

# MEMORANDUM

**To:** Mayor Ralph Hellmich and Members of the Foley City Council

**From:** Nelson Bauer, I & D Program Manager *WNB*

**Date:** August 12, 2025

**Subject:** Summary of Development Agreement – City of Foley & Kolter Group Acquisitions LLC

The City of Foley and Kolter Group Acquisitions LLC (“Developer”) have negotiated a Development Agreement for the construction of *Cresswind Sandy Creek*, a 720.25-acre, single-family, age-restricted (55+) residential community located within Foley city limits. The agreement supplements the previously approved Planned Unit Development (PUD) ordinances and establishes detailed terms governing construction, land use, infrastructure, and long-term maintenance responsibilities.

## Key Terms:

### 1. Project Scope & Density

- Maximum of 1,318 homes, average density not exceeding 3 units/acre.
- Age-restricted per federal housing laws (55+), enforced via HOA covenants.
- Minimum lot size: 5,590 sq. ft. (no more than 15% of lots at this size; weighted average 7,371 sq. ft.).
- Community amenities to include clubhouse, event lawn, pickleball and bocce courts, pool, trails, community garden, and open space.

### 2. Land Use Restrictions

- Residential and recreational uses only.
- Prohibited: retail (except limited temporary events), industrial, office (except sales/HOA uses), home-based businesses, and extractive industries.

### 3. Infrastructure Responsibilities

- Access Parkway from Foley Beach Express to community entrance: constructed to City specs, dedicated to City after completion, with landscaping maintained by HOA.
- All internal roads private and HOA-maintained.
- Utilities: Public water/sewer via Riviera Utilities; stormwater facilities private.
- City to provide solid waste collection; fire services from Foley Fire Department.

#### 4. Open Space & Environmental Protections

- Minimum 25% open space (approx. 331 acres), including wetland/floodway preservation and recreational areas.
- 30-ft wetland buffers; 50-ft natural watercourse buffers; use of boardwalks for trail crossings.

#### 5. Construction Standards

- Architectural materials limited to cementitious siding, brick, and natural/synthetic stone.
- 5:12 minimum front roof pitch.
- Sidewalks minimum 4 feet wide; street trees in front yards.

#### 6. Permitting & Phasing

- Up to 50 model/inventory home permits may be issued prior to final plat, subject to fire protection and access requirements.
- No Certificates of Occupancy until plat approval and recording.

#### 7. Impact Fees & Credits

- Developer to pay applicable impact fees; potential credits for additional City-benefitting infrastructure.

## 8. Regulatory Protections

- Development governed by regulations in effect as of PUD approval (Dec. 2, 2024).
- City moratoria will not apply to this development.

## 9. Term & Binding Effect

- Agreement runs with the land and binds successors.
- Assignment allowed under certain conditions, including to Kolter affiliates without City consent.

The agreement provides the City with clear commitments on infrastructure, open space preservation, and age-restricted housing, while protecting the City from maintenance liabilities for private roads and stormwater facilities. It also ensures that the development proceeds under the agreed regulatory framework, supporting orderly growth and preserving community character.