

**PLANNING COMMISSION
MEETING MINUTES APRIL 16, 2025
(Council Chambers of City Hall) 5:30 P.M.**

The City of Foley Planning Commission held a meeting on April 16, 2025 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Members present were: Wes Abrams, Larry Engel, Deborah Mixon, Phillip Hinesley and Vera Quaites. Absent members were: Ralph Hellmich, Bill Swanson, Tommy Gebhart and Calvin Hare. Staff present were: Miriam Boone, City Planner; Eden Lapham, Planner 1; Wayne Dyess, Director of Infrastructure and Development; Nelson Bauer, Infrastructure and Development Program Manager; Taylor Davis, Deputy City Engineer and Amanda Cole, Acting Recording Secretary.

MINUTES:

Approval of the March 12, 2025 and March 19, 2025 meeting minutes.

Commissioner Hinesely made a motion to approve the March 12, 2025 and March 19, 2025 meeting minutes. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the March 12, 2025 and March 19, 2025 meeting minutes passes.

AGENDA ITEMS:

1. *The Knoll Subdivision- Preliminary 6 month Preliminary Extension

The City of Foley Planning Commission has received a 6 month preliminary extension request for The Knoll Subdivision. Property is located at the NW corner of County Rd. 65 and County Rd. 16 and is located in the City of Foley Planning Jurisdiction. Applicant is Sawgrass Consulting, LLC.

Mrs. Miriam Boone explained the applicant was requesting a 6 month extension and they have submitted their Final Subdivision application. She stated staff is recommending approval.

Mr. Taylor Davis stated the subdivision was very close to being finished.

Planning Commission Action:

Commissioner Quaites made a motion to approve the requested 6 month extension. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to approve the requested 6 month extension passes.

2. *Foley Crossings- 6 month Preliminary Extension

The City of Foley Planning Commission has received a request for a 6 month preliminary extension for Foley Crossings which consists of 66.18 +/- acres and 18 lots. Property is located at the NE corner of County Rd. 65 and County Rd. 26 and is located in the City of Foley Planning Jurisdiction. Applicant is Smith Clark and Associates, LLC.

Mrs. Boone explained staff is recommending approval of the 6 month extension, the applicant states they are nearing completion.

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Planning Commission Action:

Commissioner Hinesley made a motion to approve the requested 6 month extension. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the requested 6 month extension passes.

Commissioner Engel asked if we are aware of the use of the lots.

Mrs. Boone stated this subdivision was not in the City Limits.

Hunter Smith stated the lots are proposed to be used for single family residences.

3. Resubdivision of Lot 1A Foley Crossroads Subdivision- Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of the Resubdivision of Lot 1A Foley Crossroads Subdivision which consists of 105.89 +/- acres and 4 lots. Property is located W. of the Foley Beach Express and S. of County Rd. 20. Applicant is Engineering Design Group.

Public Hearing:

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

Mrs. Boone stated staff was recommending approval.

Commissioner Hinesely asked if staff was aware of what is being proposed in that area.

Mrs. Boone stated she had not heard anything yet.

Commissioner Quaites asked about the Engineering Department's comments on the staff report.

Mr. Davis stated the road has been built to provide lots 6, 13 and 14 with frontage. The road is going through the process to receive final inspection.

Planning Commission Action:

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

Motion to approve the requested preliminary subdivision passes.

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4. Nickle Creek Development- Site Plan

The City of Foley Planning Commission has received a request for approval of the site plan for a portion of the proposed Nickle Creek Development. Property is zoned B-1A and located at the NW corner of S. Juniper St. and Pride Blvd. Applicant is Volkert.

Mrs. Boone explained staff recommends conditional approval.

Mr. Wayne Dyess stated staff has 6 conditions for the site. The conditions are as follows:

- Compliance with the zoning ordinance, the subdivision regulations and the land development ordinance of the City of Foley.
- The provision of turn lanes and a traffic signal at the entrance to the GPH-1 portion of the site from South Juniper St.
- The commercial portion of the site may not be used as a lay down yard.
- The commercial portion of the site fronting East Pride Blvd and South Juniper St must at all times be mowed and landscaped, even if the commercial developments have not been completed or initiated.
- The commercial portion of the site fronting East Pride Blvd and South Juniper St must have perimeter sidewalks in compliance with the land development ordinance and street trees in compliance with the City of Foley subdivision regulations.
- A note on the final subdivision plat requiring future development to comply with the approved number of forty (40) townhomes and 80,000 square feet of required commercial square footage designated on the site plan.

Mr. Arthur Hooks stated the traffic study that was submitted showed the development itself did not warrant a traffic signal and would like to ask that not be a condition for this site plan approval however we can look at the need again during the subdivision LDP process.

Mr. Dyess stated he believed a commitment from the developer regarding the traffic signal was already agreed upon.

Mr. Lee Lusk stated last week at the work session it was said they would look into the traffic signal however there was no commitment.

Mr. Lusk explained he is asking for the condition of the traffic signal to be delayed and be reviewed during the subdivision process.

Mr. Lusk stated he believed this was capricious and arbitrary because if you take out Hwy 59 this would be the only traffic signal in the city that is not at a major intersection. No where else that was seen has a traffic signal placed at the entrance of a subdivision, if anything the signal should be at our main entrance on E Pride Blvd.

Mr. Lusk explained if Hwy 59 was taken out they would be the only signal that is not at an intersection of 2 major roads and is 1,000 feet from another signal, that is why he believes this condition is capricious and arbitrary.

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Chairman Abrams asked if the applicant was coming just for the site plan for the portion of the property that contains the townhomes and the commercial and they would need to come back for a preliminary subdivision.

Mr. Dyess stated yes.

Mr. Dyess stated he would like to comment on the capricious and arbitrary statement. The city will be connecting S Juniper St from the north end of the Beach Express through Foley property all the way down. When that happens a large amount of traffic will be generated that will not be on Hwy 59 or the Foley Beach Express, this is the road that will be the next main corridor.

Commissioner Hinesley stated he believed there was a safety issue concerned with the signal as well being Parish Lakes, which is a large subdivision, is across the street.

Mr. Hooks stated he was not saying no to the traffic signal they are asking to have our Engineering Department review the traffic study and work with them at the time of the subdivision LDP submission.

Michael Niemeyer from Hand Arendall Law Firm asked if there was a requirement in any of the city's regulations that would solely put the burden on this developer to install a traffic signal or is it something that comes from a look at all the future plans and developments.

Mr. Dyess stated he didn't believe there was a specific requirement that states a traffic light must be installed under spelled out conditions. The broader perspective is looked at.

Mr. Lusk stated he didn't want to say he would do something if he wasn't going to be able to get it done. If the traffic signal was done at this location, since it is so close to the next light, we would have to run fiber so the sequence will be correct. Mr. Lusk explained there will be 4 entrances for the whole development and the entrance where the signal is being proposed is not the main entrance of the development. The main entrance will be located at the south portion of S Juniper St.

Mr. Lusk asked if money could be donated to the city for placement of a traffic signal. He noted they were not asking not to have the signal at all, they were asking to not have that as a condition for the site plan approval.

Mr. Davis stated they have a capital project for a signal with turn lanes at Hickory and Michigan under design. The construction timeframe will either be FY26 or FY27, that should tell us the traffic we are expecting to see. The traffic report shows around 8,000 cars in 24 hours on Juniper St. There will be impact fees received by the building department that is the standard process by the City.

Chairman Abrams asked if the infrastructure such as roads for the whole development including the single family area to the north will be done at the same time.

Mr. Lusk stated yes. The infrastructure for the entire 37 acres will be looked at and approved during the preliminary subdivision process.

Note: *Denotes property located in the Planning Jurisdiction

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Mr. Hooks stated he was given comments at the work session last week and wants to make sure there will be time to discuss these items along with the question regarding the signal.

Mr. Davis stated Mr. Hooks has been great to work and explained this site is challenging traffic wise. We have received the updated traffic study and have reviewed it.

Commissioner Engel asked if they were going to be looking at the possibility of the traffic signal in a few months why can't they go ahead and do it now.

Mr. Niemeyer stated they are asking to have the signal request looked at during the next phase and not on this limited section being reviewed tonight.

Chairman Abrams asked if the applicant was wanting verification on their understanding of the green space and other items.

Mr. Dyess stated typically when a project is approved, during the LDP process the departments come together to review the documents. The first condition provided by staff is important because waivers of requirements from different departments will need approvals from different boards, for example waivers from the zoning ordinance need to be approved by the Board of Adjustments and Appeals.

Mr. Hooks explained there were items that were mentioned during the work session last week he would like to discuss. The first item was the greenway to the E. We have put heavy planting, to include over story and under story trees along with a fence behind those homes. We want to make sure that will count as the greenway.

Mr. Hooks explains the buffer that is shown between the townhomes and the single family houses. There will be a fence and plantings.

Mr. Hooks asked if there were any concerns to please let them know.

Chairman Abrams asked if the site plan approval tonight was just for the development on the south side and the single family to the north will come back for a preliminary plat approval.

Staff stated that was correct.

Mr. Niemeyer stated he wanted to make sure the condition pertaining to compliance with the zoning ordinance was not going to override the variance the applicant has received.

Mr. Dyess stated the variance was approved by the Board of Adjustments and there is no intent to go back and revisit the issue.

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Planning Commission Action:

Commissioner Hinesley made a motion that based on the findings of fact and recommendation made by city staff we approve the requested site plan based on the 6 conditions that were presented to the Commission by staff.

Commissioner Engel seconded the motion.

Chairman Abrams stated he would have liked to have seen the whole development, the site plan and preliminary come for approval at the same time.

Commissioners Engel, Mixon, Quaites and Hinesley voted aye. Chairman Abrams voted nay.

Motion to approve the requested site plan based on the 6 conditions that were presented to the Commission by staff passes.

Mr. Dyess spoke to the zoning amendments that were on the work session agenda regarding the open bay doors. He stated he would like to bring these amendments to the Commission to review for the May agenda.

Mr. Dyess also stated staff is preparing the updates to the comprehensive plan to bring to the Commission.

ADJOURN:

Chairman Abrams adjourned the meeting at 6:20.