The City of Daphne
Planning Commission Minutes
Regular Meeting of September 23, 2021
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:03 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

John Peterson
Adam Manning
Phillip Hodgson, Secretary
Andrew Prescott, Chairman
Ronnie Huskey
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

Chairman advised that the applicant has requested that The Reserve of Daphne Pre-Zoning and Annexation, and The Reserve at Plantation Hills Master plan, Pre-Zoning and Annexation applications be tabled until the regular meeting of October 28, 2021 to resolve issues.

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of August 26, 2021. There being none, minutes are approved as submitted.***

Chairman stated the next order of business is a request for Planning Commission approval, master plan and site plan review for Down by the Bay, L.L.C. Boat & RV Storage.

An introductory presentation was given by Chris Lieb, representative of Lieb Engineering, requesting consideration of a proposed commercial use in a B-2(a) zone; master plan and site plan review of a multi-phased development of an office, self-storage, and boat and RV storage with associated drainage, parking and landscaping located northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County and 13.

Chairman asked about staff deficiencies regarding the drainage pipe on County Road 13. Mr. Lieb stated that the City Engineer advised that that the pipe is too small for pre-development or post development storm water.

Mr. Newman stated his concerns about drainage and traffic. Mr. Olen asked whose responsibility is it to upgrade the pipe. Mr. Newman responded the City.

Chairman asked for Commission questions or comments.

Mr. Olen said it appears that a revised traffic study remains unresolved. Mr. Newman advised that that he needs an updated traffic study with current traffic counts and an accurate recommendation of improvements based on the current traffic situation and the layout of the left turn lane.

Mr. Lieb mentioned that the 2014 to 2019 traffic counts were used by the traffic engineer for the traffic impact study because the 2020 count reflected a decrease due to the pandemic. 2021 has not been published. Mr. Newman clarified that the 2020 count does not show a decrease in traffic. He stated his main concerns are drainage on County Road 13 and a left turn lane. Mr. Lieb addressed the drainage revisions and advised the design of the turn lane was addressed at the time of the presentation of the previously approved site plan.

Mr. Hodgson asked about staff comments regarding the recording of the subdivision plat prior to the presentation of a site plan. Ms. Jones advised that Down by the Bay, L.L.C. presented a preliminary/final plat for a two-lot subdivision. Mr. Lieb advised that the plat has been recorded.

Ryan Fields, representative of Down by the Bay, L.L.C., commented on the access to the site and alignment of the turn lane previously installed during the construction of Belforest Villas on County Road 13. He stated that he had widened and extended County Road 13 to provide a three hundred and fifty foot storage lane to accommodate future development on this site. The amount of storage should be adequate. Striping is pending the commencement of construction.

Mr. Peterson asked was a traffic study presented at the time of the construction of the apartments. Mr. Fields responded yes.

Mr. Spriggs commented that this type of business does not generate traffic and that the site plan should be approved contingent upon addressing the concerns of the City Engineer.

Chairman explained that the Commission will hold a public hearing because a storage facility is not allowed by right in a B-2(a) zone and opened the floor to public participation.

Joyce Lundy, Pine Grove Church, stated that she is not opposed to this development. She commented about: the years of drainage and erosion issues with no flooding and traffic; expressed concerns about the proposed location of the turn lane and its impact on the church property; commended the City for addressing their drainage concerns; and, stated that the traffic study presented based on information years prior to 2020 excludes our growth period, the school, church events after hours, and weekend traffic.

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

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

Chairman closed public participation. He asked for Commission questions or comments and a motion for Planning Commission approval.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Manning ***to grant planning approval for a storage facility as requested. There was no discussion on the motion. The Motion carried unanimously.***

Chairman asked for Commission questions or comments and a motion for master plan review.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Manning ***to approve the master plan for Down by the Bay, L.L.C. Boat & RV Storage. There was no discussion on the motion. The Motion carried unanimously.***

Chairman asked for Commission questions or comments for a motion for site plan review.

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Hodgson ***to approve the site plan for Down by the Bay, L.L.C. Boat & RV Storage contingent upon the owner/developer increasing the turn lane to the additional capacity and configuration of the turn lane is to the satisfaction of the City Engineer. There was no discussion on the motion. The Motion carried. Mr. Olen and Mr. Manning dissented.***

The next order of business is site plan review for the Noble at Daphne.

An introductory presentation was given by Jason Wooten, Wooten Engineering, requesting site plan review of a multi-family residential apartment complex with associated parking, drainage, and landscaping located southwest of the intersection of U.S. Highway 90 and County Road 13. He stated the overall design consists of ten buildings, clubhouse and amenities. He advised that an ordinance is pending approval by the City Council that is consistent with the unit count shown on the proposed site plan.

Chairman asked for Commission questions or comments and about staff deficiencies regarding phasing and sidewalks.

Mr. Newman expressed his concerns regarding drainage, the traffic study and the width and location of the sidewalks.

Mr. Wooten responded that he is still working to address the following issues: phasing, sidewalks, slope specification, ADA compliance, traffic study revisions, geo-tech information, wetland delineation and drainage. He asked the appropriate distance required from the sidewalk to the right-of-way. Mr. Newman stated approximately four feet.

Mr. Huskey responded Public Works requires the sidewalk to be located six feet from the property line.

Mr. Hodgson asked about the drainage issue. Mr. Wooten advised that the underground detention was removed and storm water will be directed to the northern detention pond.

Ms. Jones stated Fire Marshal's deficiencies regarding a secondary access and location of the fire hydrants are still outstanding; and, she advised that the proposed amendment to the Land Use Ordinance of the Multiple Family Garden Apartments definition is pending action by the City Council on October 4, 2021.

Chairman asked for Commission questions or comments and for a motion.

A **Motion** was made by Mr. Peterson and **Seconded** by Mr. Manning ***to table the Noble at Daphne site plan until the regular meeting of October 28, 2021. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for the New Office for TBS.

An introductory presentation was given by David Shumer, Barton & Shumer Engineering, requesting site plan review of a commercial office building with associated parking, drainage, and landscaping located northwest of Pollard Road and Kettig Square. He stated this site has common detention, pervious pavement for a shared common driveway, and the sidewalks will be located in an easement created in the right-of-way when the subdivision was platted. He also stated that the ADEM permit is pending payment by builder or owner.

Mr. Newman requested that the sidewalk width be revised to reflect six feet.

Chairman asked for Commission questions or comments and for a motion.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Manning ***to approve the New Office for TBS site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Jubilee Family Dentistry.

An introductory presentation was given by Chris Lieb, representative of Lieb Engineering, requesting site plan review of a dental office with associated parking, drainage, and landscaping located northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County Road 13 that will be constructed simultaneously with Down By the Bay, L.L.C. Boat & RV Storage.

Chairman asked for Commission questions or comments.

Mr. Newman made comments regarding sidewalk width, backup area and a bump out.

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Manning and **Seconded** by Mr. Peterson ***to approve the site plan for Jubilee Family Dentistry site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Ace Hardware.

An introductory presentation was given by Tim Lawley, representative for Anchor Engineering, requesting site plan review of a hardware store with associated parking, drainage, and landscaping located southwest of Belgrove Avenue and Alabama Highway 181. He stated that revisions to the site plan have been presented to address issues with the setbacks, buffers, and sidewalks.

Ms. Jones advised of staff's recommended revisions to the site plan prior to approval: removal of the gravel drive on the west side of the building, revise architectural plans to be consistent with the site plan and three trees on the landscape plan along Alabama Highway 181.

Chairman asked for Commission questions or comments.

Chairman and Mr. Hodgson asked about the required buffer and a fence. Mr. Lawley responded trees and shrubs were added along the east side of the property.

Mr. Olen asked about sidewalks. Ms. Jones responded that a sidewalk has been added along the property line on Belgrove Avenue and Alabama Highway 181.

Chairman asked for Commission questions or comments and for a motion.

A **Motion** was made by Mr. Hodgson and **Seconded** Mr. Manning ***to approve Ace Hardware site plan with contingencies as follows: all required parking shall be paved (not gravel); provide revised floor plan and architectural drawings for the hardware store only (excluding lease space and drive-thru); and, submitting a revised landscape plan to include the appropriate number of frontage trees. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is master plan and site plan review for 24/7 Coin Laundry.

An introductory presentation was given by Michael Gibson, representative of Vision Consulting, requesting master plan and site plan review of a coin laundry with associated parking, drainage, and landscaping located southwest of U.S. Highway 98 and Randall Avenue. He provided a revised master plan for review and consideration.

Mr. Newman stated that the drainage, parking and sidewalk are located on the right-of-way.

Mr. Newman stated that the developer is requesting a waiver to the sidewalk requirement. Mr. Strunk advised that he is opposed to granting a sidewalk exemption.

Chairman asked for Commission questions or comments.

Mr. Peterson asked does phase one meet the parking requirements. Ms. Jones responded they exceed the parking required for the building footprint.

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

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Hodgson ***to approve the revised master plan submitted at the September 23, 2021 regular Planning Commission meeting. There was no discussion on the motion. The Motion carried unanimously.***

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Spriggs ***to approve 24/7 Coin Laundry site plan contingent upon adding sidewalks along U.S. Highway 98 as shown on the revised master plan submitted at the September 23, 2021 regular Planning Commission meeting. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary/final plat review for Fast Time Subdivision.

An introductory presentation was given by Jeremy Sasser, representative of Goodwyn, Mills & Cawood, requesting preliminary/final plat review of a two-lot subdivision consisting of one-point zero four acres located southwest of U.S. Highway 98 and Santa Rosa Avenue.

Ms. Jones said a general note was added to the subdivision plat stating that there is a continuous cross easement between Lots 1 and 2 with no curb cuts allowed for Lot 1.

Chairman asked for Commission questions or comments.

Mr. Peterson commented on the separation of the business uses and asked will the subdivision create an issue with the Health Department. Fred Small, representative of Fast Time Convenience Store, responded that the overall site plan shows the development as two lots although a subdivision plat was not recorded.

Ms. Jones inquired if a code mandated by the Health Department requires the businesses to operate as one. Mr. Small advised that the business on Lot 1 is self-sufficient, except it requires the use of the restrooms on Lot 2.

Chairman opened the floor to public participation. No one came forth. He closed public participation and asked for a motion.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Olen ***to approve Fast Time preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.***

Chairman stated the next order of business is a request for Planning Commission approval of a tattoo parlor in a B-1, Local Business, zone. He explained that the Commission will hold a public hearing because it requires Planning Commission approval.

An introductory presentation was given by Billy Jordan, representative of Red Tide Tattoo, requesting consideration of a proposed tattoo parlor at 28850 U. S. Highway, Suite 203 and presented an overview of the services provided.

Ms. Jones noted that a tattoo parlor was at this location prior to the adoption of the Community Standards Ordinance. The applicant is here to verify compliance with these new regulations.

Chairman opened the floor to public participation. No one came forth. He closed public participation and asked for a motion.

A **Motion** was made by Mr. Manning and **Seconded** by Mr. Peterson ***to grant Planning Commission approval of tattoo parlor in a B-1, Local Business, zone at 28850 U. S. Highway, Suite 203 for Red Tide Tattoo. There was no discussion on the motion. The Motion carried unanimously.***

Chairman called for a five minute recess at 6:26 p.m. and reconvened the meeting at 6:32 p.m.

Chairman advised that the applicant has requested that The Reserve of Daphne Pre-Zoning and Annexation, and The Reserve at Plantation Hills Master plan, Pre-Zoning and Annexation applications be tabled until the regular meeting of October 28, 2021 to resolve issues.

The next order of business is master plan revision for The Reserve at Daphne.

An introductory presentation was given by Melissa Currie, representative of Dewberry, requesting a master plan revision of a three-hundred thirty-eight-lot subdivision consisting of approximately one hundred and eighty-six point five-five acres located north of the intersection of County Road 64 and Montelucia Way. She stated the revision reflects the removal of land, as well as, active and passive open space, wetlands, and potential access to the land to the north.

Chairman asked for Commission questions or comments and for a motion.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Manning ***to approve a master plan revision for the Reserve at Daphne. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is planning commission discussion of a proposed amendment to the Land Use and Development Ordinance.

Ms. Jones presented a draft of a proposed amendment of pertinent articles of the Land Use Ordinance to insert the City Engineer in the place of the Public Works Director.

Chairman asked for Commission questions or comments.

Mr. Huskey requested the following revisions to the proposed amendment: remove William Eringman, P.E., Deputy Director of Public Works, from the Technical Review Team; and change City Engineer to Public Works Director's Designee, in Article 19, and Article 37, Landscape Standards.

Mr. Olen requested to table the amendment to the Land Use Ordinance to the next meeting to allow additional time for review.

Chairman asked for a motion to table the amendment.

A **Motion** was made by Mr. Olen and **Seconded** by Mr. Spriggs ***to table the proposed Land Use Ordinance amendment until the regular meeting of October 28, 2021. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is public participation.

Chairman 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.

Director presented the upcoming meeting dates. Site Preview is October 20, and the Regular Meeting is October 28, 2021.

There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted by:

Jan Vallecillo, Planning Coordinator

Approved: October 28, 2021

Andrew Prescott, Chairman