

**PLANNING COMMISSION  
MEETING MINUTES NOVEMBER 13, 2024  
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a meeting on November 13, 2024 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Deborah Mixon, Vera Quaites, Wes Abrams, Calvin Hare, Phillip Hinesley and Tommy Gebhart. Absent members were: Larry Engel, Ralph Hellmich and Bill Swanson. Staff present were; Miriam Boone, City Planner; Chad Christian, 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 Wes Abrams called the meeting to order at 5:30 p.m.

**MINUTES:**

Approval of the October 9, 2024 and October 16, 2024 meeting minutes.

Commissioner Hinesley made a motion to approve the October 9, 2024 and October 16, 2024 meeting minutes. Commissioner Hare seconded the motion. All members voted aye.

**Motion to approve the October 9, 2024 and October 16, 2024 meeting minutes passes.**

**AGENDA ITEMS:**

**1. \*Paxton Farms Phase 2- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Paxton Farms Phase 2 which consists of 16.2 +/- acres and 60 lots. Property is located S. of County Rd. 12 S. and W. of County Rd. 65 and is located in the City of Foley Planning Jurisdiction. Applicant is Jade Consulting, LLC.

Mrs. Miriam Boone stated staff is recommending approval. She explained they are 30% complete. She stated this is their first extension and they are requesting a 1 year extension.

**Planning Commission Action:**

Commissioner Hare made a motion to approve the requested 1 year preliminary extension. Commissioner Mixon seconded the motion. All Commissioners voted aye.

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

**2. Glenlakes Phases 4- 1 Year Preliminary Extension**

The City of Foley Planning Commission has received a request for a 1 year preliminary extension for Glenlakes Phase 4 which consists of 49.95 +/- acres and 116 lots. Property is located W. of Clarke Ridge Rd. and N. of County Rd. 12 S. Applicant is Mullins, LLC.

Mrs. Boone stated staff is recommending approval of the one year extension request. She explained they are 75% complete and this is their first extension request.

Mr. Wayne Dyess stated we have received correspondence from the Glenlakes 1 Property Owners Association regarding conditions they would like addressed. He stated he has spoken with Joel Coleman and they are aware the plat will not be signed off on by the City until the entrance conditions are met.

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**Planning Commission Action:**

Commissioner Hare made a motion to approve the requested one year extension based on staff's recommendation. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

**Motion to approve the requested one year extension based on staff's recommendation passes.**

**3. \*Schoen Subdivision- Minor**

The City of Foley Planning Commission has received a request for approval of the Schoen Subdivision, a minor subdivision which consists of 15.82+/- acres and 3 lots. Property is located E. of State Hwy. 59 and S. of Foley Beach Express and is located in the City of Foley Planning Jurisdiction. Applicant is Beyond Measure Surveying, LLC.

Mrs. Boone explained that the staff is recommending approval. She stated the property is located in Baldwin County, District 18 and is unzoned.

**Public Hearing:**

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

A gentleman stated he owns the business next to the property and his understanding is they are putting apartments on the property.

Mrs. Boone stated the request is to subdivide the property into 3 lots. She stated the lots range in size from 2 +/- acres to 8 +/- acres.

**Planning Commission Action:**

Commissioner Gebhart made a motion to approve the requested minor subdivision. Commissioner Quaites seconded the motion. All members voted aye.

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

**4. \*Ashlyn Acres Subdivision- Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Ashlyn Acres Subdivision which consists of 37.25 +/- acres and 11 lots. Property is located N. of County Rd. 26 and W. of Poser Rd. and is located in the City of Foley Planning Jurisdiction. Applicant is Axis Engineering Group.

**Public Hearing:**

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

Mr. Brian Graham stated he has concern in regards to the drainage. He explained the property was traditionally farm land and was at one time part of a conservation program. He stated there are several hundred acres that currently drain across the property which is close in proximity to the Magnolia River. He stated there needs to be a large retention pond added on the north end. He asked if the streets within the subdivision will be paved.

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Mr. Jonathan Petty stated he is working with the Engineering Department closely to elevate any issues or concerns. He explained there will be no paved streets installed within the subdivision.

Mr. Graham asked if the property would be annexed into the City of Foley.

Mr. Dyess answered that the property cannot be annexed due to it not being contiguous.

Mrs. Boone stated the property is in Baldwin County, District 21 and is zoned RSF-E. She explained the lots are meeting Baldwin County minimum 80,000 square foot lot requirement.

Mr. Dyess asked if the roads to the east and south are County roads.

Mr. Petty stated the roads are County roads.

Mr. Dyess stated all driveway permits will be issued through Baldwin County.

Commissioner Hinesley asked about the access for lots 10 and 11.

Mr. Petty stated all lots will front onto a County paved road.

Mr. Chad Christian stated the lots will have common driveways.

**Planning Commission Action:**

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

**Motion to approve the requested preliminary passes.**

**5. \*Foley Point Phase 2- Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Foley Pointe Phase 2 which consists of 13.59 +/- acres and 56 lots. Property is located E. of County Rd. 65 and S. of Dairy Ln. and is located in the City of Foley Planning Jurisdiction. Applicant is Jade Consulting, LLC.

**Public Hearing:**

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

**Planning Commission Action:**

Mrs. Boone explained that the staff is recommending approval. She stated the subdivision was previously named Cotton Bayou. She explained the property is located in Baldwin County, District 34 and is unzoned.

Mr. Jinright explained the turn lane installation was tied to phase 1 and was discussed at the work session.

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

**Motion to approve the requested preliminary passes.**

**6. Wolf Ridge Phase 2- Preliminary**

The City of Foley Planning Commission has received a request for preliminary approval of Wolf Ridge Phase 2 which consists of 32.33 +/- acres and 17 lots. Property is located E. of Clarke Ridge Rd. and N. of County Rd. 12 S. Applicant is Lieb Engineering Company.

**Public Hearing:**

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

Mr. Frank Ellis resident of 8906 Toller Ln. and owner of Wolf Bay Landing Condo's stated he was a developer for over 25 years and the infrastructure for the area needs to be looked at. He explained there have been roughly 400 new homes constructed in the area and they all use County Road 12. He stated Robert's Cove has one access which is off County Road 12 and there should have been another access required.

Mr. Christian stated an additional access is being added for Robert's Cove in a future phase.

Mrs. Boone stated impact fees which are based on the valuation of the homes are collected at the time of permitting. She explained the fees go towards improvements such as transportation and parks.

Mr. Ellis asked if the lots will be accessed off of Clarke Ridge Road or County Road 12.

Mrs. Boone stated this phase will be accessed from County Road 12.

Ms. Orlinda McKinley resident of 9011 Clarke Ridge Rd. stated the contractors working on the current phase are cutting through the right of way behind her driveway. She explained the heavy equipment is leaving deep ruts which causes standing water. She asked if the property has been annexed into the City of Foley and what entrance would be used for construction.

Mrs. Boone stated the property has been annexed into the City of Foley.

Mr. Lieb stated the construction entrance location will be up to the contractor.

A resident asked if a privacy fence will be installed around the development.

Mr. Lieb stated he is unaware of any plans for a fence around the perimeter. He stated each individual lot owner will be allowed to install fencing.

Mr. Robert Anderson the current owner of the property stated a landscape buffer will be provided on County Road 12 and Clarke Ridge Road.

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Commissioner Hinesley asked about the sewer.

Mr. Christian stated the Engineer of record provided information and based on the information an exception was made.

Mrs. Boone stated staff is recommending approval.

Commissioner Gebhart made a motion to approve the requested preliminary. Commissioner Mixon seconded the motion.

Commissioner Hinesley stated he does not like grinder pumps. He stated in particular with it being right on Wolf Bay. He explained if they lose power the sewage will be going into the creek.

Mr. Dyess stated there were some engineering technical circumstances which resulted in an exception.

**Planning Commission Action:**

Commissioner Hare made a motion to approve the requested preliminary. Commissioner Mixon seconded the motion.

All Commissioners voted aye.

**Motion to approve the requested preliminary passes.**

**7. Cresswind Foley- Prezoning**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the prezone 195.06 of acres. Proposed zoning is PUD (Planned Unit Development). Property is located S. of Pastoral Ln. and E. of the Foley Beach Express Applicant is Jade Consulting, LLC.

Chairman Abrams stated agenda items 7 & 8 will be discussed together.

**Public Hearing:**

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

Mr. Leonard Kichler stated his family owns and farms the adjacent 195 acres. He explained he does not see how the infrastructure will be handled.

Mr. Dyess stated the request is for zoning the property and to approve the master plan. He explained before moving forward they will have to provide letters from the utility company's confirming they can serve and have the capacity. He stated the utility letters will come at a later date. He asked the applicant the time frame to have the development completed.

Mr. Larry Long stated completion will take 10 to 15 years.

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Mrs. Nancy Kichler Johnson stated this is the first notification they have received regarding the proposed development.

Mr. Dyess explained the rezoning request requires notification of adjoining property owners. He stated this is the first process of the development to rezone and prezone the property.

Mrs. Boone explained agendas are available on line and an ad is run in the newspaper.

Chairman Abrams stated Riviera Utilities has recently completed massive upgrades for the water and sewer along the Beach Express.

Mrs. Boone explained they are requesting deviations on items from the Zoning Ordinance and Land Disturbance Ordinance. She stated the deviations from the Land Disturbance Ordinance would need to be approved by the Mayor and Council.

Mr. Long stated the proposed development will be age restricted to 55 and older. He explained there will not be any school aged children and the amount of traffic it produces will be half of what is produced from a typical subdivision. He stated they will have a large club house with amenities such as cooking classes and yoga. He explained the development will have a lot of open space which includes the common area behind each lot. He stated all landscaping for the common areas and lots will be maintained by the Home Owners Association.

Ms. Kichler stated they need to understand the land behind this development is farmed which will include crop dusters and farm equipment.

Mr. Long stated there is a hefty buffer that will be located behind the lots. He explained they have no issues with the farming and understood it was taking place before this development.

Chairman Abrams stated historically we have had issues with vehicles being parked over sidewalks.

Mr. Jinright stated the setback for the house will be 15' and the garage setback will be 20'. He stated they are requesting for the street trees to be placed on private property which will be irrigated through the homeowner's irrigation rather than in the row with no irrigation.

Mr. Dyess stated the context of this development has to be considered. He explained this is a 55 and older community. He stated he has visited several of the Kolter sites and while he was visiting he saw no vehicle traffic within the developments.

Mr. Jinright stated they have come to an agreement that the erosion control and pond will be installed upfront. He explained they have also agreed to double the amount of inspections from one a month to two a month on the site in order to give the city comfort and trust.

Chairman Abrams stated he looked at a few of the Kolter developments through street view and liked that it was something different and has character. He stated the streets will be private so if

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there are any complaints regarding the sidewalks the city would not handle the complaints. He stated the plan fits within the city's master plan.

**Planning Commission Action:**

Commissioner Hinesley made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Gebhart seconded the motion. All Commissioners voted aye.

**Motion to recommend the requested rezoning to the Mayor and Council passes.**

**8. Cresswind Foley- Rezoning**

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 525.19 acres. Property is currently zoned B-1A (Extended Business District). Proposed zoning is PUD (Planned Unit Development). Property is located S. of Pastoral Ln. and E. of the Foley Beach Express. Applicant is Jade Consulting, LLC.

**Public Hearing:**

Item discussed with agenda item # 7.

**Planning Commission Action:**

Commissioner Quaites made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Mixon seconded the motion. All Commissioners voted aye.

**Motion to recommend the requested rezoning to the Mayor and Council passes.**

**9. Public Projects**

**Planning Commission Action:**

Commissioner Hinesley made a motion to recommend the public projects to the Mayor and Council. Commissioner Mixon seconded the motion. All Commissioners voted aye.

**Motion to recommend the public projects to the Mayor and Council passes.**

**10. 2025 Meeting & Deadline Calendar**

**Planning Commission Action:**

Commissioner Gebhart made a motion to approve the 2025 meeting and deadline calendar. Commissioner Hare seconded the motion. All Commissioners voted aye.

**Motion to approve the 2025 meeting and deadline calendar passes.**

**ADJOURN:**

Chairman Abrams adjourned the meeting at 6:41 p.m.