

PLANNING COMMISSION MEETING MINUTES

April 21, 2021 (City Hall Council Chambers) 5:30 P.M.

Page 1 of 7

The City of Foley Planning Commission held a regular scheduled meeting on April 21, 2021 at 5:30 p.m. in the Council Chambers of City Hall located at 407 E. Laurel Avenue. Due to COVID-19 we will accept email comments (mringler@cityoffoley.org or acole@cityoffoley.org). Or you may call 952-4011 and Melissa or Amanda can take your verbal comments. These will be entered into the meeting minutes. If you choose to attend the meeting please follow social distancing rules. Members present were: Deborah Mixon, Larry Engel, Ralph Hellmich, Phillip Hinesley, Wes Abrams, Calvin Hare and Bill Swanson. Absent members were: Vera Quaites and Sue Steigerwald. Staff present were: Miriam Boone, City Planner; Chad Christian, City Engineer; Amanda Cole, Planning and Zoning Assistant and Melissa Ringler, Recording Secretary.

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

MINUTES:

Approval of the March 10, 2021 and March 17, 2021 meeting minutes.

Commissioner Abrams made a motion to approve the March 10, 2021 and March 17, 2021 meeting minutes. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to approve the March 10, 2021 and March 17, 2021 meeting minutes passes.

Chairman Hinesley adjourned the regular meeting and opened the public hearing.

PUBLIC HEARING:

1. *Roy Waters Industrial Park- Minor Subdivision

The City of Foley Planning Commission has received a request for approval of Roy Waters Industrial Park a minor subdivision which consists of 39.95+/- acres and 3 lots. Property is located at 8355 Roy Waters Road and is located in the City of Foley Planning Jurisdiction. Applicant is Matthew Roberts.

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

2. Norman & Marjorie Moore- Initial Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 3 +/- acres being annexed into the corporate limits. Proposed zoning is R-1C (Residential Single Family). Property is located south of Underwood Rd. and west of County Rd. 65. Applicant is Norman and Marjorie Moore.

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

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

The City of Foley Planning Commission has received a request for preliminary approval of Southwood at Arbor Walk Phases 1, 2 and 3 which consists of 77.82+/- acres and 189 lots. Property is located E. of County Rd. 65 and N. of County Rd. 12 S. Applicant is Katherine LTD.

Chairman Hinesley asked if there were any members from the public to speak on the item.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

April 21, 2021 (City Hall Council Chambers) 5:30 P.M.

Page 2 of 7

Mr. Daryl Sears, resident of 1094 Crown Walk Drive, stated the proposed subdivision touches his property. He explained he has concerns regarding the proposed service road that is parallel to Crown Walk and will be connecting to Hickory St. He stated there is currently a Riviera Utilities easement that causes runoff issues. He asked if the City of Foley or the developer would be building an 8' fence and planting vegetation for a sound barrier.

Mr. Chad Christian stated his understanding is that the access will be a gated easement

Mr. Brent Anderson stated the access will be gated at the west end and used for emergency vehicles.

Mr. Sears asked what would keep ATV's, dirt bikes and others from using the area. He explained there are already issues in that area and this will open it up to more problems. He asked if there has been any consideration for drainage off the access road.

Commissioner Hellmich stated Riviera Utilities has to be able to access the area.

Mr. Anderson stated there is a ditch on the north and south side of the access road which will take the water to the wetland area.

4. MTSC Land Development- Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 19.8 +/- acres. Property is currently zoned R-3 (Residential Multi-Family) proposed zoning is TH-1 (Residential Townhouse). Property is located south of County Rd. 20/Miflin Rd. and west of Pine St. Applicant is MTSC Land Development.

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

5. Betty Sue Hinton Hartzog- Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 5 +/- acres. Property is currently zoned B-3 (Local Business District) proposed zoning is RV (Recreational Vehicle Park District). Property is located south of US Hwy. 98 and east of Foley Beach Express. Applicant is Betty Sue Hinton Hartzog.

Chairman Hinesley asked if there were any members to speak on the item.

Mr. Doug Bailey with Goodwyn Mills Cawood stated the owner and developer would like to request the item be carried over to next month's meeting. He explained they need more time to work out some issues with a secondary fire access.

6. Roberts Cove- Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Roberts Cove which consists of 242 +/- acres and 567 lots. Property is located at the SE corner of County Rd. 12 and the Foley Beach Express. Applicant is Miriam G. Jones.

PLANNING COMMISSION MEETING MINUTES

April 21, 2021 (City Hall Council Chambers) 5:30 P.M.

Page 3 of 7

Chairman Hinesley stated several letters were received from citizens regarding traffic and drainage.

Mr. John Lynch, resident of 22355 County Road 12 S., explained when he bought his property in 2016 he researched the area and the field across from his house was zoned agricultural which was reassuring. He stated County Road 12 is very dangerous and there are issues with speeding. He asked if a traffic study had been done and if he could get a copy of the study.

Commissioner Hellmich stated a traffic study was done and the developer is implementing the requirements.

Mr. Christian stated he will provide Mr. Lynch with a copy of the traffic study.

Mr. Lynch asked if there would be a buffer.

Mr. David Dichiaro with EDG stated a landscape berm will be provided.

Mr. Lynch asked if anything would be done to prevent sand/dirt from blowing from the site onto his home during development.

Commissioner Hellmich stated the development will be done in phases so all of the property will not be disturbed at one time. He stated if there are any issues they may contact Leslie Gahagan with the Environmental Department.

7. Zoning Ordinance Amendments

Mrs. Boone explained the amendments include no longer zoning anything to the R-1D zone. She stated the PUD setbacks have been modified to side yard setback 10'; front yard setback 20' and rear yard setback 15'. She explained the modifications to the PUD setback for the front yard will allow more room for parking vehicles.

Chairman Hinesley closed the public hearing and reconvened the regular meeting.

NEW BUSINESS:

1. Primland Phase 1B- Preliminary Extension

The City of Foley Planning Commission has received a request for a preliminary extension for Primland Phase 1B. Property is located at the Northeast corner of Wolf Bay Dr. Applicant is 68 Ventures.

Commissioner Hellmich made a motion to approve the requested 3 month extension. Commissioner Abrams seconded the motion. All members voted aye.

Motion to approve the requested 3 month extension passes.

PLANNING COMMISSION MEETING MINUTES

April 21, 2021 (City Hall Council Chambers) 5:30 P.M.

Page 4 of 7

2. *Roy Waters Industrial Park- Minor Subdivision

The City of Foley Planning Commission has received a request for approval of Roy Waters Industrial Park a minor subdivision which consists of 39.95+/- acres and 3 lots. Property is located at 8355 Roy Waters Road and is located in the City of Foley Planning Jurisdiction. Applicant is Matthew Roberts.

Commissioner Abrams made a motion to approve the minor subdivision. Commissioner Mixon seconded the motion. All members voted aye.

Motion to approve the requested minor subdivision passes.

3. Norman & Marjorie Moore- Initial Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the initial zoning of 3 +/- acres being annexed into the corporate limits. Proposed zoning is R-1C (Residential Single Family). Property is located south of Underwood Rd. and west of County Rd. 65. Applicant is Norman and Marjorie Moore.

Commissioner Swanson made a motion to recommend to Mayor and Council the requested initial zoning of R-1C (Residential Single Family). Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to recommend to Mayor and Council the requesting initial zoning of R-1C (Residential Single Family) passes.

4. Southwood at Arbor Walk Phases 1, 2 & 3- Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Southwood at Arbor Walk Phases 1, 2 and 3 which consists of 77.82+/- acres and 189 lots. Property is located E. of County Rd. 65 and N. of County Rd. 12 S. Applicant is Katherine LTD.

Commissioner Abrams made a motion to approve the requested preliminary approval. Commissioner Hellmich seconded the motion.

Commissioner Hellmich stated he hopes the developers can work with the neighboring residents and make sure there are no issues with the access and drainage.

Commissioner Mixon asked if the drainage has already been addressed.

Mrs. Boone stated the land disturbance is ready to be issued and staff ensures the request is meeting all regulations before the item can be placed on the agenda.

Commissioner Hellmich stated the ditches on the sides of the access road should resolve some of the issues.

Commissioner Engel voted nay. All other Commissioners voted aye.

Motion to approve the requested preliminary approval passes.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

April 21, 2021 (City Hall Council Chambers) 5:30 P.M.

Page 5 of 7

5. MTSC Land Development- Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 19.8 +/- acres. Property is currently zoned R-3 (Residential Multi-Family) proposed zoning is TH-1 (Residential Townhouse). Property is located south of County Rd. 20/Mifflin Rd. and west of Pine St. Applicant is MTSC Land Development.

Commissioner Hellmich made a motion to recommend to Mayor and Council the requested rezoning to TH-1 (Residential Townhouse). Commissioner Hare seconded the motion. All members voted aye.

Motion to recommend to Mayor and Council the requested rezoning to TH-1 passes.

6. Betty Sue Hinton Hartzog- Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 5 +/- acres. Property is currently zoned B-3 (Local Business District) proposed zoning is RV (Recreational Vehicle Park District). Property is located south of US Hwy. 98 and east of Foley Beach Express. Applicant is Betty Sue Hinton Hartzog.

Commissioner Abrams made a motion to accept the request to withdraw the item until next month's meeting. Commissioner Engel seconded the motion. All Commissioners voted aye.

Motion to accept the request to withdraw the item until next month's meeting passes.

7. Roberts Cove- Preliminary

The City of Foley Planning Commission has received a request for preliminary approval of Roberts Cove which consists of 242 +/- acres and 567 lots. Property is located at the SE corner of County Rd. 12 and the Foley Beach Express. Applicant is Miriam G. Jones.

Commissioner Hellmich made a motion to approve the requested preliminary approval. Commissioner Abrams seconded the motion.

Commissioner Mixon asked if the traffic improvements will be made prior to building beginning.

Mr. Dichiaro stated all the required improvements to County Road 12 will be done with the first phase of the subdivision.

Commissioner Hellmich stated it has been expressed that this will be a really nice development. He stated he is challenging the developers to create it as it has been expressed.

Ms. Boone stated the developer has donated a portion of land that will connect to Wolf Bay Drive for a future secondary access point.

Commissioner Hellmich stated they are currently looking at modifications that will help reduce the speed of traffic on County Road 12.

Commissioner Engel asked if anyone has thought about the school system and the overcrowding.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES

April 21, 2021 (City Hall Council Chambers) 5:30 P.M.

Page 6 of 7

Mrs. Boone stated staff sends the monthly Planning Commission agenda items to Bill Harbor with the Baldwin County Board of Education to make them aware of items being proposed in the area.

Mr. Dichiaro stated the development will be done in phases. He explained DR Horton will be the developer and builder. He stated the amenities for the subdivision will be done up front and will be a huge marketing asset for the subdivision.

Commissioner Mixon asked what type of amenities will be added.

Mr. Dichiaro stated he is not certain of all the amenities but knows there will be a recreational area that include a pool and clubhouse.

Commissioner Mixon asked if each phase will have different lot sizes and levels of homes.

Mr. Dichiaro stated the intention is to have a combination of lot sizes and homes in each phase.

Commissioner Engel voted nay, Chairman Hinesley abstained, all other Commissioners voted aye.

Motion to approve the requested preliminary approval passes.

8. Public Projects

Mrs. Rachel Keith stated the existing flag pole located in the parking lot at the SE corner of Hwy. 59 and US 98 will be relocated to Riviera Utilities. She explained the flag pole located at Riviera Utilities will be moved to the park across from the Fire Station. A new 100' flag pole will be located in the parking lot between Bungalows and NAPA Auto Parts. She stated the parking lot will be redesigned with a green space.

Mr. Christian stated Taylor Davis is working on the plans for the parking lot redesign.

Mrs. Keith stated the 9th Avenue tap grant will consist of sidewalk construction and widening of existing sidewalks along 9th Avenue, Pine Street and S. Hickory Street. She stated the improvements are to assist with making it safer to walk to school from several surrounding subdivisions.

Mr. Christian stated the widening is being done to create a share use width which will make them legal to use for bicyclists.

Commissioner Hellmich stated the grant is being funded through ALDOT.

Mrs. Keith explained a fully funded grant project for the Wolf Creek Restoration will consist of construction of restrooms and an office area at Wolf Creek Park. She stated a GOMESA Grant for \$250,000 will be used for a hydroponic container for growing produce, a greenhouse, and a building with offices and an open air pavilion.

Commissioner Hellmich stated pollinator plants will be grown and given out to citizens. He stated a butterfly garden and enclosure area will also be added.

Note: *Denotes property located in the Planning Jurisdiction

PLANNING COMMISSION MEETING MINUTES
April 21, 2021 (City Hall Council Chambers) 5:30 P.M.

Page 7 of 7

Mrs. Keith explained a roadway will be created to connect the Fern Avenue Extension and west Peachtree Ave. (north/south connector).

Commissioner Engel recommended to Mayor and Council the requested public projects. Commissioner Abrams seconded the motion. All Commissioners voted aye.

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

9. Zoning Ordinance Amendments

Commissioner Hellmich made a motion to recommend approval of the requested zoning ordinance amendments. Commissioner Abrams seconded the motion. All Commissioners voted aye.

Motion to recommend approval of the requested zoning ordinance amendments passes.

Commissioners discussed future proposed zoning ordinance amendments.

10. OWA Watersports- Site Plan Approval

The City of Foley Planning Commission has received a request for site plan approval of OWA Watersports. Applicant is Jimmy Peavy.

Mr. Jimmy Peavy stated he is requesting site plan approval for the OWA Watersports which will consist of an inflatable obstacle course and wakeboarding. He stated the sports will be utilized off of the existing lake and a new dock and several ramps will be built. He explained the wakeboarding will be operated by a cable that will run across the lake with a professional wakeboard trainer. He stated the water is being treated with chemicals and herbicides and the quality will be monitored and tested. He explained they have had a great response from the public and are expecting the new addition to create more travel and revenue for the area.

Commissioner Abrams made a motion to approve the OWA Watersports site plan. Commissioner Engel seconded the motion. Commissioner Hellmich abstained, all other Commissioners voted aye.

Motion to approve the OWA Watersports site plan passes.

Commissioner Hellmich stated he recently met with ALDOT and a new project will start in the next week to synchronize all the traffic signals on Hwy. 59. He stated the project should be completed by Memorial Day and it is expected to improve the traffic flow by 30%.

ADJOURN:

Meeting adjourned at 6:56 p.m.