

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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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 places 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.