

**PLANNING COMMISSION
MEETING MINUTES AUGUST 21, 2024
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a meeting on August 21, 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, Calvin Hare, Phillip Hinesley, Bill Swanson and Tommy Gebhart. Absent members were: Deborah Mixon and Wes Abrams. Staff present were: Miriam Boone, City Planner; Taylor Davis, Deputy City Engineer; Angie Eckman, Environmental Manager; Wayne Dyess, Executive Director of Infrastructure and Development; Eden Lapham, Planner 1; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

Chairman Calvin Hare called the meeting to order at 5:30 p.m.

MINUTES:

Approval of the July 10, 2024 and July 17, 2024 meeting minutes.

Commissioner Hellmich made a motion to approve the July 10, 2024 and July 17, 2024 meeting minutes. Commissioner Swanson seconded the motion. All members voted aye.

Motion to approve the July 10, 2024 and July 17, 2024 meeting minutes passes.

AGENDA ITEMS:

1. River Oaks Phase III- 1 Year Preliminary Extension

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for River Oaks Phase III which consists of 16.74 +/- acres and 68 lots. Property is located S. of Michigan Ave. and E. of Hickory St. Applicant is Jade Consulting, LLC.

Mrs. Miriam Boone explained the preliminary was approved on September 21, 2022. She stated the request is for a 1 year extension and staff is recommending approval. She explained the Engineering Department noted work is well underway. She stated the Environmental Department noted the project is nearing completion and permanent stabilization is underway.

Planning Commission Action:

Commissioner Swanson made a motion to approve the requested 1 year preliminary extension. Commissioner Quaites seconded the motion. All members voted aye.

Motion to approve the requested 1 year preliminary extension passes.

2. 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. Boone stated staff is recommending a conditional approval. She explained the Engineering Department had questions regarding the Engineer of record being on board with representing the new owner.

Mr. Wayne Dyess stated the ownership of the property has changed since the preliminary approval was issued.

Note: *Denotes property located in the Planning Jurisdiction

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Mrs. Boone stated the preliminary expires on September 21, 2024.

The applicant was not present.

Planning Commission Action:

Commissioner Hellmich made a motion to carry the item over until the question regarding the Engineer of record is resolved. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

Motion to carry over the item until the question regarding if the Engineer of record is resolved passes.

3. 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 explained at the work session the applicant had agreed to carry over the item to the September meeting.

Mrs. Angie Eckman stated they have made progress towards resolving the issues in the last 7 days.

Planning Commission Action:

Commissioner Hinesley made a motion to carry over the item to next month's meeting. Commissioner Engel seconded the motion. All Commissioners voted aye.

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

4. Doc's Seafood- Site Plan

The City of Foley Planning Commission has received a request for site plan approval for Doc's Seafood. Property is located S. of Mifflin Rd. and W. of Boulevard De Sevilla. Applicant is Schwartz Family Limited Partnership.

Planning Commission Action:

Mrs. Boone explained staff is recommending approval. She stated there is a note by the Environmental Department regarding the landscaping.

Mrs. Angie Eckman stated that staff will work with the applicant in regards to the landscaping. She explained her note was in regards to selecting more suitable tree species for the site.

Mr. Richard Schwartz stated they have no issues with changing the type of trees planted on the site and will work with staff.

Commissioner Quaites made a motion to approve the requested site plan. Commissioner Gebhart seconded the motion.

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Commissioner Swanson asked about the seating capacity of the restaurant.

Mr. Schwartz stated the restaurant will seat 180 people.

Commissioner Hellmich stated he is very excited to be welcoming a Doc's Seafood to Foley.

All Commissioners voted aye.

Motion to approve the requested site plan passes.

5. *Charnock Subdivision- Minor

The City of Foley Planning Commission has received a request for approval of Charnock Subdivision, a minor subdivision which consists of 15.86+/- acres and 3 lots. Property is located S. of Underwood Rd. and W. of George Younce Rd and is located in the City of Foley Planning Jurisdiction. Applicant is Beyond Measure Surveying, LLC.

Mrs. Boone stated staff is recommending approval. She explained a revised plat has been submitted with the change in certification blocks as requested by staff.

Planning Commission Action:

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

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

6. * Resubdivision Lot 1 & 3 Carruth Acres- Minor

The City of Foley Planning Commission has received a request for approval of the Resubdivision Lot 1 & 3 Carruth Acres, a minor subdivision which consists of 7.9+/- acres and 3 lots. Property is located S. of Underwood Rd. and W. of George Younce Rd and is located in the City of Foley Planning Jurisdiction. Applicant is Beyond Measure Surveying, LLC.

Mrs. Boone stated staff is recommending approval. She explained a revised plat has been submitted with the change in certification blocks as requested by staff.

Planning Commission Action:

Commissioner Quaites made a motion to approve the request. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the request passes.

7. Re-Plat of Lots 1-4 Summerlyn Subdivision- Minor

The City of Foley Planning Commission has received a request for approval of the Re-Plat of Lots 1-4 Summerlyn Subdivision, a minor subdivision which consists of 2.87+/- acres and 4 lots. Property is located S. of Underwood Rd. and W. of County Rd. 65. Applicant is Dewberry Engineers Inc.

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Mrs. Boone stated staff is recommending approval. She stated the Engineering Department noted a certification block may need to be added for the Baldwin County Engineer. She explained the Environmental Department noted questions regarding the sewer service.

Mr. Norman Moore stated the sale of the lots are pending the approval of this request.

Mrs. Angie Eckman stated the lots are large enough for septic service if needed.

Ms. Kirstein stated she will have the Baldwin County Engineering certification block added to the plat.

Commissioner Engel asked if the lots are meeting the lot size requirements.

Mrs. Boone answered yes and stated the lots are located in the City limits and zoned R-1C.

Planning Commission Action:

Commissioner Gebhart made a motion to approve the request. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the request passes.

8. Apco Foley Substation- Minor

The City of Foley Planning Commission has received a request for approval of the Apco Foley Substation, a minor subdivision which consists of 10.06+/- acres and 1 lots. Property is located S. of County Rd. 26 and W. of County Rd. 65. Applicant is Percheron Professional Services, LLC.

Public Hearing:

Mrs. Boone explained that staff recommends approval.

Ms. Zoe Gobetz stated the subdivision is for a substation and access road that will be owned by Alabama Power.

Mr. Joel Stutz resident of 10492 Hartung Rd. asked about the location of the access road and if it would be paved.

Ms. Gobetz explained the access road will be paved and come off of Hartung Rd.

Ms. Charlene Mortyn stated they will be complying with all zoning requirements. She explained the line of trees will be left in place to act as a visual screen of the area.

Mr. Chase Brewer resident of 17584 Brewer Rd. asked about the tall weeds behind his property. He stated it was being sodded previously. He explained he is now being told by the owners the area is unable to be cut because it is a wetland area. He stated there is also a drainage area that has been backfilled over the years that needs addressing.

Ms. Mortyn stated she will verify the area and information and get back with Mr. Brewer.

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Planning Commission Action:

Commissioner Hinesley made a motion to approve the request. Commissioner Hellmich seconded the motion. All Commissioners voted aye.

Motion to approve the request passes.

9. *Curtis Creek-Minor

The City of Foley Planning Commission has received a request for approval of the Resubdivision Lot C Curtis Creek South Addition to Curtis Cove, a minor subdivision which consists of 2.9 +/- acres and 3 lots. Property is located N. of Cool Springs Dr. and E. of River Rd. N. and is located in the City of Foley Planning Jurisdiction. Applicant is Rowe Engineering and Surveying.

Public Hearing: Mrs. Boone stated staff is recommending approval. She stated the Engineering Department noted a certification block may need to be added for the Baldwin County Engineer. The Environmental Department commented asking if there was adequate sewer services.

Mr. Scott Curtis stated Rowe Engineering is handling adding the certification blocks to the plat.

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

Planning Commission Action:

Commissioner Hellmich made a motion to approve the request contingent upon the requested signature blocks being added to the plat. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the request contingent upon the requested signature blocks being added to the plat passes.

10. Foley Beach Express Industrial Park, Unit 7- Minor

The City of Foley Planning Commission has received a request for approval of the Foley Beach Express Industrial Park, Unit 7, a minor subdivision which consists of 16.65 +/- acres and 2 lots. Property is located S. of Industrial Pkwy. and E. of Foley Beach Express. Applicant is Beyond Measure Surveying, LLC.

Public Hearing:

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

Planning Commission Action:

Ms. Boone stated staff is recommending approval.

Commissioner Hellmich made a motion to approve the request. Commissioner Gebhart seconded the motion. All members voted aye.

Motion to approve the request passes.

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11. South Juniper Street Multi Family PUD- Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 50.48 +/- acres. Property is currently zoned B-1A (Extended Business District) and PDD (Planned Development District). Proposed zoning is PUD (Planned Unit Development). Property is located E. of S. McKenzie St. and S. of Mifflin Rd. Applicant is WAS Design.

Public Hearing:

Mrs. Boone explained the applicant has been working with the neighboring property owners and providing staff with updates.

Mr. Eric Johansen explained their intent is to develop a multi-family PUD. He stated they came last month and there were concerns from the neighboring property owners. He explained as promised he has met and been working with the Collinwood residents. He stated what they heard were concerns in regards to the berm, buffer, traffic and water. He explained they have made revisions to the plan to address the concerns and read the conditions they are proposing.

Commissioner Hellmich stated he likes the way they have carried the retention area across the south side which will address some concerns of the neighboring property owners. He asked how they are going to implement the landscaping plan.

Mr. Johansen stated the details of the landscaping are described in #5 in the proposed conditions that were provided.

Commissioner Hellmich stated he likes the added traffic circle. He explained the area was intended for high density commercial use and the road was not built as an expressway. He stated there were some concerns in regards to the on street parking. He explained the applicant has committed to adding trees and lighting along Juniper St. He stated the parking requirements are being met on site. He explained he would like the applicant to work with staff and use the ITE parking manual which allows formulas for more flexible and appropriate parking. He stated decreased parking will decrease the asphalt and help with stormwater.

Mr. Johansen stated the units are provided with two car garages and two parking spaces. He explained that on-street parking will be used primarily for guests. He stated the on street parking works well with the design of the front entrances and created a walkable vibe.

Commissioner Hellmich stated the traffic circle and on street parking will help slow down traffic.

Mr. Dyess explained the applicant has worked with staff on the design of the proposed development. He stated the proposed plan is meeting the city's multifamily design standards. He explained the on street parking is being added for traffic calming and to create a more pedestrian friendly vibe. He stated the area is located within an employment district where walking and cycling to work should be encouraged. He explained he is pleased with the architectural features which are part of the rezoning approval and include balconies, windows and a variation in roof lines and a centrally located green space.

Commissioner Swanson asked if the Fire Department saw any issues with the request.

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Mr. Joey Darby stated the plans will be reviewed and the code will apply to the development.

Commissioner Hinesley asked how many units will be lost if the four story buildings are reduced to three stories. He stated his concern is that approval of four stories will be setting a precedent.

Mrs. Lynda French, president of the Collinwood HomeOwners Association stated the applicant held a meeting with the residents last Wednesday to address the residents' concerns. She explained the applicant has worked very hard to address the residents' concerns in regards to privacy, drainage and traffic. She stated she is very pleased and significant changes were made by the applicant.

Mr. Jim Bratton resident of 353 Collinwood Loop asked for clarification about the height of the berm. He asked about the drainage ditch on the south side of the berm.

Mr. Eric stated the 8' berm and graded swale immediately adjacent to the single family lots is included in the conditions as #5.

Commissioner Hellmich stated the swale is being added to prevent any water from leaving the property. He explained the area will be a swale and not a ditch.

Mr. Joey Darby thanked the applicant for the attention to the residents' concerns about the pine trees which are a major threat. He explained clarification needs to be made in regards to the fence. He stated the plan shows the fence will be 6' in height and the proposed conditions show the fence at a 4' height.

Mr. Johansen explained the idea of the fence is not to provide a visual buffer. He explained the visual buffer will be achieved through the berm and the landscaping. He explained for aesthetics they would like to do a 4' green vinyl coated chain link fence.

Commissioner Hellmich stated a PUD zoning is a unique zone. He explained the zone allows flexibility. He stated in exchange we get the proposed plan and if there are discrepancies in the design the applicant will have to come back before the Commission for approval.

Commissioner Quaites asked if the requested 4 story buildings fit within our fire code requirements.

Mr. Joey Darby answered yes and stated the fire code will dictate the specifics as to what will need to be applied to the building.

Mr. Dyess stated the current zone B-1A allows a building height of 85' and up to 6 stories.

Commissioner Hellmich stated he feels the berm needs to be built before structures are built to ensure privacy. He asked about the timing of the landscaping planting.

Mr. Eric stated the berm will be done during the land development process and before building begins. He explained they can provide a tree planting schedule. He stated they would like to base the planting off of availability and the weather.

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Commissioner Gebhart asked about the effects to the plan if the front setback is 20' instead of the requested 15'.

Mr. Eric stated they would have to shift things around and the amenity area would suffer. He stated they are currently exceeding the 25% required open space. He explained all units have a two car garage and driveways have been made longer to prevent vehicles from being parked over the sidewalk. He stated the 4 story units are being added to achieve a look more than for the count of the units.

Commissioner Engel stated he is glad the applicants have worked with Collinwood Subdivision. He explained he is looking at the big picture of our city. He stated the city is growing too fast. He explained there is a reason the property is zoned the current zone. He stated our job is to represent the citizens and we cannot forget that. He explained the citizens have concerns over the rapid growth in the area. He stated looking back at the last few agendas over 2,600 units have been approved. He explained that it is a concern. He stated the area is growing and it is going to be unmanageable if we are careful.

Chairman Hare stated there have been concerns in regards to growth. He explained he feels managed growth is the best growth. He stated we as citizens have to determine what is the best way to manage the growth which is happening all over Baldwin County. He stated he is a lifelong resident of the area. He explained the city has good leadership and he is proud to be a citizen of Foley.

Commissioner Hellmich stated he understands there are concerns in regards to growth. He stated the applicants have worked very hard with the neighboring residents and have made significant changes to the plans. He explained the city has increased regulations and are some of the most stringent in Baldwin County. He thanked the applicant for working with the neighboring property owners.

Commissioner Quaites stated she feels the development is a nice design and will be a nice addition to the city.

Planning Commission Action:

Commissioner Hellmich made a motion to recommend the requested rezoning to the Mayor and Council with the following criteria: provide fence and berm height, address landscaping and work with staff for the on street parking. Commissioner Swanson seconded the motion. Commissioner Engel and Commissioner Hinesley voted nay. All other Commissioners voted aye.

Motion to recommend the requested rezoning to the Mayor and Council with the following criteria: provide fence and berm height, address landscaping and work with staff for the on street parking passes.

ADJOURN:

Chairman Hare adjourned the meeting at 6:59 p.m.