to read "Kiersten U. Cavender".

Kiersten U. Cavender  
Staff Planner

cc: File 50131670



VICINITY MAP  
1" = 1 MILE



**Development Summary**

Current Zoning: R-1D  
 Streets: 8,885 L.F.  
 Total Acreage: 77.82 Ac.  
 Density: 2.35 Units per Acre  
 Wetlands: 8.41 Ac. (10.8%)

**Phasing Summary**

PHASE	1A	1B	2	3	TOTAL
Acreage	20.26	6.39	28.90	22.27	77.82
Lots	30	22	74	57	183

**LEGEND:**

- Zone X (Unshaded): Minimal flood hazard (outside 500-yr flood)
- Zone X (Shaded): Moderate flood hazard (between 100-yr and 500-yr flood)
- Zone A: Flood hazard (100-yr flood, or 1% annual chance)
- Zone AE(27'): Flood hazard, base flood elevation determined
- Floodway within Zone AE
- Wetlands

# SOUTHWOOD at Arbor Walk

MASTER PLAN  
 SEPTEMBER 28, 2021 - SHEET 1 OF 1

MASTER PLAN					
DESIGN	J.M.B.	DRAWN	C.K.H.	CHKD.	V.L.G.
ENG	J.M.B.	SURVEYOR	V.L.G.	PROJ MGR	J.M.B.
<b>Dewberry</b>					
25553 Friendship Road Daphne, AL 36545 251-990-9950 fax 251-929-9515					
				SCALE	1"=100'
				PROJ. NO.	50131670
				FILE NO.	50132891 MASTERPLAN
				SHEET	1 OF 1



# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Approval  
**PROJECT NAME:** Extension for Bayou Ridge Estates  
**REQUEST:** 1 Year Preliminary Extension  
**SUB TYPE:** Application for Extension

**OWNER / APPLICANT:** Mullins, LLC

**ACREAGE:** 23.89  
**NUMBER OF LOTS:** 50

**PIN#(s):** 81017

**LOCATION:** S of Co Rd 10, W of State Hwy 59

**PROJECT DESCRIPTION:** Preliminary Plat  
Extension for Bayou Ridge Estates

**CURRENT CITY ZONING:** N/A

**OVERLAY DISTRICT:** N/A

**REQUESTED ZONING:** N/A

**ADJACENT ZONING:** N: BC Dist 35 RSF-1; E:  
PUD & Unzoned BC Dist 27; S & W: Unzoned BC  
Dist 27

**COUNTY ZONING:** Unzoned BC Dist 27

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** RR - Rural Residential

**EXISTING LAND USE:** Vacant



24

**UTILITY LETTERS RECEIVED:** No  
**DEED RECEIVED:** No  
**AGENT AUTHORIZATION:** Yes

**Reviewer:** Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department  
**Review Status:** Approved

1. The received preliminary plat approval on 11/9/22. This is their 1st extension & the request is for 1 year. The applicant provided this info: 85% construction complete, about to start survey for as built

**Reviewer:** Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering  
**Review Status:** Approved

1. Engineering recommends approval of the extension request

**Reviewer:** Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental  
**Review Status:** Approved

1. The project is making good progress, and the majority of the site is stabilized. Environmental has no outstanding issues with the site and recommends approval for the extension request.

**Reviewer:** Gene Williamson, 251-952-4011, gwilliamson@cityoffoley.org, Building Department  
**Review Status:** Approved

1. No issues - noted south end of parcel is located in Flood Zone AE and Floodway





# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Approval  
**PROJECT NAME:** Tractor Supply Master Signage  
**REQUEST:** Zoning - Site Plan Approval  
**SUB TYPE:** Property is in a PUD

**OWNER / APPLICANT:** Wrico Signs, Inc.

**ACREAGE:** 4.25 +/- acres  
**NUMBER OF LOTS:** 1

**PIN#(s):** 2608

**LOCATION:** S of Keller Rd, E of State Hwy 59

**PROJECT DESCRIPTION:** Tractor Supply Master Signage

**CURRENT CITY ZONING:** PUD

**OVERLAY DISTRICT:** N/A

**REQUESTED ZONING:** N/A

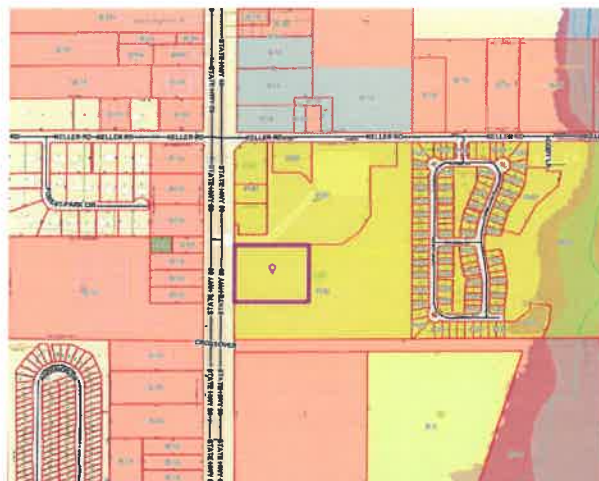
**ADJACENT ZONING:** N, E, S = PUD; W = B-1A

**COUNTY ZONING:** N/A

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** RCC - Retail Commercial Concentration

**EXISTING LAND USE:** Vacant



27

**UTILITY LETTERS RECEIVED:** No  
**DEED RECEIVED:** No  
**AGENT AUTHORIZATION:** No

**Reviewer:** Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department  
**Review Status:** Approved

1. This property is located in a PUD & the application is for their Master Signage Plan. They are requesting 2 wall signs facing Hwy 59 - one reads Tractor Supply Co & the smaller sign reads Garden Center. They are allowed 220 sf, these total 277 sf. Their pylon sign is proposed to be 30' high instead of 25' but the sign face is 108 sf instead of the allowed 220 sf.

**Reviewer:** Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering  
**Review Status:** Approved

1. Engineering recommends approval.

**Reviewer:** Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental  
**Review Status:** Approved

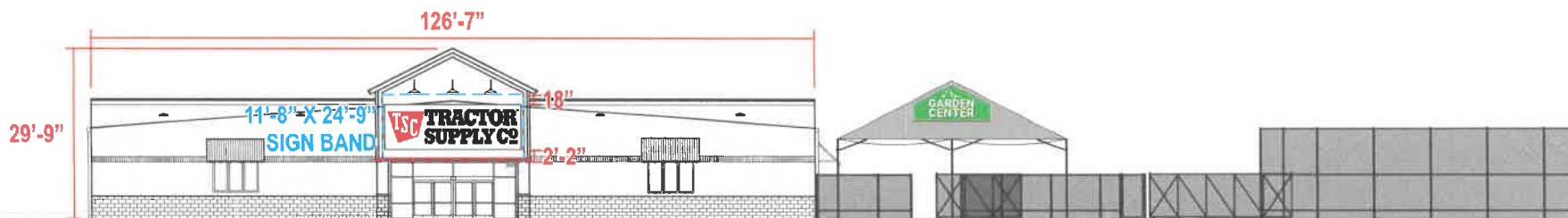
1. Environmental has no concerns for the master signage plan and recommends approval.

**Reviewer:** Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department  
**Review Status:** Approved

1. No concerns from Building Safety or Floodplain Management



STOREFRONT ELEVATION - SCALE: 1" = 30'-0"



**NOTE: DISTANCE BETWEEN THE BOTTOM OF THE SIGN TO THE BOTTOM OF GABLE/RED STRIPE IS 2'-2".**  
**\*\*ALL TSC WALL SIGNS MUST BE INSTALLED USING THREADED ROD AND CANNOT BE LAGGED IN.\*\***

Any Blocking Exposed To The Elements, Sign Installer is Required to Use Unistrut, Aluminum Angle or Pressure Treated Wood.

Minimum required backing (between fascia and studs and/or girts) for wall sign is 3/4" pressure treated plywood, to be the full height and length of the sign area provided by landlord/Gen. Contractor. We must have access behind the wall to penetrate through with 3/8" allthread in order to secure sign to studs or girts in wall structure w/ 2" x 4" bracing provided by sign installer.

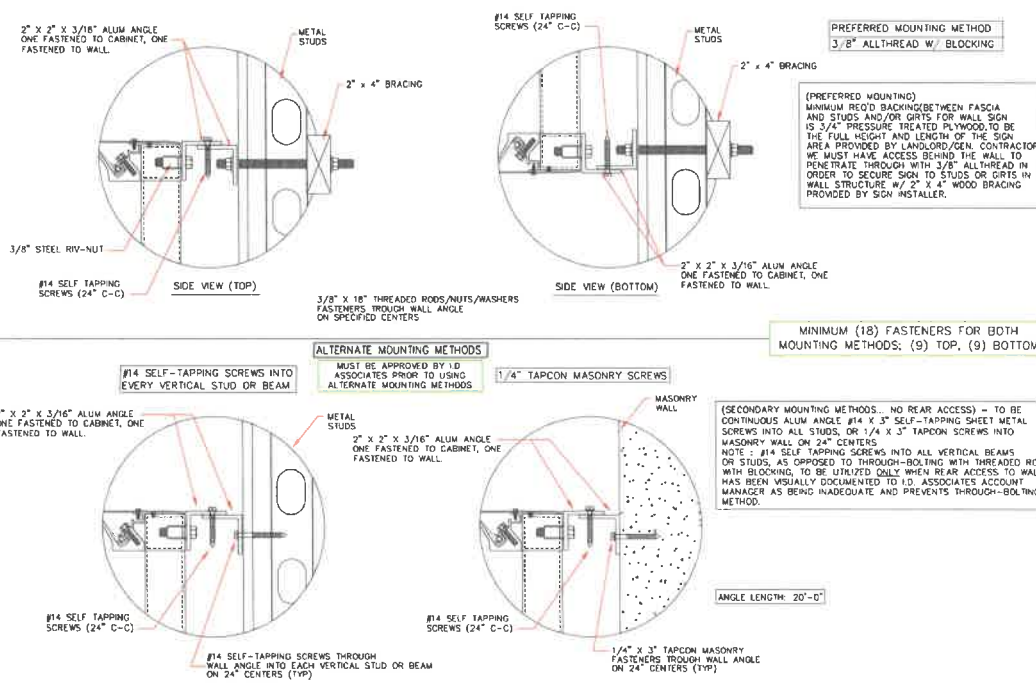


**NOTES:**

- NON-ILLUMINATED 8'-0" X 24'-0" X 5" DEEP SINGLE FACE CABINET
- 2" ALUMINUM RETAINERS (.050)
- 3M PANAGRAPHS III SUBSTRATE / VINYL GRAPHICS FIRST SURFACE
- CABINET FRAMED W/ 2" X 2" X 1/8" ALUMINUM TUBE

**COLORS:**

- CABINET - GLOSS BLACK
- BACKGROUND WHITE
- LOGO - 3M 3630-33 RED VINYL WITH WHITE COPY
- TRACTOR SUPPLY CO. - 3M 7725-12 BLACK



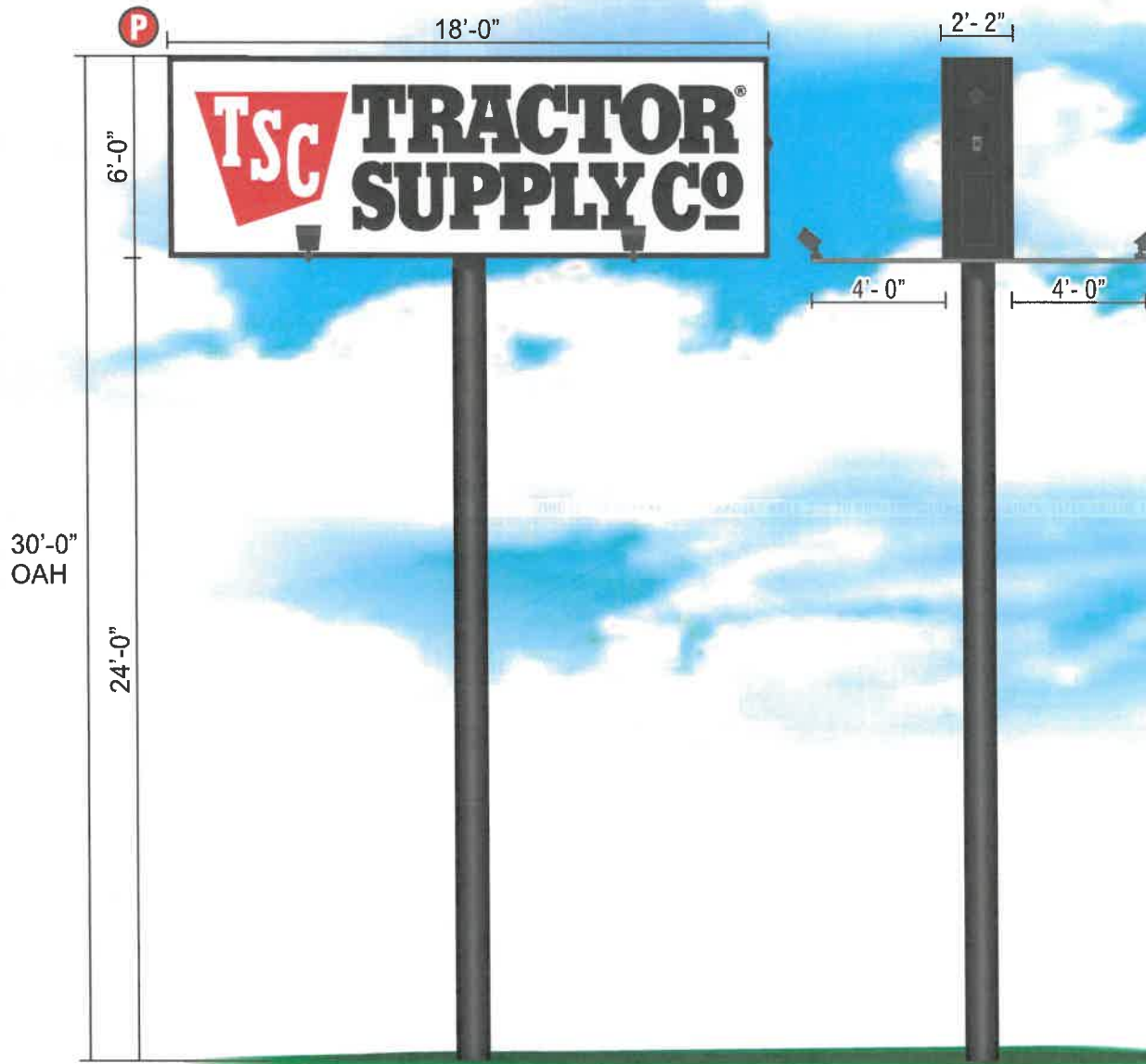
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

**id** ID. ASSOCIATES  
 1771 INDUSTRIAL ROAD · DOTHAN, ALABAMA · 36303  
 PH (888) 303-5534 · FAX (334) 836-1401  
 www.idassociatesinc.com

CLIENT: <b>TRACTOR SUPPLY CO</b>	STORE NO: <b>2941</b>	REV.:	REV.:	REV.:	REV.:
LOCATION: <b>FOLEY, AL</b>	DATE: <b>09/12/24</b>	REV.:	REV.:	REV.:	REV.:
ACCOUNT REP: <b>D. PAYNE</b>	CREATED BY: <b>BRC</b>	REV.:	REV.:	REV.:	REV.:
ORDERING NO: <b>TSC-FOLEY, AL #2941-SIGN EXHIBIT A</b>		REV.:	REV.:	REV.:	REV.:
EXHIBIT APPROVED BY:					



NEW PYLON - SCALE: 3/16" = 1'-0"



**MANUFACTURING NOTES:**

- 6'-0" x 18'-0" X 26" DEEP DOUBLE FACE CABINET
- 2" (.050) ALUMINUM RETAINERS
- .050 ALUMINUM FILLER
- 3M PANAGRAPHS III FLEXIBLE SIGN FACE MATERIAL
- JR. BLEED EXTRUSION RETENSION SYSTEM
- FRAMED WITH 2" X 2" X 16GA T.S. & 2' X 2" X 3/16" ANGLE IRON SADDLES
- 108 SQUARE FEET

**COLOR NOTES:**

- CABINET & STEEL PAINTED GLOSS BLACK
- BACKGROUND - WHITE
- LOGO - 3M 3630-33 RED VINYL WITH WHITE COPY
- "TRACTOR SUPPLY CO" - 3M 7725-12 GLOSS BLACK VINYL
- SUB-COPY - 3M 3630-33 RED VINYL WITH WHITE COPY

**ELECTRICAL NOTES:**

- UNIVERSAL120/277 VOLT 20 AMP PRIMARY POWER TO SIGN & FINAL CONNECTION BY OTHERS
- EXTERNAL ILLUMINATION
- (4) 40 WATT LED FLOOD LAMPS
- 2" X 4" WEATHER PROOF J-BOXES
- POWER SWITCH WITH MOUNTING HARDWARE FOR TUBE STEEL
- 1 1/2" X 1 1/2" TUBE STEEL CENTERED & SPACED FOR MAXIMUM ILLUMINATION.

**COLORS:**

3M 3630-33 RED VINYL	3M FLEXIBLE SUBSTRATE	3M 7725-12 BLACK VINYL
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THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

**id** ID. ASSOCIATES  
 1771 INDUSTRIAL ROAD • DOTHAN, ALABAMA • 36303  
 PH (888) 303-5534 • FAX (334) 836-1401  
 www.idassociatesinc.com

CLIENT	TRACTOR SUPPLY CO	STORE#	2941	REV.		REV.		REV.	
LOCATION	FOLEY, AL	DATE	09/12/24	REV.		REV.		REV.	
ACCOUNT MGR.	D. PAYNE	DRAWN BY	BRC	REV.		REV.		REV.	
DRAWING NO.	TSC-FOLEY, AL #2941-SIGN EXHIBIT A			REV.		REV.		REV.	
								EXHIBIT APPROVED BY:	





# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Approval

**PROJECT NAME:** Resubdivision of Lots 1 & 2 of Hightower Subdivision

**REQUEST:** Subdivision

**SUB TYPE:** Minor

**OWNER / APPLICANT:** Beyond Measure Surveying, LLC

**ACREAGE:** 3.48  
**NUMBER OF LOTS:** 2

**PIN#(s):** 378619

**LOCATION:** 22641 HIGHTOWER DR

**PROJECT DESCRIPTION:** Resubdivision of Lots 1 & 2 of Hightower Subdivision

**CURRENT CITY ZONING:** N/A

**OVERLAY DISTRICT:** N/A

**REQUESTED ZONING:** N/A

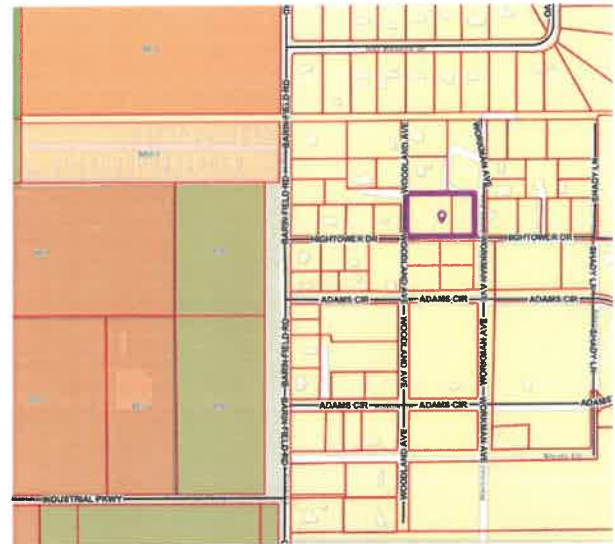
**ADJACENT ZONING:** BC Dist 34, Unzoned

**COUNTY ZONING:** BC Dist 34, Unzoned

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** RM, Residential Med. Density (4-7)

**EXISTING LAND USE:** Residential



**UTILITY LETTERS RECEIVED:** No  
**DEED RECEIVED:** Yes  
**AGENT AUTHORIZATION:** Yes

**Reviewer:** Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department  
**Review Status:** Approved

1. The request is to combine 2 lots into one lot. This is located in Unzoned BC Dist 34.

**Reviewer:** Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering  
**Review Status:** Approved

1. Engineering recommends approval. Add a cert block for BCSS or Health Department.

**Reviewer:** Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental  
**Review Status:** Approved

1. Signature block indicates Riviera as providing sewer; however, the will serve letter only states the ability to serve water and electricity.
2. Baldwin County sewer letter provided on 9/27/2024. Environmental recommends approval of resubdivision.

**Reviewer:** Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department  
**Review Status:** Approved

1. No concerns from neither Building Safety nor Floodplain Management at this time

# Resubdivision of Lots 1 & 2 of Hightower Subdivision

22641 Hightower Drive  
Foley AL, 36535  
Parcel#05-54-07-35-0-000-003.031  
PIN 378619  
Parcel#05-54-07-35-0-000-003.025  
PIN 213544

**Site Data:**  
Zoning - unzoned (Foley ETJ)  
Number of lots - 2  
Site Area - 3.48 ac.  
Building Setbacks  
Front - 30'  
Rear - 30'  
Side - 10'  
Drainage/Utility Easements  
- Front Boundary Lot Lines -15'  
- Rear Boundary Lot Lines -15'  
- Side Boundary Lot Lines 10'

**Flood Statement**  
Property is NOT located within a Special Flood Hazard Area as shown on FEMA maps for Baldwin County (Unincorporated Areas), AL Community#015000, Map#01003CO819M, effective date 4/19/2019

**Utilities:**  
Electric - Riviera Utilities  
Water - Riviera Utilities  
Sewer - Riviera Utilities

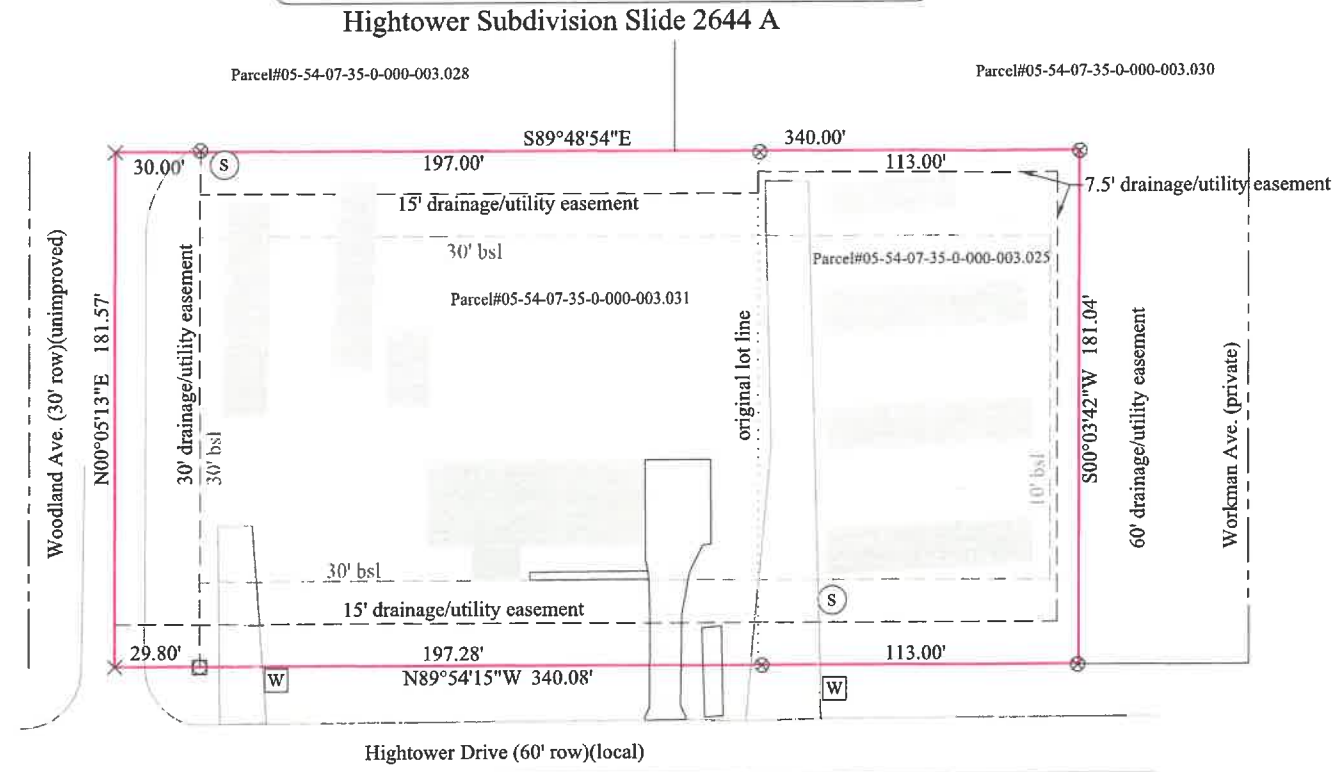
**Surveyor's Notes:**  
- This survey was performed without an up to date Title Commitment, Title Search or abstract provided by client. There may be both recorded and unrecorded documentation which may have a direct effect upon the findings.  
- No attempt was made to discover any buried utilities. Utilities shown are based upon visible evidence  
- No Wetlands delineation has been performed and none provided. No portion of the property is shown as "Potential Wetlands" by the Baldwin County Parcel Viewer.  
- Road designations determined from ALDOT Highway Functional Classification mapping.  
- The City of Foley & Baldwin County shall not be responsible for maintenance of common areas or drainage easements  
- Resubdivision shall combine Lots 1 & 2 of Hightower Subdivision and shall remove all original, interior lot line building setbacks and drainage & utility easements. Newly created lot to be known and designated as Lot#1  
- This division lies within an area where the Municipal Planning Commission exercises exclusive jurisdiction over the review and approval of Subdivisions. This Subdivision has not been reviewed for compliance with the Baldwin County Subdivision Regulations. The provisions of Alabama Code Section 45-2-261-17 shall not apply to this Subdivision.  
- See Clearance Easement Deed Book 383, Pg.525  
- See Clearance Easement Deed Book 386, Pg.448  
- See Restrictions and Reservations Deed Book 327, Pg.103  
- See Easements set out in Deed Book 427, Pg.780  
- See Easements set out in Deed Book 440, Pg.304

**WETLAND NOTICE**  
By approval of this plat, the Planning Commission of the City of Foley, the Developer, the Engineer, and the Surveyor makes no representation or warranty, either expressed or implied, that any lot delineated on this plat which may be encumbered by any wetlands is or will be suitable for improvement or other development. Purchasers are on notice that improvement of property encumbered by wetlands will require separate permitting by Federal and/or State authorities under such law and regulations governing wetlands as may be in effect from time to time.

The Basis of Bearings for this survey is a previous survey bearing between artificial monuments found and shown on plat of survey for Hightower Subdivision as determined by GNSS observations

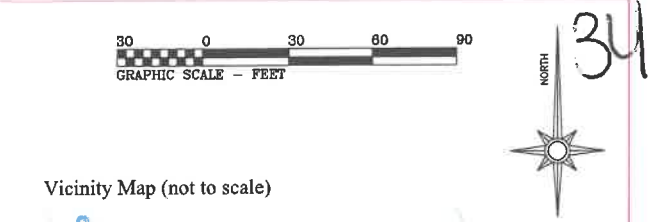
The centerlines and fence lines as depicted on this plat are shown graphically as straight lines between measured points. These lines may actually meander between these end points.

Instrument#1731034  
Lots 1 and 2, Hightower Subdivision, according to the map or plat thereof recorded on Slide 2644-A in the Office of the Judge of Probate of Baldwin County, Alabama.



**LEGEND**  
⊗ = REBAR FOUND  
□ = IRON PIPE FOUND  
× = SURVEY POINT, NO MONUMENT  
--- = APPARENT RIGHT-OF-WAY  
--- = BUILDING SETBACK LINE (bsl)  
--- = BOUNDARY LINE

**DRAINAGE/UTILITY EASEMENTS**  
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 10 foot utility easement on each side of lot and common area lines. There is a 20 foot utility easement that is 10 foot on each side of the center line of existing overhead power upon and across all lots, unless otherwise noted.



**OWNER'S DEDICATION**  
I/We \_\_\_\_\_, as proprietor(s), have caused the land embraced within \_\_\_\_\_ plat to be surveyed, laid out and platted to be known as the Resubdivision of Lots 1 & 2 of Hightower Subdivision, a part of Section 35, Township 7 South, Range 4 East, Baldwin County, Alabama, and that the (Streets, Drives, Alleys, Easements, ect.) as shown on said plat are hereby dedicated to the use of the public.

**CERTIFICATE OF APPROVAL BY THE CITY ENGINEER**  
THE UNDERSIGNED, AS ENGINEER OF THE CITY OF FOLEY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
\_\_\_\_\_  
CITY ENGINEER

**CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION CHAIRMAN**  
The within plat of The Resubdivision of Lot 3-B of the Resubdivision of Lot 3 of the Foley Beach Express Industrial Park Unit 7, Foley, Alabama, is hereby approved by the City of Foley Planning Commission, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
\_\_\_\_\_  
City Planning Commission Chairman

**CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (WATER)**  
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WATER SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

**CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (SEWER)**  
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WATER SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

**CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (GAS)**  
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE WATER SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

**CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES: (ELECTRIC)**  
THE UNDERSIGNED, AS AUTHORIZED BY RIVIERA UTILITIES, HEREBY APPROVES THE ELECTRIC SERVICES AS INSTALLED AND REPRESENTED ON THIS PLAT FOR THE RECORDING OF SAME IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

**CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING SYSTEM:**  
THE UNDERSIGNED, AS AUTHORIZED BY THE BALDWIN COUNTY E-911 BOARD, HEREBY APPROVES THE ROAD NAMES AS DEPICTED ON THE WITHIN PLAT AND HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA,

THIS DAY OF \_\_\_\_\_, 2024  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

REVISION	DATE	PROJECT NO.:3574wb	DAVID ARANDA
		DATED: 9/11/2024	Resubdivision of
		SCALE 1" = 30'	Lots 1 & 2 Hightower Subdivision
		DRAWN BY: JRH	22641 Hightower Dr.
		CHECKED BY: JRH	Foley, AL 36535

**BEYOND MEASURE SURVEYING**  
1608 Burtonwood Dr.  
FOLEY, AL, 36535  
(251)-752-7017  
WWW.BEYONDMEASURESURVEYING.COM

Relative Error of Closure  
Suburban  
1/7,500' & 20" X sq.root of # of angles

**SURVEYOR'S CERTIFICATE:**  
I, hereby certify that all parts of this survey and drawing have been completed in accordance current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief  
*Reese Harpel*  
Reese Harpel  
Surveyor's Signature  
Alabama License Number AL PLS#40196-S  
Date \_\_\_\_\_





# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Approval

**PROJECT NAME:** The Sicilian Syndicate Division

**REQUEST:** Subdivision

**SUB TYPE:** Minor

**OWNER / APPLICANT:** Survey Services/SALVATORE MIGLIORE

**ACREAGE:** 2.5  
**NUMBER OF LOTS:** 2

**PIN#(s):** 12332

**LOCATION:** 16827 ENGEL LN -S OF RAY GARDNER LN, N OF ENGEL LN

**PROJECT DESCRIPTION:** SUBDIVISION

**CURRENT CITY ZONING:** N/A

**OVERLAY DISTRICT:** N/A

**REQUESTED ZONING:** N/A

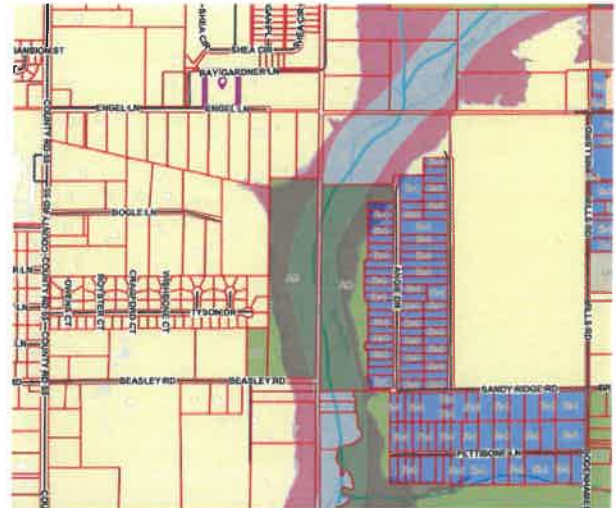
**ADJACENT ZONING:** Unzoned BC Dist11

**COUNTY ZONING:** Unzoned BC Dist11

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** RR - Rural Residential

**EXISTING LAND USE:** Vacant



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**UTILITY LETTERS RECEIVED:** Yes  
**DEED RECEIVED:** Yes  
**AGENT AUTHORIZATION:** Yes

**Reviewer:** Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department  
**Review Status:** Approved

1. This property is located in Unzoned BC Dist11. The request is for a 2 lot subdivision. Lot 1 is 1.27 acres, Lot 2 is 1.07 acres.

**Reviewer:** Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering  
**Review Status:** Approved

1. Engineering recommends approval

**Reviewer:** Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental  
**Review Status:** Approved

1. Environmental recommends approval of the minor subdivision.

**Reviewer:** Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department  
**Review Status:** Approved

1. No concerns from neither Building Safety nor Floodplain Management at this time

**SURVEY SERVICES**

22561 FUTTER LANE  
FOLEY, AL 36535

PH. (251) 677-8727

E-MAIL: SURVEY-SERVICES@OUTLOOK.COM

**PROPOSED**

(not valid without original signature)

**SUBDIVISION TITLE:**  
THE SICILIAN SYNDICATE DIVISION

**OWNER N/F:** THE SICILIAN SYNDICATE, LLC  
**SURVEY REQUESTED BY:** SAL MIGLIORE

**STATE:** ALABAMA COUNTY: BALDWIN  
**SECTION:** 23 **TOWNSHIP:** 7 SOUTH **RANGE:** 3 EAST  
**PARCEL #:** 55-06-23-0-000-008.000 **PPIN #:** 12332  
**ADDRESS:** 16827 ENGEL LANE, FOLEY, AL 36535

**Scale:** 1" = 30'  
**Issue Date:** September 23, 2024  
**Project Number:** 234027  
**Field Date:** September 17, 2023

Drawn By:	Revisions	
	No.	Description
LHZ		
Sheet Title:		
Boundary Survey / Minor Subdivision		

**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 Surveying in the State of Alabama to the best of my knowledge, information and belief.

DATE: 09/23/24

Laurence H. Zander  
Alabama P.L.S. 25647  
(not valid without original signature)

**SURVEYOR NOTES**

- THE FIELD DATA UPON WHICH THIS PLAT IS BASED EXCEEDS SECOND ORDER CLASS I PRECISION AS OUTLINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
- THE DATA SHOWN ON THIS MAP INDICATING ACTUAL PROPERTY LINES HAS BEEN CALCULATED FOR A CLOSURE AND IS FOUND TO HAVE A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 10,000.
- THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED IN THE FIELD WITH A SOKKIA IX SERIES TOTAL STATION AND NETWORK RTK GPS ALIOTT CORS.
- THE BASIS OF THE BEARINGS AND NORTH ARROW OF THIS PLAT ARE GEODETIC AND BASED ON THE NORTH R/W LINE OF ENGEL LANE BEING NORTH 89°56'26" WEST PER INSTRUMENT 1910902.
- ALL LINEAR DISTANCES SHOWN ON THIS MAP ARE HORIZONTAL.
- THIS LAND LIES WITHIN ZONE "X" PER GRAPHIC LOCATION AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL NO 01003C0815 M, BALDWIN CO., ALABAMA, REVISED MAP DATED APRIL 19, 2019.
- THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
- THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF UTILITIES OR SUB SURFACE FEATURES.
- NO TITLE SEARCH, OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY. SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
- SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAT: DEEDS OF RECORD
- UTILITY COMPANIES ARE HEREBY GRANTED A UTILITY EASEMENT 10 FEET EACH SIDE OF LOT LINES AND 15 FEET ALONG THE NORTH RIGHT-OF-WAY OF ENGEL LANE, AND A 20 FOOT EASEMENT, 10 FOOT EITHER SIDE OF EXISTING POWER LINE CENTERLINES.

**OWNER-DEVELOPER**  
The Sicilian Syndicate, LLC  
102 Madison Ave N, Apt 613  
Kent, WA 98032

Site Data	
1. Total number of lots	2
2. Smallest Lot Size	46,623 Sq. Ft.
3. Smallest Lot Size	55,485 Sq. Ft.
4. Linear feet in streets	0
5. Zoning	None
6. Setbacks	Front 30' Rear 30' Side 10'

**CERTIFICATE OF FLOOD HAZARD ZONE**

This is to certify that I have consulted the Federal Insurance Administration flood hazard boundary map, Community Panel No. Q1003C0815 M, Dated 04-19-2019, and found that the above described property, in my opinion, lies in Zone(s) "X".

Laurence H. Zander  
Alabama P.L.S. 25647

**CERTIFICATION BY NOTARY PUBLIC**  
STATE OF ALABAMA  
COUNTY OF BALDWIN

I, Notary Public in and for said County, in said State, hereby certify that Sal Migliore (The Sicilian Syndicate LLC), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents said instrument, they executed the same voluntarily as such individual with full authority therefor.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

NOTARY PUBLIC

**OWNER'S DEDICATION**

I, Sal Migliore (The Sicilian Syndicate LLC), as proprietor, have caused the land embraced in the within plat to be surveyed, laid out and platted to be known as (The Sicilian Syndicate Family Division), a part of (Section 23, Township 7 South, Range 3 East), Baldwin County, Alabama.

Property Owner

Signed and sealed in the presence of:

Witness

STATE OF ALABAMA  
COUNTY OF BALDWIN

I, Laurence Zander, a licensed Surveyor of Baldwin County, Alabama, hereby certify that I have surveyed the property of The Sicilian Syndicate LLC as proprietor, situated in Baldwin County, Alabama and described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 23, Township 7 South, Range 3 East, Baldwin County, Alabama, run thence North 89°27'45" West, a distance of 821.46 feet to a point; run thence North 00°32'32" East, a distance of 13.56 feet to a Capped Rebar found on the North margin of Engel Lane (50 foot right-of-way) said point being the Point of Beginning; thence run North 89°56'26" West, along said North Margin of Engle Lane a distance of 329.91 feet to a Capped Rebar found; thence run North 00°24'53" East, a distance of 311.24 feet to a Capped Rebar found; thence run South 89°52'45" East, a distance of 328.74 feet to a Rebar found; thence run South 00°34'04" West, a distance of 310.90 to the Point of Beginning. Said parcel of land containing 2.34 acres of land more or less.

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and easement and its number and showing the streets, alleys and public grounds and giving the bearings, length, width and names of the streets, said map further shows the relation of the land so platted to the Government Survey, and that permanent monuments have been placed at points marked thus (a) as hereon shown. I further certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the practice of land surveying in the State of Alabama to the best of my knowledge, information, and belief.

WITNESS my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Surveyor

Alabama license # 25647

**CERTIFICATE OF APPROVAL BY BALDWIN COUNTY HEALTH DEPARTMENT**

The lots on this plat are subject to approval or deletion by the Baldwin County LHD. No Representation is made that any lot on this plat will accommodate an Onsite Sewage System (OSS). The appropriateness of the lot for wastewater (sewage) treatment and disposal shall be determined when an application is submitted. If permitted, the lot approval may contain conditions which restrict the use of the lot or obligate owners to special maintenance and reporting requirements, and these are on file with the said health department and are made a part of this plat as if set out here on. This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authorized Signature

THIS SUBDIVISION LIES WITHIN A MUNICIPAL PLANNING JURISDICTION WERE THE MUNICIPALITY EXERCISES EXCLUSIVE REVIEW AUTHORITY OVER SUBDIVISIONS. THEREFORE, THIS DIVISION IS NOT SUBJECT TO THE REQUIREMENTS OF THE BALDWIN COUNTY SUBDIVISION REGULATIONS AND WAS NOT REVIEWED FOR COMPLIANCE WITH THESE REGULATIONS. THE PROVISIONS OF ALABAMA CODE SECTION 45-2-261.17, AND SIMILAR STATUTES RELATED SUBDIVISIONS REVIEWED AND APPROVED UNDER BALDWIN COUNTY'S SUBDIVISION REGULATIONS, SHALL NOT APPLY TO THIS SUBDIVISION.

IN NO WAY SHALL IT BE CONSTRUED THAT BALDWIN COUNTY WILL TAKE RESPONSIBILITY FOR MAINTENANCE OF ANY EASEMENTS OR ROADS THAT ARE PART OF THIS DIVISION.

\*\*\*WATER & SEPTIC WILL BE ADDRESSED BY:  
-WATER: WELL  
-SEPTIC: IN SITE CONVENTIONAL SEPTIC SYSTEM

**CERTIFICATE OF APPROVAL BY THE CITY ENGINEER**

The undersigned as City Engineer of the City of Foley, Alabama, hereby approves the within plat for recording of same in the Probate Office of Baldwin County, Alabama.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY ENGINEER

**CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION**

The within plat of The Sicilian Syndicate Division Subdivision, Baldwin County, Alabama, is hereby approved by the City of Foley Planning Commission.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authorized Signature

**CERTIFICATE BY THE BALDWIN COUNTY PLANNING DIRECTOR**

The undersigned, as Director of the Baldwin County Planning and Zoning Department, hereby approves the within plat, as compliant with the Baldwin County Zoning Ordinance, for the recording of same in the Probate Office on Baldwin County, Alabama this the \_\_\_\_\_ day of \_\_\_\_\_, 2024

Baldwin County Planning Director.

**CERTIFICATE BY THE BALDWIN COUNTY ENGINEER**

The undersigned, as County Engineer of the County of Baldwin of Alabama, hereby certifies on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 that the \_\_\_\_\_ Planning Commission has approved the within plat for recording of same in the Probate Office of Baldwin County Alabama.

Baldwin County Engineer

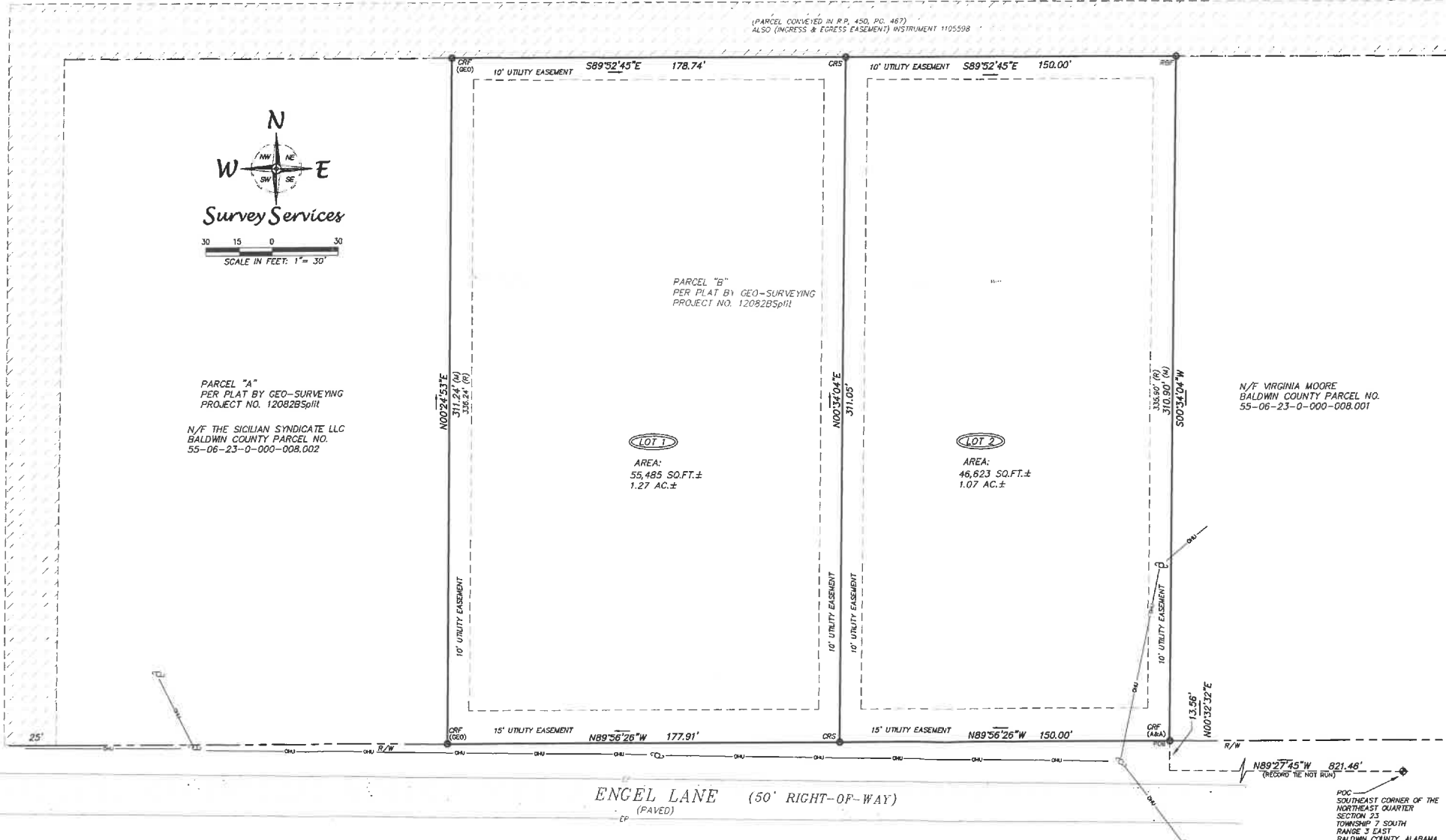
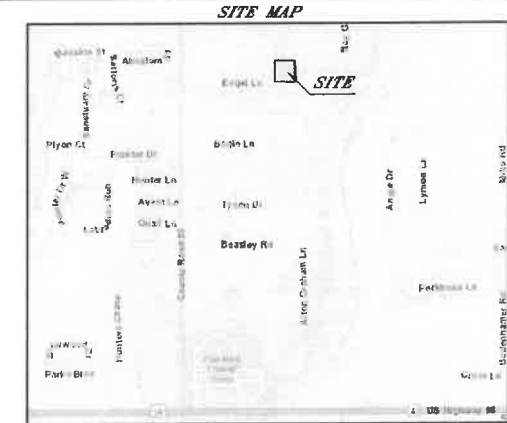
**CERTIFICATE OF APPROVAL BY THE (BALDWIN EMC ELECTRIC)**

The undersigned, as authorized by the BALDWIN EMC hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

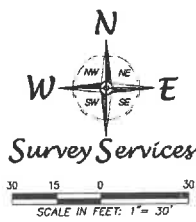
AUTHORIZED SIGNATURE

**LEGEND**

- CRS CAPPED REBAR SET (LIC # CA 0700)
- CRF CAPPED REBAR FOUND
- (GEO) GEO-SURVEYING, INC.
- (A&A) ARNOLD AND ASSOC.
- CTPF CRIMPED TOP PIPE FOUND
- (M) MEASURED
- (R) RECORD
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- R/W RIGHT-OF-WAY
- E PROPERTY LINE
- EP EDGE OF PAVEMENT
- U UTILITY POLE
- OHU- OVERHEAD UTILITIES
- BSL BUILDING SETBACK LINE



RAY GARDNER LANE (CLAY & GRAVEL)



PARCEL "B"  
PER PLAT BY GEO-SURVEYING  
PROJECT NO. 12082BSp01

PARCEL "A"  
PER PLAT BY GEO-SURVEYING  
PROJECT NO. 12082BSp01

N/F THE SICILIAN SYNDICATE LLC  
BALDWIN COUNTY PARCEL NO.  
55-06-23-0-000-008.002

**LOT 1**  
AREA:  
55,485 SQ.FT.±  
1.27 AC.±

**LOT 2**  
AREA:  
46,623 SQ.FT.±  
1.07 AC.±

N/F VIRGINIA MOORE  
BALDWIN COUNTY PARCEL NO.  
55-06-23-0-000-008.001

ENGEL LANE (50' RIGHT-OF-WAY)  
(PAVED)

POC  
SOUTHEAST CORNER OF THE  
NORTHEAST QUARTER  
SECTION 23  
TOWNSHIP 7 SOUTH  
RANGE 3 EAST  
BALDWIN COUNTY, ALABAMA



# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Postpone indefinitely until legal matters have been resolved  
**PROJECT NAME:** Schlichting Family Subdivision  
**REQUEST:** Subdivision  
**SUB TYPE:** Minor

**OWNER / APPLICANT:** Weygand Wilson  
Surveying, LLC

**ACREAGE:** 13.54  
**NUMBER OF LOTS:** 2

**PIN#(s):** 37763

**LOCATION:** 12476 Robert Ln Dr- SW Corner of  
US Hwy 98 & Foley Beach Express

**PROJECT DESCRIPTION:** Schlichting Family  
Subdivision

**CURRENT CITY ZONING:** B-1A

**OVERLAY DISTRICT:** FBEOD, Foley Beach  
Express Overlay District

**REQUESTED ZONING:** N/A

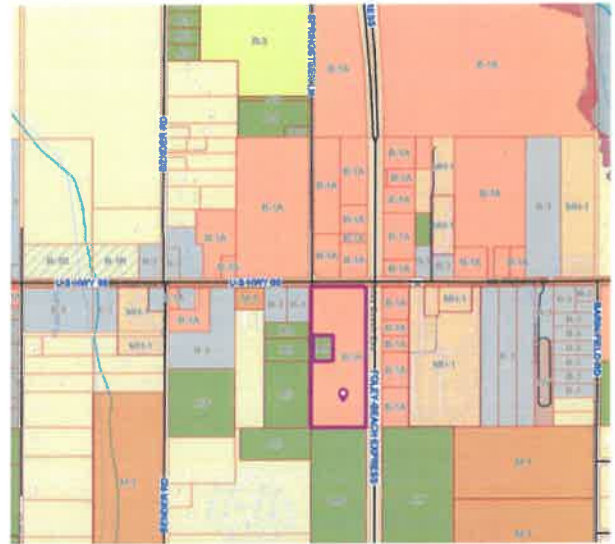
**ADJACENT ZONING:** N & E: B-1A, S: AO, W: B-  
3 & AO

**COUNTY ZONING:** N/A

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** RCC - Retail Commercial  
Concentration

**EXISTING LAND USE:** VACANT



39

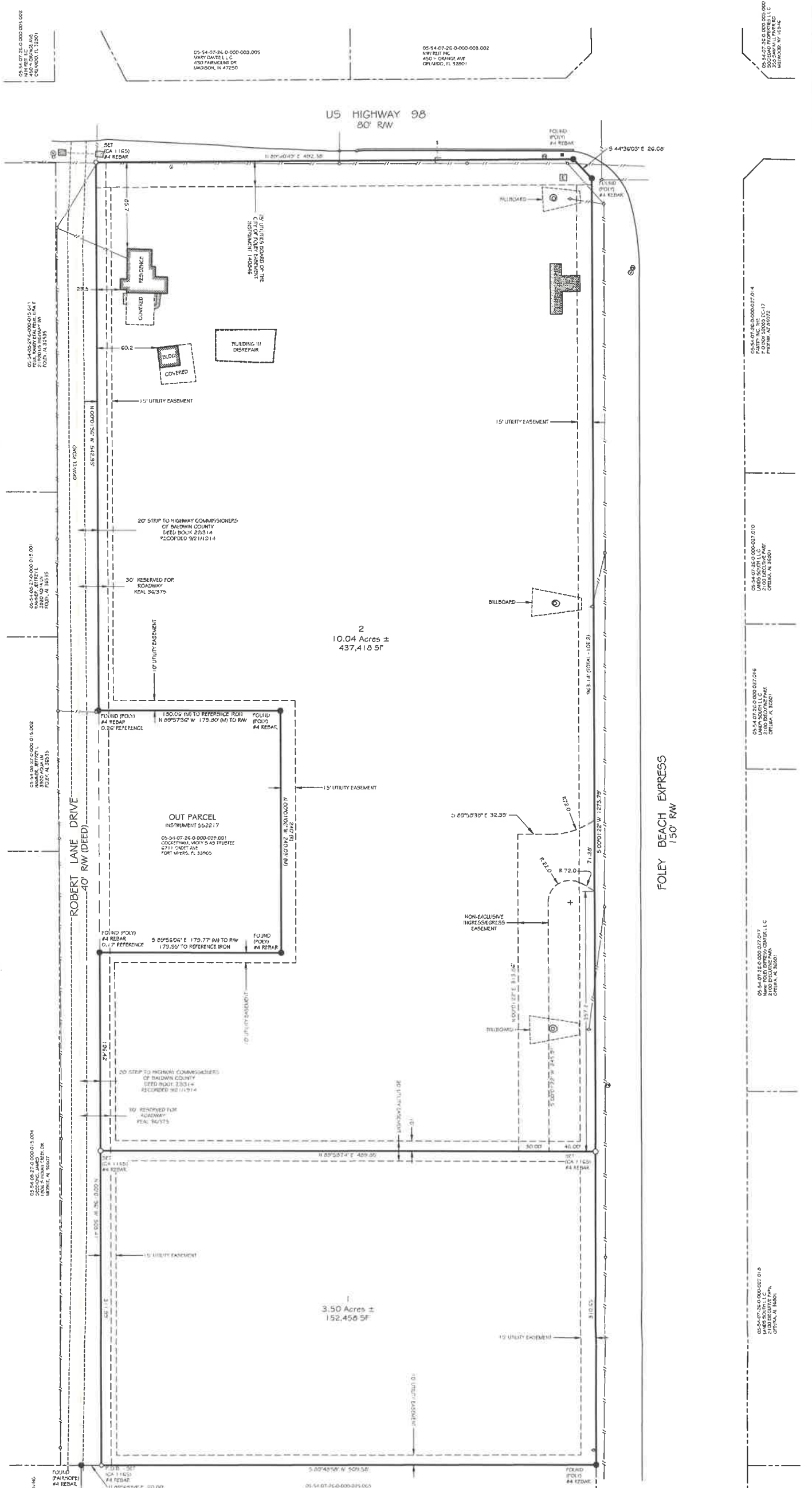
**UTILITY LETTERS  
RECEIVED:** Yes  
**DEED RECEIVED:** Yes  
**AGENT AUTHORIZATION:** Yes

**LEGEND**

BLDG	BUILDING
CLC	CALCULATED CURB
DELTA	MINORANCE
RADLN	RADIUS
RTW	RIGHT OF WAY
SCQ	SQUARE FOOT
ACNDR	AIR CONDITONER
UTL	UTILITY POLE
ANCHDR	ANCHOR
WLL	WALL
CONC	CONCRETE
WTR	WATER METER
SWR	SEWER BOX
IRCON	IRRIGATION CONTROL BOX
WTRV	WATER VALVE
FR	FIRE HYDRANT
COM	CUMMUNICATION BOX
ELC	ELECTRIC BOX
FRS	FIBER OPTIC BOX
STK	STAKING POINT
MEAS	MEASURED
RECD	RECORDED
CONC	CONCRETE MONUMENT
PKCZ	OVERHEAD UTILITIES



Trent Wilson PLS #34764  
Weygand Wilson Surveying LLC  
229 E. 20th Ave., Suite 12  
Gulf Shores, AL 36542  
Phone: (251) 975-7555



State of Alabama  
Baldwin County

The undersigned, Trent Wilson, Professional Land Surveyor, State of Alabama, and Schlichting Family LLC, owner, hereby certify that this plat or map was made pursuant to a survey made by said surveyor, and that this plat or map was made at the instance of said owner, that this plat or map is a true and correct plat or map of land shown therein and known or to be known as Schlichting Family LLC Subdivision, situated in the City of Foley, Baldwin County, Alabama.

In Witness Whereof, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: Trent Wilson, PLS #34764 (Surveyor)  
By: Marvin Baker (Manager - Schlichting Family LLC)

**Legal Description:**  
Commence at a corner #4 rebar being the Southeast corner of Section 26, Township 7 South Range 4 East, Baldwin County, Alabama; thence N 09°00'00" E a distance of 1317.82 feet to a (Polly) #4 rebar; thence N 89°56'04" E a distance of 20.00 feet to a (CA 1165) #4 rebar on the East right of way of Robert Lane Drive and Point of Beginning; thence along said right of way N 09°01'36" W a distance of 500.41 feet to a point referenced by a (Polly) #4 rebar being 0.17 feet west of said point; thence along said right of way N 89°56'04" E a distance of 179.77 feet to a (Polly) #4 rebar; thence N 09°01'06" W a distance of 240.03 feet to a (Polly) #4 rebar; thence N 89°57'36" W a distance of 179.80 feet to a point on the East right of way referenced by a (Polly) #4 rebar being 0.26 feet west of said point; thence along said East right of way thence N 09°01'36" W a distance of 542.29 feet to a (CA 1165) #4 rebar at the intersection of the East right of way of Robert Lane Drive and the South right of way of U5 Highway 98; thence along the South right of way of U5 Highway 98 N 89°40'40" E a distance of 472.38 feet to a (Polly) #4 rebar being on a corner of the South right of way of U5 Highway 98 and the West right of way of Foley Beach Express; thence along said quarter of right of way S 44°36'03" E a distance of 26.08 feet to a (Polly) #4 rebar; thence along the West right of way of Foley Beach Express N 09°01'07" W a distance of 1273.79 feet to a (Polly) #4 rebar; thence along said right of way S 69°48'58" W a distance of 460.58 feet to the Point of Beginning, having an area of 13.54 acres, more or less.

State of Alabama  
Baldwin County

I, \_\_\_\_\_, Notary Public in and for said County and State, do hereby certify that Marvin Baker, whose name is signed to the foregoing certificate as Manager - Schlichting Family LLC, and who is known to me, acknowledged before me, on this date, that being informed of the contents of said certificate, executed same voluntarily and with full authority therefor.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Notary Public - Commission Expires \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY THE ELECTRIC PROVIDER**  
Forsyth Utilities

I, the undersigned, as authorized by the Forsyth Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authorized Signature

**CERTIFICATE OF APPROVAL BY THE WATER PROVIDER**  
Forsyth Utilities

I, the undersigned, as authorized by Forsyth Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authorized Signature

**CERTIFICATE OF APPROVAL BY THE SEWER PROVIDER**  
Forsyth Utilities

I, the undersigned, as authorized by Forsyth Utilities hereby approves the within plat for the recording of same in the Probate Office of Baldwin County, Alabama.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authorized Signature

**CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION**

The within plat of the subdivision shown hereon as Foley, Alabama is hereby approved by the City of Foley Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Planning Commission Chairman

**CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY ENGINEER**

The undersigned, as City Engineer of the City of Foley, Alabama hereby approves the within plat for the recording of same in the Office of the Judge of Probate of Baldwin County, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

City Engineer

**BALDWIN COUNTY E-911 BOARD**

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 \_\_\_\_\_, 2024.

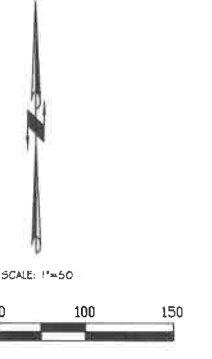
Authorized Representative

**BALDWIN COUNTY HEALTH DEPARTMENT**

This division meets the exceptions in 420-3-1-14. The lots on this plat are subject to approval or decision by the (Baldwin County) HND. No representation is made that any lot on this plat will accommodate an On-site Sewerage System (OSS). The appropriateness of a lot for wastewater treatment and disposal shall be determined when an application is submitted. If permitted, the lot approval may contain certain conditions which restrict the site of the lot or obligate owners to special maintenance and reporting requirements, and these are on file with said health department and are made a part of this plat as if set out here on.

this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authorized Representative



**SITE DATA**

ZONING: R-1A  
TOTAL AREA: 13.54 ACRES  
NUMBER OF LOTS: 2  
SMALLEST LOT: 3.50 ACRES  
LARGEST LOT: 10.04 ACRES

**SCHLICHTING FAMILY LLC SUBDIVISION**  
FOLEY, BALDWIN COUNTY, ALABAMA  
SECTION 26, TOWNSHIP 7 SOUTH, RANGE 4 EAST  
DATE OF PLAT: APRIL 22, 2024

- NOTES:**
1. BEARINGS ARE BASED ON GEODETIC NORTH AS OBTAINED BY GPS OBSERVATION.
  2. LEGAL DESCRIPTION PROVIDED BY CLIENT.
  3. THIS PROPERTY WAS SCALED ONTO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE MAP NUMBERS 0103C0019M EFFECTIVE 4/19/2019 AND FOUND TO BE IN ZONE X.
  4. SETBACKS AS PER ZONING IN PLACE AT THE TIME OF PERMIT.



05-54-07-26-0-000-003-005  
MARY GAYZ LLC  
430 FARMHOUT DR  
LAKEDALE, N. 47250

05-54-07-26-0-000-003-002  
WYB BILT INC  
450 N ORANGE AVE  
ORLANDO, FL 32801

05-54-07-26-0-000-003-000  
WYB BILT INC  
450 N ORANGE AVE  
ORLANDO, FL 32801

05-54-07-26-0-000-007-014  
DAVID L. WILSON  
P.O. BOX 20082, BOX 17  
FOLSOM, LA 70332

05-54-07-26-0-000-007-010  
DAVID L. WILSON  
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05-54-07-26-0-000-007-016  
DAVID L. WILSON  
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05-54-07-26-0-000-007-017  
DAVID L. WILSON  
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05-54-07-26-0-000-007-018  
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05-54-07-26-0-000-007-019  
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05-54-07-26-0-000-007-020  
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05-54-07-26-0-000-007-021  
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05-54-07-26-0-000-007-022  
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05-54-07-26-0-000-007-024  
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05-54-07-26-0-000-007-025  
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05-54-07-26-0-000-007-026  
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05-54-07-26-0-000-007-027  
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05-54-07-26-0-000-007-028  
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05-54-07-26-0-000-007-029  
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05-54-07-26-0-000-007-030  
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05-54-07-26-0-000-007-031  
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05-54-07-26-0-000-007-035  
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05-54-07-26-0-000-007-040  
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05-54-07-26-0-000-007-041  
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05-54-07-26-0-000-007-042  
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05-54-07-26-0-000-007-043  
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05-54-07-26-0-000-007-044  
DAVID L. WILSON  
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05-54-07-26-0-000-007-045  
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05-54-07-26-0-000-007-046  
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05-54-07-26-0-000-007-047  
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05-54-07-26-0-000-007-072  
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05-54-07-26-0-000-007-100  
DAVID L. WILSON  
P.O. BOX 20082, BOX 17  
FOLSOM, LA 70332

oh



# PLANNING COMMISSION JOINT STAFF REPORT: October 2024

**STAFF RECOMMENDATION:** Work Session

**PROJECT NAME:** Inquiring about the possibility of building a single family home on my 40 acres.

**REQUEST:** Work Session

**SUB TYPE:** Work Session

**OWNER / APPLICANT:** Nelson Lyons

**ACREAGE:** 40

**NUMBER OF LOTS:** 1

**PIN#(s):** 387031

**LOCATION:** east of bucolic rd, west of seibert rd ,  
at the end of pastoral ln

**PROJECT DESCRIPTION:** inquiring about the  
possibility of building a single family home on my  
40 acres.

**CURRENT CITY ZONING:** AO

**OVERLAY DISTRICT:** N/A

**REQUESTED ZONING:** N/A

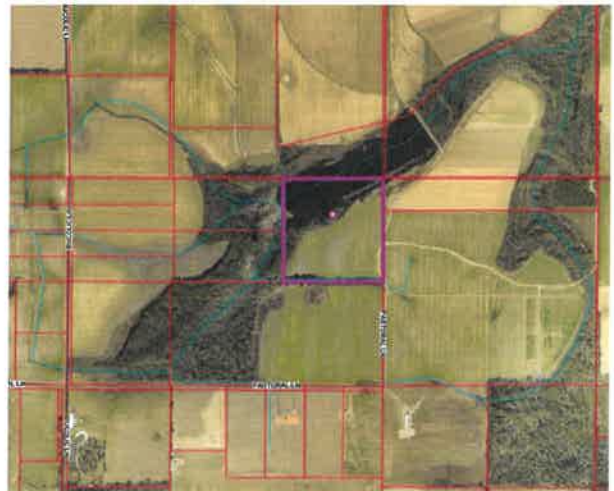
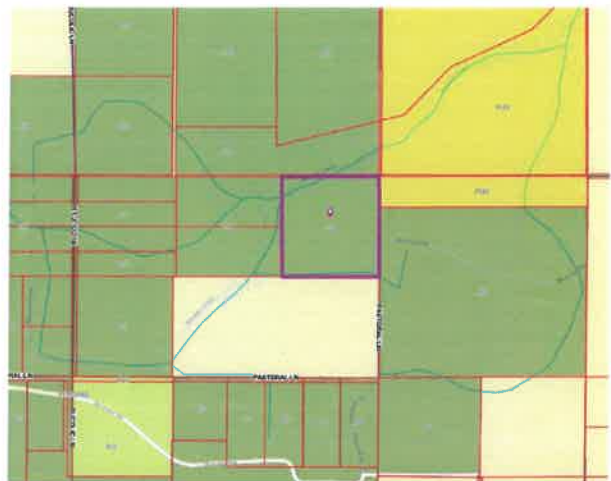
**ADJACENT ZONING:** N & W: AO; E: PUD & AO;  
S: BC Dist 22 RA

**COUNTY ZONING:** N/A

**COUNTY LOT SIZE:** N/A

**FUTURE LAND USE:** MXU, Mixed Use  
Commercial/Residential

**EXISTING LAND USE:** Vacant farmland



**UTILITY LETTERS RECEIVED:** No  
**DEED RECEIVED:** No  
**AGENT AUTHORIZATION:** No

**Reviewer:** Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department  
**Review Status:**

1. The applicant wishes to discuss the possibility of this parcel being approved for building permits.

**Reviewer:** Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering

**Review Status:**

1. Engineering does not review or approve single family residential.  
 Note that Pastoral Lane and Bucolic Lane are both deemed a "private travelway" and are not accepted or maintained by the City of Foley.

**Reviewer:** Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental

**Review Status:**

1. Environmental will require a 50-foot stream and 30-foot wetland buffer for construction activity or clearing.

**Reviewer:** Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department

**Review Status:**

1. One concern from floodplain management is the possibility of unmitigated wetlands and if studied could potentially be designated a flood zone, as it is downstream from a studied flood zone, however, at this time is not a NFIP designated flood hazard area.

# Nelson Lyons Work Session



# Zoning Ordinance Amendments - Work Session

## ARTICLE XXVI - BOARD OF ADJUSTMENT AND APPEALS

### 26.1 APPOINTMENT, DUTIES AND RESPONSIBILITIES

In accordance with Code of Alabama, 1975, article 11-52-80 A Zoning Board of Adjustment and Appeals is hereby established by the legislative body of City of Foley. The board of adjustment shall consist of five members, each to be appointed for a term of three years, except that in the first instance one member shall be appointed for a term of three years; two for a term of two years and two for a term of one year, and thereafter each member appointed shall serve for a term of three years or until his successor is duly appointed. In addition to the five regular members provided for in this subsection two supernumerary members shall be appointed to serve on such board at the call of the chairman only in the absence of regular members and while so serving shall have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

### 26.2 PROCEEDINGS OF THE BOARD OF ADJUSTMENT

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman or, in his/her absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

### 26.3 POWERS AND DUTIES OF THE BOARD

#### **A. Appeals to the Board of Adjustment**

Any person aggrieved by a final decision of the Community Development Director, or any officer, department, board, or bureau of the municipality affected by such decision, may appeal the decision to the Board of Adjustment. The appeal must be filed within 30 days of the date the decision is rendered. The 30-day period begins on the date the written decision is provided to the applicant or aggrieved party.

#### 1. **Administrative Decision**

An Administrative Decision refers to any written order, requirement, decision, or determination made by the Community Development Director in the enforcement of the zoning ordinance. This includes but is not limited to decisions regarding building permits, site plan approvals, zoning interpretations, and other zoning-related matters.

#### 2. **Filing of Appeal**

To initiate an appeal, the appellant must submit a written notice of appeal to the Board of Adjustment. The notice must specify the grounds of the appeal, citing any errors or issues with the application of the zoning ordinance.

3. **Transmission of Record**

Upon receipt of the notice of appeal, the Community Development Director must promptly forward all records, documents, and papers constituting the basis for the decision to the Board of Adjustment in accordance with meeting schedules. This ensures the Board has the necessary materials to review the case.

4. **Stay of Proceedings**

Filing an appeal automatically stays all proceedings related to the decision under appeal. However, if the Community Development Director certifies that continuing the stay would cause imminent peril to life or property, the stay may be lifted.

5. **Hearing and Decision**

The Board of Adjustment shall fix a reasonable time for the hearing in accordance with standard meeting schedule, provide public notice, and notify all interested parties.

During the hearing:

a) **Burden of Proof**

The burden of proof rests with the appellant, who must demonstrate that the decision of the Community Development Director was in error or inconsistent with the provisions of the zoning ordinance. To successfully appeal, the aggrieved party must establish that the decision involved one or more of the following errors:

- i. **Misapplication of Ordinance Provisions** – The appellant must show that the Community Development Director incorrectly applied specific terms or provisions of the ordinance. This may include, but is not limited to, errors in the classification or designation of land uses, dimensional standards, or procedural requirements.
- ii. **Improper Interpretation** – The appellant must demonstrate that the Community Development Director misinterpreted the language, intent, or purpose of the ordinance, leading to a decision that conflicts with the goals, objectives, or legal standards established within the ordinance.

b) **Substantial Evidence and Testimony**

The Board's decision must be based on substantial evidence presented during the hearing. The appellant is responsible for providing credible testimony, documentation, or expert evidence to support their claim. The Board is also required to consider all relevant evidence and testimony provided by other parties or public participants during the hearing.

c) **Decision**

The Board of Adjustment must issue a written decision within a reasonable time after the hearing. This decision must include clear factual findings and conclusions that demonstrate how the evidence presented supports or does not support the appeal. The Board has the authority to affirm, reverse, or modify the decision of the Community Development Director, ensuring that the outcome is fair, consistent with the zoning ordinance, and based on the evidence provided.

## **B. Special Exceptions**

The Board of Adjustment and Appeals (ZBAA) shall hear and decide special exceptions to the terms of the zoning ordinance where such authority is conferred under the ordinance.

### **Standards for Approval of a Special Exception**

The ZBAA may grant a special exception from the zoning ordinance only if the following criteria are met:

1. **Consistency with the Zoning Ordinance**  
The special exception must be a permitted use under the applicable zoning district and explicitly authorized by the zoning ordinance. It must comply with all zoning ordinance regulations, such as setbacks, height, and bulk requirements. The board shall ensure that the proposed use is consistent with the intent and purpose of the ordinance for the district in which it is located.
2. **No Detriment to Public Health, Safety, or Welfare**  
The proposed use shall not adversely affect public health, safety, morals, comfort, or general welfare. It must be demonstrated that the special exception will not create conditions that pose risks to the community or cause harm to neighboring properties.
3. **Compatibility with Surrounding Land Uses**  
The special exception must be compatible with the existing uses and character of the surrounding properties. The use should not generate excessive traffic, noise, light, odor, or other nuisances that could negatively affect adjacent properties.
4. **Consistency with the Comprehensive Plan**  
The proposed special exception should be consistent to the City's comprehensive plan. The use should support the long-term vision for development, land use, and growth management in the area, as outlined in the comprehensive plan.
5. **Mitigation of Potential Adverse Impacts**  
The board may impose conditions as necessary to mitigate potential adverse impacts of the special exception. These conditions may include restrictions on hours of operation, buffering requirements, noise control, traffic management, or other safeguards to protect neighboring properties and the community.

6. **No Substantial Alteration of Neighborhood Character**

The proposed use shall not substantially alter the essential character of the neighborhood or district in which it is located. The special exception must not disrupt the balance of land uses or undermine the existing neighborhood character.

7. **Substantial Evidence Required for Special Exceptions**

The decision to grant or deny a special exception must be based on substantial, credible evidence presented during the public hearing. The applicant bears the burden of proof to demonstrate that the proposed use meets the applicable standards of the zoning ordinance, supported by appropriate documentation such as expert testimony, property surveys, or impact studies.

The board's decision must be based solely on the evidence presented and documented with clear factual findings and conclusions. These findings must explain how the evidence supports or fails to support compliance with the ordinance, ensuring the decision is fair, consistent, and not arbitrary.

The board may impose reasonable conditions to mitigate any potential adverse impacts or ensure consistency with the zoning ordinance's intent. These conditions must be directly related to the evidence presented and tailored to address the specific circumstances of the special exception request.

~~C. Variances: The Board may authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial. A variance from the terms of this Ordinance shall not be granted by the Board unless and until:~~

~~1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.~~

~~2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.~~

1. **Standards for Approval of a Variance**

The Board of Adjustment and Appeals (ZBAA) may grant a variance from the zoning ordinance only if all the following criteria are met:

**a. Unnecessary Hardship**

i. The hardship must arise from unique physical characteristics of the property, such as irregular shape, topography, or size, which make strict

compliance with the zoning ordinance impractical. Financial difficulty or convenience alone does not justify a variance.

ii. The hardship must prevent the applicant from making reasonable use of the property while adhering to the zoning ordinance. Compliance must effectively render the property unusable for its intended purpose.

**b. Hardship Not Self-Imposed**

i. The hardship cannot result from actions taken by the applicant or property owner. For example, subdividing the property, making alterations in violation of the zoning ordinance, or purchasing the property with knowledge of the existing zoning restrictions does not qualify as an undue hardship.

ii. The hardship must originate from factors beyond the control of the property owner, ensuring the variance addresses inherent property issues rather than problems created by the owner's actions.

**c. No Adverse Impact on the Public Interest**

i. The variance must not negatively affect the character of the surrounding area or undermine the objectives of the zoning ordinance.

ii. It must not alter the essential character of the neighborhood or cause adverse effects on neighboring properties. The variance should align with the broader goals and intent of the zoning regulations.

**d. Minimum Necessary to Afford Relief**

i. The variance granted must be the minimum adjustment necessary to address the identified hardship. The relief provided should be as limited as possible while still addressing the hardship.

ii. The ZBAA may consider alternative solutions that could mitigate the hardship without requiring a full variance, such as modifications to the property layout or design adjustments.

**e. Variance Consistent with Zoning Ordinance Intent**

i. The variance must not contradict the spirit or intent of the zoning regulations.

ii. It must support the long-term goals and planning vision for the zoning

district, ensuring compatibility with surrounding uses and preserving the community's character.

**f. Not for Personal Benefit**

i. The variance request must address the unique needs of the property, not provide personal or financial gain to the applicant.

ii. Variances cannot be granted solely due to financial inconvenience or potential profit loss. The hardship must be directly related to the physical characteristics of the land.

**2. Substantial Evidence Required for Variances**

The decision to grant or deny a variance must be based on substantial, credible evidence presented during the public hearing. The applicant bears the burden of proof to demonstrate that strict enforcement of the zoning ordinance would result in an unnecessary hardship unique to the property and that the requested variance is the minimum necessary to alleviate that hardship.

The ZBAA's decision must be supported by a detailed record of factual findings and legal conclusions that clearly explain how the request satisfies the legal criteria for a variance. This ensures the decision is fair, consistent, and not arbitrary.

~~In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.~~

**3. Conditions and Safeguards**

In granting any variance, the Board is authorized to impose conditions and safeguards to ensure compliance with the intent of its decision and the spirit of this Ordinance. These conditions and safeguards are designed to uphold the integrity of the Board's decision and the objectives of the Ordinance. Should any condition or safeguard imposed by the Board be violated, the variance granted shall be considered null and void. Furthermore, such a violation shall be deemed a breach of this Ordinance, subject to all legal remedies available to address and remedy the violation.

**26.3.1 PROCEDURE FOR APPEALS**

~~Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative~~

~~officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due.~~

#### 26.4 DECISIONS OF THE BOARD OF ADJUSTMENT AND APPEALS

In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

#### 26.5 DUTIES OF THE BOARD OF ADJUSTMENT AND APPEALS, CITY GOVERNMENT AND COURTS ON MATTERS OF APPEAL

It is the intent of the governing authority of the City that all questions of interpretation and enforcement of this Ordinance shall be presented first to the Building Official or Community Development Director. Other than those applications and matters upon which the terms and provisions of this Ordinance may require action and decision by the Board, only the appeals taken in the manner and form as provided in this Ordinance from the actions and decision of the ~~Building Official or~~ Community Development Director will be considered and acted upon by the Board. However, any interested party who is aggrieved by any action or decision of the Board may take an appeal there from to a Circuit court of law, as provided for in the State Law.

#### 26.6 BOARD OF ADJUSTMENT AND APPEALS FEES

All applications to the Board for interpretations, special exceptions, or variances must be accompanied by a credit card payment via Citizenserve, a check made payable to the City of Foley, or cash in the amount of \$150.00.

All other Ordinances and Regulations are hereby repealed to reflect the above change.