The City of Daphne
Planning Commission Minutes
Regular Meeting of December 15, 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 5:07 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
John Peterson, Secretary
Marybeth Bergin, Chairwoman
Nathan Jones
Ronnie Huskey
Steve Olen

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
Cody Ledet, 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 November 17, 2022. There being none, minutes are approved as submitted.***

The next order of business is a master plan review, a request to modify the wetland buffer, and a preliminary plat review for South Branch, Phase One.

An introductory presentation was given by Jason Wooten, Wooten Engineering, requesting master plan review of South Branch, a three-phase, one hundred and fifty-six lot residential subdivision located on the east side of Pollard Road immediately north of Creekside Subdivision. He stated that the developer is seeking a modification to the wetland buffer and preliminary plat review of phase one, a twenty-four point seven acre parcel consisting of forty-seven lots. He advised there have been some minor revisions to the plans, an update to the traffic impact study, reconfiguration of the common area and lots to save trees, and the relocation of the wetland buffer to address commission and staff comments. The plan revisions also include the required improvements to Pollard Road, and the relocation of the sanitary sewer line to lessen the impact to the wetland buffer.

Mr. Wooten commented regarding the traffic impact study that the developer prefers to design and construct the turn lane in phase two.

Mr. Olen expressed his concern about the request because phase two may never be constructed.

Mr. Wooten stated that the traffic impact study advised that a turn lane would be warranted with the construction of phase two of the development.

Mr. Newman confirmed that plans are needed but with Phase two.

Chairwoman asked the timeline for the development of phase one. Mr. Wooten responded next year.

Chairwoman asked for Commission questions or comments. There being none, she opened the floor to public participation.

Bill Lees, 27430 Creekwood Drive, spoke in opposition with concerns regarding: traffic, wetlands, green space, the quality of life of the citizens, and requested a thirty to fifty-foot greenbelt and/or buffer zone along the south property line.

Dustyn Adams, 8125 Soldier Court, spoke in opposition with concerns regarding: wetland preservation, environmental hazards and BMPs.

Albert Savage, 8650 Danube Court, spoke in opposition and expressed concerns regarding: stormwater and the quality of life of the citizens.

Harold Kerkhoff, 8651 Danube Court, spoke in opposition and expressed concerns regarding connectivity.

Dirk/Beth Navarro, 27675 Rhone Drive, spoke in opposition and expressed concerns regarding: wetlands, wildlife, natural beauty and a buffer.

John Baker, 8049 Creekside Drive, spoke in opposition and expressed concerns regarding: commercial and residential traffic on Pollard Road.

Nicholas Segers, 27811 Rhone Drive, spoke in opposition and expressed concerns regarding: privacy and maintaining a separation between the neighborhoods.

Carol Dean, 27789 Rhone Drive, spoke in opposition and expressed concerns regarding: privacy, traffic and plantings and/or a buffer.

James Kacmarzyk, 27615 Rhone Drive, spoke in opposition and expressed concerns regarding: property values and maintenance of streets.

Carla Freeman, 27976 Paynes Gray Lane, spoke in opposition and expressed concerns regarding: property values and existing problem with on-street parking on thoroughfares.

Kimmie Miller, property owner in the Retreat at Tiawasee, spoke in opposition and expressed concerns regarding: lot sizes and the means of ingress/egress.

David Sawrie, 8647 Daintree Court, spoke in opposition and expressed concerns regarding: traffic, safety and the quality of life.

Jessica Brewer, 8161 Soldier Court, spoke in opposition and expressed concerns regarding: traffic, phasing and turn lanes.

During rebuttal, Mr. Wooten stated phase one has been designed in accordance with the regulations and lot sizes are allowed by right; there is no requirement for a perimeter buffer; there is no increased impact to the wetlands; the modification request has been changed to lessen the impact to the buffer; the traffic impact study update states that a turn lane is warranted at the time of the development of phase 2; and, all state, local and federal laws that apply to the preservation of the wetlands will be observed during construction.

Chairwoman questioned detention identified in future phases. Mr. Wooten responded that the detention areas and public street connections are shown on the master plan for reference, but have not been designed.

Chairwoman asked about staff's recommendation for the connectivity of the neighborhoods. Ms. Jones advised connectivity is recommended within and among subdivisions. She also noted that all existing roads that would connect to this development are public and maintained by the city.

Chairwoman commented that she is a resident of Tiawasee Trace, and due to past experience, understands and sympathizes with those who have come in opposition.

Chairwoman asked for Commission questions or comments. Mr. Olen questioned the developer's financial obligation and stated that any talks of postponing the turn lane installation should be a contingency with written documentation from the developer.

Mr. Peterson commented on the traffic plan and the master plan where the wetland buffer encroaches on several lots. Ms. Jones stated wetlands shown on the master plan are representative of the proposed development, but will not be located within the lot lines at the time of the presentation of the preliminary subdivision plat for phases two and three. She said a revision to shift lots out of the wetland would be appropriate for the master plan to be revised as a contingency of approval.

Chairwoman closed public participation and asked for a motion for the associated applications.

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Peterson ***to approve the master plan for South Branch Subdivision with contingencies as follows: requirement to install turn lanes as identified in the traffic study; and, revise the master plan to remove wetland buffer encroachments currently shown in future phases. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.***

A **Motion** was made by Mr. Spriggs and **Seconded** by Mr. Peterson ***to approve the modification to the wetland buffer. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.***

A **Motion** was made by Mr. Peterson and **Seconded** by Mr. Spriggs ***to approve South Branch, Phase One preliminary subdivision plat. There was no discussion on the motion. Mr. Olen dissented. The Motion failed due the lack of a supermajority vote.***

The next order of business is a site plan review for Marino 98 Development.

An introductory presentation was given by Ron Horn, C. Roberds Contracting, requesting site plan review for the demolition of the Teak House, the reconfiguration of Rama Imports, and parking modification to allow the staggered development of retail shops and a restaurant located southwest of U.S. Highway 98 and Daphne Avenue.

Chairwoman asked for staff comments. Mr. Newman had none but Mr. Ledet said his comments about the ADEM permit, dust control, and phasing have not been addressed.

Nancy Hardy, owner of 1809 Main Street, spoke to express her concern about ALDOT requiring the elimination of multiple access points and retention of only one shared access point for Rama Imports and Daphne Antique Galleria.

Montchai Marino, owner of Daphne Antique Galleria which abuts the subject property to the south, shared his concerns about parking, access and deliveries and restrictions during construction.

Chairwoman asked for further comments from the commission and/or staff.

Mr. Spriggs stated concerns about the elimination of the access points and the effect it will have on parking, as well as, internal access to the businesses and U.S. Highway 98.

Ms. Jones stated that the businesses are required to present a cross-access easement agreement and it should be a condition of approval. Mr. Dungan responded that the agreement must be reviewed by the City Attorney.

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Olen ***to approve Marino 98 Development site plan subject to the following conditions: provide a cross-access agreement for the properties to the north and south; and, address outstanding requirements as identified by city staff. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary/final plat review for M G Klein.

An introductory presentation was given by Dennis Hansen, Johan, L.L.C., requesting preliminary/final plat review of a three lot subdivision consisting of one point four nine acres located between Beall and Schieffelin Lane.

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

David Green, 315 Beall Lane, expressed his concerns about: preservation of the zoning requirements in the general area and access to Schieffelin Lane.

Ms. Jones noted that there is a letter from a citizen in the packet. She stated that the subject property is zoned R-1 and meets the applicable regulations.

Skip Jones, Johan, L.L.C., advised all of the lots will have access to Beall Lane.

Chairwoman closed public participation and asked for a motion.

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Olen ***to approve M G Klein preliminary/final subdivision plat with the condition to add a note to the plan stating that "road frontage for each lot shall be along Beall Lane". 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 had no report.

The next order of business is commissioner's comments.

Merry Christmas!

The next order of business is director's comments.

Merry Christmas!

There being no further business, the meeting was adjourned at 6:49 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: January 26, 2023

Mary E Bergin

Marybeth Bergin, Chairwoman