

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 26, 2021
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

Chairwoman Bergin called the regular meeting of the City of Daphne Planning Commission to order at 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

John Peterson
Phillip Hodgson, Secretary
Marybeth Bergin, Chairwoman
Andrew Prescott
Kevin Spriggs
Steve Olen

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Josh Newman, City Engineer
Tim White, Environmental Programs Manager

The first order of business is the approval of the minutes.

Chairwoman asked for questions, comments or corrections to the minutes ***of the regular meeting of July 22, 2021. There being none, minutes are approved as submitted.***

The next order of business is site plan review and request for modification to the wetland buffer for Radney Baldwin County Funeral Home.

An introductory presentation was given by Tim Lawley, representative for Anchor Engineering, of a site plan review and request for modification to the wetland buffer for a funeral home with associated parking, drainage, and landscaping located northwest of U.S. Highway 90 and Renaissance Boulevard. He stated that earlier in the week he met with the City Engineer and Environmental Programs Manager to discuss the various options to stabilize the area near the stream.

Chairwoman asked for Commission questions or comments and asked about staff comments.

Mr. Newman advised that he would like to find a better option to armor the slope, protect the wetlands and prevent erosion.

Mr. Olen asked Mr. White to comment regarding the waiver to the wetland buffer.

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Mr. White responded it has always been the City's position not to grant a waiver to the wetland buffer to prevent erosion and an adverse effect to wetlands or a stream and stated that almost ten million dollars spent to return the stream to its natural state.

Mr. Peterson asked about directing stormwater to U.S. Highway 90 and acquiring a permit from ALDOT. Mr. Lawley responded that stormwater does not flow to U.S. Highway 90; ALDOT will not accept maintenance of stormwater from a private detention pond.

Mr. Olen asked about the request for the modification to the wetland buffer. Mr. Newman responded you run the risk of an encroachment during construction.

Chairwoman asked about a partial exception to a sidewalk requirement. Ms. Jones responded it would require a waiver because the sidewalk does not extend to the northern property line. Mr. Lawley commented that the sidewalk stops at the wetland buffer line because the topography does not allow it to go farther.

Mr. Olen asked about the waiver to the sidewalk requirement. Ms. Jones responded you must approve a partial waiver or reflect in the minutes the conditions for the approval of the site plan.

Mr. Olen stated there is an issue with the overall design because they are requesting a modification to the wetland buffer and a partial sidewalk exemption.

Mr. Spriggs stated if there is a conflict in the ordinance, which would apply. Ms. Jones stated the more stringent of the two would prevail. Mr. Dungan agreed.

Mr. Spriggs commented that developer would not be able to encroach into the wetlands.

Mr. Peterson asked when the property to the west develops who would be responsible to bridge the sidewalks. He stated there are sidewalks in the City that cross the wetlands by a pedestrian walkway or bridge and asked are we limited to sidewalks or can it be achieved by other means. Ms. Jones responded that an ADA compliant crosswalk or bridge would satisfy our sidewalk requirement because the purpose is to ensure connectivity along the rights-of way.

Mr. Spriggs asked would the City be bound by those requirements. Ms. Jones advised if the City designed a project, they would be bound by the same rules and should go above and beyond to set an example.

Chairwoman noted that the sidewalk is being proposed on private property and not on the right-of-way. Ms. Jones responded there is still a requirement for a sidewalk.

Chairwoman asked for Commission questions or comments and a motion on the associated applications.

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A Motion was made by Mr. Hodgson and Seconded by Mr. Prescott to approve the modification to the wetland buffer subject to further staff review.

During discussion, Mr. Peterson expressed his concern about the extension into the wetland buffer of a priority watershed.

The Motion carried. Mr. Peterson and Mr. Olen dissented.

A Motion was made by Mr. Spriggs and Seconded by Ms. Bergin to approve Radney Baldwin County Funeral Home site plan as designed and a partial sidewalk exemption. The Motion carried. Mr. Peterson and Mr. Olen dissented.

Chairwoman advised that the applicant has requested that the Down by the Bay, L.L.C. applications for Planning Commission approval, master plan and site plan review be tabled until the regular meeting of September 23, 2021.

The next order of business is preliminary/final plat review for Down by the Bay, L.L.C.

An introductory presentation was given by Hunter Smith, representative of Smith, Clark & Associates, requesting preliminary/final plat review of a two-lot subdivision consisting of eight point seven four acres located northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County Road 13.

Chairwoman asked for Commission questions or comments.

Mr. Peterson stated there should be an easement for the lots to access County Road 13 north at the access drive for the storage facility.

Chairwoman commented there should be an easement provided for both lots to have access and advised that the wetlands are noted on the plat. She also commented that a traffic study is currently being prepared for this property.

Chairwoman opened the floor to public participation.

Joyce Lundy, Pine Grove Church, stated that she is not opposed to this development. She commented about the approximately eighty-eight years of drainage and erosion issues with no flooding and traffic. She also expressed concerns about the proposed location of the turn lane and its impact on the church property.

Jewel Lawson, 1001 Johnson Road, also spoke on behalf of Leroy Jackson, stated that she concurred with Ms. Lundy's comments and expressed her concerns about the wetlands.

Raymond Jackson, 9070 Jackson Way, commented and expressed his concerns about traffic, drainage and flooding.

Chairwoman closed public participation and asked for a motion.

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A Motion was made by Mr. Peterson and Seconded by Mr. Prescott to approve Down by the Bay, I.I.C. preliminary/final subdivision plat conditioned upon the provision of a shared access to County Road 13. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is final plat review and street acceptance for Jubilee Farms Subdivision, Phase Nine.

An introductory presentation was given by Al Finley, representative of Dewberry, requesting final plat review and street acceptance for Jubilee Farms Subdivision, Phase Nine located southeast of Austin Road and Alabama Highway 181. He stated this phase is located southeast of Jubilee Farms Subdivision, Phase Five and consists of thirty-one lots.

Chairwoman asked for Commission questions or comments and asked about staff comments. Mr. Finley responded the inspector advised that all outstanding deficiencies have been addressed.

Chairwoman asked for Commission questions or comments and asked for a motion for the associated applications.

A Motion was made by Mr. Prescott and Seconded by Mr. Spriggs to approve Jubilee Farms Subdivision, Phase Nine final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.

A Motion was made by Mr. Prescott and Seconded by Mr. Olen to set forth a favorable recommendation to the City Council to accept the streets and rights-of-way in Jubilee Farms Subdivision, Phase Nine. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is final plat review and street acceptance for Jubilee Farms Subdivision, Phase Ten.

An introductory presentation was given by Al Finley, representative of Dewberry, requesting final plat review and street acceptance for Jubilee Farms Subdivision, Phase Ten located southeast of Austin Road and Alabama Highway 181. He stated this phase is located north of Jubilee Farms Subdivision, Phases Six and consists of fifty-seven lots.

Chairwoman asked for Commission questions or comments and asked about staff comments. Mr. Finley responded the inspector advised that all outstanding deficiencies have been addressed.

Chairwoman asked for Commission questions or comments and asked for a motion for the associated applications.

A Motion was made by Mr. Olen and Seconded by Mr. Prescott to approve Jubilee Farms Subdivision, Phase Ten final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.

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A Motion was made by Mr. Olen and Seconded by Mr. Prescott to set forth a favorable recommendation to the City Council to accept the streets and rights-of-way in Jubilee Farms Subdivision, Phase Ten. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a master plan revision, preliminary/final plat review, and preliminary plat review for Savannah Estates Subdivision.

Ms. Jones advised that this property is located in Baldwin County in our extraterritorial planning jurisdiction and the County Commission voted unanimously to approve the zoning in May 2020. Subsequent to their approval, the zoning, master plan, and preliminary plat were presented to the City to ensure that they meet our regulations.

An introductory presentation was given by Joe Rector and Todd Wheeler, representatives of Mullins, L.L.C., of a request for master plan review and preliminary plat review of a forty-four acre parcel located northeast of County Road 64 and County Road 54 West. He presented an overview of the process of rezoning from industrial zoning, an open field and dirt pit to RSF-2, Residential Single Family Development, and approval of the Planned Residential Development by Baldwin County. He advised that thirty percent of the subdivision is usable active open space.

Chairwoman asked for Commission questions or comments and about the secondary access. Mr. Rector responded the access shown is in compliance as stated in the memorandum from the Fire Marshal.

Chairwoman asked if the access will be paved. Mr. Wheeler advised that the Fire Marshal agreed to the use of gravel now and pavement in a future phase.

Chairwoman asked how do we deal with issues that are beyond the scope of the subdivision. Mr. Dungan responded that Ms. Jones addressed it in her preface; the only role of the Planning Commission tonight is a review to see if the preliminary plat meets our regulations.

Chairwoman asked is the secondary access a part of the subdivision regulations or fire code. Mr. Dungan responded it is part of the fire code.

Chairwoman asked if Baldwin County has approved the revised master plan. Ms. Jones responded that the PRD document is not changing; we asked them to use it as a guide to create a master plan consistent with what they are proposing.

Chairwoman clarified that the plat is consistent, but the PRD is their zoning document.

Mr. Peterson asked if the master plan is relevant to the plat. Chairwoman responded a master plan is required because the subdivision will be developed in phases.

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Mr. Peterson commented that he has concerns with the practicality of the lots as depicted on the master plan. Mr. Rector responded those lots are in future phases and by the time the lots are being developed, the dirt pit will no longer be in operation.

Mr. Olen questioned the correlation between approval of a master plan and the existing pit. Mr. Rector responded there is a transition period from a mining operation to a residential subdivision.

Mr. Olen asked what is to prevent the owner from developing phase one adjacent to a dirt pit. Mr. Rector responded nothing because it is in operation today.

Mr. Spriggs asked about the dirt used to fill the dirt pit. Mr. Rector responded it comes from the remaining dirt after the reshaping of the property.

Chairwoman opened the floor to public participation. No one came forth. She closed public participation.

Ms. Jones noted that we are in receipt of sixteen documents presented in opposition with comments regarding traffic impact, population and the dirt pit.

Chairwoman asked about improvements on County Road 64. Mr. Rector responded that according to the traffic impact study, a traffic signal is required at County Road 64 and 54.

Mr. Olen asked about a staff recommendation. Ms. Jones responded because staff found no issues with the subdivision provisions and Baldwin County provided a review, therefore, staff recommends approval because they meet our subdivision regulations.

Chairwoman asked for a motion for the associated applications.

A Motion was made by Mr. Hodgson and Seconded by Mr. Prescott to approve Savannah Estates Subdivision master plan.

During discussion, Mr. Spriggs commented that a master plan of the development is required and beneficial to see the progression of the development.

The Motion carried. Mr. Olen and Mr. Peterson dissented.

A Motion was made by Mr. Prescott and Seconded by Mr. Hodgson to approve Savannah Estates preliminary subdivision plat. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.

The next order of business is a pre-zoning and annexation request for Joseph Mancí.

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An introductory presentation was given by Jason Wooten, Wooten Engineering, of a request to pre-zone and annex a fifty-three point four-six acre parcel from RA, Rural Agricultural, Baldwin County District 15, to a PUD, Planned Unit Development, located northeast of Alabama Highway 181 and Saint Michael Way. The proposed residential development consists of approximately one hundred and four lots that abut Dunmore Subdivision and Saint Michael Way.

Ms. Jones provided her recommendation to amend the proposed zoning designation of the commercial use to B-2(a). Mr. Wooten expressed his client's concern about the inclusion of a grocery and pet store in the allowed uses. Ms. Jones advised that a modification could be made to the PUD narrative to include those uses.

Mr. Wooten commented that he met with the President of the Dunmore POA and advised him that there will be zero effect on their subdivision from this development.

Chairwoman asked for Commission questions or comments and opened the floor to public participation.

Joanne Vicich, 10010 Dunmore Drive, spoke in opposition with concerns about lighting directed into a residential neighborhood, hours of the deliveries, buffer requirements of commercial development abutting an existing residential subdivision, location of entrances, traffic, quality of life and private nuisance.

Cecilia Bailey, 10218 Dunmore Drive, spoke in opposition with concerns about traffic, noise and light pollution, and drainage.

Fred Moore, 10046 Dunmore Drive, spoke in opposition with concerns about flooding.

Roy Vicich, 10010 Dunmore Drive, spoke in opposition with the same concerns expressed by Joanne Vicich.

Sharon Lynn, Secretary of the Dunmore Subdivision POA, spoke in opposition to the pre-zoning with concerns about stormwater issues caused by the open ditch in Dunmore Subdivision.

Chairwoman closed public participation and asked if Mr. Wooten would like to address the Commission to respond to the comments.

During rebuttal, Mr. Wooten responded that the development would not affect storm water drainage or traffic. He noted that the development would consist of single-family residential homes consistent with the neighborhood and have an adequate buffer for the commercial development. He stated there is a forty-foot buffer along the northern property line and along Saint Michael Way, a fifteen-foot for storm water drainage, and an internal access will be provided from the residential to the commercial site.

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A Motion was made by Mr. Olen and Seconded by Mr. Spriggs to set forth a recommendation to the City Council to pre-zone fifty-three point four-six acres to a PUD, Planned Unit Development, with B-2(a), standards and uses, except for a grocery store and pet store may be permitted by right on the commercial portion.

During discussion, Mr. Spriggs stated that the developer has provided a significant buffer and commented on his willingness to accommodate the Planning Commission suggestions. Mr. Hodgson expressed concern about the commercial aspect.

The Motion did not carry as it did not receive six affirmative votes. The vote was five in favor. Mr. Hodgson dissented.

A Motion was made by Mr. Olen and Seconded by Mr. Prescott to set forth a favorable recommendation to the City Council to annex the fifty-three point four-six acres parcel into the Daphne city limits. There was no discussion on the motion. The Motion carried unanimously.

Chairwoman stated the next order of business is a request for Planning Commission approval of indoor volleyball courts in a C/I, Commercial/Industrial, zone. She explained that the Commission will hold a public hearing because the ordinance does not specifically address this use in the Land Use and Development Ordinance.

An introductory presentation was given by Pratt Thomas, representative of Merrill P. Thomas Company, Inc., requesting consideration of a proposed indoor volleyball courts at 7650 Stanton Road and presented an overview of the services provided.

Ms. Jones commented that she is opposed to placing a recreation facility in a commercial and industrial zone because of exposure to children and/or young adults to the commercial uses in this area.

Chairwoman opened the floor to public participation.

Ericka Markioli, 153 Pier Avenue, spoke in favor of the application and stated that an indoor children's amusement business currently exists in the commercial park and that her children have attended birthday parties at the facility.

Chairwoman commented that this type of business and location is a trend in Mobile.

Christin Boggs, Spanish Fort teacher, spoke in favor of the application because it would be beneficial for the students.

Fredddie Johnson, 3996 Stanton Road South, spoke in opposition and expressed concerns about traffic, parking and emergency vehicle access for senior citizens and handicapped adults.

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Mr. Johnson noted that Stanton Road South is not the access for this facility and that the residential street is not of sufficient size to support large delivery vehicles and heavy traffic.

Chairwoman advised if Stanton Road South is a city street into a residential neighborhood where Public Works may consider installing the appropriate signage to prohibit commercial traffic. Ms. Vallecillo advised it is a city street.

Chairwoman closed public participation and asked for a motion.

A Motion was made by Mr. Olen and Seconded by Mr. Prescott to grant Planning Commission approval of indoor volleyball courts in a C/I, Commercial/Industrial, zone at 7650 Stanton Road for Baldwin County Volleyball Club. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is public participation.

Chairwoman asked for public participation.

None presented.

The next order of business is the attorney's report.

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

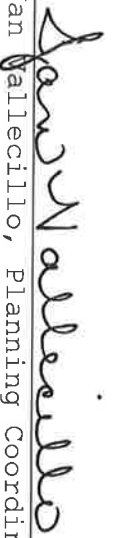
None presented.

The next order of business is director's comments.

None presented.

There being no further business, the meeting was adjourned at 7:32 P.M.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: September 23, 2021


Andrew Prescott, Vice Chairman