The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2022
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairwoman called the regular meeting of the City of Daphne Planning Commission to order at 5:06 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
Phillip Hodgson, Secretary
Marybeth Bergin, Chairwoman
Adam Manning
Steve Olen
Andrew Prescott, Vice Chairman

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Joshua 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 August 22, 2022. There being none, minutes are approved as submitted.***

The next order of business is master plan and site plan review for 7 Brew.

An introductory presentation was given by David Dichiara, Engineering Design Group, requesting master plan and site plan review for a coffee shop and strip shopping center with associated parking, drainage, and landscaping located southeast of the intersection of Alabama Highway 181 and Papa George Street. He advised of ALDOT's review comments regarding the elimination of the left turn lane on Alabama Highway 181 and requested a right-out only onto Papa George Street.

Chairwoman asked for Commission questions or comments. Mr. Olen apologized to Mr. Dichiara for his comments made at site preview meeting regarding information contained in the traffic impact study.

Chairwoman referred to staff comments. Mr. Newman advised of his concerns regarding traffic and receipt of final approval from ALDOT for a connection to Papa George Street and Alabama Highway 181. Mr. Olen advised the applications should be tabled until those issues are resolved.

Chairwoman asked for a motion to table the associated applications.

Two **Motions** were made by Mr. Olen and **Seconded** by Mr. Manning ***to table 7 Brew master plan and the site plan until the regular meeting of October 27, 2022. There was no discussion on the motion. Mr. Spriggs abstained from the votes. The Motion carried.***

The next order of business is preliminary/final plat review for the Resubdivision of Lot 4, Friendship Park, A Resubdivision of Lots 1 & 2, Trione Trace.

An introductory presentation was given by Melissa Currie, Goodwyn, Mills & Cawood, requesting preliminary/final plat review of a three-lot subdivision located in Baldwin County District 15 consisting of five-point zero-one acres located southeast of the intersection of Friendship Road and Athlete Drive for the purpose of the construction of a facility for Mobile Ballet of Eastern Shore.

Chairwoman asked for Commission questions or comments and asked about access. Ms. Jones stated the access is the thirty-foot access and utility easement along the southern boundary of the lots.

Chairwoman opened the floor to public participation and no one came forth. She closed public participation and asked for a motion.

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Hodgson ***to approve the Resubdivision of Lot 4, Friendship Park, A Resubdivision of Lots 1 & 2, Trione Trace preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan for Cambria Daphne.

An introductory presentation was given by Nate Fuss, Bohler Engineering, requesting site plan review of a retail office, showroom and warehouse with associated parking, drainage and landscaping located south of Equity Drive and County Road 64.

Chairwoman referred to staff comments. Mr. Newman advised that his comments were minor and have been addressed.

Chairwoman asked for Commission questions or comments or a motion.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Olen ***to approve Cambria Daphne site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan for Daphne Avenue Mixed Use.

An introductory presentation was given by Larry Smith, S.E. Civil, requesting site plan review of a mixed-use building consisting of commercial and residential units with associated parking, drainage and landscaping located northeast of the intersection of Main Street and Daphne Avenue.

Mr. Smith said that a revised traffic impact study was provided and the developer has agreed to some of the improvements to Daphne Avenue near U.S. Highway 98.

Chairwoman asked for Commission questions or comments and advised of staff comments. Mr. Newman advised of his concerns about additional traffic and required improvements to Daphne Avenue near U.S. Highway 98. Mr. Olen said this appears to be another application that should be tabled until traffic improvement issues are resolved.

Mr. Spriggs stated that he does not see a need to delay action on a project for outstanding engineering details that can be addressed by the City Engineer.

Mr. Olen stated that he is adamantly opposed to this project until the traffic concerns are fully and completely addressed.

Mr. Smith noted that the improvements recommended in the traffic impact study are based on existing traffic congestion on Daphne Avenue with or without this development.

Mr. Hodgson stated that he is in favor of the project and would like to see the development move forward.

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

A **Motion** was made by Mr. Olen and **Seconded** by Ms. Bergin ***to table Daphne Avenue Mixed Use site plan for the final traffic study and required improvements until the regular meeting of October 27, 2022. There was no discussion on the motion.***

Upon roll call vote, **the *Motion carried.***

Mr. Spriggs ***Nay***
Mr. Hodgson ***Aye***
Ms. Bergin ***Aye***
Mr. Olen ***Aye***
Mr. Manning ***Aye***
Mr. Prescott ***Aye***

The next order of business is site plan for Timber Circle Office.

An introductory presentation was given by Andy McCartney, TTL, Inc., requesting site plan review of an office building with associated parking, drainage and landscaping located northwest of Timber Circle and Mill Lane.

Chairwoman referred to staff comments. Mr. Newman advised that his comments were minor and have been addressed. Ms. Jones stated the outstanding comments were minor and can be addressed prior to or at the preconstruction meeting.

Chairwoman asked for Commission questions or comments or a motion.

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Manning ***to approve Timber Circle Office site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is an administrative presentation of a proposed amendment to the Land Use and Development Ordinance.

Ms. Jones provided an overview of a proposed amendment to the Land Use and Development Ordinance to add a Medical Overlay District with associated uses relative to a B-2(a), General Business Alternate, district. The District will entail the properties currently owned by Infirmary Health Systems, Inc. to encompass Infirmary Health Malbis Medical Office and Thomas Hospital Emergency - Malbis located southwest of Alabama Highway 181 and U.S. Highway 90. The district map provided defines the full extent of the district. She provided an overview of the noted modifications discussed at the site preview meeting and said that the document has been submitted for review, discussion and requested action.

Mr. Prescott asked for clarification about the ten percent landscape requirement. Mr. Dungan responded ten percent of the site. Mr. Strunk advised that the district could encompass more than the Infirmary Health Malbis Office Building in a future setting; therefore, each site outlined in the master plan must meet the ten percent landscape requirement.

Mr. Dungan stated typically, a section of the overlay district will state that anything not expressly enumerated in this ordinance shall refer back to the underlying zoning designation.

Commission discussed the provisions of the district and expressed concerns with regard to signage, setbacks, landscaping and buffers and several members requested that the amendment be tabled until those issues are addressed.

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

A **Motion** was made by Mr. Olen and **Seconded** by Ms. Bergin ***to table the proposed Land Use Ordinance amendment to add Article 41, Medical Overlay District until the regular meeting of October 27, 2022. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a pre-zoning and annexation request for Infirmary Health Systems, Inc.

An introductory presentation was given by Joe Stough, Chief Operating Officer of Infirmary Health Systems, Inc., requesting pre-zoning and annexation a thirty-six point one eight acre parcel owned by Infirmary Health Systems and its affiliates consisting of residential and commercial zoning located southwest of the intersection of U.S. Highway 90 and Alabama Highway 181 as B-2(a), General Business Alternate.

Chairwoman asked for Commission questions or comments and advised that there was no information provided regarding an expansion of facilities.

Chairwoman stated the presentation only pertains to pre-zoning and annexation of the subject property.

Chairwoman opened the floor to public participation for the pre-zoning request.

Ms. Jones provided correspondence received from Demetrias Mathews and Angelo Mathews, Malbis Memorial Foundation President, regarding the request.

Willard Simmons, 9628 Malbis Lane, spoke in favor of the pre-zoning, commented about the relocation of the lake and advised of his plans to annex his property into the city.

Angelo Mathews, Malbis Memorial Foundation President, 29300 State Highway 181, spoke in opposition to express his concerns about traffic, construction impact, lighting, historic preservation, setback, permitted uses, trees and landscaping.

Chairwoman advised that there was no information provided regarding the expansion or any permitted uses planned near Malbis Lane.

Clark Gerken, 9511 Malbis Lane, spoke in opposition to express his concerns about the use of his property as turn around on Malbis Lane.

Betty Godwin, 9780 Malbis Lane, spoke in opposition to express her concern about the setback from the centerline of Alabama Highway 181 and Malbis Lane.

George Kalasountas, 9563 Malbis Lane, spoke in support of the requests and commented that the facilities are an asset to the community.

Demetrias Mathews, 29289 State Highway 181, spoke in opposition to express his concerns about traffic, quality of life, lighting, drainage, setbacks and requested the installation of a privacy fence and landscaping along Malbis Lane.

Chairwoman closed public participation and asked for a motion.

Chairwoman asked should the associated applications be considered or tabled to run concurrent with the overlay district. Mr. Stough advised that he would like to table the applications.

A **Motion** was made by Mr. Olen and **Seconded** by Ms. Bergin ***to table the pre-zoning and annexation until the regular meeting of October 27, 2022. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is the election of officers.

Chairwoman opened the floor for nominations for Chair. Mr. Olen nominated Ms. Bergin. The nominations were closed. With no other nominations, Ms. Bergin is Chairwoman.

Chairwoman opened the nominations for Vice Chairman. Ms. Bergin nominated Mr. Prescott. The nominations were closed. With no other nominations, Mr. Prescott is Vice Chairman.

Chairwoman opened the nominations for Secretary. Mr. Hodgson nominated Mr. Peterson. The nominations were closed. With no other nominations, Mr. Peterson is Secretary.

The next order of business is public participation.

Chairwoman asked for public participation.

Nick Catranis, AEOS, L.L.C., spoke in opposition to 7 Brew and expressed his concerns about its impact on the parking area on the property to the south, traffic and rights associated with the forty-five foot parking and access easement.

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

Mr. Dungan had no report.

The next order of business is commissioner's comments.

Chairwoman advised that she had concerns about the Medical Overlay District and is not at a point where she is comfortable moving forward until the issues are addressed.

The next order of business is director's comments.

Director presented the upcoming meeting dates. Site Preview is October 19, and the Regular Meeting is October 27, 2022.

There being no further business, the meeting was adjourned at 6:58 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: October 27, 2022

Andrew Prescott, Vice Chairwoman